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ACTS
OF
THE GENERAL ASSEMBLY
OF
HER MAJESTY'S PROVINCE
OF
NEW BRUNSWICK,
PASSED IN THE YEAR
1850.



FREDERICTON :

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

MDCCCL.

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Anno Regni Victoriae Britanniarum Reginae Decimo Tertio.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton on the Twenty eighth Day of January, *Anno Domini* One thousand eight hundred and forty seven, in the Tenth Year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and thence continued by several Prorogations to the Seventh Day of February One thousand eight hundred and fifty; being the Fourth Session of the Fourteenth General Assembly convened in the said Province.

THE
ACTS
OF
THE GENERAL ASSEMBLY, &c.

CAP. I.

An Act to continue the Act, intituled *An Act imposing Duties for raising a Revenue.*

Passed 18th March 1850.

12 V. c. 18.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act imposing Duties for raising a Revenue*, and every clause, matter and article therein contained, be and the same are hereby 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 fifty one.

Act 12 V. c. 18,
continued.

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 And be it enacted, That this Act may be amended or repealed by any Act or Acts to be passed in the present Session of the Legislature.

Act may be
amended during
the present Session.

CAP. II.

An Act relating to the Trade between the British North American Possessions.

Passed 18th March, 1850.

WHEREAS it is deemed advisable to make provision for a reciprocal Trade between this Province and the other British North American Possessions;

Preamble.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, whenever it may be thought advisable so to do, to declare, by Proclamation, what articles, the growth, production or manufacture of either of the British North American Possessions of Canada, Nova Scotia, Prince Edwards Island, and Newfoundland, or either of them, may be imported into this Province free of Duty.

The Lieutenant
Governor author-
ized, with advice
of Council, to de-
clare what articles
may be admitted
Duty free from
Canada, Nova
Scotia, Prince Ed-
wards Island, or
Newfoundland.

CAP. III.

An Act to regulate Vessels arriving from Europe with Passengers.

Passed 18th March 1850.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the second year of the Reign of His late Majesty, King William the Fourth, intituled *An Act to regulate Vessels arriving from the United Kingdom with Passengers and Emigrants*, be and the same is hereby repealed.

Act 2 W. 4, c. 36,
repealed.

II. And be it enacted, That the Master of any Vessel which may arrive at any Port or place in this Province, from any Port or place in Europe, with Passengers, shall at the time of reporting such Vessel pay to the Treasurer of the Province, or any Deputy Treasurer at the Port or place where such Vessel may arrive, the sum of five shillings for each and every such passenger, provided that such Vessel shall be reported to the Treasurer of the Province, or the Deputy Treasurer at the

Master of Vessel to
pay 5s. per head for
every Passenger
from Europe be-
tween 1st April and
1st September,

From 1st September to 1st October to pay 7s. 6d. per head.

From 1st October to 1st April to pay 10s. per head.

If Ship placed in quarantine, then 2s. 6d. per head additional.

If ten days in quarantine, a further sum of 2s. 6d. per head to be paid.

Provincial Treasurer may sue for head money.

No Vessel to clear out until head money is paid.

Visiting Physician to examine Vessels;

the Port or place of arrival, on or after the first day of April and before the first day of September in any year; and if any Vessel with passengers as aforesaid, shall be so reported as aforesaid, on or after the first day of September, and before the first day of October in any year, that then the Master of such Vessel shall at the time of reporting as aforesaid, pay to the Treasurer of the Province, or Deputy Treasurer as aforesaid, the sum of seven shillings and six pence for each and every such passenger; and if any Vessel with passengers as aforesaid, shall be so reported as aforesaid, on or after the first day of October in any year, and before the first day of April in the succeeding year, that then the Master of such Vessel shall at the time of reporting as aforesaid, pay to the Treasurer of the Province, or Deputy Treasurer as aforesaid, the sum of ten shillings for each and every such passenger; all which said several sums the said Treasurer and Deputy Treasurers respectively are hereby authorized and required to demand and receive.

III. And be it enacted, That if any Vessel arriving at any Port or place in this Province from any Port or place in Europe, with passengers, shall be placed in quarantine, on any other account than merely for the purpose of cleaning or observation, that then in such case the Master of any such Vessel, at the time of reporting such Vessel, in addition to, and over and above all or any other sum or sums required to be paid by this Act, shall pay to the Treasurer of the Province, or the Deputy Treasurer at the Port or place where such Vessel may arrive, the further sum of two shillings and six pence for each and every Passenger on board such Vessel; and if any such Vessel so placed in quarantine as aforesaid, shall be detained in such quarantine for any longer period than ten days, that then and in such case the Master of such Vessel, in addition to and over and above all other sum or sums of money required to be paid by this Act, shall pay to the Treasurer or Deputy Treasurer as aforesaid, the further sum of two shillings and six pence for each and every passenger on board such Vessel; and which said additional and further sum or sums, the said Treasurer and Deputy Treasurers respectively are also hereby authorized and required to demand and receive.

IV. And be it enacted, That upon the refusal or neglect of the Master of any Vessel arriving with passengers as aforesaid, to pay the said several sum or sums for each and every passenger on board such Vessel as aforesaid, it shall and may be lawful to and for the Treasurer of the Province, or Deputy Treasurer, as the case may be, to sue and prosecute for the same, before any two of the Magistrates of the County, or City and County, where such Vessel may be; and on conviction the said Magistrates shall and may levy the same by Warrant of distress, under their hands and seals, directed to any Sheriff, Marshal, or Constable, at or near any Port or place where such Vessel may be, and by sale under the said Warrant of the guns, boats, anchors, chains, tackle, machinery, apparel, and furniture, of such Vessel; and the overplus (if any) of such distress and sale, after deducting the costs, shall be paid to the Master of such Vessel; and provided also, that no Vessel which may have arrived at any Port or place in this Province with passengers from Europe as aforesaid, shall be cleared out or allowed to proceed to sea, until all and every such sum or sums of money due and payable for and on account of such passengers, by virtue or authority of this Act, shall be first paid to the Treasurer of the Province, or the Deputy Treasurer at the Port or place where such Vessel may have arrived:

V. And be it enacted, That it shall be the duty of the Visiting Physician at the Quarantine Station at Partridge Island, in the Port of Saint John, or in his absence, the duty of any other Visiting Physician of the said Port duly appointed, and of the Visiting Physician, or other competent person duly appointed for the purpose,

at any other Port or place in this Province, forthwith after the arrival thereof of any Vessel carrying passengers, to examine into their condition; and for that purpose the said Visiting Physician, or other competent person, shall have authority to go on board and through any such Vessel, and to inspect the Passenger List of such Vessel, and the Bill of Health, Manifest, Log-Book or otherwise of the said Vessel, and if necessary, to take extracts from the same; and if on examination of such passengers there shall be found among them any Lunatic, idiotic, maimed, blind, or infirm person, not belonging to any emigrant family, and any such person shall, in the opinion of the Visiting Physician or other competent person as aforesaid, be likely to become permanently a public charge, the said Visiting Physician or other competent person, shall forthwith report the same officially to the Treasurer or Deputy Treasurer at the Port or place of arrival, who shall require the Master of such Vessel, in addition to the sum or sums of money payable for the passengers generally, to execute jointly and severally, with two sufficient sureties, a Bond to Her Majesty according to the form in the Schedule to this Act, in the sum of seventy five pounds currency, for every such passenger so specially reported, conditioned to indemnify and save harmless this Province, or any County, City, Town, Parish, or Charitable Institution within the same, from any expense or charge which shall or may be incurred within the space of three years from the execution of the said Bond, for the maintenance and support of any such passenger; and the said sureties shall justify before, and to the satisfaction of the said Treasurer or Deputy Treasurer, and by their oath or affirmation, (which such Treasurer or Deputy Treasurer is hereby authorized to administer,) shall satisfy him that they are respectively residents in this Province, and each worth double the amount of the penalty of such Bond, over and above all their debts and liabilities.

Inspect and make extracts from log-book.

Lunatic, idiotic, maimed, blind, and infirm persons, to be reported.

Bond to the Queen in the penalty of £75, to indemnify for three years.

Sureties to justify.

VI. And be it enacted, That in case any passenger, for whom any Bond shall have been given as aforesaid, shall at any time within three years from the execution thereof, become chargeable upon this Province, or upon any County, City, Town, Parish, or Charitable Institution within the same, the payment of such charge or expense incurred for the maintenance and support of such passenger shall be provided for out of the moneys collected on and under such Bond, to the extent of the penalty therein contained, or such portion thereof as shall be required for the payment of such charges or expenses.

Moneys collected on such Bonds to be applied to support of passenger mentioned therein.

VII. And be it enacted, That if the Master of any Vessel on board which such passenger, specially reported as aforesaid, shall have been carried, shall neglect or refuse to execute the said Bond forthwith after the Ship shall have been reported to the Treasurer or Deputy Treasurer as aforesaid, such Master shall incur a penalty of one hundred pounds currency; and the said Vessel shall not be cleared on her return voyage, until the said Bond shall have been executed, nor until the penalty shall have been paid with all costs which shall have been incurred on any prosecution for the recovery thereof.

Master refusing to execute Bond to forfeit £100.

Vessel not to clear out until Bond executed.

VIII. And be it enacted, That after the execution of any such Bonds as aforesaid, before any Deputy Treasurer in this Province, the same shall be transmitted forthwith to the Provincial Treasurer, who shall keep and hold all such Bonds during the said period of three years from the execution of the same, or until the payment of the penalty therein mentioned, (if incurred,) shall be enforced; and for the purpose of ascertaining the necessity of such enforcement, it shall be the duty of the Chief Emigration Officer, or any Assistant Emigration Officer in this Province, upon representation made to either of them, to ascertain the right and claim to indemnity for the maintenance and support of any such specially reported

Bonds to be transmitted to Province Treasurer.

Emigration Officers to report expenses.

reported passenger, and to report the same to the Executive Government of this Province, and the said report shall be final and conclusive in the matter, and shall be evidence of the facts therein stated; and the said penalty, or so much thereof as shall be from time to time sufficient to defray the expense incurred for the maintenance and support of any passenger for whom the said Bond was given as aforesaid, shall be prosecuted for and recovered, by suit or information in Her Majesty's name, in any Court in this Province having jurisdiction in civil cases to the amount for which such suit or information shall be brought.

11th section of the Act 11 V. c. 64, repealed.

IX. And be it enacted, That the eleventh section of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act relating to Immigration, and the care and safe keeping of the children and property of deceased Emigrants*, shall be and the same is hereby repealed; and in lieu thereof, be it further enacted, that no Vessel which may have arrived at any Port or place within this Province with passengers, shall be allowed to clear out or proceed to sea until all and every sum and sums of money, penalty or penalties which the Master of such Vessel shall have been legally adjudged to pay for any violation of an Act of the Imperial Parliament made and passed in the twelfth and thirteenth years of the Reign of Her present Majesty, chapter thirty three, intituled *An Act for regulating the carriage of Passengers in Merchant Vessels*, shall first have been paid and satisfied.

No Ship to clear out until all penalties incurred under the Act of Parliament, 12 & 13 V. c. 33, are first paid.

Interpretation clause.

X. And be it enacted, That the word "Master," whenever used in this Act, shall be held to apply to any person in command of a Vessel; the word "Vessel" shall include all Ships, Vessels, Steamboats, or Craft of any kind carrying passengers; the word "Passengers" shall apply to all persons except Troops or Military Pensioners and their families, who are carried in Transports, or at the expense of the Imperial Government; the word "Quarantine" shall apply to the Quarantine Station at the Port of Saint John, or any other place within this Province at which quarantine shall be directed to be performed; and any word importing the singular number shall include a plurality of persons or things, unless there be something in the context inconsistent with such interpretation.

SCHEDULE.

Form of Bond.

Form of Bond.

Know all men by these Presents, that we, _____, are held and firmly bound unto our Sovereign Lady the Queen, in the sum of seventy five pounds of lawful money of New Brunswick, to be paid to our said Lady the Queen, Her Heirs or Successors, for which payment well and truly to be made, we bind ourselves, and each of us by himself, our and each and every of our heirs, executors and administrators, firmly by these presents. Sealed with our seals, dated the day of _____, in the year of our Lord one thousand eight hundred and _____

Whereas it has been specially reported by the proper Officer at the Port of _____, that among the passengers lately arrived at the said Port, in and on board the Vessel named the _____, the following person, namely _____, is likely to become permanently a public charge: Now, the condition of this Obligation is such, that if the said _____ do and shall indemnify and save harmless the Province of New Brunswick, or any County, City, Town, Parish, or Charitable Institution within the same, from any expense or charge which shall or may be incurred within the space of three years from the date of these presents, for the support and maintenance of the aforesaid _____ then this Obligation to be void, otherwise to be and remain in full force and virtue.

Sealed and delivered }
in presence of §

CAP.

CAP. IV.

An Act relating to Highways.

Passed 11th April 1850.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to repeal all the Laws now in force for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same*; also an Act made and passed in the sixth year of the same Reign, intituled *An Act in amendment of the Act relating to Highways*; also an Act made and passed in the fifth year of the Reign of Her present Majesty, intituled *An Act to continue the Acts relating to Highways*; also an Act made and passed in the sixth year of the same Reign, intituled *An Act to amend the Laws now in force relating to Highways*, be and the same are hereby repealed; provided always, that all appointments of Commissioners or Surveyors of Highways heretofore made under the authority of any of the said Acts hereby repealed, shall be and remain good, valid and effectual, until other Commissioners and Surveyors are appointed in their stead, under the authority of this Act; and that every act, matter and thing heretofore done under the authority of any of the said Acts, shall be and remain good, valid and effectual, in the same manner to all intents and purposes as if the said Acts had not been repealed; provided also, that all fines and penalties imposed under the authority of any of the said Acts, may be proceeded for, recovered, collected and applied in the same manner in all respects as if the said Acts had not been repealed.

5 W. 4. c. 2.

6 W. 4. c. 2.

5 V. c. 23.

6 V. c. 24.

repealed.
Reservations.

II. And be it enacted, That it shall and may be lawful for the Justices of the Peace in and for the several Counties in this Province, at their General Sessions, and they are hereby authorized and empowered, in all cases where they may deem it advisable so to do, to divide the respective Parishes into Districts, not to exceed however the number of Commissioners appointed for such Parish, and to nominate and appoint a Commissioner of the said Parish, with such number of Surveyors as the said Justices may think necessary to each District; and in such cases it shall be the particular duty of the Commissioner or Surveyors of each District to enforce and superintend the performance of the Statute Labour of such District only, and not of the adjoining Districts, and to make return thereof as hereinafter required.

Parishes may be divided into Districts, and Commissioners and Surveyors appointed by the General Sessions.

III. And be it enacted, That the Commissioners, or the major part of them, in their respective Towns or Parishes for which they shall be appointed, are hereby empowered to lay out such Public Highways as they or the major part of them shall think most convenient, as well for travellers as for the inhabitants of each Town or Parish and the next adjacent Towns, Villages and neighbourhoods.

Commissioners to lay out Highways.

IV. And be it enacted, That whenever any of the Roads and Streets already laid out, used and occupied as Public Highways, shall, in the opinion of the said Commissioners, or a majority of them, appear to be inconvenient, and an alteration in width or otherwise shall appear to be necessary, then the said Commissioners, or a majority of them, shall give notice to the inhabitants of the intended alteration, by posting up such notice in three or more of the most public places in such Town or Parish, at least one month previous to the time of the alteration so intended to be made, which said notice shall point out the time and place of such intended alteration; and it shall be the duty of the said Commissioners to attend at the time and place specified in such notice, and then and there proceed to make the

Alterations in Highways may be made, unless objected to by one third of the freeholders or occupiers.

the necessary alteration in width or otherwise, unless such alteration shall then be objected to by the owner or owners of the land over which the Road may pass, or by at least one-third part of the freeholders or occupiers of land in such Town or Parish.

Alteration being objected to, a Jury may be summoned and alteration made if declared necessary.

V. And be it enacted, That when any such intended alteration shall be objected to, then any five or more of the freeholders of such Town or Parish may apply to two of Her Majesty's Justices of the Peace for a Warrant, which Warrant it shall be the duty of the said Justices to direct to the High Sheriff, his Deputy, or any Constable within the County, commanding such High Sheriff, Deputy, or Constable, to summon a Jury of twelve disinterested freeholders or occupiers of land in the said County, who shall be sworn before any one of the said Justices, to examine the said Road; and the said Justices, or either of them, are also hereby empowered and required, at the instance of either party, to call before the said Jurors at the time and place appointed, such witnesses as may be required to give evidence in and respecting all cases of damage or other matters that are by this Act required to be decided and determined by the verdict of such Jurors; which witnesses shall be subpoenaed under the hand of any one of the said Justices, and sworn before either of the said Justices in the usual manner, and for refusal or neglect to attend and give evidence when so required, shall be subject to such damages as persons neglecting or refusing to attend and give evidence when duly summoned are made subject and liable to by an Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate proceedings before Justices of the Peace in Civil Suits*; and all expenses attending the summoning, swearing and attendance of such witnesses, shall be estimated by the said Jurors, and paid by such party and in such manner as the said Jurors may determine and assess; and if said Jury after such examination, shall unanimously declare that an alteration is necessary, then shall the Commissioners forthwith proceed to make the alteration in manner pointed out by the Jury; and in case the said Road so altered shall pass through or extend upon any improved lands, or shall occasion the removal of any buildings or fences, then and in all such cases the damages shall be ascertained and assessed by such Jury at the time of laying out the same as aforesaid; provided that in cases where the alterations made occasion a new Road to be opened, and the old Road or any part thereof, in consequence of such alteration, is allowed to be shut up, and revert to the owner of the land through which such altered Road passed or extends, the Jury in assessing the damages occasioned by such alteration, are authorized and empowered to take into consideration the value of the old Road or any part thereof, thus shut up, in diminution of the damages; and that in all cases where Roads are laid out, altered or extended by virtue and authority of any Act relating to Highways, the Commissioner or Commissioners, Surveyor or Surveyors, as the case may be, shall have full power and authority, and they are hereby authorized to enter upon and open all such Roads so laid out, altered or extended, and from the same to remove any fences, buildings and obstructions, any law, custom or usage to the contrary notwithstanding.

4 W. 4. c. 45.

Jury to assess damages when alteration affects improved lands, &c.

All Roads deemed Highways for which public money has been appropriated, and expended.

VI. And be it enacted, That all and every Road and Roads in this Province, for and upon which any money has heretofore been appropriated by the Legislature out of the public moneys of this Province, and expended, and of which no records have been heretofore made or kept, shall be deemed and used, and the same are hereby declared and confirmed to be Public Highways or Roads, for the use and benefit of the Public, in as ample and full a manner as if the same had been laid out and recorded under and pursuant to the provisions and regulations of any Act of this Province for laying out and repairing Highways.

VII.

VII. And be it enacted, That if any Public Road hereafter to be laid out by virtue of the third section of this Act shall pass through any improved lands, the damage to the owner or owners of such lands, by means of such Road, shall be ascertained by a Jury to be summoned in the manner mentioned and directed in the fifth section of this Act, on the application of the owner or owners of said land; or if such Road shall occasion the removal of any fences or buildings, then and in such cases the damage to the owner or owners of such land, occasioned by the removal of such fences or buildings, shall also be ascertained by such Jury; and that in all cases where a Jury is summoned for any of the purposes provided by this Act, the Justices issuing the Warrant for the summoning of such Jury, or one of them, are hereby required to attend and preside at such inquest or examination.

Damages for Roads laid out under Sect. 3, to be assessed by a Jury summoned as in Sect. 5.

VIII. And be it enacted, That the said Commissioners shall and may in all cases when the Jury shall have assessed the damages for the owner or owners of any land over which a Road may have been laid out or altered either by the said Commissioners or a Jury, lay before the Justices of the said County at their General Sessions, the assessments so made by said Jury, which assessment the said Justices are hereby authorized and required to examine and allow, and to make order for the payment thereof by the inhabitants of such Parish or Parishes in the said County as they the said Justices shall think ought to bear the same, and in such proportion upon each Parish as they the said Justices shall think just and reasonable, and thereupon shall issue their Warrants to the Assessors of such Parish or Parishes for the assessing and levying the several sums allowed and ordered as aforesaid; which sums shall be rated, assessed and collected in such manner and under the same regulations, restrictions, penalties and forfeitures as County charges are rated, assessed and collected, and shall be paid into the hands of the persons for whom such damages may have been assessed.

Assessment of damages to be laid before the Sessions and order made for payment.

IX. Provided always, and be it enacted, That if any Road or Highway so to be laid out or altered, shall not, in the opinion of the said Commissioners, be necessary or useful for the Parish generally in which the same is situated, but intended merely for the particular convenience of a certain portion, district or neighbourhood, whether lying wholly in one Parish or between two or more Parishes, they shall report the same to the said Justices in General Sessions, specifying in such report the bounds and limits of such portion, district or neighbourhood, together with the names of the persons resident in the same, which said Justices are hereby authorized and required to examine into the matter, and if they shall be of the same opinion as the Commissioners, then to appoint two or more persons within the said district or neighbourhood to be Assessors, who shall thereupon assess the damages which may be sustained in laying out such Road, upon the said persons resident in the said district or neighbourhood, in the same manner as if such district or neighbourhood were a distinct Parish, and the like proceedings may be had for levying and recovering the said assessment as are now provided for the collection of other rates for County charges.

Roads not considered necessary for the Parish generally, to be reported to the Sessions, who may appoint Assessors, &c.

X. 'And whereas it may be necessary to lay out private Roads within the several Counties in this Province; Be it enacted, that upon application to the Commissioners appointed as aforesaid for any Town or Parish for a private Road, the Commissioners shall view the same, and if they are of opinion that such Road is necessary, may, with the written consent of the owner or owners of the land, proceed to lay out the same, and if any objection be made by the owner or owners of the land, then a Jury of twelve disinterested freeholders shall be summoned in manner as directed in and by the fifth section of this Act, either

Private Roads may be laid out by the Commissioners on application, consent, &c.

either on the application of the said Commissioners, or any of the parties interested; and in case the said Jurors under oath, shall be of opinion that the said Road is necessary, then the said Commissioners are hereby empowered to lay out such Road; provided that they shall not lay out such Road through any person's land without the consent of the owner or owners thereof, to be expressed in writing as aforesaid, or agreeing with or paying to him or them the value of the land so to be laid out into such Road, with such damages as he or they may sustain by the said Road; and in case they cannot agree, then the true value shall be set and appraised by the oath of the said freeholders so summoned; and all the expenses and charges attending the said Road shall be paid by the person or persons applying for the same; provided always, that no such private Road shall be laid out more than two rods wide against the consent of the owner or owners of the lands through which the same is to pass.

Width of Highways

XI. And be it enacted, That the width of all Highways or Public Roads hereafter to be laid out, shall be left to the discretion of the Commissioners for the time being of the Town or Parish where such Highways or Public Roads may be laid out, so that they do not exceed six rods, and are not less than four rods.

Fees of Jurors and officer summoning.

XII. And be it enacted, That in all cases where a Jury shall be summoned under any of the provisions of this Act, the said Jurors shall be allowed for their services respectively, for each time they shall be so summoned, the sum of two shillings and six pence each; and the Officer who shall summon the same shall be allowed the sum of ten shillings for his services in summoning such Jury, and attending them; and the whole of the sum necessary to bear such expenses shall be deposited in the hands of the said Commissioners by the person or persons applying for such Jury, previous to the issuing of the Warrant by the Justices for summoning such Jury; and the said Commissioners are hereby required to pay the Officer summoning the said Jury his legal fees for such service, and also, on return of the verdict, to pay the said Jurors the sum of two shillings and six pence each as aforesaid; and in all cases where such Jury shall return an affirmative verdict, in any way connected with a Public Road or Highway, the amount of expenses in this section named shall be included in the assessments provided in the eighth and ninth sections of this Act, and collected as therein directed, as the case may be, and when collected, paid over to the person or persons who may have advanced the same.

Altered parts of Roads may be shut up when not settled by erection of Houses, &c.

XIII. And be it enacted, That whenever any alteration is made in any Highway or Road in the Province pursuant to the provisions of this Act, and the part or parts of such Road or Highway between the points of such alteration are not settled, by the erection of dwelling houses thereon, and where the alteration so made shall not cut off any proprietor from the Road so altered, then and in such case it shall and may be lawful to and for the Commissioners of Highways in the Town or Parish where such alteration may be made, to order and direct that the said points between such alteration may be stopped up and enclosed by the proprietor or proprietors of the lands between such points of alteration as aforesaid, after which order and direction the said old Road shall no longer be considered public; provided always, that the altered or new part of the Road shall, in the opinion of the Commissioners, be made equally as good and as passable for travellers as the old Road, before the latter shall be shut up and enclosed as aforesaid.

Unnecessary Roads may be shut up on consent of owners, &c.

XIV. And be it enacted, That the Commissioners of Highways in the respective Towns or Parishes for which they shall be appointed, be and they are hereby authorized and empowered, by and with the consent of all the owners of the land
over

over which any Road may pass, to shut up and stop the same ; provided that the said Commissioners shall be of opinion that such Road shall not be required for the convenience of the inhabitants of the Town or Parish in which any such Road is situated, or of the inhabitants of the next adjoining Towns, Villages and neighbourhoods.

XV. And be it enacted, That the Commissioners for each Town or Parish for which they shall be appointed, shall from time to time enter in writing all the Highways or Roads laid out, altered or shut up, as the case may be, and sign the same ; and within three months after such Highway or Road shall be laid out, altered or shut up as aforesaid, make a return thereof into the Office of the Clerk of the Peace for the County in which such Highways or Roads are situate, to be by such Clerk entered in a Book kept for that purpose, which return shall distinctly designate the marks, bounds and lines by which the Highway or Road so laid out, altered or shut up, may be known and ascertained ; and whatsoever the said Commissioners shall do according to the powers given them in this Act, being so entered, shall be valid and good to all intents and purposes whatsoever ; and that every Commissioner or Clerk of the Peace who shall refuse or neglect to perform the duty enjoined and required of each of them as aforesaid, shall forfeit and pay for every such refusal or neglect the sum of three pounds, to be recovered and applied in the same manner as directed in and by the twenty third section of this Act.

Return of Highways laid out, altered or shut up, to be made to the Clerk of the Peace for registry.

XVI. And be it enacted, That if any person or persons do or shall hereafter alter, stop up or encroach on any Street, Highway or Public Road, by laying timber, wood, rubbish, stones, carts, trucks, or any thing thereon, or by having gates or doors opening towards and hanging over the Streets, Highways, or Public Roads, such persons so offending contrary to the true intent and meaning of this Act, shall for every such offence forfeit the sum of forty shillings, to be recovered, with costs of suit, before any one Justice of the Peace, upon the oath of one or more credible witness or witnesses, and levied by Warrant directed to the Constable of the Town or Parish where such offence shall be committed, by distraining the goods and chattels of the offenders ; and where no such effects are to be found, the offender or offenders to be imprisoned for six days ; or in case such offender shall not be known or found, the said articles (if saleable) shall be forfeited and sold by the order of the said Commissioner, or the Surveyor, after three days public notice, unless sooner claimed, and the proceeds arising from such sale shall be applied to the repairing of such Streets or Highways ; and in case such encumbrances be of a nature not to produce any thing by the sale thereof, then the said Commissioners or Surveyors shall be empowered to employ any person, liable to labour on the Highways, to remove such encumbrances ; which person shall be allowed therefor according to the time he may be employed, to be deducted from the time he shall be by law liable to work on the Roads, Streets or Highways.

Illegally altering, stopping up, or encroaching on Streets or Highways.

Penalty & recovery.

XVII. And be it enacted, That the Highways, Roads, Streets and Bridges within each County, shall be cleared, maintained and repaired by the inhabitants thereof, and that all male inhabitants of the age of eighteen years and upwards, (with the exception of all denominations of regularly ordained Clergymen, not having property for which they are liable to be assessed for labour under the provisions of this Act, and licenced Schoolmasters actually employed as such, not having property for which they are liable to be assessed for labour under the provisions of this Act, and Emigrants arriving from Great Britain or Ireland, who shall have arrived in the Province within the year for which the assessment is made,) shall

Highways, &c. to be maintained by the inhabitants of eighteen years and upwards.
Exceptions.

Scale of labour.

Labour of indigent persons may be lessened or remitted

List of inhabitants, with the number of days labour each is liable to perform, to be made out and published.

Additions may be made to the list.

Money may be received in lieu of actual labour.

To be expended on the Roads after advertisement, &c.

Surveyors, by direction of the Commissioners, to summon the inhabitants to work on the Roads between the

shall work, either in person or by able and sufficient men in their stead, in each and every year, provided with such necessary implements as shall be directed by the respective Surveyors, the number of days (allowing eight hours actual labour, and no more, each day) hereinafter provided, that is to say: Indentured apprentices, and all persons above the age of eighteen years, and under twenty one years of age, two days; and other persons of the age of twenty one years and upwards, four days; and in addition thereto, for every one hundred pounds of value of his real and personal estate, one day; or for every twenty five pounds of annual income, one day; provided always, that no person shall be liable to perform labour for both property and income; and provided also, that no person shall be liable to perform more than sixty days labour in any one year; and that it shall be lawful for any two of Her Majesty's Justices of the Peace, upon application of any infirm and indigent person, to remit the whole or such part of the labour as is required to be performed by such infirm and indigent person, as they in their discretion may think just and proper.

XVIII. And be it enacted, That the Commissioners, or the major part of them, in each Town or Parish, for the time being, shall, by the first day of May in each and every year, make out a list of the inhabitants in such Town or Parish, and assess the number of days work to be performed by each person under the provisions of this Act, according to the best of their judgment; which list, with the number of days so assessed upon each person, shall be advertised by such Commissioners in the most public place in such Town or Parish; and the said Commissioners shall also furnish the Surveyors in their respective Districts with a list of the inhabitants of such District, and the number of days work so to be done by each, and shall within fifteen days direct the said Surveyors at what places the work shall be done, which work shall be done by such inhabitants, under the direction of such Surveyors; and it shall further be the duty of the said Commissioners to add to their respective lists the names of such persons as may come into their respective Parishes to reside after the said first day of May, except Emigrants as before excepted, and to fix and assess the number of days work to be performed by such persons, unless they produce a certificate of their having performed their respective proportions of labour in some other Town or Parish.

XIX. And be it enacted, That if any person in such list named prefer paying money to doing such labour, it shall and may be lawful for such Commissioners, or in cases where the Parish is divided into Districts, for the District Commissioner to take and receive from such person the sum of one shilling and three pence for each day's labour required to be done by him; and the moneys which may be paid in lieu of such labour, as well as forfeitures which may be received by virtue of this Act, shall be laid out under the direction of such Commissioners, or where the Parish is divided into Districts, by the Commissioner of the District, on such Highways, Roads, Streets and Bridges, between the first day of May and first day of October in every year; and it shall further be the duty of such Commissioner or Commissioners receiving such sum or sums of money, to give six days notice, by public advertisement within the District, of the time and place where they respectively intend to expend the same, and to attend at the time and place so appointed in such advertisement, and let out the said work by public auction to the lowest bidder.

XX. And be it enacted, That it shall be the duty of the Surveyors of Highways in the several Parishes in this Province, when so directed by the Commissioners or Commissioner of the District, at the most fit and suitable time between the first day of May and the first day of September in each and every year, to summon the

the inhabitants of their respective Districts, by giving notice at least six days previous to the commencement of the work, either by personally notifying the inhabitants respectively liable to work, or by leaving a written or printed notice at the last place of residence of the person or persons intended to be notified, or by publishing notice in writing of the time and place at which the inhabitants of each District are to assemble to commence their Statute Labour, in one of the most public places in each District; which notice shall contain the names of the persons in the District, in which the same is published, liable to work, and also the number of days labour required to be performed by such persons respectively, with the implements of labour they are severally required to bring with them; and the said Surveyors shall then proceed to expend the labour of the persons so summoned, in making, mending or improving the Highways, Roads, Streets and Bridges, in the most useful manner, during the number of days appointed for each person to labour, subject nevertheless to such orders and directions as the said Surveyors may from time to time receive from the Commissioner or Commissioners; and when any Surveyor of Highways shall judge the use of wagons, carts, trucks, ploughs or harrows more necessary than the labour of men, in that case such Surveyor may call on any person or persons within the District keeping any wagon, cart, truck, plough or harrow, with two good oxen or two horses; which wagon, cart, truck, plough or harrow, with two good oxen or two horses, with a competent driver, shall be equal to four days labour.

1st of May and the 1st September in each year.

Wagons, carts, ploughs, &c., may be called for.

XXI. And be it enacted, That it shall be the duty of the respective Surveyors, on or before the tenth day of September in each and every year, to make and deliver to the Commissioner or Commissioners respectively, correct Returns of the Statute Labour performed in their respective Districts; which returns shall contain the names of all persons liable to perform Statute Labour within their respective Districts, with the number of days work performed by each person, and also the number of days for which any person may be delinquent.

Surveyors to make returns to the Commissioners by the 10th of Sept.

XXII. And be it enacted, That every person when called upon by any one of the said Commissioners, shall within twenty four hours give and render to the said Commissioner a particular account and statement in writing, containing the names of all persons who may be in his, her or their employ, or who may be resident in the house kept or occupied by such person or persons, and who may be liable to perform labour on the Highways; such statement to contain not only the names of persons belonging to his, her or their family, but also the names of any boarders, lodgers, and domestic servants, who may be liable as aforesaid; and if any such person or persons shall neglect or refuse to render such account when so called upon, or shall give and render a false or incorrect account or statement, he or she shall forfeit or pay a sum not exceeding five pounds, to be sued for and recovered by any one of the Commissioners of the said Parish, before any one Justice of the Peace in and for the said County in which the said Parish is situate; and the penalty, when recovered, to be paid into the hands of the Commissioners, to be by them applied in making and repairing the Roads within the said Parish.

Statement of boarders, workmen, servants, &c., to be given to the Commissioners when called for.

XXIII. And be it enacted, That if any person or persons when duly notified to labour by the Surveyors of their respective Districts, shall neglect or refuse to appear and labour agreeably to such notice, and shall also neglect to pay the sum of one shilling and three pence for each day's labour as aforesaid, it shall be the duty of such Surveyor, within six days after such neglect or refusal, to make report of such delinquency to some one of the Commissioners, who shall without delay make complaint in their own names to a Justice of the Peace, against every such

Parties who neglect to perform labour or pay the commutation, to be reported to the Commissioners, who shall proceed against them before a Justice.

such delinquent, which Justice shall on conviction adjudge every such delinquent to pay the sum of two shillings for every day he has so neglected to appear and labour, together with costs of suit, to be levied by Warrant of distress and sale of such offender's goods and chattels under the hand and seal of such Justice, directed to any Constable of the Town or Parish to which such offender may belong; and in case no goods or chattels can be found, it shall and may be lawful to commit such offender to the common gaol of the County, for a space of time not exceeding six days; and if any person who shall appear agreeably to such notice, and being under the direction of such Surveyor, shall refuse or neglect to work, or shall not work in such manner as to satisfy such Surveyor, he is hereby empowered to dismiss such person from the work, and shall forthwith make complaint against him, to some one of the Commissioners, who shall immediately proceed against him in the same manner as is hereinbefore directed to be done against persons neglecting to appear and labour, after being duly notified; and the person so dismissed by such Surveyor for such delinquency shall be adjudged to pay the sum of two shillings for every day he shall have neglected or refused to work to the satisfaction of such Surveyor, agreeably to such notice, or be liable to imprisonment not exceeding six days, in the manner hereinbefore mentioned; provided that nothing in this Act contained, shall extend or be construed to extend to any City, Town, or Parish, for which special or local Acts relating to the Statute Labour are now in force.

Persons appearing and not working satisfactorily may be dismissed and proceeded against.

Persons neglecting to furnish a wagon &c. when called upon, to be proceeded against.

XXIV. And be it enacted, That in case any person keeping any wagon, cart, truck, plough, or harrow, with two oxen or two horses, when called upon as aforesaid by such Surveyor, shall refuse or neglect to furnish such wagon, cart, truck, plough or harrow, with two oxen, or two horses, with a competent driver, agreeably to such direction of such Surveyor, it shall in like manner be the duty of such Surveyor forthwith to make complaint of such offender last mentioned, to some one of the Commissioners, who shall immediately proceed against him in the same manner as is directed in the last preceding section, and such offender last mentioned shall be adjudged to pay the sum of eight shillings for every day he shall have so neglected or refused to furnish such wagon, cart, truck, plough or harrow, with two oxen or two horses, with a competent driver, agreeably to such direction of such Surveyor, or be liable to imprisonment for a space of time not exceeding six days in the manner in the same section mentioned.

In prosecutions Justice may issue a *Capias* on the oath of a Commissioner or Surveyor.

XXV. And be it enacted, That in all prosecutions against delinquents for the recovery of fines under any of the provisions of this Act, it shall and may be lawful for the Justice before whom any prosecution shall be instituted, on application by the Commissioner or Commissioners suing for such fine, and upon oath made by such Commissioner or Commissioners, or the Surveyor, or other person, of the offence or delinquency committed, to issue a *Capias* against such delinquent, and to hold him to bail for the amount of the fine sought to be recovered, in which case, the *Capias*, Bail Bond, return and proceedings generally shall be, as near as may be, in manner and form pointed out, made and provided in the said Act passed in the fourth year of His late Majesty King William the Fourth, intituled *An Act to regulate proceedings before Justices of the Peace in Civil Suits*.

4 W. 4. c. 45.

Windfalls may be removed, bridges repaired, &c., between periods of performing Statute Labour.

XXVI. And be it enacted, That during the intervening time between the finishing the Statute Labour in any one year, and commencing the same in the next succeeding year, it shall and may be lawful for the Commissioners of Highways, or any one of them, in the several Towns and Parishes within this Province, to direct the Surveyors of Highways, or any of them, from time to time, as occasion may require, to remove all trees and windfalls from and out of the Roads, and to repair

repair all Bridges and all such parts of the Highways that shall require reparation and amendment within their respective Districts, and also to provide such materials as may be necessary for making and repairing such Roads and Bridges; and the said Surveyors or any of them, are hereby authorized and required when so directed, to summon so many of the inhabitants of the said Parish as may be necessary to work after such manner as the said Surveyor or Surveyors shall direct, in removing such trees or windfalls, and in repairing such Roads and Bridges, and also in providing such materials as may be necessary for such reparation and amendment; and all persons keeping any wagon, carts, trucks, sleds, or teams, shall when called upon by such Surveyor for the purposes aforesaid, attend with the same; which work and labour when so performed, shall be deducted from, and allowed as a part of the number of days such person may be obliged by law to work on the Highways; and any person not attending, or refusing to work as aforesaid, shall forfeit the sum of four shillings for each day's neglect, and also the sum of eight shillings per day for refusing or neglecting to furnish such carts, wagons, trucks, sleds, or teams, to be sued for and recovered and applied, as is directed in and by the twenty third section of this Act.

Inhabitants may be summoned to do so.

Work then performed to be allowed for.

XXVII. And be it enacted, That the Commissioners of Highways and Roads for each Town or Parish, or any one of them, be and they are hereby authorized and required, after the first snow, and as soon as the Rivers and Marshes are safe for the passing of cattle on the ice, to order the Surveyors of Highways and Roads, or any of them, for the said Town or Parish, to summon forthwith so many of the inhabitants as the said Commissioners, or any of them, shall in his or their discretion think necessary, to work after such manner as they, the said Surveyors, shall direct, in cutting or carrying bushes, or making ways; and such person not attending, or refusing to perform the said work, as directed by the said Surveyors, shall forfeit the sum of four shillings for each day's neglect, to be sued for, recovered and applied as is directed in the twenty third section of this Act; and the Rivers, and the several parts of the same, when frozen over as aforesaid, shall be considered as a part of the Towns or Parishes to which they are respectively opposite, for the purposes directed by this clause; and the Commissioners for the Towns or Parishes opposite to each other, upon any River, are hereby authorized and required to agree upon and determine the distance upon the said River which is to be worked upon by their respective Towns, in pursuance of this Act.

After ice made and snow, parties may be summoned to work in getting bushes, &c.

Rivers when frozen to be considered part of the Parish.

XXVIII. And be it enacted, That every person keeping a team shall be obliged forthwith, on being summoned by the said Surveyor or Surveyors, to send his horse, horses, or team, with a competent driver, to work in such manner as the said Surveyor or Surveyors shall direct; and on any such person neglecting to send his team and a good driver, or not performing such reasonable work as the said Surveyor or Surveyors shall direct, the owner of the said team shall forfeit the sum of eight shillings, to be sued for, recovered and applied as is directed in the twenty third section of this Act.

Teams to be forthcoming with drivers on requisition.

XXIX. And be it enacted, That the said way shall be marked in such place as the said Commissioner or Commissioners shall direct, with ever-green bushes, erected at the distance of not more than four rods (lengthways of the said path) from each other, and five feet in height; and on any of the said marks being displaced, the Surveyors shall summon forthwith as many of the nearest inhabitants, with their teams, as they may judge necessary to replace them; and in case of refusal or neglect, every person so offending shall forfeit the sum of four shillings for each man, and four shillings for each team, for each day so summoned; provided, when the Public Roads are on the bank of the River, the said path shall be marked

Winter Roads to be marked with bushes.

Penalty.

on

on the River; the said fines and forfeitures to be recovered by complaint to a Justice of the Peace, in the same manner as in case of refusal to labour on the Highways, and to be appropriated by the Commissioners towards performing the said service; provided always, that the number of hours which any person shall work in pursuance of the directions of this section, or the sum he shall forfeit shall be deducted from and allowed as a part of the number of hours he is obliged by law to work upon the Highways.

Penalty for wilfully cutting down the erected bushes.

XXX. And be it enacted, That if any person shall wilfully cut or take down or destroy any of the bushes so to be erected by virtue of this Act, he shall forfeit and pay the sum of twenty shillings upon conviction before any one of Her Majesty's Justices of the Peace, upon the oath of one or more credible witness or witnesses, to be levied by Warrant of distress and sale of the offender's goods, rendering the overplus (if any) after deducting the costs and charges, to the offender; one half of the said forfeiture to be applied to the use of the Poor of the Town or Parish where such offence shall be committed, the other moiety to him or them who shall inform and sue for the same; and for want of such effects to levy on, the offender or offenders shall be imprisoned for a term not exceeding six days.

Inhabitants may be summoned to shovel and break Winter Roads.

XXXI. And be it enacted, That the said Surveyors of Highways in their respective Districts, under the direction of the Commissioners, or any of them, shall have full power and authority, and they are hereby required during the winter season, when necessary, to summon such and so many of the inhabitants liable to perform Statute labour, as they in their discretion may think fit, to attend upon the Highways with their shovels, for the purpose of shovelling snow, and assisting to break Roads; and also such and so many of the inhabitants having a horse, horses, oxen or teams, in their respective Districts, as they may consider necessary, to attend and work at the time and place appointed on the Highways or Public Winter Roads, by breaking Roads in the snow, with their said horse, horses, oxen or teams, whenever the depth of snow shall render the same necessary, not exceeding four days in each winter, and at no greater distance than three miles from their own houses; and such inhabitants shall perform the same work over and above the work which such inhabitants are liable to perform upon the Highways, Roads and Bridges, in and by this Act; and every person not attending, or refusing to work when so called upon, shall forfeit and pay the sum of two shillings and six pence for each day's neglect, and also the sum of five shillings per day for refusing or neglecting to appear and work with his horse, horses, oxen or teams, as herein required, to be recovered in the manner prescribed by the twenty third section of this Act, and to be applied by the Commissioners towards breaking the Winter Roads.

Such work to be in addition to other Statute Labour.

XXXII. And be it enacted, That no horse sled or sleigh, shall be drawn on the Highways or Public Roads, unless the same shall be furnished with one or more bell or bells for each horse drawing such sled or sleigh, to be fastened to such sled or sleigh, or to the harness thereof, so as distinctly to be heard, under the penalty of five shillings for every offence, to be recovered from the owner or driver thereof by any person who shall sue for the same, upon conviction before any one of Her Majesty's Justices of the Peace, by the oath of one or more credible witness or witnesses, or on the view of such Justice, and levied by Warrant of distress and sale of the offender's goods and chattels, by Warrant under the hand of such Justice, rendering the overplus (if any) after deducting the costs and charges of such distress and sale, to the offender; which fines shall be paid and appropriated in like manner as is mentioned in the twenty third section of this Act.

Audible bells to be attached to horse sleds or sleighs.

XXXIII. And be it enacted, That the respective Commissioners of Highways, shall on or before the fifteenth day of December in each and every year, deliver in to the Clerk of the Peace of their respective Counties, returns of the Statute Labour performed in their respective Parishes or Districts, to be by him filed; which return shall set forth that all the persons liable to work within the Parish or District of the Commissioner or Commissioners making such return, have either worked, paid their commutation or fines, or been prosecuted for the same as the law directs, with the exception of those persons whom the said Commissioner or Commissioners have deemed it right to excuse; and also a correct account of all the fines and moneys received, and of the manner in which they have been expended, with the vouchers in support thereof, and a statement of the balance (if any) on hand; also a list of the persons from whom the commutation or fines have not been recovered, and the names of all such persons as the Commissioners making such return have excused, and the cause thereof; which return shall be (as near as may be) agreeable to the form hereafter set forth; and if any balance shall remain in the hands of such Commissioner or Commissioners, the same shall be paid into the hands of the County Treasurer, to be disposed of by the order of the Justices, or the major part of them, in their General Sessions, for the making, repairing and amending the Roads, Highways, Public Streets and Bridges in the Parish where such money was collected or forfeited.

Commissioners to make returns of labour performed, &c., to the Clerks of the Peace by the 15th of December in each year.

Form of Return.

The undersigned Commissioners (or Commissioner) of the Parish of _____, (or District of the Parish of _____, as the case may be,) do hereby certify that all the persons liable to work within the said Parish (or District) have either worked, paid the commutation or fines, or been prosecuted for the same as the law directs, with the exception of the person or persons excused.

Forms of Returns.

[Then follows an account of the receipts and expenditures, showing the balance of money (if any) on hand, thus:—]

Statement of moneys expended, }
Statement of moneys received; } *Specifying the items.*

Names of persons prosecuted.

From whom fines not received.

List of persons excused.

Causes of such excuse.

A. B.

XXXIV. And be it enacted, That the Commissioners appointed by virtue of this Act shall not be required to do any work on the Highways, and when any Surveyor or Surveyors shall be required to superintend the work on the Highways, more than eight days, the Commissioners shall, and they are hereby authorized and empowered to pay him or them at the rate of five shillings per day, out of the moneys voluntarily paid into their hands by way of commutation or collected for fines by virtue of this Act.

Commissioners exempted from work, and Surveyors to be paid after a time.

XXXV. And be it enacted, That no prosecution or suit for the recovery of any of the penalties mentioned in this Act shall be brought or instituted after the expiration of six months from the time of committing the offence intended to be prosecuted; provided nevertheless, that nothing in this Act shall be construed to extend to prevent those entrusted with public money by virtue of any of the hereinbefore recited, or any other Acts, from being held accountable for all moneys so received by them.

Penalties to be prosecuted within six months.

XXXVI.

Persons over-rated may appeal to the General Sessions.

XXXVI. Provided always, and be it enacted, That any person thinking that he has been over-rated, or assessed too high, by the said Commissioners, may appeal to the Justices of the Peace at their next General Sessions after the said work and labour required by this Act has been performed; and the said Justices are hereby authorized and required to examine into the appeal, and if the said appellant shall make it appear, to their satisfaction, that he has been assessed too high, the said Justices shall and may give relief, by allowing the said appellant the number of days in which he may appear to have been over-assessed, out of his proportion of Statute Labour on the Highways the next year.

No appeal allowed unless a memorandum and affidavit shall have been left, with the Clerk of the Peace, or Commissioners.

XXXVII. Provided also, and be it enacted, That no such appeal shall be heard unless the person deeming himself aggrieved, do within one calendar month after receiving notice of the said assessment, or being summoned to perform labour, leave a written memorandum in the Office of the Clerk of the Peace for the County, or with the Commissioners of Highways of the Parish, who are required to transmit the same to the Clerk's Office; to which memorandum shall be annexed an affidavit in the form following, or to that effect:—

County of ss.

I, A. B., of the Parish of , in the said County, do make oath that the whole of the property, real and personal, owned by me, or held by any other person in trust for me, or for my use, does not exceed , and that my whole yearly income does not exceed . Sworn at the day of 18 , before me,

C. D., Justice Peace.

CAP. V.

An Act to establish the Polling Places in the County of Gloucester.

Passed 11th April 1850.

WHEREAS the Polling places in the County of Gloucester, as established by the Laws now in force, are not deemed convenient for the inhabitants; for remedy whereof,

Polling places established in

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act the following shall be deemed the Polling places within the said County at all future Elections, for Members to serve in the General Assembly, for the said County, that is to say:—

Beresford;

For the Parish of Beresford; at or near John Chalmers', at Belledune, and at or near the Church of Petit Rocher:

Bathurst;

For the Parish of Bathurst; at the Court House in Bathurst:

New Bandon;

For the Parish of New Bandon; at or near the Church at Grand Aunce, and at or near Gavin Kerr's:

Carraquet;

For the Parish of Carraquet; at or near the Church at Shippegan, at or near John Gionet's at Carraquet, at or near the Church at Carraquet, and at or near Joseph Terrio's, South Ferry:

Saumarez.

For the Parish of Saumarez; at or near the Church at Tracaday, at or near the Church at Pokemouche, and at or near Thomas Rivers':

any law, usage or custom to the contrary notwithstanding.

CAP. VI.

An Act in addition to an Act to repeal the several Acts of Assembly relating to Bankruptcy in this Province.

Passed 11th April 1850.

WHEREAS doubts have arisen with regard to the intent and meaning of an Act made and passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to repeal the several Acts of Assembly relating to Bankruptcy in this Province*: And whereas it is deemed advisable to declare the intent and meaning of the said Act;

I. Be it therefore declared and enacted by the Lieutenant Governor, Legislative Council and Assembly, That notwithstanding the provisions of the said recited Act to repeal the several Acts of Assembly relating to Bankruptcy in this Province, all rights, interests, liabilities, actions or causes of action which had accrued or may accrue to any person or persons, or existed under any Fiat published in the Royal Gazette before the passing of the said Act, or in any way under the authority of any law repealed by the said Act, shall continue and be and remain available to any such person or persons for any and all purposes as fully and effectually to all intents and purposes as if the said recited Act had not passed; and nothing in the said recited Act shall be construed to extend to affect any proceeding had or taken, or that may be had or taken under any Fiat published as aforesaid, or any thing done in the prosecution thereof, or the settling the estate, or collecting or disposing of the debts of any such Bankrupt, or in any other proceeding in Bankruptcy; and the rights of all persons existing, arising or accruing in any way under or out of any such Fiat, or the authority of any law relating to Bankruptcy at any time heretofore in force, shall be deemed and continue valid, effectual and available for all purposes in the same manner to all intents and purposes as if the said recited Act had not passed; and until all the estates of the several Bankrupts, whose Fiats have been so published before the passing of the said recited Act, are completely settled, wound up and closed, it shall and may be lawful to fill up vacancies arising from time to time by death, resignation or otherwise, or which may have arisen in the office of Commissioner of Bankrupts, or Assignee, in the same manner and as fully and effectually to all intents and purposes as if the said recited Act had not passed, and in the construction of the proviso in the said recited Act, this Act shall be deemed to declare the true meaning thereof.

II. And be it enacted, That no action, suit or proceeding shall be instituted, had or taken for the recovery of any Bond or the penalty thereof, or any money therein secured, heretofore given, executed or entered into, to the Registrar of the Court of Chancery of this Province by any person or persons for securing the costs of any proceeding in Bankruptcy, unless such action, suit or proceeding be instituted, had or taken within four calendar months after the passing of this Act.

III. And be it enacted, That no proceeding shall be had or taken on any Fiat published in the Royal Gazette before the passing of the said recited Act, in cases where the person so declared a Bankrupt under the authority of any Act repealed by the said recited Act, has not surrendered before the passing of the said recited Act, unless such person shall surrender within six calendar months after the passing of this Act, and in all cases when such person shall or may neglect or refuse to surrender within that period, the Fiat so granted as aforesaid shall be null and void; provided always, that in every case where a party surrenders within the time limited by this Act, unless such party shall proceed to a sitting for a final certificate within nine calendar months after the date of such surrender,

Preamble.

12 V. c. 43.

Rights, liabilities, &c. under any Fiat published before the passing of 12 V. c. 43, or Acts thereby repealed, to remain available.

Vacancies in the office of Commissioner of Bankrupts or Assignee may be supplied.

This Act to be the meaning of the proviso in 12 V. c. 43.

No action to be had on Bonds to the Registrar in Chancery for costs unless prosecuted within four months.

No proceedings to be had on Fiats unless surrendered be made within six months after passing this Act.

Proviso.

or

or within such further time as the Commissioner upon good cause shewn therefor on affidavit shall grant, then and in such case the certificate of such Bankrupt shall be deemed and taken to be refused.

CAP. VII.

An Act for the better prevention of Trespasses on Crown Lands and Private Property.

Passed 11th April 1850.

Illegally cutting and carrying away trees, logs, &c., made a misdemeanor.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, whosoever shall wilfully and without legal authority therefor, cut and carry away, or cause to be cut and carried away, or being cut shall carry away, or cause to be carried away off any Lands, granted or ungranted, any trees, logs, or timber of any kind, shall be guilty of a misdemeanor, and shall be liable to be imprisoned in the common gaol of the County where the offence may be committed for any term not exceeding one year, or fined in any sum not exceeding fifty pounds, at the discretion of the Court.

How property to be laid in the indictment.

II. And be it enacted, That when any such offence has been committed upon ungranted Lands, the property in the trees, logs or timber cut or carried away shall be laid to be in Her Majesty the Queen; and in case such offence had been committed upon granted Lands, the property in the trees, logs or timber so cut or carried away, may be laid to be in the owner of the freehold of such granted Lands; and in case such offence be committed upon Land held from the Crown, under lease or licence, the property in the trees, logs or timber so cut or carried away, may be laid to be in the lessee or licensee of such Land.

Lessees or licensees of Crown Lands may recover damages.

III. And be it enacted, That whenever any timber, trees or logs are cut and carried away from any grounds held under lease or licence from the Crown, the lessee or licensee may recover damages therefor in an action of trespass or replevin against the person or persons so cutting and carrying away, in any Court of competent jurisdiction, and such lessee or licensee, for the purpose of such action, shall be deemed and taken to be the owner of such property.

Act not to affect any civil remedy.

IV. And be it enacted, That nothing in this Act contained shall in any wise affect any civil remedy of any parties injured by any such trespasses.

Limitation.

V. And be it enacted, That this Act shall continue and be in force for two years and no longer.

CAP. VIII.

An Act to amend the Act providing for the Collection and Protection of the Revenue of this Province.

Passed 11th April 1850.

Warehoused goods may be removed on permission from one Warehouse to another in the same Port.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That any goods which have been or shall be hereafter warehoused in some Warehouse in any Port in this Province, may, with the permission of the Treasurer or Deputy Treasurer at such Port first obtained, be removed to any other Warehouse in the same Port in which goods may be warehoused on importation.

Goods so removed and the proprietors to be liable as before.

II. And be it enacted, That all goods which hereafter shall be removed from one Warehouse for or to another in the same Port, and all proprietors of such goods, shall be held subject in all respects to all the conditions to which they would have been held subject if such goods had remained in the Warehouse where the same had been originally warehoused.

Warehouse Bonds may be cancelled and new Bonds

III. And be it enacted, That if any goods shall have been warehoused in any Warehouse, and particular security, as in such case is required, shall have been given

given by the importer of such goods, in respect of the same, and such goods shall have been sold or disposed of, so that the original bonder shall be no longer interested in or have control over such goods, it shall be lawful for the Treasurer, Deputy Treasurer, or other authorized officer, to admit fresh security to be given by the bond of the new proprietor of such goods, or persons having control over the same, with two sufficient sureties, to be approved of by such officer, and to cancel the bond given by the original bonder of such goods, or to exonerate him and his sureties to the extent of the fresh security so given; and so in like manner, if any further transfer be made of the said goods, while in any Warehouse; provided that all such goods be taken out of the Warehouse by payment of Duties or for exportation, within two years from the first entry thereof.

taken in case of sale.

IV. And be it enacted, That no transfer of any goods while remaining in any Warehouse shall be valid until the new security, authorized to be taken by this Act, shall be given by the person to whom such transfer has been made, or by the person having control over the same.

Transfer of warehoused goods not valid until new security be given.

V. And be it enacted, That the Master or person in charge of any vessel, if laden, arriving inward at Saint John, and bound for Fredericton, shall make report of such vessel at the Treasurer's Office in Saint John, and shall, before proceeding up the River, take on board a tidewaiter, or other authorized officer, who shall remain on board until such vessel is duly entered at Fredericton; and any Master or person who shall neglect or refuse so to make such report, or who shall proceed up the River without taking such officer on board, shall forfeit and pay the sum of one hundred pounds.

Inward laden vessels bound for Fredericton, to be reported at Saint John and Revenue Officer taken on board.

Penalty for neglect.

VI. And be it enacted, That the Master or person in charge of any such vessel, on board of which any officer is so stationed, shall provide every such officer sufficient room, under the deck, or some part of the fore-castle, or steerage, for his bed or hammock, and shall also provide such officer, while so on board, with good and sufficient food; and in case of neglect or refusal so to do, shall forfeit and pay the sum of ten pounds.

Revenue Officer to have sufficient berth room and food.

VII. And be it enacted, That any goods duly warehoused at any Port or place within this Province, may be delivered out of such Warehouse to be shipped as Stores for any ship or vessel of the burthen of fifty tons or upwards, bound on a voyage to any Port or place out of this Province, the probable duration of which, out and home, will not be less than thirty days; provided always, that due proof on affidavit shall be made to the Treasurer, Deputy Treasurer, or other authorized officer, by the Master or owner of the ship or vessel, that the articles to be delivered are requisite and necessary for the voyage, and are actually intended therefor.

Goods may be delivered out of Warehouse to be shipped as ship stores for vessels of fifty tons or upwards, on a voyage of thirty days or upwards.

VIII. And be it enacted, That it shall be lawful for the Treasurer or Deputy Treasurer at any Port or place in this Province, to allow the owner of any goods duly warehoused, to sort, separate, pack and repack such goods, and to make such alterations therein, or arrangements thereof, as may be necessary either for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same; provided always, that no alteration shall be made in any such goods or packages, except at such times and in such manner, and under such regulations and restrictions as the Treasurer or Deputy Treasurer shall require and direct.

Warehoused goods may be sorted, &c., in the Warehouse, under the direction of the Treasurer.

IX. And be it enacted, That if any person or persons shall break open any Warehouse, or by any contrivance illegally or improperly gain access to any goods in any Warehouse established under the provisions of the Act of Assembly made and passed in the eleventh year of the Reign of Her present Majesty, intituled

Breaking open a Warehouse, or illegally gaining access to goods, made a misdemeanour.

11 V. c. 2.

intituled *An Act to provide for the collection and protection of the Revenue of this Province*, to which this Act is an amendment, every such offender shall be guilty of a misdemeanor, and liable to fine or imprisonment, or both, in the discretion of the Court where such offender may be tried and convicted.

Recovery of Penalties to be as Act 11 V. c. 2.

X. And be it enacted, That the penalties hereby imposed shall be recovered and applied according to the provisions of the Act aforesaid to which this is an amendment.

Limitation.

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

CAP. IX.

An Act to consolidate the Laws relating to Buoys and Beacons.

Passed 11th April 1850.

I. **B**E it enacted by the Lieutenant Governor, Legislative 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 an Act, intituled "An Act for the better security of the Navigation of certain Harbours in the County of Northumberland, and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester;"* also an Act made and passed in the second year of the Reign of His late Majesty King William the Fourth, intituled *An Act to empower the Deputy Treasurer at Miramichi to recover from the Commissioners of Buoys and Beacons for the County of Northumberland the balance of monies now remaining in their hands;* also an Act made and passed in the third year of the same Reign, intituled *An Act in addition to and amendment of an Act, intituled "An Act for the better security of the Navigation of certain Harbours in the County of Northumberland, and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester;"* also an Act made and passed in the fifth year of the same Reign, intituled *An Act to alter and amend an Act, intituled "An Act to repeal an Act, intituled An Act for the better security of the Navigation of certain Harbours in the County of Northumberland, and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester, so far as the same relates to the Bay and Harbour of Restigouche, in the said County of Gloucester;"* also an Act made and passed in the same year of the same Reign, intituled *An Act relating to the Navigation of the Inner Bay of Passamaquoddy;* also an Act made and passed in the fourth year of the Reign of Her present Majesty, intituled *An Act relating to Buoys and Beacons in the Harbour of Shediac, in the County of Westmorland;* also an Act made and passed in the eleventh year of the same Reign, intituled *An Act to increase the Duty imposed on Shipping entering the Bay or Harbour of Miramichi, for the support of Buoys and Beacons;* also an Act made and passed in the twelfth year of the same Reign, intituled *An Act relating to Buoys and Beacons in the Harbour of Buctouche, in the County of Kent;* be and the same are hereby repealed; Provided always, that all acts, matters and things heretofore done under and by virtue of any of the said Acts hereby repealed, shall be and remain good, valid and effectual, so far as the same are in accordance with the provisions of the said several Acts or any of them; and provided also, that all appointments heretofore made, and all bonds entered into under and by virtue of the said several Acts, or any of them, shall continue and remain valid and effectual until other appointments are made and other bonds entered into under and by virtue of the provisions of this Act.

II. And be it enacted, That the Lieutenant Governor or Administrator of the Government for the time being, shall be, and he is hereby authorized and empowered to appoint one or more, and not exceeding three, fit and proper persons to each Bay, Harbour, Port or River in the said several Counties where Beacons and Buoys are required, residents of the respective Ports to which he or they shall be appointed, as Commissioner or Commissioners of Buoys and Beacons, whose duty it shall be to erect, build, rebuild, replace, and support in his or their several and respective Bays, Harbours, Rivers and Ports of the said Counties, such a number of Buoys and Beacons as he or they or the major part of the said Commissioners shall think necessary for the safety and convenience of the navigation of the same.

Commissioners to be appointed by the Governor for each Bay, Harbour, &c., where Buoys and Beacons are required.

Their duty.

III. And be it enacted, That such Commissioner or Commissioners on his or their appointment, shall before he or they shall enter upon the duties of his or their respective office, enter into a Bond to Her Majesty, Her Heirs and Successors, with two sufficient sureties, to be approved of by the Deputy Treasurer of the Port or place to which such Commissioner or Commissioners shall be appointed as aforesaid, in the penal sum of three hundred pounds, conditioned for the faithful performance of such duties, and for his or their duly accounting for and faithfully applying all such moneys as he or they may receive by virtue of his or their office, and for the payment to the Deputy Treasurer of the District of such surplus moneys as may from time to time remain in the said Commissioner or Commissioners' hands.

Commissioners to give Bonds to Her Majesty.

IV. And be it enacted, That the said Commissioners at each Port shall be entitled to receive, and shall retain for their services, a sum not exceeding ten per centum on the amount expended by them in the performance of their duties; such sum to be fixed by the General Sessions in their respective Counties.

10 per cent. remuneration of Commissioners.

V. And be it enacted, That there be and are hereby granted to Her Majesty, Her Heirs and Successors, for defraying such expenses as may be incurred in erecting, building, rebuilding, replacing and supporting such Buoys and Beacons, that is to say :

Duty granted for support of the Buoys and Beacons on vessels arriving at

On all vessels, coasters excepted, entering Passamaquoddy Bay, within Deer Island, one half penny per ton for every ton such vessels admeasure per register :

Passamaquoddy Bay,

On all vessels entering the Bay or Harbour of Miramichi, in the County of Northumberland, the sum of one penny per ton for each and every ton such vessels admeasure per register :

Miramichi,

On all vessels entering the Bays or Harbours of Richibucto or Buctouche, in the County of Kent, the sum of one penny per ton for each and every ton such vessels may admeasure per register :

Richibucto, Buctouche,

On all vessels entering the Bays or Harbours of Restigouche, the sum of one half penny per ton for each and every ton such vessels may admeasure per register :

Restigouche,

On all vessels entering the Bays or Harbours of Bathurst, Carraquet or Shippagan, in the County of Gloucester, the sum of one penny per ton for each and every ton such vessels may admeasure per register :

Bathurst, Carraquet, Shippagan,

On all vessels entering the Bay or Harbour of Shediac, in the County of Westmorland, the sum of one penny per ton for each and every ton such vessels may admeasure per register ;

Shediac,

The said Duties to be paid each and every time any vessel shall arrive at a Bay or Harbour of Passamaquoddy within Deer Island, Miramichi, Richibucto, Buctouche, Restigouche, Bathurst, Carraquet, Shippagan or Shediac, as above mentioned ; provided always, no Duty shall be paid for coasters arriving within the Bay

When, how often, and by what vessels duty to be paid.

Bay of Passamaquoddy; and that on arrival at any of the other mentioned Bays or Harbours, no coasting vessel under the register of sixty tons shall pay more than once in each year; and no coasting vessel between sixty and one hundred tons shall pay more than twice in each year; and that all vessels clearing from any Ports in this Province, Canada, Prince Edward Island, Nova Scotia and Newfoundland, and vessels on a fishing voyage, shall be considered coasters under this Act.

Duty to be collected by the Deputy Treasurer of the District, and paid to the Commissioners.

VI. And be it further enacted, That the Tonnage Duties herein imposed shall be collected by the Deputy Treasurer of the District of the Port where such vessel may arrive, or such person or persons as he may appoint for that purpose; and that the said Commissioners shall have full power and authority to call upon the Deputy Treasurer of their respective Districts, and the persons to be by him appointed as aforesaid, for such sum and sums of money as they shall from time to time respectively have collected; an account of which sum so to be collected by the said Deputy Treasurers, or the persons appointed by them, the said Deputy Treasurers shall respectively when called upon as aforesaid, render upon oath to the said Commissioners of the District, deducting from the amount collected ten per cent., which it shall be lawful for the Deputy Treasurers to retain for their trouble in collecting and paying the same.

Accounts and remuneration.

Penalty on the Masters of vessels neglecting to pay the duty.

VII. And be it enacted, That the Master of any ship or vessel who shall refuse or neglect to call upon the Deputy Province Treasurer of the District of the Port or place where such ship or vessel shall arrive, and pay to him or the person authorized by him to receive the same, such Tonnage Duties as are hereinbefore imposed, within twenty four hours after his arrival, shall forfeit and pay for such neglect the sum of five pounds, to be sued for by the said Deputy Treasurer of the District, or the person authorized by him to receive the same, and recovered before any one of Her Majesty's Justices of the Peace, and applied for the purpose of erecting, repairing and replacing the Buoys and Beacons.

Account of the duty and expenditure to be rendered to the Province Treasurer

VIII. And be it enacted, That the Deputy Treasurers shall keep separate Accounts of the Duties received by them under the authority of this Act, and render the same annually to the Treasurer of the Province, with proper vouchers, of the payment of the money to the Commissioners already appointed or who may be hereafter appointed by virtue of this Act.

Commissioners to render accounts annually to the Province Treasurer and the County General Sessions of the Peace.

IX. And be it enacted, That the said Commissioners shall on the twentieth day of December in each and every year render an Account duly attested, of the moneys from time to time received and expended by them in pursuance of this Act, to the Treasurer of the Province, to be by him transmitted, with his Account, to the Secretary's Office, and shall likewise render a copy of such Account to the first Court of General Sessions in their Counties respectively in each and every year; and the balance (if any) of the moneys so received by them, in the hands of the Commissioners of the Harbours respectively, shall be applied by the said Commissioners, or the major part of them, for the purpose of further improving the navigation of the said Bays and Harbours.

The Buoys and Beacons to be placed as early as practicable in each year, and not to be removed before the 20th of November.

X. And be it enacted, That the said Commissioners shall annually, as soon after the opening of the navigation as practicable, cause the necessary Beacons and Buoys to be erected, replaced or put down in the most fit and proper places for the protection of the navigation of the Bays, Rivers and Harbours in the said Counties for which such Commissioners may be respectively appointed; and that the said Commissioners shall not in any case presume to remove or take up for the Winter any Beacons or Buoys so put down or placed as aforesaid, until the twentieth day of November in each and every year, or so soon after as the said Commissioners, or a majority of them, shall deem expedient.

XI.

XI. And be it enacted, That if any person or persons shall take away, destroy, deface or remove any of the said Beacons or Buoys, such offender or offenders shall, on due conviction thereof, by the oath of one or more credible witness or witnesses, before any one of Her Majesty's Justices of the Peace, forfeit and pay a sum not exceeding fifteen pounds nor less than five pounds, to be recovered and applied as aforesaid, and on failure of payment or want of goods and chattels whereon to levy, such offender or offenders shall be committed by such Justice or Justices to the common gaol of the County, there to remain for a space of time not exceeding three months.

Penalty for taking down or destroying any Buoy or Beacon.

Imprisonment on failure of payment.

CAP. X.

An Act to continue an Act to regulate the Survey and Exportation of Lumber.

8. V. c. 81.

Passed 11th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the eighth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to regulate the Survey and Exportation of Lumber*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five.

Act 8 V. c. 81, continued.

CAP. XI.

An Act to continue and amend an Act for the relief of old Soldiers of the Revolutionary War, and their Widows.

2 V. c. 27.

Passed 11th April 1850.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the second year of the Reign of Her Majesty Queen Victoria, intituled *An Act for the relief of old Soldiers of the Revolutionary War, and their Widows*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five.

Act 2. V. c. 27, continued.

II. And be it enacted, That it shall not be lawful for the General Session of the Peace in the respective Counties to certify any new claimant for Bounty under the said Act.

No new claimants to be certified.

CAP. XII.

An Act to continue an Act to provide for reporting and publishing the Decisions of the Supreme Court.

6 W. 4, c. 14.

Passed 11th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to provide for reporting and publishing the Decisions of the Supreme Court*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five.

Act 6 W. 4, c. 14, continued.

CAP. XIII.

An Act to continue an Act to prevent injuries on Lands in the vicinity of the River Saint John by persons conveying Timber, Logs or Lumber down the same.

10 V. c. 66.

Passed 11th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the tenth year of the Reign of Her present Majesty

Act 10 V. c. 66,
continued.

Majesty Queen Victoria, intituled *An Act to prevent injuries on Lands in the vicinity of the River Saint John by persons conveying Timber, Logs or Lumber down the same*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five.

CAP. XIV.

An Act to continue the several Acts now in force relating to Tavern Keepers and Retailers.
Passed 11th April 1850.

Acts 3 V. c. 47,
and

5 V. c. 13,
continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of the Reign of Her present Majesty, intituled *An Act to repeal all the Acts regulating Tavern Keepers and Retailers, and to make other provisions in lieu thereof*, and also an Act made and passed in the fifth year of the same Reign, intituled *An Act to amend an Act, intituled "An Act to repeal all the Acts regulating Tavern Keepers and Retailers, and to make other provisions in lieu thereof,"* be and the same are hereby respectively continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and sixty.

CAP. XV.

6 W. 4, c. 35.

An Act to make perpetual an Act to regulate Pawn Brokers within this Province.
Passed 11th April 1850.

Act 6 W. 4, c. 35,
made perpetual.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate Pawn Brokers within this Province*, be and the same is hereby made perpetual.

CAP. XVI.

8 V. c. 99.

An Act to make perpetual an Act to protect the Grounds and Enclosures around the Province Buildings in Fredericton.
Passed 11th April 1850.

Act 8 V. c. 99,
made perpetual.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the eighth year of the Reign of Her present Majesty, intituled *An Act to protect the Grounds and Enclosures around the Province Buildings in Fredericton*, be and the same is hereby made perpetual.

CAP. XVII.

9 & 10 G. 4, c. 30.

An Act to make perpetual the Act imposing a Duty on Rum and other Liquors distilled within the Province.
Passed 11th April 1850.

Act 9 & 10 G. 4, c.
30, made perpetual.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the ninth and tenth years of the Reign of King George the Fourth, intituled *An Act further to increase the Revenue of the Province by imposing a Duty upon all Rum and other Spirituous Liquors that shall be distilled within the same*, be and the same is hereby made perpetual.

CAP. XVIII.

An Act to establish the Road leading from the Great Road near Crooked Creek Bridge, in Hopewell, through Harvey, in the County of Albert, to the Parish of Upham, in King's County, thence by the Hammond River to the Great Road leading from Saint John to Saint Martin's, as one of the Great Roads of Communication.

Passed 11th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Road leading from the Great Road near Crooked Creek Bridge in Hopewell, County of Albert, through the Parish of Harvey, to the Parish of Upham in King's County; thence by the Hammond River to the Bridge at South Stream on the said Hammond River; and thence to the Great Road from Saint John to Saint Martin's, near the head of the larger Loch Lomond, in the County of Saint John, be and the same is hereby established as one of the Great Roads of Communication of the Province.

Road from near Crooked Creek Bridge, in Hopewell, to St. Martin's made a Great Road.

CAP. XIX.

An Act to regulate the printing and distribution of the Acts of Assembly.

Passed 26th April 1850.

WHEREAS it is desirable to diminish the great expense of printing and distributing the Acts of Assembly;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That none but Public General Acts shall be printed and distributed at the expense of the Province, to the number of seven hundred copies, the Titles only of the rest being so printed and distributed, and that none but Acts applying to the whole Province shall be deemed to be Public General Acts.

Public General Acts to be printed at the public expense;

II. And be it enacted, That local Acts not being private or personal Acts, but affecting the inhabitants of any locality generally, shall be printed at the expense of the Province, but in such number only as shall be sufficient for their distribution to the Judges and Public Departments of the Legislature and Government, and to such functionaries in the localities specially affected as are entitled to receive copies of the Statutes, but not elsewhere.

Also Local Acts to a limited extent.

III. And be it enacted, That private or personal Acts, or Acts which although declared public are in their nature private or personal, as incorporating or granting privileges or advantages to any individual or number of individuals, or as amending any such Act passed after the present Session, shall be printed by the Queen's Printer, at the expense of the parties obtaining them, who shall furnish, at their own cost, one hundred printed copies thereof to the Provincial Government; and no such Acts shall be deemed to be of any force or effect for a longer term than three months from the passing thereof unless the same have been in the mean time so printed and furnished as aforesaid.

Private or personal Acts to be printed at the expense of parties interested, and within three months; otherwise to be void.

IV. Provided always, and be it enacted, That nothing herein contained shall prevent the full effect of the Law now in force declaring all Acts of Assembly to be public Acts, in so far as regards the judicial notice to be taken thereof, or the effect of any copy thereof printed by the Queen's Printer as evidence.

Act not to affect judicial notice.

CAP. XX.

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

Passed 26th April 1850.

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

To

Chaplains.	To the Chaplain of the Legislative Council in General Assembly twenty pounds. To the Chaplain of the House of Assembly twenty pounds.
Sergeants at Arms.	To the Sergeant at Arms attending the Legislative Council in General Assembly fifteen shillings per diem during the present Session. To the Sergeant at Arms attending the House of Assembly fifteen shillings per diem during the present Session.
Clerks of Council and Assembly.	To the Clerk of the Legislative Council in General Assembly two hundred pounds in full for his services during the present Session. To the Clerk of the House of Assembly two hundred pounds in full for his services during the present Session.
Clerks Assistant of Council and Assembly.	To the Clerk Assistant of the Legislative Council in General Assembly one hundred pounds in full for his services during the present Session. To the Clerk Assistant of the House of Assembly one hundred pounds in full for his services during the present Session.
Doorkeepers and Messengers.	To the Doorkeepers attending the Legislative Council and Assembly ten shillings each per diem during the present Session. To the Messengers attending the Legislative Council and Assembly seven shillings and six pence each per diem during the present Session.
Parish Schools.	To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, ten thousand pounds towards the encouragement of Parish Schools, agreeably to a Law of this Province.
Apprehension of Deserters.	To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding one hundred pounds to be applied in rewarding persons for apprehending Deserters from Her Majesty's Land Forces within this Province; provided that no larger sum than five pounds be paid for the apprehension of any one Deserter.
Librarian Legislative Library.	To the Librarian of the Legislative Library seventy five pounds for his services to the end of the present Session.
Master in Chancery	To the Master in Chancery appointed to carry Messages from the Legislative Council to the House of Assembly forty pounds for his services during the present Session.
LIGHT HOUSES:	To the Commissioners of Light Houses in the Bay of Fundy the following sums to pay for services for the year one thousand eight hundred and fifty, viz:
Gannet Rock.	To the Keeper of the Light House at Gannet Rock, and his Assistants, two hundred and ten pounds:
Thrum Cap.	To the Keeper of the Light House at Thrum Cap, Quaco, one hundred and ten pounds; and an additional sum of thirty six pounds to enable him to pay an Assistant:
Point Le Proe.	To the Keeper of the Light House on Point LeProe, eighty five pounds:
Partridge Island,	To the Keeper of the Light House on Partridge Island, eighty five pounds:
Campo Belle,	To the Keeper of the Light House on Campo Bello, one hundred pounds:
Beacon Light,	To the Keeper of the Beacon Light, eighty five pounds:
Machias Seal Island,	To the Keeper of the Light House on Machias Seal Island, one hundred and thirty pounds; and an additional sum of thirty six pounds to enable him to pay an Assistant:
Saint Andrews Harbour,	To the Keeper of the Light House in the Harbour of Saint Andrews, forty pounds:
Cape Enrage,	To the Keeper of the Light House on Cape Enrage, eighty five pounds.
Point Escuminac.	To the Commissioners of the Light Houses in the Gulf of Saint Lawrence eighty five pounds to provide for the Salary of a Keeper for the year one thousand eight hundred and fifty, at the Light House on Point Escuminac.

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

CAP. XXI.

An Act to appropriate a part of the Public Revenue for the services therein mentioned. Passed 26th April 1850.

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

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

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

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds to pay a Sub-Collector and Deputy Treasurer at Woodstock, in the County of Carleton, the duties of both Offices to be performed by one Officer; this being in addition to the allowance made to Deputy Treasurers by law. Sub-Collector and Deputy Treasurer of Carleton, services.

To Mary Harned, Widow of the late Alward Harned, formerly Doorkeeper to this House, the sum of ten pounds. M. Harned, relief.

To the Clerk of the Crown in the Supreme Court the sum of one hundred pounds for his services for the year one thousand eight hundred and forty nine. Clerk of Crown Supreme Court.

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

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

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

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

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

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

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

To

Presbyterian Church School, St. John.

To the Reverend Robert Irvine and Trustees of the Presbyterian Church in Saint John, the sum of two hundred pounds towards the support of the School established in connexion with that Church in the said City, for the two last years.

E. H. Duval, British School.

To Edward H. Duval, Teacher of the British School in Saint John, the sum of one hundred pounds towards the support of that Institution.

D. A. Lugin, relief.

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

S. Cyphers, relief.

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

Infant School, Fredericton.

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

Government House Fuel.

To the Commissioners of Government House, the sum of one hundred pounds for Coals for the Public Rooms and Offices in Government House.

Provincial Contingencies.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred and fifty pounds for Provincial Contingencies the present year.

West Bar, Harbour of St. Andrews.

To Commissioners to be appointed by His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty five pounds to be expended in improving the Navigation of the West Bar in the Harbour of Saint Andrews.

M. Pendleton, relief.

To Martha Pendleton, Widow of an old Soldier of the Revolutionary War, the sum of twenty pounds, being the amount of Pension due her for the years one thousand eight hundred and forty six to one thousand eight hundred and forty eight inclusive.

L. M'Laren, services.

To Lawrence M'Laren, of Richibucto, Surgeon, the sum of twelve pounds fifteen shillings to compensate him for services in attending and vaccinating the Poor and Indian population in the County of Kent during the prevalence of the Small Pox in that County during the year one thousand eight hundred and forty nine.

C. M. LaBellois, services.

To Charles M. LaBellois, Surgeon, the sum of one hundred pounds to compensate him for services rendered to the Tracadie Lepers confined in the Hospital of that place during the past year.

M. Ferris, relief.

To Mary Ferris, of Waterborough, Queen's County, Widow of the late John Ferris, an old Soldier of the Revolutionary War, the sum of twenty pounds, the usual Provincial Pension, for the years one thousand eight hundred and forty seven and one thousand eight hundred and forty eight.

R. Berry, relief.

To Rebecca Berry, Widow of the late Thomas Berry, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute circumstances.

TEACHERS:

R. Holman,

To Richard Holman the sum of eight pounds six shillings and eight pence for five months services as Teacher, ending first of May one thousand eight hundred and forty nine.

T. Fowlie,

To Thomas Fowlie the sum of ten pounds for six months services as Teacher, ending first May one thousand eight hundred and forty nine.

M. C. Bogle,

To Margaret C. Bogle the sum of ten pounds for six months services as Teacher, ending twenty first May one thousand eight hundred and forty nine.

A. S. Flewelling,

To Ann S. Flewelling the sum of ten pounds for six months services as Teacher, ending sixteenth June one thousand eight hundred and forty nine.

H. Holder,

To Hannah Holder the sum of three pounds six shillings and eight pence in full for teaching up to twenty first May one thousand eight hundred and forty nine.

To

To Martin Dunn the sum of twenty pounds for twelve months services as M. Dunn, Teacher, ending October one thousand eight hundred and forty nine.

To James M'Queen the sum of ten pounds for six months services as Teacher, J. M'Queen, ending twenty second May one thousand eight hundred and forty nine.

To Wellington A. Troop the sum of ten pounds for six months services as W. A. Troop, Teacher, ending October one thousand eight hundred and forty eight.

To Jacob Ferguson, First Class Teacher, the sum of seven pounds ten shillings J. Ferguson, for three months services as Teacher, ending eighteenth August one thousand eight hundred and forty nine.

To John C. Wood the sum of ten pounds for six months services as Teacher, J. C. Wood, ending December one thousand eight hundred and forty nine.

To Henry Renouard the sum of forty pounds in full for his services as Teacher H. Renouard, up to first December one thousand eight hundred and forty nine.

To Daniel Robicheau the sum of twenty pounds for twelve months services as D. Robicheau, Teacher, ending April one thousand eight hundred and forty nine.

To Flora Jack the sum of six pounds thirteen shillings and four pence for four F. Jack, months services as Teacher, ending twenty fourth March one thousand eight hundred and forty nine.

To Elizabeth Borthwick the sum of ten pounds for six months services as E. Borthwick, Teacher, ending eighteenth October one thousand eight hundred and forty nine.

To James M'Bride the sum of ten pounds in full for his services as Teacher J. M'Bride, up to first September one thousand eight hundred and forty nine.

To Cochran Craig the sum of twenty pounds for twelve months services as C. Craig, Teacher, ending fifteenth of January, one thousand eight hundred and fifty.

To Samuel Buhot the sum of ten pounds for six months services as Teacher, S. Buhot, ending thirteenth December one thousand eight hundred and forty nine.

To Barbara A. Walker the sum of five pounds for three months services as B. A. Walker, Teacher, ending fifteenth September one thousand eight hundred and forty nine.

To John Barry the sum of five pounds for three months services as Teacher, J. Barry, ending eighth September one thousand eight hundred and forty nine.

To Mary Ann Williston the sum of six pounds thirteen shillings and four M. A. Williston, pence for four months services as Teacher, in full to January one thousand eight hundred and fifty.

To C. E. F. LeFrance the sum of eight pounds six shillings and eight pence for C. E. F. LeFrance, five months services as Teacher, ending first January one thousand eight hundred and fifty.

To Margaret Ingraham the sum of ten pounds for six months services as M. Ingraham, Teacher, ending second January one thousand eight hundred and fifty.

To Nathan B. Milbery the sum of ten pounds for six months services as N. B. Milbery, Teacher, ending April one thousand eight hundred and forty nine.

To Catharine A. Bubar the sum of twenty pounds for twelve months services C. A. Bubar, as Teacher, ending fifteenth December one thousand eight hundred and forty nine.

To William M'Clintock the sum of ten pounds for six months services as W. M'Clintock, Teacher, ending twenty third April one thousand eight hundred and forty seven.

To Jedediah Carvell the sum of fifteen pounds in full for teaching up to J. Carvell, fifth January one thousand eight hundred and fifty.

To William W. Brannen the sum of five pounds for three months services as W. W. Brannen, Teacher, ending July one thousand eight hundred and forty eight.

To William Owens the sum of ten pounds for six months services as Teacher, W. Owens, ending November one thousand eight hundred and forty nine.

To

G. M'Gregor,

To Gregor M'Gregor the sum of twenty pounds for twelve months services as Teacher, ending twentieth December one thousand eight hundred and forty nine.

S. Aitkins,

To Susan Aitkens the sum of fourteen pounds three shillings and four pence, in full for the services, as Teacher, of her late Father, William Aitkens, up to his death.

S. C. Estey,

To Sarah C. Estey the sum of ten pounds for six months services as Teacher, ending first September one thousand eight hundred and forty nine.

W. M'Kenzie,

To William M'Kenzie the sum of twenty pounds for twelve months services as Teacher, ending twenty sixth January one thousand eight hundred and fifty.

D. M'Alister,

To Donald M'Alister the sum of twenty pounds for twelve months services as Teacher, ending twenty second January one thousand eight hundred and fifty.

W. A. Calnek,

To William A. Calnek the sum of six pounds five shillings in full for teaching up to sixteenth February one thousand eight hundred and fifty.

W. E. Burnett,

To William E. Burnett the sum of ten pounds for six months services as Teacher, ending May one thousand eight hundred and forty eight.

S. Rodgers,

To Susannah Rodgers the sum of ten pounds for six months services as Teacher, ending fifth December one thousand eight hundred and forty nine.

J. Johnston,

To James Johnston the sum of ten pounds for six months services as Teacher, ending nineteenth December one thousand eight hundred and forty nine.

J. N. Chapman,

To John N. Chapman, John Wallace and Noah Steves, Trustees of Schools for the Parish of Coverdale, the sum of seven pounds ten shillings to enable them to remunerate J. C. Wood for teaching four and a half months ending March one thousand eight hundred and forty nine.

E. Groundwater,

To Edward Groundwater the sum of ten pounds for six months services as Teacher, ending December one thousand eight hundred and forty nine.

J. F. Woodman,

To James F. Woodman the sum of twenty pounds for twelve months services as Teacher, ending third July one thousand eight hundred and forty nine.

J. Sullivan,

To John Sullivan the sum of five pounds for three months services as Teacher, ending first June one thousand eight hundred and forty nine.

M. Donavan,

To Michael Donavan the sum of twenty pounds in full for teaching up to June one thousand eight hundred and forty nine.

E. Wilson,

To Elizabeth Wilson the sum of ten pounds for six months services as Teacher, up to November one thousand eight hundred and forty eight.

S. H. Estabrooks,

To Stephen H. Estabrooks the sum of five pounds for three months services as Teacher, ending first December one thousand eight hundred and forty nine.

T. Hutchings,

To Thomas Hutchings the sum of ten pounds for six months teaching, ending first January one thousand eight hundred and fifty.

M. Tunney,

To Michael Tunney the sum of ten pounds for six months services as Teacher, ending first September one thousand eight hundred and forty eight.

P. Bennett,

To Patrick Bennett the sum of five pounds for three months services as Teacher, ending May one thousand eight hundred and forty seven.

E. M'Cann,

To Elizabeth M'Cann the sum of fifteen pounds in full for teaching up to January one thousand eight hundred and fifty.

C. Johnston,

To Catharine Johnston the sum of ten pounds in full for teaching up to first January one thousand eight hundred and fifty.

R. Martin,

To Rachel Martin the sum of twenty pounds in full for services as Teacher up to January one thousand eight hundred and fifty.

A. Scott,

To Ann Scott the sum of fifteen pounds for nine months services as Teacher, ending fourteenth September one thousand eight hundred and forty nine.

C. Dow,

To Chloe Dow the sum of twenty pounds for twelve months teaching, ending twentieth November one thousand eight hundred and forty nine. To

To Joseph Pickard the sum of ten pounds for six months services as Teacher, J. Pickard,
ending first June one thousand eight hundred and forty eight.

To Jonas Clarkson the sum of twelve pounds ten shillings for seven and a half J. Clarkson,
months services as Teacher, ending August one thousand eight hundred and
forty nine.

To Catharine Jane Watts the sum of twenty pounds for twelve months services C. J. Watts,
as Teacher, ending December one thousand eight hundred and forty nine.

To Michael M'Sweeney the sum of twenty pounds for twelve months services M. M'Sweeney,
as Teacher, ending November one thousand eight hundred and forty nine.

To Mary Arceneau the sum of ten pounds in full for the services of her late M. Arceneau,
Husband as a Teacher at the time of his death.

To Ann Cowdell the sum of twenty pounds for twelve months services as A. Cowdell,
Teacher, ending one thousand eight hundred and forty nine.

To Mary Jane Chapman the sum of ten pounds for six months services as M. J. Chapman,
Teacher, ending thirty first January one thousand eight hundred and fifty.

To Michael Ready the sum of five pounds for three months services as Teacher, M. Ready,
ending first November one thousand eight hundred and forty nine.

To Sidney P. Fayle the sum of five pounds for three months services as Teacher, S. P. Fayle,
ending sixteenth September one thousand eight hundred and forty nine.

To William Wilson the sum of ten pounds for six months services as Teacher, W. Wilson,
ending twelfth November one thousand eight hundred and forty nine.

To Davis P. Howe the sum of five pounds for three months services as Teacher, D. P. Howe,
ending first January one thousand eight hundred and fifty.

To James Johnston the sum of ten pounds for six months services as Teacher, J. Johnston,
ending fourth November one thousand eight hundred and forty nine.

To John M'Innes the sum of fifteen pounds for nine months services as J. M'Innes,
Teacher, ending twentieth January one thousand eight hundred and fifty.

To John Ormsby, Captain and Commandant of the Royal Artillery, the sum of Capt. Ormsby,
ten pounds fourteen shillings and three pence to reimburse Duties paid on a
quantity of Wine consumed by him since the sixth day of January one thousand
eight hundred and forty eight. Return Duties.

To Collins Whitaker, of Saint John, the sum of fifteen pounds nineteen shillings C. Whitaker,
and six pence to reimburse him for Duties paid on a quantity of Oars imported Return Duties.
at Woodstock from the State of Maine, and exported from Saint John to Boston,
United States.

To William Napier the sum of seven pounds six shillings for Gauging and W. Napier,
Weighing at Bathurst the past year. Gauging.

To Francis M'Manus, of Fredericton, the sum of five pounds sixteen shillings F. M'Manus,
and ten pence to reimburse Duties paid on fifty two barrels Wheat Flour Return Duties.
imported from the United States, and subsequently exported to the State of Maine.

To Arthur Ritchie and Company the sum of thirty nine pounds sixteen shillings A. Ritchie & Co.,
and four pence to reimburse Duties paid twice on a cargo of Timber shipped in Return Duties.
the barque M'Donald, at Dalhousie, which vessel was stranded, and the cargo
subsequently shipped from that Port in the ship Arethusa.

To the Reverend James Hudson, Rector of Nelson, Northumberland, the sum Rev. J. Hudson,
of two pounds eleven shillings, being return of Duty paid on a Bell imported for Return Duties.
a Church at that place in the year one thousand eight hundred and forty nine.

To Gilmour, Rankin and Company, the sum of ten pounds, being return of Gilmour, Rankin
Duty paid by mistake on one hundred barrels Flour more than was imported in & Company,
the schooner Maria from Canada, in the year one thousand eight hundred and Return Duties.
forty nine.

To

C. Lloyd,
reimbursement.

To Charles Lloyd, Locker at Dalhousie, the sum of seven pounds twelve shillings to reimburse him for expenses incurred at Campbelltown by order of the Deputy Treasurer at Restigouche.

Holderness &
Chilton
Return Duties.

To J. W. Holderness and Chilton, of Richibucto, the sum of four pounds one shilling and eight pence, being a return of Duty paid by them on an Organ imported by them for the use of Saint Mary's Church at that place.

W. Loch,
Return Duties.

To William Loch, of Miramichi, the sum of one pound seventeen shillings and six pence, being a return of Duty on a quantity of Fish imported at that place from Nova Scotia.

A. M' Donald,
Return Duties.

To Archibald M' Donald, of Shediac, the sum of two pounds and nine pence, being a return of Duty paid by him on Farming Stock brought with him as a Settler in this Province from Prince Edward Island in the year one thousand eight hundred and forty nine.

K. B. Forbes,
Return Duties.

To K. B. Forbes, of Chatham, the sum of seven pounds twelve shillings and ten pence, being a return of Duty on twenty six packages of Tea exported to New York.

J. M'Farlane,
Return Duties.

To James M'Farlane, of Saint John, the sum of six pounds and four pence, being a return Duty on two hogsheads of Molasses exported to Nova Scotia, and for excess of Duty paid on four hogsheads remaining in Warehouse in the year one thousand eight hundred and forty eight, when the Imperial Act was repealed.

A. M' Cullough,
Return Duties.

To Andrew M' Cullough the sum of thirty four pounds six shillings and five pence, being return of Export Duty on Cargoes of Lumber exported in the brigs Emeline and Helen Marks, and ship Robert Lindsay, to the West Indies; and also the Buoy and Beacon Money on the ship Robert Lindsay.

J. Armstrong & Co.
Return Duties.

To John Armstrong and Company, of Saint John, the sum of three pounds seventeen shillings, being Duty paid on a package of Merchandize short imported per ship Unicorn, from Liverpool.

Holderness &
Chilton,
Return Duties.

To J. W. Holderness and Chilton, of Richibucto, the sum of five pounds ten shillings, being Duty paid on a Piano Forte imported from Liverpool, and subsequently re-exported to that place; and the sum of two pounds one shilling and four pence, being Duty paid on a quantity of Drugs imported from Great Britain, and subsequently re-exported to Liverpool.

W. & J. Scammell,
Return Duties.

To William and Joseph Scammell, of Saint John, the sum of two pounds, being return of Duty on an Omnibus imported from Boston, and subsequently exported to that place.

D. & T. Vaughan,
Return Duties.

To David and Thomas Vaughan the sum of four pounds ten shillings, reimbursement of Export Duty paid on a quantity of Pitch Pine Timber imported from Savannah, and exported per ship David to Liverpool in October last.

Electric Telegraph
Company,
Return Duties.

To the Electric Telegraph Company the sum of seventy five pounds fourteen shillings, being a return of Duty on Wire and other Apparatus imported during the past year for the use of the Company.

Jardine & Co.
Return Duties.

To Jardine and Company, of Saint John, the sum of fifteen pounds twelve shillings and four pence, being a return of Duty paid on Stock imported from Ayrshire, in Scotland, in the past year.

E. Cameron,
relief.

To Elizabeth Cameron, of Wickham, Queen's County, Widow of the late William Cameron, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her destitute circumstances.

M. Hoyt,
relief.

To Mary Hoyt, of Petersville, Queen's County, Widow of the late Joseph Hoyt, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute circumstances.

- To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred and fifty pounds, in payment of the balance due Francis Elliott for the erection of a Bridge over Bathurst Bason, in the County of Gloucester, including allowances for extra work in raising the height of the Bridge, in full for all demands for principal, interest, and extra work for and on account of said Bridge, and as a final settlement of the transaction. F. Elliott,
Bathurst Bridge.
- To Andrew Brown, Lieutenant Colonel Commanding First Battalion of Royals, the sum of one hundred and ninety eight pounds nine shillings and three pence, to reimburse the Officers for Duties paid by them on Wines and other Liquors consumed by the Mess of the said Regiment during the past year. Col. Brown,
Return Duties.
- To Dorothy Groom, Widow of the late Enoch Groom, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her destitute circumstances. D. Groom,
relief.
- To Leah Wannamaker, Widow of the late Henry Wannamaker, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute circumstances. L. Wannamaker,
relief.
- To James Newcomb, of Hillsborough, County of Albert, the sum of fifteen pounds to remunerate him for having taught a very extensive and superior School in said place. J. Newcomb,
School services.
- To Messieurs Moore and Harding, Merchants, of Shippagan, in the County of Gloucester, the sum of sixteen pounds seven shillings and three pence, being a return of Duties on a cargo of Deals shipped in the John Craig, which vessel was lost and the same cargo re-shipped in another bottom, and the Duty again paid. Moore & Harding,
Return Duties.
- To Sabra Lyon, Widow of the late Hezekiah Lyon, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute condition. S. Lyon,
relief.
- To Mary Whelpley, Widow of the late Jonathan Whelpley, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute condition. M. Whelpley,
relief.
- To Rosanna Pulk, Widow of Henry Pulk, an old Soldier of the Revolutionary War, the sum of ten pounds, being the amount of Pension due her for the year one thousand eight hundred and forty nine. R. Pulk,
relief.
- To Mary Pratt, Widow of the late James Pratt, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her destitute circumstances. M. Pratt,
relief.
- To Margaret Grierson, Widow of the late James Grierson, an old Soldier of the Revolutionary War, the sum of ten pounds to relieve her in her destitute situation. M. Grierson,
relief.
- To Mercy M'Nichol, Widow of the late Niel M'Nichol, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her distressed situation. M. M'Nichol,
relief.
- To Jane Hawkins, Widow of the late William Wilmot Hawkins, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her destitute situation. J. Hawkins,
relief.
- To Jerusha Black, Widow of the late John Black, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her old age and destitute situation. J. Black,
relief.
- To the Reverend Michael Power and the Managing Committee of the Roman Catholic School at Bathurst, the sum of thirty pounds to reimburse them for liabilities incurred in support of that Institution from January one thousand eight hundred and forty eight to January one thousand eight hundred and forty nine. Roman Catholic
School, Bathurst.
- To Johanna Hurley the sum of nine pounds for six months service as Teacher in the Parish of Bathurst previous to the first of February one thousand eight hundred and fifty. J. Hurley,
School services.

J. Tompkins,
relief.

To Joseph Tompkins, of the Parish of Brighton, County of Carleton, the sum of nine pounds eight shillings and four pence, being the amount due the late Abigail Tompkins, Widow of a Soldier of the Revolutionary War, at the time of her death.

R. Gage,
relief.

To Rebecca Gage, Widow of David Gage, of Wicklow, in the County of Carleton, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute condition.

Rector St. Luke's
Church.
Return Duties.

To the Rector of Saint Luke's Church, Parish of Woodstock, County of Carleton, the sum of two pounds fifteen shillings and six pence, as return of Duties paid on a Bell imported the sixth of October one thousand eight hundred and forty six, for said Church.

E. Berry,
School services.

To Edward Berry, a First Class Teacher, the sum of twenty pounds to remunerate him for teaching a School for one year ending the fourth of October one thousand eight hundred and forty nine.

J. M'Grigor,
School services.

To John M'Grigor the sum of twenty pounds to compensate him for teaching a School at Heron Island, in the County of Restigouche, for twelve months ending on the twelfth day of May last.

J. Cleveland,
School services.

To Isaac Cleveland the sum of twenty pounds for teaching a School in the Parish of Sussex one year, ending the nineteenth October last.

M. E. Hayward,
School services.

To Mary E. Hayward the sum of ten pounds for teaching a School in the Parish of Sussex for a period of six months in the year one thousand eight hundred and forty eight.

M. M. Leggett,
School services.

To Mary M. Leggett the sum of twenty pounds for teaching a School in the Parish of Studholm, in King's County, for one year.

W. F. Brand,
School services.

To William F. Brand the sum of twenty three pounds six shillings and eight pence for teaching a School in the Parish of Dorchester, in the County of Westmorland, for a period of fourteen months.

J. Johnston,
School services.

To James Johnston the sum of twenty pounds to remunerate him for having taught a very large and superior School in the County of Albert ending December one thousand eight hundred and forty nine.

W. Hawkshaw,
School services.

To William Hawkshaw the sum of ten pounds to remunerate him for having taught the Children of a Settlement of poor Emigrants in the County of Queen's, in full to January one thousand eight hundred and fifty.

Rev. W. Hall,
School services.

To the Reverend William Hall the sum of thirty pounds to remunerate him for having taught a very large and superior School in the County of Charlotte, up to the first of January one thousand eight hundred and fifty.

Cocagne Academy,

To the Trustees of the Cocagne Academy the sum of fifty pounds in aid of that Institution for the year ending March one thousand eight hundred and fifty.

W. M'Clelland,
School services.

To William M'Clelland the sum of twenty pounds to remunerate him as Teacher in the Parish of Richibucto, in the County of Kent, in full to January one thousand eight hundred and fifty.

Roman Catholic
School,
St. Andrews.

To the Committee of the Roman Catholic School in Saint Andrews the sum of sixty pounds in aid of that School for the years one thousand eight hundred and forty eight and one thousand eight hundred and forty nine.

John Prosser,
for Land.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifteen pounds to be applied towards enabling John Prosser, an old Soldier of the West India Rangers, to obtain a Grant of the lot of Land on which he now resides, he having been entitled to a Grant of Land on his discharge, and which he never has received.

J. Meredith,
for Land.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twelve pounds fifteen shillings and four pence,

to

to be applied towards enabling Joseph Meredith, of Saint James, in the County of Charlotte, to complete the purchase of the lot of Land on which he now resides.

To A. Barberie, President of the Restigouche Agricultural Society, the sum of nine pounds fifteen shillings and seven pence to reimburse the said Society for Duties paid on various Agricultural Implements imported for the use of the said Society. Restigouche Agricultural Society, Return Duties.

To the President and Directors of the Simonds' District Agricultural Society, of Carleton, the sum of three pounds ten shillings to reimburse the said Society for Duties paid on sundry Agricultural Implements imported for the use of the said Society. Carleton, Simonds District Agricultural Society, Return Duties.

To the Commissioners of the Provincial Penitentiary, the sum of forty pounds to enable them to import a Machine to be employed in that Institution in the manufacturing of Tiles. Provincial Penitentiary, Tile Machinery.

To the President and Directors of the Saint Andrews and Quebec Rail Road Company, the sum of eight pounds thirteen shillings and five pence as return of Duties on Surveying Instruments. St. Andrews and Quebec Rail Road Company, Return Duties.

To Charlotte H. Turner the sum of twenty pounds in consideration of her valuable services as a Teacher of Youth in the City of Fredericton for a period of ten years. C. H. Turner, School services.

To Joseph Baxter and James Stark, two of the Commissioners for the erection of a Bridge near Sidney Baxter's, in Norton, King's County, the sum of twenty three pounds, being the amount of a verdict obtained against them by the Contractors; this sum having been deducted from the Bye Road Grant for that purpose in one thousand eight hundred and forty nine. J. Baxter & J. Stark, reimbursement.

To Joseph Baxter and James Stark, two of the Commissioners for the erection of a Bridge at or near Sidney Baxter's, in Norton, King's County, the sum of fifty pounds to remunerate them in part for the heavy loss sustained by them in defending a suit instituted against them by the Contractors. J. Baxter & J. Stark, remuneration.

To James Tibbits, Esquire, the sum of three hundred and fifty five pounds to remunerate him for the balance due him for extra work on the Arestook Bridge, according to the Report of the Select Committee. J. Tibbits, Arestook Bridge.

To Thomas Saunders, one of the Trustees of Schools for the Parish of Prince William, in the County of York, the sum of eight pounds six shillings and eight pence to enable him to pay the heirs of James Morris for five months services as Teacher, ending eighteenth July one thousand eight hundred and forty nine, as recommended by the School Committee, the said James Morris having since died. J. Morris, School services.

To James B. Toldervy, Esquire, M. D., of Fredericton, the sum of fifty pounds to remunerate him for divers Medical and Surgical services in vaccinating and attending poor persons, and keeping up a supply of Vaccine Lymph for general distribution, by order of the Government, agreeably to the Report of the Select Committee. J. B. Toldervy, Vaccination.

To Angus M'Phee, a licenced Teacher, the sum of ten pounds to remunerate him for teaching a School in the Parish of Hampton, King's County, for six months ending the tenth day of July one thousand eight hundred and forty nine. A. M'Phee, School services.

To Ann Buchanan, Widow of an old Soldier of the Revolutionary War in America, the sum of ten pounds to assist her in her present destitute circumstances. A. Buchanan, relief.

To Rachel Cornelison, Widow of an old Soldier of the Revolutionary War in America, the sum of ten pounds to assist her in her present destitute circumstances. R. Cornelison, relief.

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

To

H. Landry,
School services.

To Hyppolite Landry the sum of ten pounds to remunerate him for teaching a School in the Parish of Dorchester, County of Westmorland, for six months ending first February one thousand eight hundred and fifty.

T. Bowser,
School services.

To Thomas Bowser, of Saint Stephen, a licenced Teacher, the sum of five pounds for teaching a School in that Parish for three months, that is to say, from the ninth day of June to the ninth day of September one thousand eight hundred and forty eight.

J. Carson,
for Land.

To John Carson, of Saint Patrick, in the County of Charlotte, the sum of ten pounds to remunerate him in part for losses sustained in the purchase of Land from the Crown, which had been previously granted, and to assist him in his present unfortunate condition.

J. Beattie,
School services.

To John Beattie, a licenced Teacher in the Parish of Alnwick, the sum of ten pounds towards remunerating him for the loss of the Provincial allowance, to which he would have been entitled on the first December last, but for his having been obliged to discontinue his School in that Parish by reason of ill health.

E. Doiron,
School services.

To Elizabeth Doiron, a licenced Teacher, the sum of ten pounds for teaching a School in the Parish of Dorchester, in the County of Westmorland, for one year ending November one thousand eight hundred and forty nine.

F. Gotereau,
School services.

To Francis Gotereau, a licenced Teacher, the sum of ten pounds for teaching a School six months in the Parish of Botsford, ending first September one thousand eight hundred and forty nine.

W. G. Lawton,
advances for sick
Emigrants.

To W. G. Lawton the sum of three hundred and fifty eight pounds fifteen shillings and seven pence for advances made by him to former Overseers of Poor in the City and County of Saint John, for the relief and support of sick and distressed Emigrants, to be paid out of the Emigrant Fund.

S. M'Curdy,
School services.

To Samuel M'Curdy, a licenced Teacher, the sum of twenty six pounds ten shillings for teaching a School in the Parish of Saint Andrews for one year and four months ending first October one thousand eight hundred and forty nine.

J. Prince,
School services.

To James Prince, of the County of Kent, the sum of twenty pounds for teaching a School in the Parish of Wellington, in said County, one year ending in January one thousand eight hundred and forty nine.

Oat Mills erection
Bounty.

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

J. Wilson &
L. Drake,
over-expenditure.

To John Wilson and Lorenzo Drake, Commissioners for the expenditure of one hundred pounds appropriated in one thousand eight hundred and forty eight for the improvement of Dark Harbour, in the Island of Grand Manan, the sum of eighteen pounds sixteen shillings and three pence, being the amount over-expended by them, per Auditor General's Report of the sixteenth March one thousand eight hundred and forty nine.

J. Smith,
relief.

To Jane Smith, of Hampstead, Queen's County, Widow of the late Serjeant Stephen

Stephen Smith, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitution.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifteen pounds to assist in paying a Courier between Israel Steves, in the County of Westmorland, and New Canaan, in Queen's County, through the Butternut Ridge, in King's County.

Courier between Israel Steves' and New Canaan.

To William Lalor, licenced Teacher, an old Instructor of Youth, the sum of ten pounds in full, he having been obliged to discontinue his School in the Parish of Saumarez, in the County of Gloucester, in consequence of losing his sight.

W. Lalor, School services.

To John Frizzle, a Mail Carrier between Bathurst and Shippagan, in the County of Gloucester, the sum of fifty six pounds thirteen shillings and four pence in full for one year and five months services up to November last, in carrying the Mails between those places.

J. Frizzle, Courier between Bathurst and Shippagan.

To Patrick Calanan, Stage Proprietor on the line between Saint Andrews and Fredericton, the sum of one hundred pounds in aid of his establishment for the year ending the first of May one thousand eight hundred and fifty.

P. Calanan, Courier between Fredericton and St. Andrews.

To George Hall the sum of twenty two pounds ten shillings in full for carrying the Mails between Sussex Vale and Long's Creek, Washademoak, up to the time he was placed on the Post Office Establishment.

G. Hall, Courier between Sussex Vale and Long's Creek.

To Michael Campbell, a Carrier between Miramichi and Shippagan, the sum of fifteen pounds in full for having carried the Mails between those places for four months, up to the time he was placed on the Post Office Establishment.

M. Campbell, Courier between Miramichi and Shippagan.

To John Wilson, Proprietor of the Team Ferry Boat on the North West and South West Branches of the Miramichi River, the sum of twenty five pounds for his services during the year one thousand eight hundred and forty nine.

J. Wilson, Team Ferry.

To James Green, a Mail Carrier and Stage Proprietor between the Cities of Saint John and Fredericton, the sum of fifty pounds in aid of his establishment.

J. Green, Courier between Fredericton and St. John.

To Joseph Stockford, Mail Carrier between Gagetown and Salmon River, the sum of fifteen pounds in full for services rendered by him on that route before he was put on the Post Office Establishment.

J. Stockford, Courier between Gagetown and Salmon River.

To Solomon Lawson and Henry Austin, Proprietors of the Line of Stages running on the Ice between the Cities of Saint John and Fredericton daily the past Winter, in aid of their establishment, the sum of twenty five pounds.

S. Lawson and H. Austin, Stages between St. John and Fredericton.

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

Poor Female School, Fredericton

To Thomas Weatherall, licenced Teacher, the sum of forty pounds to remunerate him for having taught a School in the Parish of Johnston, Queen's County, for the period of two years ending in June one thousand eight hundred and forty nine.

T. Weatherall, School services.

To Commissioners to be appointed by His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds to enable them to run a Weekly Packet between Saint Andrews, West Isles, Campo Bello, and Grand Manan.

Weekly Packet between St. Andrews, West Isles, Campo Bello, and Grand Manan.

To F. W. Hatheway the sum of sixty one pounds three shillings and nine pence, for return of Duties paid on Steam Machinery imported from Canada and the United States, for a Boat called the Forest Queen, plying on the River Saint John, and for one now in course of construction in Fredericton.

F. W. Hatheway, Return Duties.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifteen pounds towards enabling William Grieve

W. Grieve, to purchase Land.

Grieve to purchase a lot of Land of one hundred acres on the west side of the Magaguadavic River, agreeably to the recommendation of the Select Committee on Agriculture.

A. Ogden,
relief.

To Ann Ogden, Widow of an old Soldier of the Revolutionary War, the sum of twenty pounds, being the amount of Pension due her up to June one thousand eight hundred and forty nine, to relieve her in her present destitute circumstances.

J. M'Minn,
School services.

To John M'Minn, a licenced Teacher, the sum of twenty pounds to remunerate him for having taught a School for twelve months ending twentieth November one thousand eight hundred and forty nine, in the County of Restigouche.

S. Creekmore,
relief.

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

L. Bell,
relief.

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

A. M'Donald,
relief.

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

J. Street,
Ferrying Mails.

To John Street the sum of ten pounds to compensate him for ferrying Her Majesty's Mails over the River Saint John, at the Grand Falls, for the current year.

Mails between
Nerepis and Head
of Long Reach.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty pounds to provide for carrying the Mails between the Mouth of the Nerepis and the Head of the Long Reach, through parts of the Parishes of Westfield and Greenwich.

A. Ritchie & Co.
Return Duties.

To Arthur Ritchie and Company the sum of thirteen pounds thirteen shillings and nine pence, being amount of Duties paid on Timber reshipped on board the barque Albion, being the balance of the Cargo of the barque William Glen Anderson, which latter Vessel was stranded.

R. M'Farlan,
relief.

To Ruth M'Farlan, Widow of the late Duncan M'Farlan, a meritorious Soldier of the Revolutionary War in America, the sum of ten pounds to assist her in her present destitute condition.

R. Watson,
for E. George,
relief.

To Robert Watson, of Saint Stephen, the sum of eight pounds six shillings and eight pence, the amount of Pension due the late Elizabeth George, the Widow of an old Soldier of the Revolutionary War, at the time of her death in February last.

A. M'Kay,
relief.

To Abigail M'Kay, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds up to the end of one thousand eight hundred and forty nine, to assist her in her present destitute circumstances.

W. Wilson,
on the erection of a
Cloth Manufacturing
establishment
at French Fort
Cove.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds to encourage the erection of an Establishment at French Fort Cove, in the Parish of Newcastle, in the County of Northumberland, for manufacturing of Cloth, including the carding, spinning, weaving and dressing the same; to be paid to William Wilson, of that place, the person who is now about erecting such Establishment, so soon as it shall be certified to the satisfaction of His Excellency the Lieutenant Governor that such Establishment has been erected, and is in full operation.

J. Henderson,
School services.

To John Henderson the sum of thirty pounds for teaching a School for six months from the twentieth of November one thousand eight hundred and forty six, till the twentieth of April one thousand eight hundred and forty seven; and six months from the first November one thousand eight hundred and forty seven, till the first of May one thousand eight hundred and forty eight; and for six months from ninth of November one thousand eight hundred and forty eight, to the ninth of May one thousand eight hundred and forty nine, being in all eighteen months, in the Parish of Blackville, in the County of Northumberland.

C. W. Chamberlain,
School services.

To Catherine W. Chamberlain, of Saint John, the sum of twenty pounds for teaching

teaching in one thousand eight hundred and forty nine a Female School of a superior description in that City.

To Andrew Barberie, Esquire, Barrister at Law, the sum of fifty pounds for conducting certain Criminal Prosecutions for several years in the Supreme Court at Restigouche, by order of the presiding Judges.

A. Barberie,
Law services.

To the Deputy Treasurer at Restigouche the sum of thirty four pounds seven shillings and nine pence to enable him to return to certain parties Duties exacted from them in one thousand eight hundred and forty nine, on Goods imported from Nova Scotia, the Trade between that Province and this being free for that year.

Deputy Treasurer
Restigouche,
Return of Duties.

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

M. Schurman,
relief.

To Ruth Cornwall, Widow of Samuel Cornwall, an old Soldier of the Revolutionary War in America, the sum of ten pounds to assist her in her present destitute circumstances.

R. Cornwall,
relief.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred pounds to pay for Reporting the Debates of the Legislature during the present Session, viz: William Grigor, fifty pounds; James Hogg, fifty pounds; Thomas Hill, fifty pounds; and James M'Pherson, fifty pounds.

Reporting Legisla-
tive Debates.

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

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

To the Justices of the Peace for the County of Albert the sum of two hundred and fifty pounds to reimburse them a moiety of the balance of the cost of the erection of the Court House and Gaol in that County.

Justices of Albert,
for Court House
and Gaol.

To the Justices of the Peace for the County of Albert the sum of fifteen pounds to enable them to pay a Courier from Harvey Post Office to Salmon River in that County.

Justices of Albert,
for a Courier.

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

M. Collins,
relief.

To Esther Byrant, the Widow of Thomas Byrant, an old Soldier of the Revolutionary War in America, the sum of ten pounds to assist her in her present destitute condition.

E. Bryant,
relief.

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

Quarter Master
General Militia
Forces.

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

Aged and distressed
Indians.

To the two Appraisers at Saint John the sum of twenty five pounds each for their services for the year one thousand eight hundred and forty nine.

Appraisers at
St. John.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty pounds to be applied to the support of a Schoolmaster at Loch Lomond, County of Saint John, for the instruction of the Coloured Population of that place.

School for Coloured
Children,
Loch Lomond.

J. Wilson,
Ferry services.

To John Wilson, Proprietor of the Team Boat Ferry on the North West and South West Branches of the Miramichi River, the sum of twenty five pounds for services rendered during the year one thousand eight hundred and forty eight.

H. Gaetty,
Ferry services.

To Henry Gaetty the sum of twenty pounds to pay him for ferrying Her Majesty's Mails across the Big River Nipisiquit, in the County of Gloucester, for the past and current years.

M. Barrett,
School services.

To Matthew Barrett, a licenced Teacher, the sum of ten pounds for teaching a School in the Parish of Maugerville for six months in the year one thousand eight hundred and forty eight.

W. H. Williams,
Stage services.

To William H. Williams, a Stage Driver between Fredericton and Saint John, the sum of twenty five pounds to remunerate him in part for severe losses sustained by him in keeping up his line during the heavy travelling, having lost two horses, and a third so much injured as to be valueless.

A. J. Street,
Railway services.

To Alfred L. Street, Esquire, the sum of one hundred and fifty pounds to reimburse him in part for the heavy expenses incurred by him in connexion with the New Brunswick Railway Company.

St. John to
Hayward's Mills,
Road service.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and fifty one pounds fifteen shillings and eleven pence, previously granted on the Great Road from Saint John to Hayward's Mills, and not expended by Benjamin L. Peters, Esquire, the late Supervisor, to be paid over to the Supervisor on the Great Road from Saint John to Hayward's Mills, to be expended by him on said Road when received.

Justices of
Victoria County, for
Public Buildings.

To the Justices of the Peace of the County of Victoria the sum of seven hundred and fifty pounds towards the erection of a Court House and Gaol in the said County, the same to be drawn from time to time as assessments are made in the said County to the extent of seven hundred and fifty pounds for the same object, and satisfactorily certified to His Excellency to have been paid, and Warrants to issue accordingly from time to time as aforesaid as such assessments are so made and paid, and of equal amounts with such assessments.

Return of Duty on
a Fire Engine,
St. John.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding fifty pounds to be applied by the Province Treasurer to refund Duties on a Fire Engine of superior quality, with Hose and Hose Cart, &c., ordered from New York by Engine Company Number Five, at Saint John, the cost of which has been subscribed for by that Company, including contributions made by several Fire Companies and Citizens of that place.

G. Blatch,
services.

To George Blatch, Esquire, of Saint John, the sum of ten pounds to reimburse him for expenses incurred and for loss of time in attending at Fredericton on the first of this Session by request of the Committee on Reporting the Debates, on that subject.

J. Walsh,
School services.

To John Walsh, a licenced Teacher, the sum of forty pounds for having taught a School at Saint John for two years ending first February one thousand eight hundred and forty eight.

Protection of
Revenue.

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

Light House
Contingencies.

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

African School,
Saint John.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of forty pounds, in aid of individual subscription, for the support of the African School at Saint John.

- To Thomas M'Avity, of Saint John, the sum of fifty pounds for services rendered at the Quarantine Establishment at Partridge Island in one thousand eight hundred and forty nine; to be taken from the Emigrant Fund. T. M'Avity, Quarantine services.
- To the Joint Committee of the Legislative Library a sum not exceeding two hundred pounds sterling, for the use of the said Library. Legislative Library.
- To Duncan Stewart the sum of four pounds sixteen shillings and six pence for Gauging and Weighing Dutiable Articles at Saint Stephen in the year one thousand eight hundred and forty nine. D. Stewart, Gauging and Weighing.
- To John R. M'Pherson the sum of five pounds for attending the Draw Bridge at the Oromocto for the year one thousand eight hundred and forty nine. J. M'Pherson, services.
- To J. P. A. Phillips the sum of fifty pounds to remunerate him for publishing the Debates of the Legislative Council in the year one thousand eight hundred and forty eight. J. P. A. Phillips, Debates.
- To James Hogg the sum of fifty pounds to remunerate him for publishing the Debates of the Legislative Council for the years one thousand eight hundred and forty eight and one thousand eight hundred and forty nine. J. Hogg, Debates.
- To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of ten pounds, in aid of individual subscription, to run a Courier from the City of Saint John through the Caledonia, Hibernia, and Brown Hill Settlements, and to Tynemouth. Courier, St. John to Tynemouth.
- To the Justices of the Peace for the County of Westmorland the sum of thirty pounds to pay a Courier for carrying the Mails from Sackville to Cape Tormentine during the past year. Courier, Sackville to Cape Tormentine.
- To the Justices of the Peace for the County of Westmorland the sum of ten pounds, being expenses incurred by them in carrying the Mails from Sackville to the North Joggins. Mails, Sackville to North Joggins.
- To Henry Chubb and Company the sum of seventeen pounds five shillings and seven pence for sundry miscellaneous Printing performed for the Province to the thirty first January last. H. Chubb & Co. Printing.
- To William Carman the sum of nine pounds four shillings and six pence for Gauging and Weighing Dutiable Articles at Miramichi, the past year. W. Carman, Gauging.
- To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty one pounds six shillings and six pence to provide for the payment of stitching, &c., six hundred copies of the Laws of the last Session of the Legislature. Province Laws, stitching.
- To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding one hundred and seventy five pounds to pay various claims of services performed by certain parties on the Nerepis Road the last season, under the direction of the late Supervisor, whose sudden death in October last prevented their being by him attended to. Nerepis Road.
- To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and eight pounds twelve shillings to reimburse John H. Reid, of Fredericton, losses sustained by the death of three valuable Sheep, intended for the use of the Province, on their passage from Liverpool; the same not to be paid until it be satisfactorily certified to the Executive Government that the said John H. Reid has imported during the present year, for the benefit of the Province, one Ram and two Ewes of Oxfordshire breed; also one Boar and one Sow of Berkshire breed; and further, that satisfactory security, by Bond, be given to the Government, that he will import during the present year, one Bull and one Heifer of the best short horned Durham breed, with a condition that the said Bull and Heifer shall be kept at least three years for

for the benefit of the Province; it being understood, that the said John H. Reid shall not be deprived of the benefit of the said Grant, if any or all the said animals should die on the voyage out, and that he cannot get insurance effected against any such contingency.

J. Fraser,
Gauging.

To John Fraser, of Miramichi, the sum of nine pounds twelve shillings and nine pence, being for Gauging and Weighing Dutiable Articles at Miramichi the past year.

H. A. Caie,
support of
Emigrants.

To Hugh A. Caie, of Shippagan, the sum of twenty one pounds thirteen shillings and ten pence, expenses incurred by him in the support of Emigrants per Eliza Liddle, in one thousand eight hundred and forty seven and one thousand eight hundred and forty eight, agreeably to the Report of Select Committee; to be taken from the Emigrant Fund.

S. T. Gove,
Medical services.

To Samuel T. Gove, Surgeon, the sum of two pounds ten shillings to remunerate him for Medicine and attendance on three Emigrant Children in one thousand eight hundred and forty nine; to be taken from the Emigrant Fund.

Commissioners of
the Alms House
and Work House
in St. John.

To the Commissioners of the Alms House and Work House in the City and County of Saint John the sum of three hundred and sixty four pounds fourteen shillings to reimburse them for advances made in support and relief of sick and distressed Emigrants during the year one thousand eight hundred and forty nine; also the further sum of four hundred and ninety three pounds ten shillings and ten pence, balance due them for the year one thousand eight hundred and forty eight.

I. J. Hopkins &
Enos Pool,
Emigrant support.

To Isaac L. Hopkins, T. C. Justison, and Enos Pool, Overseers of the Poor for the Parish of Pennfield, County of Charlotte, the sum of six pounds sixteen shillings and two pence, being expenses incurred by them in support of a sick and indigent Emigrant the past year.

J. Trenholm,
expenses as a
Trustee of Schools.

To John Trenholm, of the Parish of Botsford, County of Westmorland, the sum of thirty five pounds, being expenses incurred by him in defence of a Suit at Law, which arose in consequence of the discharge of his duty as a Trustee of Schools, agreeably to the Report of the Committee.

R. Martin,
School services.

To Rachel Martin, of Fredericton, an old and valuable Instructress of Youth, the sum of twenty pounds for her services in that capacity, she having undergone an examination at the Training School, which resulted in her being declared fit for a First Class Certificate, but which she could not obtain under the existing Law.

J. C. Allen,
Decisions Supreme
Court.

To John C. Allen, Esquire, Barrister at Law, the sum of fifty pounds towards remunerating him for Reporting and Publishing the Decisions of the Supreme Court.

P. Herring,
School services.

To Penelope Herring, of Saint John, who has taught a Female School for upwards of twenty five years with great credit, the sum of twenty pounds for her services in that capacity.

J. Simpson,
Queen's Printer.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding one thousand two hundred and eleven pounds eleven shillings and two pence to enable His Excellency to pay John Simpson, Queen's Printer, the balance due him to the thirty first December one thousand eight hundred and forty nine.

J. Wilkinson,
Railway services.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and ninety three pounds seven shillings and one penny to pay John Wilkinson balance of his Account connected with the contemplated Shediac Rail Road.

Government House.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding five hundred and fifty seven pounds
fifteen

fifteen shillings and ten pence to provide for expenditures on Government House the past year.

To the Commissioner of Government House the sum of one hundred and fifty pounds for his services in that capacity to the thirty first December last. Government House Commissioner.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty five pounds towards exploring and opening a Road from Gaspereaux River, in the County of Queen's, to the upper Settlement on Cain's River, in the County of Northumberland. Exploration, Gaspereaux River to Cain's River.

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

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding one thousand five hundred pounds to pay the balance of the expenditure by the late Commissioners of the Lunatic Asylum to the ninth of November last. Lunatic Asylum.

To the Commissioners of the Lunatic Asylum the sum of four hundred and fifty six pounds fifteen shillings and eleven pence, being amount of expenditures from the ninth November to the thirty first December last. Lunatic Asylum.

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

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds to improve the South Bay Canal. South Bay Canal improvement.

To the Commissioners of Light Houses in the Bay of Fundy the sum of fifty pounds for the protection of the Harbour Light at Reed's Point, in the City of Saint John; to be taken from the Light House Fund. Harbour Light, Reed's Point, Saint John.

To the Commissioners of Light Houses of the Bay of Fundy the sum of two hundred and fifty pounds towards the support of Cape Sable, Seal Island and Brier Island Light Houses in one thousand eight hundred and forty nine; to be taken from the Light House Fund. Cape Sable, Seal Island, and Brier Island Light Houses.

To the Commissioners of Light Houses for the Bay of Fundy the sum of twenty pounds to complete the Road from Point Lepreau to Dipper Harbour; to be taken from the Light House Fund. Road from Point Lepreau to Dipper Harbour.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and nine pounds fourteen shillings and nine pence to reimburse the Commissioners of the Board of Health for the Counties of Gloucester and Northumberland the amount over-expended by them the past year. Board of Health, Gloucester and Northumberland; over-expenditure.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred and thirty five pounds ten shillings and seven pence to enable the Government to discharge the balance due on the erection of Quisibis Bridge. Quisibis Bridge.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds, in addition to the sum already advanced him, to remunerate Moses H. Perley, Esquire, for investigating the subject of the Fisheries of this Province, and for preparing a Report on the same. M. H. Perley, Fishery Report.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding seven hundred and fifty pounds for the support of the Lazaretto at Tracadie Settlement in the year one thousand eight hundred and fifty, and for extending the buildings for the comfort of its inmates. Lazaretto at Tracadie.

To

J. Simpson,
Queen's Printer.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding six hundred pounds to pay John Simpson for printing the Journals of the present Session, and towards printing the Laws.

Prof. Johnston's
Agricultural
Report.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding one thousand pounds to provide for Professor Johnston's services in examining the Agricultural capabilities of this Province, and for his Report thereon, including the expenses attendant upon such examination.

Emigrant Agent,
Saint Andrews.

To the Acting Emigrant Agent at Saint Andrews the sum of seventy five pounds for his services in that capacity the past year.

Dr. Benson,
Vaccination.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding forty pounds to pay Doctor Benson for services performed in vaccinating the Poor in one thousand eight hundred and forty nine in various poor districts in Northumberland, under the sanction of the Government.

E. Coddington,
relief.

To Eliphas Coddington, of Grand Manan, the sum of ten pounds in consideration of heavy losses sustained in building Gun Boats for the use of the Province during the last American War, and to assist him in his destitute condition.

G. Cumming,
School service.

To George Cumming, a School Master in the City of Saint John, the sum of twenty pounds as some remuneration for having taught a large number of poor children gratis for many years past.

Postages.

To the Post Master at Fredericton the sum of five hundred and fifty three pounds one shilling and nine pence, being amount of Postages of the Legislature for the present Session.

Contingencies.

To the Clerk of the House of Assembly the sum of one thousand nine hundred and seventy three pounds eighteen shillings and three pence, being for the Contingent expenses during the present Session.

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

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

CAP. XXII.

An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.
Passed 26th April 1850.

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

Money granted for
Road Service.

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

Saint John to the
Nova Scotia Line.

Nine hundred pounds for the Road from Saint John to the Nova Scotia Line ; four hundred and fifty pounds of which to be laid out on that part of the Road leading from Saint John to Hayward's Mills, out of which sum seventy pounds to be laid out on the old Westmorland Road, and fifty pounds for the Road from
Tisdale's

Tisdale's Farm to the Cemetery; and the remainder, four hundred and fifty pounds, for the Road from Hayward's Mills to the Nova Scotia Line, fifty pounds of which to be paid to the Special Commissioners of Sewers, in part towards the expenses of keeping the Aboideau over the Au Lac in repair since its erection, fifteen pounds to be paid Thomas Blakeney balance due him for erecting a Bridge, and such part to be expended on the old Tantamar Road as may be necessary to keep the same in repair.

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

Fredericton to St. John, via Nerepis.

Three hundred pounds from Saint John to Saint Andrews; such sum as may be absolutely necessary to keep the Approaches on the west side of the Harbour of Saint John in repair, to be expended from this and the last Grant; seven pounds ten shillings to be paid to Nathan Smart for repairing a Bridge, as per Certificate of Supervisor.

Saint John to Saint Andrews.

Forty pounds from Nerepis to Gagetown.

Nerepis to Gagetown.

Forty pounds from Dorchester to Shediac.

Dorchester to Shediac.

Fifty pounds from Shediac to Petitcodiac.

Shediac to Petitcodiac.

Three hundred and fifty pounds from Richibucto to Chatham.

Richibucto to Chatham.

One hundred and fifty pounds from Newcastle to Bathurst.

Newcastle to Bathurst.

Fifty pounds from Bathurst to Belledune.

Bathurst to Belledune.

Three hundred pounds from Belledune to Metis Road; out of which twenty pounds to be paid Patrick Hayes for work performed on the Cottage Hill, near Dalhousie.

Belledune to Metis Road.

Seven hundred and twenty five pounds from Fredericton to Woodstock; out of which what is absolutely necessary on the north side of the River.

Fredericton to Woodstock.

Five hundred and fifty pounds from Woodstock to Arestook; one hundred and fifty pounds of which to be expended in aid of individual subscription towards the erection of a Bridge over the Becaguimic River.

Woodstock to Arestook.

Two hundred pounds from Arestook to the Grand Falls.

Arestook to Grand Falls.

One hundred and fifty pounds from Fredericton to the Finger Board.

Fredericton to the Finger Board.

Forty pounds from Bellisle to Scribner's.

Bellisle to Scribner's.

Six hundred and fifty pounds from Fredericton to Newcastle; out of which three hundred and twenty five pounds to be paid for the balance due on the erection of the Bridge over the South West Branch of the River Miramichi, and for covering the same; and twenty five pounds to be paid to John Wilson for running his Team Ferry Boat across the Miramichi River for the year one thousand eight hundred and fifty.

Fredericton to Newcastle.

Three hundred pounds from Fredericton to Saint Andrews; twenty pounds of which to be paid to David Hopkins, and ten pounds to Thomas Clooney and Andrew Hay for work performed on the Bridges on said Road, as certified by the Supervisor.

Fredericton to Saint Andrews.

Six hundred pounds from Salisbury to Harvey, including Bridge over Petitcodiac River.

Salisbury to Harvey.

Five hundred pounds from Shediac to Richibucto, including Bridges.

Shediac to Richibucto.

Seventy pounds from Waweig to Saint Stephen.

Waweig to Saint Stephen.

Forty

Woodstock to
Houlton.

Forty pounds from Woodstock to Houlton.

Oromocto to
Gagetown.

Thirty pounds from Oromocto to Gagetown.

Oak Bay to
Eel River.

Two hundred and seventy pounds from Oak Bay to Eel River.

Barker's Landing
to Richibucto, via
Newcastle and
Gaspereaux.

Five hundred pounds from Barker's Landing to Richibucto, via Newcastle and Gaspereaux; one hundred and twenty five pounds of which to be laid out between Fredericton and Newcastle River; one hundred and seventy five pounds from Newcastle to the Kent County Line; and two hundred pounds from Kent County Line to Richibucto.

Newcastle to
Bend of Petitcodiac

One hundred pounds from Newcastle to Bend of Petitcodiac, being part of the old Line of Road laid out between Fredericton and Petitcodiac.

Grand Falls to
Canada Line.

Four hundred and fifty pounds from Grand Falls to Canada Line; one hundred and fifty pounds of which for a Bridge over Little River near Webster's; forty pounds to L. R. Coombes for materials supplied for the Quisibis Bridge; and twenty pounds to Michael Curren, balance due him for a like service.

Saint John to
Quaco.

Three hundred pounds from Saint John to Quaco, including two hundred pounds for replacing Bridges.

Hampton to
Bellisle.

Twenty five pounds from Hampton to Bellisle.

Bathurst to
Miramichi, via
Pokemouche.

Two hundred and sixty five pounds from Bathurst to Miramichi, via Pokemouche, to be expended as follows:—One hundred pounds to be expended on that part of said Road situate in the County of Northumberland; and the remaining one hundred and sixty five pounds to be expended on that part of said Road situate in the County of Gloucester.

Cole's Island to
Cape Tormentine.

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

Grand Falls to
Am. Boundary.

Thirty pounds from Lower Landing, Grand Falls, to American Boundary.

Pickard's Line to
Am. Boundary.

Twenty five pounds from Pickard's Line to American Boundary.

Albert to St. John,
via Hammond
River.

Two hundred and fifty pounds from Albert to Saint John, via Hammond River; ten pounds of which to be paid to Michael M'Manus for building a Bridge; one hundred and twenty pounds to be expended between King's County Line and the commencement of the Road in Albert County; and the remainder, one hundred and twenty pounds, from King's County Line, through King's County and the County of Saint John, to the Great Road leading from Saint John to Saint Martin's.

Derry's to
Point Wolfe.

One hundred pounds from Isaac Derry's to Point Wolfe.

Dead Water Brook
to St. Stephen.

Fifty pounds from Dead Water Brook to Saint Stephen.

Roix' to Oak Bay.

One hundred and fifty pounds from Roix' to Oak Bay; one third of which to be laid out from Roix' to Digdeguash; one third from Digdeguash to the old Fredericton Road; and the remainder from Oak Bay towards the Fredericton Road.

Tisdale's to
Loch Lomond.

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

New Brunswick
and Nova Scotia
Land Company.

Three hundred pounds for the improvement of the Roads through the Lands of the Nova Scotia and New Brunswick Land Company.

Bye Roads in
Charlotte County.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one thousand three hundred and fifty seven pounds ten shillings for the several Bye Roads in the County of Charlotte, to be applied and expended agreeably to a Resolution of the House of Assembly passed on

on the fifth day of April in this present year of our Lord one thousand eight hundred and fifty, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of six hundred and sixty two pounds ten shillings for the several Bye Roads in the County of Victoria, to be applied and expended agreeably to the Resolution of the House of Assembly passed on the fifth day of April in this present year of our Lord one thousand eight hundred and fifty, and concurred in by the Legislative Council.

Bye Roads in the County of Victoria.

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

Bye Roads in the County of Carleton.

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

Bye Roads in the County of Restigouche.

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

Bye Roads in the County of Northumberland.

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

Bye Roads in the County of Kent.

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

Bye Roads in the County of Albert.

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

Bye Roads in the County of Westmorland.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of eight hundred and seventy five pounds for the several Bye Roads in the County of Gloucester, to be applied and expended agreeably to a Resolution of the House of Assembly passed on the eleventh day of April

Bye Roads in the County of Gloucester.

April in this present year of our Lord one thousand eight hundred and fifty, and concurred in by the Legislative Council.

Bye Roads in the County of Sunbury.

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

Bye Roads in Queen's County.

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

Bye Roads in King's County.

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

Bye Roads in the County of York.

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

Bye Roads in the County of St. John.

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

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

Duty of Commissioners in expending the money.

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

be let by auction as aforesaid; and it shall further be the duty of such Commissioners respectively to attend personally at the time and place so appointed, and there to let out to the lowest bidder such allotment or allotments, and at the same time to enter into written contracts for the faithful performance of the work in time and manner set forth in such contracts; and in cases when the work required to be performed cannot be conveniently let at auction, it shall be the duty of said Commissioners to agree with fit and proper persons to perform the same by days' labour; provided that in no case shall more than one quarter part of any Grant be so expended; and the said Commissioners shall severally keep an exact account of such moneys, and shall produce receipts in writing of the several and respective persons to whom any part of the said money shall be paid, as vouchers of such payments, and render an account thereof in duplicate, upon oath, (which oath any one of the Justices of the Peace in the several Counties is hereby authorized to administer,) one copy of which, with vouchers, to be transmitted to the Secretary's Office on or before the first day of December next, to be laid before the General Assembly at the next Session, and the other copy to be filed in the Office of the Clerk of the Peace in the respective Counties, for public information.

Accounts to be rendered in duplicate.

III. And be it enacted, That the before mentioned sums of money shall be paid by the Treasurer out of the moneys in the Treasury, or as payments may be made at the same, by Warrant of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council.

Money to be paid by Treasurer by Warrant.

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

Compensation to Commissioners.

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

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

VI. And be it enacted, That none of the before mentioned sums of money, or any part thereof, shall be laid out or expended in the making or improving any alteration that may be made in any of the said Roads, unless such alterations shall have been first laid out and recorded.

No money to be expended on alterations not recorded.

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

Commissioners to enter into Bonds for due performance of duties.

CAP. XXIII.

An Act relating to the Trade between this Province and the British West Indies.

Passed 26th April 1850.

Preamble.

WHEREAS it is deemed advisable to make provision for a reciprocal 'Trade between this Province and the British West Indies;'

Proclamation may be issued declaratory of articles admissible from the British West Indies duty free.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, whenever it may be thought advisable so to do, to declare by Proclamation what articles, the growth, production or manufacture of any or either of the British West India Possessions, may be imported into this Province free of Duty.

Limitation.

II. 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 two.

CAP. XXIV.

An Act relating to the Trade between this Province and the United States of America.

Passed 26th April 1850.

Preamble.

WHEREAS it is deemed advisable to make provision for a reciprocal 'Trade with the United States, in case any agreement therefor may be made before the next meeting of the Legislature;'

Proclamation may be issued declaratory of articles admissible from the United States duty free.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, whenever it may be thought advisable so to do, to declare by Proclamation what articles, the growth, production or manufacture of the United States of America, may be imported into this Province free of Duty.

CAP. XXV.

An Act to establish the amount of certain Silver Coins that shall be taken in payment as a legal tender in this Province.

Passed 26th April 1850.

Preamble.

WHEREAS the aliquot parts of certain Foreign Silver Coins in circulation in this Province are found materially deficient in weight, and it is necessary to limit the amount thereof to be taken as a legal tender;

Not more than five shillings in aliquot parts of silver coins not of the United Kingdom nor of the United States to be a legal tender.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the aliquot parts of all Silver Coins other than those of the United Kingdom of Great Britain and Ireland, and the United States of America, shall not be deemed a legal tender in this Province beyond the amount of five shillings in any one payment, unless of full weight, any law or usage now in force or to become in force in this Province to the contrary notwithstanding.

Limitation.

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

CAP. XXVI.

An Act to provide for the greater safety of Passengers on board of Steam Boats.

Passed 26th April 1850.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, no British Boat or Vessel propelled by steam, shall be permitted by the Captain or owner thereof to depart from any port or place in this Province to any port or place within or without this Province to Sea with passengers, without having on board or attached to such Boat or Vessel, in a convenient manner, good and efficient boats properly equipped, as follows:—For every Steamer of the registered tonnage of two hundred tons and upwards, not less than four good boats, of one hundred tons and upwards, not less than three good boats, under one hundred tons, not less than two good boats, with a sufficient number of good oars and other tackle necessary therefor, and every such boat, upon an average, of a sufficient capacity to carry at least twenty adult persons, exclusive of the crews; and no such vessel shall be permitted by the Captain or owner thereof to navigate in any of the Rivers or Inland Waters of this Province, with passengers, without having on board or attached to such Boat or Vessel in a convenient manner as aforesaid, at least two good and efficient boats properly equipped with oars and other tackle as aforesaid, of sufficient capacity to carry in the whole at least thirty adult passengers, exclusive of the crews.

No British Steam Vessel to proceed from this Province to sea with passengers without herein specified number of boats.

II. And be it enacted, That if any Master or owner shall permit any such Boat or Vessel to depart from any port or place in this Province, or to navigate in any of the Rivers or Inland Waters of this Province, without having on board or conveniently attached as aforesaid, such and so many good and efficient boats properly equipped with oars and other tackle as aforesaid, they or either of them shall forfeit the sum of fifty pounds for each and every time such Boat or Vessel shall so depart or navigate, without being so provided as aforesaid, to be recovered, levied and applied as is directed in and by the seventh section of this Act.

Penalty for plying by sea or in any of the Rivers of the Province without the specified boats.

III. And be it enacted, That the owner or Captain of every British Steam Boat or Vessel departing from any port or place in this Province to any port or place within or without the same, by Sea, with passengers, shall provide and have on board in some convenient place, not less than twenty four good and sufficient fire buckets, and six good and sufficient lanterns, under the penalty of fifty pounds for each and every time such Boat or Vessel shall so depart without being provided as aforesaid, to be recovered, levied and applied as is directed in and by the seventh section of this Act.

Fire buckets and lanterns to be provided for sea going boats.

IV. And be it enacted, That every Steam Boat or Vessel propelled by steam carrying passengers to or from any port or place within this Province, shall be provided with a good, safe and convenient gangway to the wharf at which she may be lying, such gangway to be not less than two feet wide, with a good hand rail on each side thereof, suitable for landing and embarking of passengers to and from such Steam Boat or Vessel as aforesaid, at all times of the tide; such landing or gangway to be separate and distinct from that used for landing or loading coals or cargo; and for the greater security of passengers, it shall be incumbent upon the Master or owner of such Vessel or Boat to have a good light placed at each end of such gangway for one hour after arrival at the wharf or place of landing and embarking passengers after dark, that is, from sunset to sunrise, under the penalty of ten pounds for each and every offence.

Steam Vessels carrying passengers to be provided with a safe gangway to the wharf, to be lighted after dark.

V. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the

Commissioners to be appointed for the Harbour and River

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Saint John, and Bay of Fundy, also for Charlotte County and Miramichi, to inquire into and report to the Lieutenant Governor deficiencies in the supply of boats, buckets or lanterns.

the advice of Her Majesty's Executive Council, to appoint three Commissioners resident at the City of Saint John, for the Harbour and River Saint John and the Bay of Fundy; and also three Commissioners resident within the County of Charlotte, for the Harbours and Inland Waters of the said County; and also three Commissioners residing at Miramichi, in the County of Northumberland, for the Rivers, Harbours, Inland Waters and Coasts of this Province within the Gulf of Saint Lawrence; which Commissioners so to be appointed, or which have been already appointed, or any one of them, shall be empowered, and they are hereby required and directed respectively to go on board, as often as need be, of any such Steam Vessel; and in the event of any such Steam Vessel departing or navigating without been equipped with boats, or furnished with fire buckets and lanterns as aforesaid, as is prescribed and directed in and by this Act, it shall be the duty of such Commissioners respectively, or some or one of them, to report the same to the Lieutenant Governor or Administrator of the Government for the time being, in order that the party or parties so offending may be proceeded against in the manner prescribed in and by the seventh section of this Act.

Commissioners to make regulations with penalties for the better management of Steam Vessels, so as to prevent collisions, &c.

VI. And be it enacted, That the Commissioners at the respective places before mentioned, or any two of them, shall have full power and authority, and are hereby required to make such rules and regulations, under such penalties as they may see fit, not exceeding ten pounds for any breach thereof, for the better management of Steam Vessels in navigating the Inland Waters and Harbours of this Province, and on the Coasts within the district thereof, for which they may be appointed, by directing the shewing of light or lights during the night, the shore to be kept nearest to when ascending and descending the River Saint John and other Rivers, and how sailing vessels shall be passed in order to prevent collision and accidents; and every Master, Commander or owner violating such rules and regulations, shall be subject not only to the penalties imposed by the said Commissioners for a breach of such rules and regulations from time to time made by them, but shall also be liable for any damage sustained in consequence of such violation; and that from and after the passing of this Act it shall be the duty of the Master, owner, or person in charge of any Steam Vessel plying in the waters of New Brunswick and in the Bay of Fundy, to carry at the top of a staff, to be erected for that purpose near the stem of such Steam Vessel, at night, during the time she is under way, a good, clear and distinct signal light, the said light to be not less than twelve feet above the deck, and at least three feet below the top of the funnel; and when within four miles of her port of destination, to place or cause to be placed above the end of the bowsprit of such vessel, if such vessel shall have a bowsprit, and if not, then over the top of the stem, a good, clear and distinct light, which light shall be so kept until alongside the wharf, under the same penalty as may be imposed by the said Commissioners for a breach of the rules made by them for shewing lights during the night.

Liability for damages.

Signal lights to be carried at night.

Prosecution and application of penalties.

VII. And be it enacted, That every penalty and forfeiture imposed by this Act, or by the said Commissioners for a breach of their rules or regulations, may be sued for and prosecuted by action of debt, bill, plaint, or information, in the Supreme Court of Judicature of this Province, by any person who shall sue and prosecute for the same, together with costs of suit; and on recovery, one moiety thereof to be applied to the person who may sue and prosecute, and the other moiety to be paid into the Treasury of the Province for the use of the Government thereof.

Fact of exploding, &c., to be prima facie evidence of carelessness.

VIII. And be it enacted, That in all cases when any damage or injury shall be sustained by any person, being a passenger on board any Vessel propelled by steam,

steam, by the exploding, collapsing, or giving way of any part of the machinery of such Vessel, the fact of such exploding, collapsing or giving way shall in all actions to be prosecuted against the Master or owner of such Vessel by the person so sustaining injury, be taken to be *prima facie* evidence of carelessness and negligence in such master or owner.

IX. And be it enacted, That the several Commissioners already appointed under and by virtue of any Act or Acts of the Assembly of this Province, shall continue in their respective offices until others shall be appointed in their stead, and that all rules and regulations heretofore made shall continue and remain in force until others shall be made in their stead.

X. And be it enacted, That an Act made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to continue and amend the several Acts to provide for the greater safety of Passengers on board Steam Boats*, be and the same is hereby repealed.

Commissioners already appointed, and regulations already made, to continue until others are appointed and made.

Act 10 V. c. 31, repealed.

CAP. XXVII.

An Act to continue an Act to make provision for Seamen shipped on board of Vessels belonging to this Province. 8 V. c. 87.

Passed 26th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the eighth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to make provision for the regulation of Seamen shipped on board of or belonging to all Ships or Vessels registered in or belonging to the Province of New Brunswick, while such Ships or Vessels shall be within the precincts thereof*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five.

Act 8 V. c. 87, continued.

CAP. XXVIII.

An Act to continue several Acts providing for the more efficient inspection of Flour and Meal. 8 V. c. 77.

Passed 26th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the eighth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to provide for the more efficient inspection of Flour and Meal*; also an Act made and passed in the ninth year of the same Reign, intituled *An Act to alter and amend an Act for the more efficient inspection of Flour and Meal*, be and the same are hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five.

Act 8 V. c. 77, and

9 V. c. 66, continued.

CAP. XXIX.

An Act to limit the operations of an Act, intituled *An Act for the adjustment of claims of certain purchasers of Crown Lands*. 12 V. c. 73.

Passed 26th April 1850.

WHEREAS it is deemed advisable that a time should be appointed within which all claims should be preferred under the provisions of an Act made and passed in the twelfth year of Her Majesty's Reign, intituled *An Act for the adjustment of claims of certain purchasers of Crown Lands*;

Preamble.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That all applications for relief under the provisions of the said recited Act, shall be made on or before the first day of January in the year of our Lord one thousand eight hundred and fifty one.

Applications for relief under the Act 12 V. c. 73, to be made by 1st January, 1851.

CAP. XXX.

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

Passed 26th April 1850.

Repeal of Acts

26 G 3, c 28,

26 G 3, c 33,

26 G 3, c 34,

26 G 3, c 38,

26 G 3, c 42,

26 G 3, c 43,

26 G 3, c 48,

26 G 3, c 49,

27 G 3, c 8,

28 G 3, c 8,

29 G 3, c 3,

32 G 3, c 3,

33 G 3, c 6,

33 G 3, c 9,

34 G 3, c 3,

39 G 3, c 7,

39 G 3, c 8,

42 G 3, c 3,

43 G 3, c 6,

45 G 3, c 7,

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the twenty sixth year of the Reign of King George the Third, intituled *An Act for the appointment of Town and Parish Officers in the several Counties in this Province*; also an Act made and passed in the same year, intituled *An Act for regulating and facilitating the Navigation of the River Saint John and other Rivers in this Province*; also an Act made and passed in the same year, intituled *An Act for securing the Navigation of the River Magaguadavic*; also an Act made and passed in the same year, intituled *An Act to enable the Justices of the Peace of the several Counties in this Province for the time being, to receive for public uses Grants of Land lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same*; also an Act made and passed in the same year, intituled *An Act for assessing, collecting and levying County Rates*; also an Act made and passed in the same year, intituled *An Act to regulate and provide for the support of the Poor in this Province*; also an Act made and passed in the same year, intituled *An Act against Forestallers and Regraters*; also an Act made and passed in the same year, intituled *An Act establishing the rates to be taken for Wharfage and Cranage of Ships and other Vessels within the limits of this Province*; also an Act made and passed in the twenty seventh year of the said Reign, intituled *An Act in addition to an Act, intituled 'An Act for assessing, collecting and levying County Rates'*; also an Act made and passed in the twenty eighth year of the said Reign, intituled *An Act to empower the Justices of the Sessions in the several Counties in this Province to make such Regulations respecting Markets and Ferries within such Counties as may be found necessary*; also an Act made and passed in the twenty ninth year of the said Reign, intituled *An Act in amendment of an Act, intituled 'An Act for assessing, collecting and levying County Rates'*; also an Act made and passed in the thirty second year of the said Reign, intituled *An Act to provide for the maintenance of Bastard Children*; also an Act made and passed in the thirty third year of the said Reign, intituled *An Act in amendment of an Act, intituled 'An Act to regulate and provide for the support of the Poor in this Province'*; also an Act made and passed in the said last mentioned year of the said Reign, intituled *An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province*; also an Act made and passed in the thirty fourth year of the said Reign, intituled *An Act to explain and amend an Act, intituled 'An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province'*; also an Act made and passed in the thirty ninth year of the said Reign, intituled *An Act to authorize the Justices of the Peace of Sessions in the several Counties in this Province to make Regulations for the weighing of Hay within such Counties where it may be found necessary to erect machines for that purpose*; also an Act made and passed in the said last mentioned year of the said Reign, intituled *An Act to prevent the importation or spreading of infectious Distempers within this Province*; also an Act made and passed in the forty second year of the said Reign, intituled *An Act for altering the times of holding the Courts of General Sessions of the Peace and Common Pleas in the County of Westmorland*; also an Act made and passed in the forty third year of the said Reign, intituled *An Act for regulating the exportation of Butter*; also an Act made and passed in the forty fifth year of the said Reign, intituled *An Act to alter and amend an Act, intituled 'An Act for securing the Navigation of*
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the River Magaguadavic; also an Act made and passed in the said last mentioned year, intituled *An Act for the regulation of Booms for securing Masts, Logs and Lumber in the County of Charlotte;* also an Act made and passed in the said last mentioned year, intituled *An Act to amend an Act for regulating the exportation of Butter;* also an Act made and passed in the forty seventh year of the said Reign, intituled *An Act to empower the Justices of the Peace for the County of Charlotte, in their General Sessions, to regulate the Fisheries in the said County;* also an Act made and passed in the fiftieth year of the said Reign, intituled *An Act in addition to an Act, intituled 'An Act to empower the Justices of the Sessions in the several Counties in this Province to make such Regulations respecting Markets and Ferries within such Counties as may be found necessary;'* also an Act made and passed in the said last mentioned year, intituled *An Act for the further regulation of Fisheries, and for preventing their decay;* also an Act made and passed in the said last mentioned year, 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;* also an Act made and passed in the fifty fourth year of the said Reign, intituled *An Act to make perpetual several Acts of the General Assembly which are near expiring;* also an Act made and passed in the said last mentioned year, intituled *An Act to repeal an Act, intituled 'An Act in alteration and amendment of an Act for establishing the rates to be taken for Wharfage and Cranage,' and for substituting other alterations and amendments of the same Act therein recited in lieu thereof;* also an Act made and passed in the fifty sixth year of the said Reign, intituled *An Act to alter an Act, intituled 'An Act for the further regulation of Fisheries, and for preventing their decay,' and also to alter another Act, intituled 'An Act to alter and amend an Act, intituled "An Act for the further regulation of Fisheries, and for preventing their decay;"'* also an Act made and passed in the fifty seventh year of the said Reign, intituled *An Act for appointing Firewards in the Towns of Fredericton and Saint Andrews, and ascertaining their power and duty, and more effectually to prevent Fires in the said Towns;* also an Act made and passed in the fifty eighth year of the said Reign, intituled *An Act to prevent the destruction of the Cod and Scale Fisheries in the Bays and Harbours of this Province;* also an Act made and passed in the said last mentioned year, intituled *An Act to empower and authorize the Justices of the Peace for the County of Charlotte to lease a certain piece of Common Land in the Parish of Saint Andrews, and to invest the proceeds toward the support of the Poor of the said Parish;* also an Act made and passed in the fifty ninth year of the said Reign, intituled *An Act to make perpetual several Acts of the General Assembly which are near expiring;* also an Act made and passed in the sixtieth year of the said Reign, intituled *An Act to prevent the taking of Fish in the different Harbours and Rivers of this Province with Drift Nets;* also an Act made and passed in the second year of the Reign of King George the Fourth, intituled *An Act to make more effectual Regulations relating to Pilots within this Province;* also an Act made and passed in the third year of the said last mentioned Reign, intituled *An Act to extend the provisions of an Act for appointing Firewards in the Towns of Fredericton and Saint Andrews, and ascertaining their power and duty, and for more effectually preventing Fires in the said Towns, to the Parish of Portland, in the County of Saint John;* also an Act made and passed in the said last mentioned year, intituled *An Act to make perpetual an Act to prevent the destruction of the Cod and Scale Fisheries in the Bays and Harbours of this Province;* also an Act made and passed in the said last mentioned year, intituled *An Act to amend an Act, intituled 'An Act to prevent the importation or spreading of infectious Distempers within this Province;'* also an Act made and passed

- 3 G 4, c 28, passed in the said last mentioned year, intituled *An Act to repeal all the Laws made for preventing the incumbering or filling up of Harbours, and to authorize the appointment of Harbour Masters, and to make more effectual provision for the same;*
- 3 G 4, c 29, also an Act made and passed in the said last mentioned year, intituled *An Act in addition to an Act, intituled 'An Act for the appointment of Town or Parish Officers in the several Counties of this Province;'* also an Act made and passed in the fourth
- 4 G 4, c 7, year of the said last mentioned Reign, intituled *An Act in addition to an Act, intituled 'An Act for the regulation of Booms for securing Masts, Logs and Lumber in the County of Charlotte;'* also an Act made and passed in the fifth year of the
- 5 G 4, c 8, said last mentioned Reign, intituled *An Act to authorize the Justices of the Peace for the County of Charlotte to make Regulations for the Market Wharf at Saint Andrews;* also an Act made and passed in the seventh year of the said last mentioned
- 7 G 4, c 22, Reign, intituled *An Act for regulating the Salmon and Shad Fisheries, so far as the same may relate to the River Petitcodiac, in the County of Westmorland;* also
- 8 G 4, c 18, an Act made and passed in the eighth year of the said last mentioned Reign, intituled *An Act to repeal an Act, intituled 'An Act to prevent the destruction of Sheep by Dogs,' and to make other and more effectual provision for the prevention thereof;* also an Act made and passed in the ninth year of the said last mentioned
- 9 G 4, c 23, Reign, intituled *An Act to authorize the Justices of the Peace of the County of Kent to make Rules and Regulations respecting the taking of Fish in the different Harbours, Rivers and Creeks in the said County;* also an Act made and passed in the said
- 9 & 10 G 4, c 15, last mentioned year, intituled *An Act to regulate the appointment of County Treasurer;*
- 9 & 10 G 4, c 25, also an Act made and passed in the said last mentioned year, intituled *An Act providing for the publication of the County Accounts;* also an Act made and passed
- 9 & 10 G 4, c 26, in the said last mentioned year, intituled *An Act to authorize the extension of the Gaol Limits in the Town of Fredericton;* also an Act made and passed in the tenth
- 10 & 11 G 4, c 17, and eleventh years of the said last mentioned Reign, intituled *An Act in addition to an Act, intituled 'An Act to enable the Justices of the Peace of the several Counties in this Province for the time being, to receive for public uses Grants of Land lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same;'* also an Act made and passed in the first year
- 1 W 4, c 9, of the Reign of His late Majesty King William the Fourth, intituled *'An Act to repeal all the Acts in force relating to trespasses, and to make more effectual provisions for the same;'* also an Act made and passed in the said last mentioned year,
- 1 W 4, c 22, intituled *An Act relating to trespasses by Horses and Swine in the Parish of Fredericton and the Town of Saint Andrews;* also an Act made and passed in the said
- 1 W 4, c 25, last mentioned year, intituled *An Act to continue and amend an Act, intituled 'An Act for regulating the Salmon and Shad Fisheries, so far as the same may relate to the River Petitcodiac, in the County of Westmorland;'* also an Act made and passed
- 1 W 4, c 28, in the said last mentioned year, intituled *An Act to authorize the Justices of the Peace at any General or Special Sessions, to make Regulations for the destruction or confinement of Dogs during the prevalence of Canine Madness or Hydrophobia in any part of the Province;* also an Act made and passed in the said last mentioned
- 1 W 4, c 31, year, intituled *An Act to authorize the extension of the Gaol Limits in the County of Charlotte;* also an Act made and passed in the second year of the said last mentioned
- 2 W 4, c 2, Reign, intituled *An Act to authorize a further extension of the Gaol Limits in the Town of Fredericton;* also an Act made and passed in the said last mentioned
- 2 W 4, c 6, year, intituled *An Act to repeal an Act, intituled 'An Act in addition to an Act, intituled "An Act for the appointment of Town and Parish Officers in the several Counties in this Province;"'* also an Act made and passed in the third year of the
- 3 W 4, c 8, said last mentioned Reign, intituled *An Act to amend the Acts for the appointment*

of Town or Parish Officers in the several Counties in this Province; also an Act made and passed in the fourth year of the said last mentioned Reign, intituled *An Act to provide for the establishing and maintaining of Booms for securing Masts, Logs and Lumber in the County of Gloucester*; also an Act made and passed in the said last mentioned year, intituled *An Act to protect the Gaspereaux Fishery in the Harbour and River of Miramichi, in the County of Northumberland*; also an Act made and passed in the said last mentioned year, intituled *An Act to provide for the safe keeping of County Records*; also an Act made and passed in the fifth year of the said last mentioned Reign, intituled *An Act to authorize the Grand Jurors of the several Counties within this Province to inspect the Public Accounts*; also an Act made and passed in the sixth year of the said last mentioned Reign, intituled *An Act to explain, amend, and in addition to an Act, intituled 'An Act to make more effectual Regulations relating to Pilots within this Province'*; also an Act made and passed in the said last mentioned year, intituled *An Act in amendment of the Acts relating to Trespasses*; also an Act made and passed in the seventh year of the said last mentioned Reign, intituled *An Act to extend the Gaol Limits in the County of Carleton*; also an Act made and passed in the eighth year of the said last mentioned Reign, intituled *An Act for the appointment of Firewards, and the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John*; also an Act made and passed in the first year of the Reign of Her Majesty Queen Victoria, intituled *An Act to authorize the extension of the Gaol Limits in the Parish of Fredericton*; also an Act made and passed in the said last mentioned year, intituled *An Act to amend the Law relating to the inspection of the Public Accounts by Grand Juries, so far as relates to the County of Charlotte*; also an Act made and passed in the said last mentioned year, intituled *An Act to authorize the Justices of the Peace in the County of Carleton to levy an assessment to pay off the County Debt*; also an Act made and passed in the said last mentioned year, intituled *An Act to amend an Act, intituled 'An Act establishing the rates to be taken for Wharfage and Cranage of Ships and other Vessels within the limits of this Province'*; also an Act made and passed in the second year of the said last mentioned Reign, intituled *An Act to amend the Law relating to Bastardy*; also an Act made and passed in the fourth year of the said last mentioned Reign, intituled *An Act to amend an Act, intituled 'An Act for the appointment of Firewards, and the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John'*; also an Act made and passed in the said last mentioned year, intituled *An Act further to amend the Law relating to Bastardy*; also an Act made and passed in the fifth year of the said last mentioned Reign, intituled *An Act to authorize the Justices of the Peace for the County of Charlotte to make Regulations for the Market Wharf in the Parish of Saint Stephen*; also an Act made and passed in the said last mentioned year, intituled *An Act to repeal an Act, intituled 'An Act to prevent the taking of Fish in the different Harbours and Rivers of this Province with Drift Nets, so far as the same relates to the County of Westmorland'*; also an Act made and passed in the sixth year of the said last mentioned Reign, intituled *An Act to authorize the Justices of the Peace in the several Counties to make Rules and Regulations for the Public Wharves and Landings in their respective Counties*; also an Act made and passed in the said last mentioned year, intituled *An Act to exempt the Members of the Fire Engine Company in the Parish of Woodstock, in the County of Carleton, from certain Parochial and County duties*; also an Act made and passed in the said last mentioned year, intituled *An Act to authorize the extension of the Gaol Limits in the Parish of Fredericton*; also an Act made and

- 6 V c 25, and passed in the said last mentioned year, intituled *An Act to amend the Laws now in force relating to Trespasses*; also an Act made and passed in the said last mentioned year, intituled *An Act relating to the appointment of Special Constables*; also an Act made and passed in the seventh year of the said last mentioned Reign, intituled *An Act to authorize the Justices of the Peace in the County of Kent to levy an assessment to defray the Contingent Expenses of the County*; also 7 V c 3, an Act made and passed in the said last mentioned year, intituled *An Act to authorize the Justices of the Peace for the County of Charlotte to make further provision for the payment of the Treasurer of that County*; also an Act made and 7 V c 4, passed in the said last mentioned year, intituled *An Act to authorize the Justices of the Peace of the County of Charlotte to levy an assessment to pay off the County Debt*; also an Act made and passed in the said last mentioned year, intituled *An Act to empower the Justices of the Peace for the County of Gloucester, in their General Sessions, to regulate the Fisheries in the said County*; also an Act made 7 V c 13, and passed in the said last mentioned year, intituled *An Act to amend an Act, intituled 'An Act to make more effectual Regulations relating to Pilots within this Province'*; also an Act made and passed in the eighth year of the said last mentioned Reign, intituled *An Act to repeal the Act, intituled 'An Act for the better and more effectual securing the Navigation of the River Saint Croix in the County of Charlotte, and to make other and more effectual provision relating to the same'*; also an Act made and passed in the said last mentioned year, intituled *An Act further to amend the Law relating to Bastardy*; also an Act made and passed in 8 V c 58, the said last mentioned year, intituled *An Act to authorize the extension of the Gaol Limits in the County of Gloucester*; also an Act made and passed in the said last mentioned year, intituled *An Act to prevent malicious injuries to Nets and Seines set for taking Fish in this Province*; also an Act made and passed in 8 V c 100, the said last mentioned year, intituled *An Act relating to the Collectors of Parish and County Rates*; also an Act made and passed in the ninth year of the said last mentioned Reign, intituled *An Act to remove doubts respecting the competency of Witnesses in certain cases*; also an Act made and passed in the said last mentioned 9 V c 4, year, intituled *An Act to amend and explain an Act, intituled 'An Act to repeal all the Acts in force relating to Trespasses, and to make more effectual provision for the same'*; also an Act made and passed in the said last mentioned year, intituled 9 V c 5, *An Act to authorize the Justices of the Peace for the County of Restigouche to levy an assessment to pay off the County Debt*; also an Act made and passed in the said last mentioned year, intituled *An Act to authorize the Justices of the Peace for the County of Kent to levy an assessment to defray the Contingent Expenses of the said County*; also an Act made and passed in the said last mentioned year, intituled 9 V c 9, *An Act to authorize Her Majesty's Justices of the Peace of the County of Gloucester to assess the said County for payment of the County Debt*; also an Act made and passed in the said last mentioned year, intituled *An Act to authorize Her Majesty's Justices of the Peace for the County of Northumberland to assess the said County to pay off the County Debt*; also an Act made and passed in the said last mentioned 9 V c 10, year, intituled *An Act to authorize Her Majesty's Justices of the Peace for the County of Charlotte to levy an assessment to pay off the County Debt*; also an Act made and passed in the said last mentioned year, intituled *An Act to authorize Her Majesty's Justices of the Peace for the County of Charlotte to levy an assessment to pay off the County Debt*; also an Act made and passed in the said last mentioned year, intituled *An Act to authorize Her Majesty's Justices of the Peace for the County of Carleton to levy an assessment to pay off the County Debt*; also an Act made and passed in the said last mentioned 9 V c 11, year, intituled *An Act relating to the fencing, occupation and grazing of the several Marshes, Low Lands and Meadows in the County of Albert*; also an Act made and 9 V c 12, passed in the tenth year of the said last mentioned Reign, intituled *An Act to*
- 10 V c 4, suspend

suspend the operation of the sixth and seventh sections of an Act for the further regulation of Fisheries, and for preventing their decay in certain cases; also an Act made and passed in the said last mentioned year, intituled *An Act to extend the provisions of an Act, intituled 'An Act to repeal the Laws now in force for appointing Firewards, and the better extinguishing of Fires, so far as the same relate to the Towns of Newcastle and Chatham, in the County of Northumberland, and to make Regulations more suitable for the said Towns, and for other purposes therein mentioned,' to the Town of Douglastown, in the said County;* also an Act made and passed in the said last mentioned year, intituled *An Act to repeal several Acts now in force relating to laying a tax on Dogs in certain Counties in this Province;* also an Act made and passed in the said last mentioned year, intituled *An Act to authorize Her Majesty's Justices of the Peace of the County of York to levy an assessment to pay off the County Debt;* also an Act made and passed in the said last mentioned year, intituled *An Act to authorize Her Majesty's Justices of the Peace for the County of York to levy an assessment to pay off the Debt due upon the new Gaol recently erected in the said County;* also an Act made and passed in the said last mentioned year, intituled *An Act to authorize Her Majesty's Justices of the Peace for the County of York to levy an assessment for the payment of the Officers of the said County;* also an Act made and passed in the said last mentioned year, intituled *An Act to authorize Her Majesty's Justices of the Peace of the County of Gloucester to make provision for the payment of the County Contingencies;* also an Act made and passed in the said last mentioned year, intituled *An Act to authorize the Justices of the Peace for the County of Kent to assess the inhabitants of the said County for the Contingent Expenses thereof;* also an Act made and passed in the said last mentioned year, intituled *An Act relating to Lands reserved for Schools or Educational purposes;* also an Act made and passed in the said last mentioned year, intituled *An Act to amend an Act, intituled 'An Act to repeal all the Laws now in force for appointing 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;'* also an Act made and passed in the said last mentioned year, intituled *An Act to amend an Act, intituled 'An Act for the appointment of Town and Parish Officers in the several Counties in this Province;'* also an Act made and passed in the eleventh year of the said last mentioned Reign, intituled *An Act to authorize the Justices of the Peace in the several Counties of this Province to make Regulations for the Markets;* also an Act made and passed in the said last mentioned year, intituled *An Act to explain an Act, intituled 'An Act to enable the Justices of the Peace of the several Counties in this Province for the time being, to receive for public uses Grants of Land lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same;'* also the fifth section of an Act made and passed in the said last mentioned year, intituled *An Act to amend an Act to provide for increasing the number of Special Constables in the City of Saint John, and for appointing Special Constables in the City and County of Saint John;* also an Act made and passed in the twelfth year of the said last mentioned Reign, intituled *'An Act to authorize Her Majesty's Justices of the Peace in the County of Albert to designate the Gaol Limits of said County;'* also an Act made and passed in the said last mentioned year, intituled *An Act in addition to an Act to regulate the ungranted Ferries in this Province;* also an Act made and passed in the said last mentioned year, intituled *An Act to alter and amend an Act, intituled 'An Act to provide for the collection of County and Parish Rates;'* be and the same are hereby repealed :

Provided

Reservations : Appointments.	Provided always, that all appointments of Town or Parish Officers and of County Officers, as well as of Firewards and Firemen, made under and by the authority and according to the provisions of any of the said Acts hereby repealed, shall be and remain and continue good and valid and effectual, until other appointments are made in lieu thereof, under and by virtue of the provisions of this Act ;
Rules and regulations.	And that all rules and regulations now in force, and which have been made under and by virtue of any of the Acts hereby repealed, shall be, remain, and continue in full force and effect, so far as the same are in accordance with the said Acts, or any of them, until other rules and regulations are duly made in lieu thereof, according to the provisions of this Act :
Assessments.	Provided also, that all assessments heretofore made and not yet collected, or which may be made before this Act comes into operation, shall be and remain as valid and effectual, and shall be proceeded for and collected in the same manner as if the Act or Acts under which the same were respectively made, were still in full force and effect ;
Fines and penalties.	And that all fines and penalties heretofore imposed under and by virtue of any of the said Acts, may be recovered and applied in the manner provided for in and by the said Acts, or any of them, as if the Act or Acts by which they were imposed were still in full force and effect ;
Bonds, recognizances, &c.	And that all bonds, recognizances, judgments, and securities, given, recovered or entered into under and by virtue of the provisions of any of the said Acts, shall be and remain in full force and effect in all respects as if this Act had not been passed ;
Title of property held by Justices.	And that all property, real or personal, now held by any Justices of the Peace of any County, either in trust or otherwise, for the use and benefit of such County, shall be and remain so held to all intents and purposes under the provisions of this Act ;
Leases and conveyances.	And that all leases and conveyances of any property made under and by virtue of any of the said Acts, shall in no wise be affected by the repeal of any of the said Acts ;
Actions at law.	And that all actions at law which may have been commenced in any Court, based upon any of the provisions of any of the said Acts, may still be proceeded with in all respects as if this Act had not been passed ;
Matters commenced.	And that all other matters and things commenced under and by virtue of any of the provisions of the said Acts, may be proceeded with and completed according to such provisions, in the same manner as if the said Acts were still in full force and effect ;
Matters done.	And that all other acts, matters and things heretofore done under and by virtue of any of the said Acts, shall be and remain good, valid and effectual, so far as they or any of them are according to the provisions of the said Acts, or any of them :
Gaol Limits.	Provided also, that all gaol limits fixed or established under and by virtue of any of the Acts hereby repealed, or under and by virtue of any Acts which may expire during the present year, be and remain so established until such gaol limits are further defined and established by the General Sessions, under and by the authority of this Act ;
Repeals.	Provided also, that nothing in this Act contained shall be deemed or construed to repeal the provisions of any Act not hereby expressly repealed, and that no Act or part of an Act repealed by any of the said Acts hereby repealed, shall revive or come into force after the passing of this Act ;
Corporation rights, Saint John and Fredericton.	And also provided, that nothing in this Act contained shall be construed to affect,

affect, or in any wise to interfere with the rights, powers, duties, authorities or privileges of the Corporation of the City of Saint John, or of the City of Fredericton.

II. And be it enacted, That the Schedule to this Act annexed shall be deemed and taken to be parcel of this Act, and that the Analysis, and all the Sections of such Schedule, and all the Articles of such Sections, and the Headings, Summaries of Contents, and numbers thereof respectively, shall all be deemed and taken to be enacted by this present Act, as if such Analysis, and every of such Sections, Articles, Headings, Summaries of Contents, and Numbers, had been expressly and in terms herein recited with the usual words and in the usual forms of enactment, or declaration, or proviso, as the case may be.

Schedule to the Act to be deemed part thereof.

III. And be it enacted, That the several Forms in the Schedule to this Act contained, or Forms to the same or the like effect, shall be deemed good, valid and sufficient in law.

Forms in Schedule to be valid.

IV. And be it enacted, That all Fees charged and taken under and by virtue of any of the provisions in the Schedule to this Act contained, except where otherwise provided for, shall be according to the Tables of Fees in Section XVII. of the said Schedule.

No fees chargeable except as in Schedule.

V. And be it enacted, That this Act may be altered or amended at any time during the present Session of the Legislature.

Act may be amended.

ANALYSIS OF THE FOLLOWING SCHEDULE.

Analysis of Schedule.

SECTION.

- I. *Election and appointment of Town, Parish and County Officers.*
- II. *Rates and Taxes.*
- III. *Compensation to Officers, and Rewards.*
- IV. *Bastardy.*
- V. *Infectious Distempers.*
- VI. *Prevention and extinguishing of Fires.*
- VII. *Harbours.*
- VIII. *Fences, Trespasses, and Pounds.*
- IX. *Protection of Sheep from Dogs.*
- X. *Power to make Rules and Regulations in certain specified cases.*
- XI. *Dams, and Sluiceways, and Fishways.*
- XII. *Lands for Public uses, and School Reserves.*
- XIII. *County Buildings and County Offices.*
- XIV. *County Contingencies and Assessments therefor, and County Accounts.*
- XV. *Actions against Officers, and recovery of Penalties.*
- XVI. *Rules of Construction.*
- XVII. *Forms, and Table of Fees.*

SCHEDULE

SCHEDULE TO WHICH THIS ACT REFERS.

SECT. I.—ELECTION AND APPOINTMENT OF TOWN, PARISH AND COUNTY OFFICERS.

SUMMARY OF CONTENTS.

Article 1, Parish Officers to be elected; Art. 2, Time and place of Election; Art. 3 & 4, Mode of Election; Art. 5, List to be sent to Clerk of the Peace; Art. 6, Election to be confirmed by Sessions; Art. 7, If no Election, Sessions may appoint; Art. 8, Other Officers to be appointed by Sessions; Art. 9, All Officers to be sworn within fourteen days; Art. 10, Persons refusing to act, how supplied; Art. 11, Penalty for refusal or misconduct; Art. 12, Constable may be dismissed for misconduct; Art. 13, Special Constables, and Oath of Office; Art. 14, Powers and privileges of Special Constables; Art. 15, Who may not be Treasurer or Auditor; Art. 16, Security by County Treasurer; Art. 17, Duty of Treasurer; Art. 18, Discharge of Treasurer; Art. 19, Special Sessions, how convened; Art. 20, Number of Justices required.

ART. 1.

Parish Officers to be annually elected.

From and after the time when this Act shall come into operation, the following Town and Parish Officers, or so many thereof as shall be deemed necessary, shall be annually elected in and for every Town or Parish, viz:—

3 Overseers of the Poor,	2 or more Constables,
3 Commissioners of Roads,	1 or more Collectors of Rates,
1 Town or Parish Clerk,	2 or more Fence Viewers,
2 or more Pound Keepers,	1 Clerk of the Market,
2 or more Hog Reeves,	2 or more Boom Masters,
1 or more Surveyors of Dams,	1 or more Inspectors of Butter,
1 or more Sealers of Leather,	1 or more Surveyors of Grindstones,
3 Assessors of Rates,	1 or more Field Drivers.
3 or more Surveyors of Roads,	

ART. 2.

Time and place of election.

The said Officers shall be elected as follows: On the Tuesday next preceding the General Sessions at which Town and Parish Officers are to be appointed, the rate payers on property in the Parish, and who shall have paid their rates for the previous year, or so many thereof as may see fit, shall attend at some convenient place, to be selected and notified by the Town Clerk, and shall there elect, by a majority of votes, a Chairman to preside over their meeting, and of which the Town Clerk shall act as Secretary.

ART. 3.

Mode of election.

It shall be the duty of the Chairman to call upon the meeting to propose separately such persons as they may desire for Town and Parish Officers, and upon each proposition to take the opinion of the meeting, and to decide as to the majority of votes.

ART. 4.

Upon the election of each person, his name and office shall be written down by the Town Clerk, and read aloud to the meeting before any other officer is elected.

ART. 5.

List of officers elected to be sent to Clerk of the Peace.

After the officers are all elected, a correct list shall be made out and certified by the Chairman, and attested by the Town Clerk, and forthwith forwarded to the Clerk of the Peace of the County, to be laid before the next General Sessions at the opening of the Court.

ART. 6.

ART. 6.

The persons so selected and certified shall in all cases be confirmed in their offices by the General Sessions, and shall continue in office for one year.

Election to be confirmed by the Sessions.

ART. 7.

If the rate payers of any Parish fail so to elect the officers as hereinbefore provided, or shall not elect a sufficient number, or if no certified list be laid before the Court, the General Sessions are authorized and empowered to make the necessary appointments.

If no election, Session may appoint.

ART. 8.

In addition to the officers so elected, the General Sessions shall, if necessary, from time to time appoint and remove at pleasure, a County Treasurer, a County Auditor, two or more Overseers of Fisheries, two or more Inspectors of Fish, one or more Wharfingers, and such and so many Port Wardens, Harbour Masters, Pilots and Firewards as to the General Sessions may seem necessary; provided that no person shall be appointed a Pilot until first recommended by the Port Wardens, or the major part of them.

Other officers to be appointed by the Sessions.

ART. 9.

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

All officers to be sworn.

ART. 10.

In case of refusal or neglect to serve, or in case of the death or removal of any person so elected or appointed during the year, any two Justices of the Peace for the County may appoint a fit person to any such vacant office until the next General Sessions, when another person may be appointed in his place if it shall be deemed necessary; and if any person so appointed by two Justices of the Peace shall refuse or neglect to serve, any two Justices of the Peace as aforesaid may appoint another in his place, and so on as often as a similar case may occur.

Vacant offices to be supplied.

ART. 11.

If any person elected or appointed to any of the said offices shall refuse to serve, or shall be guilty of any misbehaviour or neglect of duty not hereinafter otherwise specially provided for, such person shall forfeit and pay the sum of forty shillings.

Penalty for refusing to serve or for misconduct.

ART. 12.

In addition to any penalty imposed for misbehaviour or neglect of duty of any Constable, any Sessions may dismiss from office any such Constable, and appoint another person in his place.

Constables may be dismissed for misconduct.

ART. 13.

If any two Justices of the Peace shall deem it necessary at any time to appoint additional Constables in any Parish, for the preservation of the Peace, such Justices of the Peace are hereby authorized to appoint so many persons as they shall think fit, to act as Special Constables for the said Parish; and the said Justices shall at the time of such appointment administer to each of the said Special Constables the following oath:—"I do swear, that I will well and truly discharge the duty of Special Constable, without favour or affection, malice or ill will, and that I will, to the best of my power, cause the Peace to be kept and preserved, and prevent all offences against the persons and properties of Her Majesty's Subjects, while I continue to hold the said Office.—So HELP ME GOD."

Appointment of Special Constables.

ART. 14.

ART. 14.

Powers, authorities
and immunities of
Special Constables.

Every Special Constable so appointed shall have and enjoy all such powers, authorities and immunities as any Constable, duly appointed, now has by virtue of the Common or Statute Laws and Acts of Assembly; and if any person assault or resist any such Special Constable whilst in the execution of his office, or shall promote or encourage any other person so to do, any such person shall, upon conviction thereof, be liable to the punishment prescribed by Article one, Chapter six, of the Criminal Law Consolidation Act, one thousand eight hundred and forty nine.

ART. 15.

Who may not be
County Treasurer
or Auditor.

No Justice of the Common Pleas, Justice of the Peace, Clerk of the Peace, or Coroner, shall be County Treasurer or County Auditor, or hold any other office by virtue of which they are required by law to account to the General Sessions for the receipt, expenditure or payment of public moneys.

ART. 16.

Security by County
Treasurer.

The County Treasurer shall, before he enter upon the duties of his office, give good and sufficient security, to the satisfaction of the General Sessions, for the due application, under the orders of the said Sessions, of all moneys which may come into his hands as such Treasurer, and for the faithful execution of the duties of his office.

ART. 17.

Duty of Treasurer
as to Accounts.

Such Treasurer shall keep correct Books of Entry and Account, showing all moneys received and paid by him as Treasurer, and when required so to do by the General Sessions, shall lay before them full and correct accounts of all sums of money received and paid by him, distinguishing the particular uses to which such moneys have been applied, together with the proper vouchers for the same.

ART. 18.

Discharge of
Treasurer.

The discharge of the General Sessions shall be a good and sufficient release to the County Treasurer.

ART. 19.

Special Sessions
how convened.

A Special Sessions may be called by the Clerk of the Peace at any time upon the requisition, in writing, of any two Justices of the Peace of the County, and the Clerk of the Peace shall forthwith cause timely notice thereof to be given to the several Justices of the County, at the same time informing them of the object of such Special Sessions.

ART. 20.

Number of Justices
required.

No proceeding shall be taken by such Special Sessions unless five Justices of the Peace are present thereat.

 SECT. II.—RATES AND TAXES.

SUMMARY OF CONTENTS.

Article 1, Annual state of Poor; Art. 2, Employment of Poor, and binding Children; Art. 3, Appeal against Parish Rates; Art. 4, Effect of quashing, on other Parishes; Art. 5, When new Rates may be made; Art. 6 and 7, When *Certiorari* may be allowed, and how obtained; Art. 8, Rate not void for defect of form; Art. 9, No action against person collecting; Art. 10, Re-payment on quashed Rates; Art. 11, Rates on Poll and Property; Art. 12, Notice by Assessors; Art. 13, Mode and form of assessment; Art. 14, Assessors to give

give List, with Precept, to Collector; Art. 15, Exemption of French; Art. 16, Rule in case of Mortgages; Art. 17, As to Property of Corporations; Art. 18, Exemption of Stockholders; Art. 19, Statement of Property by owner; Art. 20, Duty of Assessors thereon; Art. 21, Assessment exceeding amount in Warrant; Art. 22, Appeal; Art. 23, Security by Collectors; Art. 24, Demand by Collectors; Art. 25, Proceedings against defaulters in the County; Art. 26, Proceedings against non-residents out of the County; Art. 27, Payment by Collectors; Art. 28, Discharge of Collectors; Art. 29, Proceedings valid though after time limited; Art. 30, Neglect of duty by Collectors; Art. 31, Correction of errors by Assessors.

ART. 1.

The Overseers of the Poor shall annually, at such time as may be for that purpose appointed by the General Sessions, lay before such General Sessions a correct representation of the number, state and condition of the Poor in their several Parishes, and the sum required therefor; which statement the said General Sessions are hereby authorized and required to examine and allow, and thereupon forthwith by Warrant (Aa) to order such sum to be assessed and collected in due course of Law.

State of the Poor to be annually laid before the Sessions.

ART. 2.

The said Overseers of the Poor, or any two of them, by and with the consent of two or more Justices of the Peace, shall inquire from time to time after any idle or disorderly person who has no visible means of support, and who is likely to become chargeable to the Parish where he resides, and to oblige such person to labour for any other person who may be willing to employ him; and if such poor person has any children in a suffering condition, the said Overseers, or any two of them, with the consent of the said Justices of the Peace, may bind such children apprentices, if males until twenty one years of age, and if females until eighteen years of age.

Employment of Poor and binding children.

ART. 3.

If the Assessors shall be of opinion that the Town or Parish for which they are appointed, is over-rated, they may appeal to the next General Sessions against such rate, which General Sessions may hear and finally determine the same.

Appeal against Parish rate.

ART. 4.

Upon such appeal, such rate shall not be quashed in regard to any other Town or Parish assessed thereby.

Effect of quashing.

ART. 5.

No new rate shall be made until it shall appear to the General Sessions that three fourths of the money collected by virtue of the preceding rate have been expended for the purposes intended.

No new rate before expenditure of three fourths of previous one.

ART. 6.

No Writ of *Certiorari* to remove any rate, or any order or other proceeding under this Section, touching such rate, shall be granted, unless at the Term next after the time for appealing from such rate or order, nor until sufficient security be given to the County Treasurer, in the sum of one hundred pounds, to prosecute such Writ with effect, and to pay all costs thereon, in case the rate or order or other proceeding be confirmed.

Preliminaries to granting a *Certiorari*.

ART. 7.

In order to obtain such *Certiorari* it must be shewn to the Court by affidavit, that the merits of the question upon such rate or order will come properly within the cognizance of the Court.

ART. 8.

ART. 8.

Rate not void for defect in form.

No rate, order or other proceeding shall be quashed or vacated for defect of form only, and all charges attending such removal shall be defrayed out of the rate in question, or any subsequent rate upon the same Parish.

ART. 9.

No action for collecting a quashed rate.

No action shall be commenced against any person employed in collecting or receiving any money assessed under this Section on any rate that may be quashed on *Certiorari*.

ART. 10.

Paid quashed rates to be repaid.

All sums of money paid on any rate which shall be quashed, shall be repaid to the persons paying the same, or entitled thereto.

ART. 11.

Rates to be on poll and property.

All sums of money to be assessed and raised for County or Town or Parish charges or expenses, under or by virtue of the authority of this or any other Act or Acts of Assembly made or to be made, shall be assessed, levied and raised by an equal rate not exceeding one eighth of the whole amount ordered to be assessed, upon the poll of all male inhabitants of the Town or Parish of the age of twenty one years and upwards, not being paupers, and by a rate in just and equal proportion upon the real estate situate within such Town or Parish, and upon the personal estate and incomes of the inhabitants of such Town or Parish, according to the best knowledge and discretion of the Assessors, subject to the regulations hereinafter contained.

ART. 12.

Notice to be given by Assessors.

After receiving any Warrant of Assessment, the Assessors shall forthwith cause public notice thereof to be given, by posting up notices in at least three of the most public places within the Parish, and also by publishing such notice in one or more public newspapers, if there be any such printed within the Parish.

ART. 13.

Mode and form of Assessment.

The Assessors shall thereafter, without delay, meet at a time and place to be agreed upon, and they, or the major part of them, shall prepare a List (A), the first column to contain the names of all persons ratable within the Parish, resident and non-resident; the second column to contain the amount of Poll Tax to be paid by each inhabitant liable to pay the same; the third column to contain the amount of real estate within the Parish owned by each inhabitant; the fourth column to contain the amount of the personal estate of each inhabitant; the fifth column to contain the value of the real estate of non-residents; the sixth column to contain the annual income of such male inhabitants as may derive income from any place, profession, occupation or employment within this Province, not being from real or personal estate; the seventh column to contain twenty per cent. of the before mentioned value of real and personal estate; the eighth column to contain the sums so reduced to twenty per cent., and the said amounts of annual income; and when any inhabitant has both annual income and the twenty per cent. of the value of property set opposite to his name in the said sixth and seventh columns, such sums shall be added together and set in the eighth column; and the amount to be raised and assessed, after deducting the whole amount of Poll Tax therefrom, shall be apportioned among the several persons so named, in exact proportion to the sums in the eighth column set opposite to their respective names; the ninth and last column shall contain the several sums so apportioned, with the addition of the Poll Tax of each person liable therefor, and shall be called "Total Assessment."

ART. 14.

ART. 14.

The Assessors shall within sixty days after receipt of any Warrant of Assessment deliver to the several Collectors of Rates within the Town or Parish, lists made out in form aforesaid, and containing the names of all persons rated within the respective Districts to which such Collectors may have been appointed; and such lists shall be signed by the Assessors, or the major part of them, who shall endorse thereon a Precept (B), under their hands; and the same Assessors shall make out a duplicate list of such assessments, and transmit the same, with the Warrant of Assessment, within ten days after the assessment is completed, to the Clerk of the Peace, to be filed of Record; and if any Assessor shall neglect to perform any of the duties so required of him, he shall be liable to the penalty of ten pounds.

Assessors to give list with precept to collectors.

ART. 15.

The General Sessions, in any order for assessment for the support of the Poor, may at the time, if they in their discretion shall think proper, exempt the French inhabitants who may be resident in any Parish in which such assessment is to be made, from the whole or any part of such assessment; and when any such exemption is so made, the same shall be expressed in the Warrant of Assessment, and the Assessors to whom the same may be directed shall conform thereto in making their assessment.

French inhabitants may be exempted.

ART. 16.

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

Rule in case of mortgages.

ART. 17.

The real and personal estate of all Joint Stock Corporations shall be liable to assessment under this Act, in like manner as the real and personal estate of individuals; and for the purposes of such assessment, the President, or any Agent or Manager of any such Joint Stock Corporation, shall be deemed to be the owner of the real and personal estate of such Corporation, and shall be dealt with and may be proceeded against accordingly; and the principal place of carrying on the business and operations of any such Corporation shall be deemed to be the place of inhabitancy of such Corporation; and such President, Agent or Manager shall, in regard to the real and personal estate of such Corporation, be assessed separately and distinctly from any other assessment to which he may be liable, and he may charge against and recover from such Corporation the amount of any assessment which he may have been required to pay on account of such Corporation, under the provisions of this Act; provided that nothing in this Act shall render liable to such assessment the real or personal estate of the Corporation of the City of Saint John, or of the City of Fredericton, or of any Literary or Charitable Corporation, Society, or Institution.

as to property of Corporations.

ART. 18.

No stockholder of any such Joint Stock Corporation shall be rated or assessed for or on account of any property in or income derived from any such Corporation.

Exemption of stockholders.

ART. 19.

Any person liable to be assessed, whether resident or non-resident, may at any time within thirty days after publication of the notice prescribed by Article 12 of this Section, furnish the Assessors with an account in writing, under oath before

Statement of property to be made by owner.

a Justice of the Peace, of his real estate within the Parish, and of his personal estate and income, specifying therein the value of such real estate, and the amount of his income, and the amount of his personal estate, after deducting from such personal estate the just debts which he may owe.

ART. 20.

Assessors to value accordingly.

The Assessors shall value the real and personal estate and income of the inhabitants, and the real estate of the non-residents, according to the respective statements so made by them and verified as aforesaid.

ART. 21.

Assessment exceeding amount in Warrant, valid.

In every assessment now or hereafter made, such assessment shall be deemed and taken to be legal, although the aggregate amount thereof shall exceed the sum so ordered to be assessed, provided that such excess be not more than ten per cent. on the sum so ordered.

ART. 22.

Appeal.

Any person thinking himself over-rated, either as to property or income, may appeal to the next General Sessions after he shall have had notice of such assessment, and if such appeal shall be supported to the satisfaction of the said General Sessions, they shall give such relief as they may think just, either by directing the sum over-rated not to be collected, or if collected, to be repaid.

ART. 23.

Security by Collectors.

The General Sessions, whenever they may deem it necessary, may require that the Collectors of Rates shall severally give satisfactory security for the due and faithful discharge of their duty, in a sum not less than two hundred pounds, such security to be by bond to the Crown, with two or more sureties.

ART. 24.

Demand by Collectors.

The several Collectors shall without delay after the receipt of any assessment list and precept as aforesaid, demand and collect the several sums contained in the said list of every person therein named, and shall, if required, give a written statement shewing the several amounts assessed on such person; and in any case where a personal demand cannot be made, shall leave a written or printed notice, containing a statement, shewing the several amounts assessed on such person so being absent, and the time at which the same is to be paid, at the dwelling house or last place of abode of such person, either with the wife or some adult member of his family.

ART. 25.

Proceeding against Defaulters in the County.

If any person assessed within any Parish, or any assessed non-resident of the Parish who resides within the County of which the Parish forms a part, shall refuse or neglect to pay the amount of his assessment by the space of ten days after such demand or service of notice as aforesaid, the Collector shall make application to any Justice of the Peace of the County, who is hereby authorized, upon oath being first made by the said Collector that the amount assessed upon any person has not been paid after demand or notice as aforesaid, to issue an execution (C) against the person complained of; and the Constable to whom such execution shall be delivered shall forthwith proceed to levy the same, in like manner as provided by law for regulating proceedings before Justices of the Peace in civil suits; and no person committed to Gaol under such execution shall be detained more than one day for every two shillings of the amount assessed 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, but the said execution shall remain in full force and effect for the space of twelve months from the date thereof, against the property of such person so discharged as aforesaid.

ART. 26.

When any person assessed as a non-resident shall not reside within the County wherein he is so assessed, the Collector may sue in his own name for the amount assessed, in an action of debt in any Court having jurisdiction to the amount thereof, and in such action an extract from the assessment containing the rate or assessment of the person so sued, certified by the Clerk of the Peace, shall be conclusive evidence of such assessment, or the said Collector may proceed to obtain payment of the said assessment of such non-resident as follows, viz:—

Against defaulters, non-residents of the County.

The Collector shall as soon as may be, cause public notice to be given of such assessment in any newspaper published in the County wherein such assessment has been made, and if no such newspaper, then in the Royal Gazette, for the space of three months; and if the assessment be not then paid, with the expense of such notice, any two Justices of the Peace of the County wherein the property lies, are hereby authorized, on the application of such Collector, by warrant under their hands and seals, to order the Sheriff of the said County to sell at public auction to the highest bidder, first giving thirty days notice of such sale in the manner before mentioned, so much of the said real property as may in his judgment be sufficient to pay such assessment, with all the costs and charges attending the recovery of the same, retaining the overplus, if any, for the use of such owner, and the said Sheriff is hereby empowered and directed to execute a deed to the purchaser of such property, his heirs and assigns, and to deliver seizin and possession thereof to such purchaser.

ART. 27.

Every Collector shall, on the first Monday in every month, pay over to the person or persons authorized to receive the same, the several sums which may have been received by such Collector during the preceding month, with a list of the persons from whom the same may have been received, and shall also within four months after the receipt of the precept as aforesaid, render to the Clerk of the Peace under oath, a true account of every sum of money received by such Collector on account of the said assessment, with vouchers for all sums paid by him, and also a correct list of defaulters, and at the same time return to such Clerk of the Peace the assessment list delivered to him by the Assessors.

Payment by Collectors.

ART. 28.

The receipt of the County Treasurer or other person duly authorized to receive the moneys collected, shall be a sufficient discharge to every Collector.

Discharge of Collectors.

ART. 29.

When any Clerk of the Peace, Assessor, or Collector, may have neglected to perform his duty within the time for such purpose limited by this Act, the performance of such duty thereafter by such Clerk of the Peace, Assessor, or Collector, shall be held good and valid for all the purposes of this Act.

Proceedings valid, though after time limited.

ART. 30.

And if any Collector shall neglect to pay over any of the moneys so received by him, on or before the days specified for that purpose, or to proceed against any defaulter as aforesaid, or to render such account or list as aforesaid, any General Sessions or any Special Sessions may order such Collector to be brought before them, and the Constable or other officer who may serve such order, shall arrest

Neglect of duty by Collectors.

arrest the body of such Collector and bring him forthwith before such Sessions, who shall thereupon, if they see fit, commit such Collector to Gaol, there to remain until he shall have made full satisfaction for all moneys so collected and retained by him, and until he shall have rendered a full and correct account of the collections so made by him, with the list of defaulters as aforesaid, and whether proceeded against or not, unless the said Justices for some sufficient cause shewn by such Collector may deem it proper to discharge him.

ART. 31.

Correction of errors
by Assessors.

If in the preparation of Assessment Lists it shall happen that the name of any person residing within the Parish where the assessment is ordered, shall have been omitted by the Assessors, or if property, real or personal, belonging to one person, shall be assessed against another person, or if any error shall occur in adding, apportioning or extending the various sums in the Assessment Roll, the Assessors, or the major part of them, may at any time before a subsequent rating for the same purpose is ordered, supply such omissions and correct such errors in the Assessment List.

 SECT. III.—COMPENSATION TO OFFICERS, AND REWARDS.

SUMMARY OF CONTENTS.

Article 1, To Assessors and Collectors; Art. 2, To the Clerk of the Peace, Treasurer, &c.; Art. 3, To Special Constables; Art. 4, To Officers attending Court or arresting Felons; Art. 5, Rewards for Felons; Art. 6, Funds for paying under Articles 3, 4, and 5.

ART. 1.

Compensation to
Assessors and Col-
lectors.

There shall be allowed to the Assessors and Collectors respectively such compensation for their services as the General Sessions shall order, not to exceed in the whole fifteen per cent. on the amount ordered to be assessed; and a sum equal to such per centage as may be allowed on the amount so ordered to be assessed shall be included in every Warrant of Assessment, and when collected shall be paid into the hands of the County Treasurer, for the purpose of paying the Assessors and Collectors, and other expenses of assessing and collecting.

ART. 2.

To Clerk of the
Peace, Treasurer,
&c.

The General Sessions may allow such reasonable compensation to the Clerk of the Peace, the County Treasurer, and other County Officers, not being Justices of the Peace, as shall be deemed just and reasonable; and the same, when so ordered, shall be included in the contingencies of the County.

ART. 3.

To Special Consta-
bles.

In all cases where it may be found necessary to appoint Special Constables as before provided, the General Sessions may order and allow such sum of money for the services and expenses of such Special Constables as the said General Sessions may deem meet, and if necessary may order an assessment upon any Parish or Parishes in the County for the payment thereof, but not more than one fourth part of such assessment shall be levied by a poll tax.

ART. 4.

To officers attend-
ing Courts or ar-
resting felons.

Any General or Special Sessions for that purpose holden, may make and order an allowance to the Sheriff and all and any of the Constables or other Peace Officers of the County, for any services by them performed in the execution of their

their offices, or in attending any Courts held in the County, or in apprehending and searching for, or endeavouring to apprehend any person charged with or suspected of any felony, and may order such sums of money to be paid out of the contingent funds of the County.

ART. 5.

Any General Sessions, or Special Sessions for that purpose holden, may offer and pay any reward for the apprehension of any felon or person accused or suspected of felony, as the said Sessions in their discretion shall think needful in promoting the due and proper execution of the laws, and may order the payment of such rewards to be made from the contingent funds of the County. Rewards for felons.

ART. 6.

In case the contingent funds for the year shall not be sufficient to bear the expenses which may be payable under the two last Articles, the General Sessions may order and direct what amount shall be rated, levied and assessed for the said expenses, in addition to the annual rate and assessment for the said County, which said amount, when so levied and assessed, shall be paid into the hands of the County Treasurer for the purposes aforesaid. Funds for payments.

 SECT. IV.—BASTARDY.

SUMMARY OF CONTENTS.

Article 1, Complaint and Warrant thereon; Art. 2, Proceedings on Warrant; Art. 3, When Justice of the Peace may discharge person charged; Art. 4, When woman not to be examined; Art. 5, Order of Affiliation without trial; Art. 6, Order on trial and conviction; Art. 7, Corroborative evidence; Art. 8, Postponement of Order; Art. 9, When and for what, Order to be made; Art. 10, Limitation of Order; Art. 11, The father, on notice, to pay sums ordered; Art. 12, Proceeding on refusal; Art. 13, Discharge of father from inability; Art. 14, Recognizance and penalty; Art. 15, Proceedings on Recognizance under five pounds damages; Art. 16, Proceedings on Recognizance by *Scire Facias*; Art. 17, Judgment and Execution; Art. 18, Application of proceeds; Art. 19, Discretionary powers to give relief; Art. 20, Service of *Scire Facias* and Execution; Art. 21, Fees on Execution, and when paid from Contingencies; Art. 22, Certified copy of proceedings, evidence; Art. 23, Commissioners of Alms House.

ART. 1.

If any single woman, upon examination in writing, under oath before any Justice of the Peace, shall declare that she has been delivered, or is likely to be delivered of a bastard child, which will be chargeable to any Parish, and shall charge any person therewith, such Justice of the Peace, on application to him by an Overseer of the Poor of such Parish, shall issue his Warrant (D) to apprehend the person so charged. Complaint and Warrant thereon.

ART. 2.

Upon such person so charged being brought before a Justice of the Peace, he shall be committed to Gaol, unless he give satisfactory security (E) to indemnify the Parish, or shall enter into a recognizance (F) with sufficient sureties, to appear at the next General Sessions for the County to abide the Order of the Court in the matter. Proceedings on Warrant.

ART. 3.

If the woman die or marry before she is delivered, or if she miscarry of the child, or shall appear not to have been pregnant at the time of the examination aforesaid, When Justice may discharge person charged.

aforesaid, in any such case the person charged shall be forthwith acquitted and discharged by a Warrant (G) of a Justice of the Peace.

ART. 4.

When woman not to be examined.

No Justice of the Peace shall send for any woman before she is delivered, or until one month after, in order to take her examination as to her pregnancy, or shall compel her to answer any questions relating to her pregnancy before the delivery of the child.

ART. 5.

Order of affiliation without trial.

If the person charged has entered into recognizance to appear as aforesaid, and appears accordingly, and does not traverse or deny the charge, the General Sessions shall thereupon make an order of affiliation or maintenance (H).

ART. 6.

Order on trial and conviction.

If such person appear as aforesaid and traverse or deny the charge, the said Sessions shall proceed to hear evidence therein, and if satisfied that the person charged is in truth the father of the said child, they shall make such order therein as to them shall appear just and reasonable under all the circumstances of the case.

ART. 7.

Corroborative evidence.

If such order be made upon the evidence of the mother, the same shall be corroborated in some material particular by other evidence if the Sessions shall deem it necessary.

ART. 8.

Postponement of order.

The consideration and making of such order may be postponed from time to time upon sufficient reasons therefor, and in such case the person charged shall enter into the like recognizance (F), as provided in Article 2 of this Section.

ART. 9.

When and for what order to be made.

No such order shall be made until after the child becomes chargeable, nor shall any such order exceed the actual expenses, past and future, for the support of such child while chargeable on the Parish, the lying-in expenses, and the expenses incurred in apprehending and convicting the person charged.

ART. 10.

Limitation of order.

Such order shall continue in force only until the child attain the age of seven years.

ART. 11.

The father on notice, to pay sums ordered.

On notice of the order in the last three Articles mentioned, such father shall forthwith pay to the County Treasurer for the use of the Overseers of the Poor of the Parish interested, the sums so ordered for expenses already incurred as aforesaid, and shall also enter into recognizance (J) with sufficient sureties, to pay the said Overseers of the Poor the weekly sum so ordered for the future support of such child.

ART. 12.

Proceedings on refusal.

If the father refuse or neglect to perform such order or to give such recognizance, the said Sessions may forthwith commit him to Gaol until he enter into such recognizance or be otherwise discharged.

ART. 13.

Discharge of father from inability.

When the father is wholly unable to comply with such order or to give such recognizance, the said Sessions may at any time in their discretion order him to be discharged.

ART. 14.

ART. 14.

No recognizance under any Article of this Section shall exceed the penal sum of fifty pounds. Recognizance and penalty.

ART. 15.

When any bond of indemnity or recognizance taken by virtue of any Article of this Section shall become forfeited, and the sum actually due thereon by way of damages does not exceed five pounds, such sum may be recovered with costs before any Justice of the Peace, pursuant to the law regulating proceedings before Justices of the Peace in civil suits. Proceedings on recognizance under five pounds damages.

ART. 16.

When the sum actually due by way of damages on such forfeited bond or recognizance may exceed five pounds, the Clerk of the Peace, at the instance of the Overseers of the Poor of the Parish interested, shall issue a *Scire Facias* (K) either in Term or Vacation, for the recovery of the penalty of the said recognizance, which shall be served at least fourteen days before the return thereof. Proceedings on recognizance by scire facias.

ART. 17.

Upon the return of the said *Scire Facias* duly served as aforesaid, the General Sessions, whether the party appear or make default, may proceed in a summary manner to hear and determine the question, and in case the recognizance shall be adjudged forfeited, shall enter judgment thereon (L) and may thereupon award execution (M) directed to the Sheriff of the County. Judgment and execution.

ART. 18.

The amount collected on the said Execution, exclusive of costs, shall be paid by the Sheriff to the County Treasurer, and shall be applied under the direction of the Sessions to the support of the Poor of the Parish interested, and the costs collected shall be paid to the Clerk of the Peace. Application of proceeds.

ART. 19.

The General Sessions may from time to time in their discretion make such order and give such relief, either for stay of proceedings upon, or the discharge of any recognizance taken by virtue of any Article of this Section, and on such terms and conditions as they may think reasonable and proper. Discretionary powers to give relief.

ART. 20.

The Sheriff shall serve such *Scire Facias* or Execution in the same manner as other Writs of *Scire Facias* or Execution are served, and shall make due return thereof, and shall be entitled to the same fees as in other like cases. Service of scire facias and execution.

ART. 21.

In the case of an Execution levied by or paid to the Sheriff, he may levy or receive his fees for service and poundage thereon from the party against whom such Execution may be issued; and any fees not so levied and received shall be paid to the Sheriff out of the contingent fund of the County. Fees on execution, and when paid from contingencies.

ART. 22.

A copy of any proceedings under this Section, certified and signed by the Clerk of the Peace, and under the Seal of the Sessions, shall be received in all Courts of Law or Equity in this Province, as evidence of such proceedings. Certified copy of proceedings, evidence.

ART. 23.

In any Parish wherein or for which an Alms House or Poor House is established, the Commissioners thereof shall in all respects be deemed the Overseers of the Poor of such Parish for all the purposes of this Section. Commissioners of Alms House.

SECT. V.—INFECTIOUS DISTEMPERS.

SUMMARY OF CONTENTS.

Article 1, Appointment of Health Officers; Arts. 2 and 3, Making of Rules and Regulations; Art. 4, Proviso; Art. 5, Rules, &c., to be laid before Governor and Council; Art. 6, Recovery of Penalties; Art. 7, Application of Penalties.

ART. 1.

Appointment of Health Officers.

Any General Sessions, or any Special Sessions for that purpose called, may nominate and appoint, by Warrant under the Seal of the Court, not exceeding two Physicians, as Health Officers, and define and regulate their powers and duties as such officers, and fix and establish their fees for such duties.

ART. 2.

Making rules and regulations for prevention of nuisances;

The Sessions may make from time to time such rules and regulations for the prevention and removal of nuisances injurious to health, and for the promotion of cleanliness, and preventing the spreading of contagious or infectious distempers, as they may deem proper, and may thereby impose such fines and penalties as they may consider necessary, not exceeding in any case the sum of ten pounds.

ART. 3.

For prevention of the importation of infectious distempers.

Such Sessions may make such further rules and regulations for preventing the importation and spreading of any contagious or infectious distempers as they may deem necessary, and may order and direct, by any such regulations, the performing of quarantine by any vessel; and may prohibit any person from landing from such vessel during quarantine without licence therefor being first had; and may prevent any intercourse between any person on board such vessel and any other person; and for the better enforcing the observance of such regulations, the said Sessions may impose such fines and penalties as they may deem necessary, not to exceed in any case the sum of one hundred pounds.

ART. 4.

Rules not to be repugnant to Acts of Legislature.

No such rules and regulations shall be of any effect which are repugnant to the provisions of any general or local Acts of the Legislature relating to the subject matter thereof.

ART. 5.

Rules &c., to be laid before the Governor and Council.

A copy of all such rules and regulations shall be forthwith transmitted to the Secretary of the Province, for the consideration of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Executive Council, who may confirm or cancel all or any part of the same, as they may deem most advisable; and such confirmation or cancelling shall, as soon as practicable, be reported to the Clerk of the Peace for the County, and no such rules and regulations shall be in force until so confirmed as aforesaid.

ART. 6.

Recovery of penalties.

Any penalty imposed by any of the said regulations, not exceeding twenty pounds, may be recovered before any two Justices of the Peace of the County, according to the forms and provisions of twelfth Victoria, Chapter thirty one; and if exceeding twenty pounds, by action in the Supreme Court or Inferior Court of Common Pleas of the County; and in either case, upon affidavit made of the offence, and that the offender is about to leave the Province, a Justice of the Peace, if the penalty does not exceed twenty pounds, or a Judge of the Supreme

Supreme Court or of the Inferior Court of Common Pleas, in case the penalty exceeds twenty pounds, shall issue a Warrant under his hand and seal for the arrest of the offender; and in case of arrest, shall cause him to enter into recognizance, with sufficient sureties, to appear and take his trial before the Court or tribunal before which the trial is to be had; and in default of such recognizance, the person so charged shall be committed to Gaol to await his trial.

ART. 7.

All penalties recovered under this Section are to be paid into the contingent funds of the County, for the use thereof, and shall be sued for and recovered in the name of the County Treasurer for the time being.

Application of penalties.

SECT. VI.—PREVENTION AND EXTINGUISHING OF FIRES.

SUMMARY OF CONTENTS.

Article 1, Appointment of Firemen; Art. 2, Rules and Regulations for Firemen; Art. 3, Exemptions of Firemen; Art. 4, Power of Firewards to prevent lighting fires; Art. 5, Power of Firewards at Fires; Art. 6, Assessment for Engines, &c.; Art. 7, How levied and applied; Art. 8, Annual Account of Firewards; Art. 9, Punishment for neglect; Art. 10, Defining extent of Town; Art. 11, General Rules and Regulations by Sessions; Art. 12, To be laid before Governor and Council.

ART. 1.

The Firewards of any Town shall, at any meeting for that purpose holden, nominate and appoint, by Warrant under their hands and seals, a sufficient number of able and discreet men, inhabitants of such Town, not exceeding thirty in number for each engine, who shall have the care and management thereof; and such Firemen may be displaced from time to time by the Firewards, who shall fill the vacancies thus occasioned, as well as any other vacancies which may otherwise happen, and the names of all persons so appointed shall be registered with the Clerk of the Peace, upon the certificate of the Firewards.

Appointment of Firemen.

ART. 2.

The Firewards shall make and establish such rules and regulations in respect to the conduct and duty of the Firemen, and impose such fines for breach thereof, or for neglect of duty, as to the majority of the said Firewards may seem meet, so that no such fine shall exceed forty shillings, to be recovered and applied as the said Firewards shall direct.

Rules and regulations for Firemen.

ART. 3.

All such Firemen, so appointed, during their continuance in office shall be freed and exempted from the offices of Constable and Surveyor of Highways, and from all Statute Labour on the Streets and Highways in the said Town, and from serving as Jurors at the General Sessions and Inferior Court of Common Pleas.

Exemptions of Firemen.

ART. 4.

The Firewards, or any two of them, may at any time enter into any house or other building within the Town, and examine any stoves, pipes, ovens, hearths, or chimneys therein, and if in their opinion danger may be apprehended, they may, by writing, prohibit the lighting of fire therein until such alterations as they may specify in writing are first made.

Power of Firewards to prevent lighting fires.

ART. 5.

ART. 5.

Power of Firewards
at fires.

The Firewards shall have power severally to command assistance for the extinguishing of fires, by forming lines of the persons present, and for the conveyance of water, and for the removal and safe keeping of furniture and goods exposed to danger; and any person disobeying any such commands may be committed by such Fireward to the Gaol, or a Lock-up House, for a period not exceeding forty eight hours, and shall forfeit and pay the sum of forty shillings.

ART. 6.

Assessment for
Engines, &c.

The General Sessions are authorized and required to raise by assessment such sum or sums not exceeding one hundred pounds in any year, on the said Town, as the Firewards may, by estimate in writing, recommend and shew to be necessary for the erecting and repairing of engine houses, and for purchasing or repairing or keeping in order any fire engines, ladders, hooks, and other necessaries; and such assessment shall be made in due proportion upon every person within the said Town who shall inhabit, hold or occupy any house, shop, warehouse, or other tenement.

ART. 7.

How levied and
applied.

Such sum shall be assessed, levied and collected in the same manner as hereinbefore provided for other County and Parish Rates, and when collected shall be paid to the said Firewards, or such person as may be authorized by them to receive the same, and shall be by the said Firewards applied to the purpose intended.

ART. 8.

Annual account of
expenditures by
Firewards.

The Firewards shall annually, at the time of appointing Town and Parish Officers, render to the General Sessions a full and particular account of the expenditure of all moneys assessed and received as aforesaid, and also of all fines received by them.

ART. 9.

Punishment for
neglect.

If any Fireward shall wilfully neglect or refuse to render such account, the General Sessions may cause such Fireward to be brought before them by Warrant, and if deemed necessary may commit him to Gaol until he shall make out and render such account either to the General Sessions or to the Treasurer of the County.

ART. 10.

Defining extent of
Town.

The General Sessions may define the extent of the Town for the purposes of this Section.

ART. 11.

General rules and
regulations by
Sessions.

The General Sessions, or any Special Sessions for that purpose called, may make such rules and regulations in addition to the special provisions herein contained, for the prevention and extinguishing of fires, and for regulating the powers and duties of Firewards at such fires, and may thereby impose such fines and penalties, not exceeding in any case forty shillings, as to the said Sessions may seem advisable.

ART. 12.

To be laid before
the Governor and
Council.

A copy of such rules and regulations shall be forthwith sent to the Secretary of the Province, for the consideration of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Executive Council, who may confirm or cancel all or any part of the same as they may deem most advisable, and such confirmation and cancelling shall as soon as practicable be reported to the Clerk of the Peace for the County, and no such rules and regulations shall be in force until so confirmed as aforesaid.

SECT. VII.

SECT. VII.—HARBOURS.

SUMMARY OF CONTENTS.

Article 1, Sessions may make regulations and impose fines; Art. 2, Recovery of fines; Art. 3, Harbour Master's fees; Arts. 4 and 5, Duty of Harbour Master and Pilots as to regulations.

ART. 1.

The General Sessions may make regulations respecting the mooring and anchoring of Vessels in the Harbours of the County, and respecting ballast berths, and the discharging of ballast from Vessels; and may impose such fines and penalties as they may deem advisable for enforcing the same, not exceeding twenty pounds.

Sessions may make regulations and impose fines.

ART. 2.

All such fines and penalties, when recovered, after deducting expenses not otherwise provided for, shall be paid to the Commissioners of Buoys and Beacons for the County, who shall account therefor according to the provisions of the Laws relating to Buoys and Beacons.

Recovery of fines.

ART. 3.

The Harbour Master may demand and receive from the Master, Commander or Consignee of every ship or vessel entering the Harbour, (Coasters excepted,) five shillings for every vessel above fifty tons and not exceeding one hundred tons, and ten shillings for every vessel above one hundred tons, as Harbour Master's fees.

Harbour Master's fees.

ART. 4.

The Harbour Master shall enforce the Harbour regulations, and shall prosecute in his own name all breaches thereof.

Duty of Harbour Master and Pilots as to regulations.

ART. 5.

The Harbour Master shall furnish every Pilot of the Port with copies of the Harbour regulations, who shall give a copy thereof to the Master or Commander of every vessel he may take in charge.

SECT. VIII.—FENCES, TRESPASSES AND POUNDS.

SUMMARY OF CONTENTS.

Article 1, Division Fences on improved Lands; Art. 2, Dispute respecting, how settled; Arts. 3 and 4, Duty of Fence Viewer; Arts. 5 and 6, Remedy of Fence Viewer; Art. 7, Penalty for neglect of duty; Art. 8, Division Fences, unimproved Lands; Art. 9, Duty of Sessions as to Parish Pounds; Art. 10, Cattle at large contrary to regulations, to be impounded; Art. 11, When no Pound or defective Pound; Art. 12, Penalty for rescous; Art. 13, Penalty for Pound breach; Art. 14, What lawful Fences; Art. 15, When defect of Fence, no excuse for Trespass; Art. 16, Remedy where damage does not exceed five pounds; Art. 17, Justice of Peace may grant Replevin; Art. 18, Replevin Bond; Art. 19, Remedy on Bond; Art. 20, Sale of Cattle impounded; Art. 21, Proceeds of sale; Art. 22, Power to General Sessions to make further regulations.

ART. 1.

All line fences dividing improved lands shall be erected and kept up at the joint

Division fences on improved lands.

joint and equal expense of the occupiers of such lands, and shall be well and sufficiently erected, and not less than four feet six inches in height.

ART. 2.

Disputes respecting
how settled.

In case any dispute shall arise between the occupiers of such improved lands as to the erection or repair of such division fences, or any portion thereof, such dispute may be settled by the nearest Fence Viewer, upon application made to him for that purpose.

ART. 3.

Duty of Fence
Viewer.

The Fence Viewer upon such application made shall give notice to the parties in difference to attend, and shall thereupon proceed to view the place where any dividing fence is proposed to be erected or repaired, and shall determine the part thereof that each of the parties in difference should erect or repair.

ART. 4.

If either party, after six days notice of the decision of the Fence Viewer, shall neglect or refuse to make or repair his portion of such dividing fence, the Fence Viewer may employ any person to make or repair such fence, who shall be paid for his labour at the rate of five shillings per day, besides the expense of procuring materials for the same.

ART. 5.

Remedy of Fence
Viewer.

The person so employed by the Fence Viewer shall and may recover from the person refusing to erect or repair his part of the dividing fence, all the expenses of making or repairing the same, and furnishing materials therefor, as provided in the preceding Article, together with costs of suit, before any Court competent to try the same.

ART. 6.

Every Fence Viewer shall receive five shillings per day for fence viewing, to be paid on demand by the party neglecting or refusing to erect or repair any fence when ordered so to do by the Fence Viewer.

ART. 7.

Penalty for neglect
of duty.

If any Fence Viewer shall neglect his duty, he shall for every such offence forfeit and pay the sum of forty shillings.

ART. 8.

Division fences on
unimproved lands.

No owner or occupier of any wood, barren or unimproved land, although adjoining to the improved or cultivated land of another, shall be obliged to erect or make any part of the fence dividing such lands.

ART. 9.

Duty of Sessions as
to Parish Pounds.

The General Sessions may divide each Town or Parish into as many Pound Districts as may be thought necessary, and may order and direct that a sufficient Pound be built in each district; and if the inhabitants of any such district shall neglect or refuse to built such Pound, the General Sessions may order an assessment upon the inhabitants of such district for the building of such Pound, to be assessed and collected as provided for other rates and assessments.

ART. 10.

Cattle at large con-
trary to regulations
to be impounded.

If any cattle shall be found going at large contrary to any regulations made by virtue of this Act, the Hog Reeve or other authorized officer may take up and impound such cattle in the Parish or District Pound, and shall demand and receive such

such sum as may be specified in such regulations for every beast so impounded, to be paid by the owner of such beast, together with the charges of the Pound Keeper, before the same shall be delivered from the Pound.

ART. 11.

When no Public Pound has been built, or having been built, shall not be in a proper state of repair, the Pound Keeper may use any barn or barn yard, or other proper enclosure as a Pound, for the time being, and which shall be deemed a lawful Pound for all the purposes of this Section. When no Pound or defective Pound.

ART. 12.

If any person shall rescue any beast from any Hog Reeve or other person lawfully driving or leading such beast to Pound, he shall forfeit and pay the sum of five pounds. Penalty for rescues.

ART. 13.

If any person shall make a breach in any Pound, or if any Pound Keeper or any person shall unduly set at large any beast impounded, such Pound Keeper or other person so offending shall forfeit and pay the sum of ten pounds. Penalty for Pound breach.

ART. 14.

All good strong and sufficient fences, four feet six inches' high, shall be lawful fences under this Section. What fences lawful.

ART. 15.

In any case where it appears that a trespass has been committed by breaking through that part of a division fence which the owner of the trespassing cattle ought to keep in repair, the defect of such fence shall not be deemed any excuse for such trespass. When defect of fence, no excuse for trespass.

ART. 16.

In all cases when a trespass is committed by cattle, and the amount of damage shall not exceed five pounds, the same shall be heard and tried by one Justice of the Peace, agreeably to the provisions of the law for the more speedy recovery of small debts. Remedy where damage does not exceed five pounds.

ART. 17.

In all cases where it may become necessary, any Justice of the Peace may grant a Replevin, (N) and on return thereof, shall hear the merits of the case between the parties, and shall give judgment and grant execution as in other cases to the same amount, and shall receive such fees as hereinafter provided. Justice of Peace may grant replevin.

ART. 18.

Every Constable, before executing such Writ of Replevin, shall take from the person to whom such Writ is granted, a Bond (O) in a sum not exceeding five pounds, with two sufficient sureties, to prosecute such Replevin with effect within seven days. Replevin Bond.

ART. 19.

In case the party obtaining such Writ of Replevin should fail to prosecute his suit within the time specified, the said Constable is hereby authorized and required to assign the said Bond to the defendant, who is hereby authorized to sue for and recover the same in his own name, in any Court competent to try the same. Remedy on Bond.

ART. 20.

Any cattle impounded by virtue of this Act, and not liberated by the owner thereof Sale of cattle impounded.

thereof after three days notice in writing, advertized in three of the most public places in the Parish or District, may be sold at public auction by the Pound Keeper, after fourteen days public notice thereof, unless the owner shall appear and pay all charges and expenses incurred on account thereof.

ART. 21.

Proceeds of sale.

Upon such sale being made, the Pound Keeper shall, out of the proceeds, first pay all charges and expenses, and render the overplus, if any, to the owner if he appear, and if he do not appear within fourteen days after such sale to demand the same, then the said overplus shall be paid to the Overseers of the Poor for the Parish wherein such sale may be made, for the support of the Poor of such Parish.

ART. 22.

Power to General Sessions to make further regulations.

The General Sessions may make such other regulations not inconsistent with this Act, for preventing trespasses by cattle, and for preventing cattle going at large, as they may deem necessary, and may thereby impose such fines and penalties as they may consider necessary and advisable.

SECT. IX.—PROTECTION OF SHEEP FROM DOGS.

SUMMARY OF CONTENTS.

Article 1, Dog killing or maiming Sheep or Lamb, to be killed; Art. 2, Owner of Dog to pay damage; Arts. 3 and 4, Dog at large, owner to pay fine or be imprisoned; Art. 5, Authority to kill Dog; Art. 6, Plea and evidence in action for killing Dog.

ART. 1.

Dog killing or maiming sheep or lamb, to be killed.

If any Dog shall kill or maim a Sheep or Lamb, the owner of the Dog, upon conviction thereof before any Justice of the Peace, shall cause the Dog to be immediately killed.

ART. 2.

Owner of dog to pay damages.

The owner of any Sheep or Lamb so killed or maimed, may recover the damage thereby sustained, in an action against the owner of the Dog, before any Justice of the Peace, together with costs of suit, according to the laws regulating proceedings before Justices of the Peace in civil suits.

ART. 3.

Dog at large, owner to pay fine or be imprisoned.

If the owner, after conviction, shall neglect to kill such Dog, he shall be liable to pay a fine of twenty shillings for every time such Dog shall be found running at large; such fine to be recovered, with costs, before a Justice of the Peace, as provided in Article 2, and when recovered to be paid to the Overseers of the Poor of the Parish where the offence is committed.

ART. 4.

If the owner of the Dog have no goods whereon to levy, he shall be liable to be imprisoned not exceeding four days for any such fine.

ART. 5.

Authority to kill dog.

After any such conviction the Justice may issue his Warrant to a Constable, requiring him forthwith to cause such Dog to be killed; and any person is authorized to kill any Dog running at large after he is known to have killed any Sheep or Lamb.

ART. 6.

ART. 6.

In any action of trespass against any person for so killing a Dog, the defendant may plead the general issue, and give this Act and the special matter in evidence. Plea and evidence in action for killing dog.

SECT. X.—POWER TO MAKE RULES AND REGULATIONS IN CERTAIN CASES.

SUMMARY OF CONTENTS.

Article 1, Enumeration of subjects; Art. 2, Proviso; Art. 3, Penalties and recovery; Art. 4, Commissioners of Sewers authorized to assess.

ART. 1.

The General Sessions, in addition to the powers otherwise specially conferred upon them by this Act, shall have full power and authority from time to time to make, revise, alter, amend, and to enforce all such Rules as may be deemed by them necessary and proper for the following purposes, namely:—

1. For the establishment and regulation of Markets, Market Houses, and Fairs, and for the slaughtering of Animals and sale of Dead Meats: Markets:
2. For the licencing and regulation of Ferries, and fixing the rates and fares therefor, and for carrying Passengers to and from Steam Boats on their passage along the Rivers: Ferries:
3. For the protection of Streets, Squares, Sidewalks and Pavements, and of the Posts, Railings, Trees, or other defences and ornaments thereof: Streets, trees, &c:
4. For the use and management of Public Docks, Wharves, Landings, and Cranes, and fixing the rates of Dockage, Wharfage and Cranage: Wharves:
5. For the regulation of Carriages for hire, Cartage and Truckage, and the lading and unlading of Vessels: Carriages and truckage:
6. For the measurement of Coals and Salt, and fixing the rates therefor: Coals and salt:
7. For the weighing of Hay and Straw, and fixing the rates therefor: Hay and straw:
8. For the erection of and keeping in repair Fences and Gates across Highways, for the protection of intervale lands; provided that no Gate or Fence be erected across any Highway not heretofore authorized by law: Fences and gates across highways:
9. For the occupation and grazing of Marshes and other Low Lands and Islands, and the erection of Water and other Fences thereon, and for determining what Lakes, Swamps, Creeks, Rivers, and Fences, shall be deemed lawful enclosures of the same: Marshes and Islands:
10. For the regulation of Pounds, and fixing the fees and rates therefor: Pounds:
11. For the regulation of the Fisheries, and of Seines, Nets and Fish Wears, within the Rivers and Harbours: Fisheries:
12. For the regulation and management of School Reserves, Town Commons, and other Lands for public uses: Public lands:
13. For imposing and collecting a Tax on Dogs: Dog tax:
14. For the government of Pilots, and fixing the rates of Pilotage: Pilots:
15. For the regulation and management of Booms for holding Timber, Logs and other Lumber, and for the driving of Timber and Logs: Booms:
16. For the preservation of the Navigation of Rivers and Harbours: Navigation:

- Gaol limits: 17. For defining the Gaol Limits, not exceeding three miles nor less than half a mile from the Gaol:
- Gaol and Work Houses: 18. For the regulation and management of Gaol and Work Houses:
- Marking cattle: 19. For the marking of Neat Cattle and Sheep:
- Disorderly riding: 20. For preventing disorderly riding and driving on the Public Roads and Bridges:
- Noxious weeds: 21. For preventing the growth of Thistles, and other noxious Weeds.
- Mad dogs. 22. For the destruction of Mad Dogs.

ART. 2.

Rules not to be repugnant to Act of Legislature.

Provided always, that no such rules and regulations shall be of any force or effect which are repugnant to the provisions of any Act of the Legislature relating to the subject matter thereof.

ART. 3.

Penalties and recovery.

And the said General Sessions may, in and by such rules and regulations, impose such fines and penalties, and ordain and establish such forfeitures as they may deem necessary for the non-observance or breach thereof, but no such fine or penalty shall in any case exceed the sum of ten pounds.

ART. 4.

Commissioners of Sewers to assess.

The Commissioners of Sewers appointed or elected under any Act passed or to be passed, of any Marshes, Low Lands and Islands, are hereby authorized and empowered to carry into effect such rules and regulations as may be made in relation to such Marshes, Low Lands and Islands, and to assess the proprietors thereof for the necessary expenses that may be thereby incurred.

 SECT. XI.—DAMS, AND SLUICeways, AND FISHWAYS.

SUMMARY OF CONTENTS.

Article 1, Person requiring Sluiceway, how to proceed; Art. 2, Notice to owner of Dam to make; Art. 3, Owner refusing, Dam to be a public nuisance, &c.; Art. 4, Expenses of Surveyor of Dams; Art. 5, Fishways in Dams where Fish resort to spawn; Art. 6, If no Fishway, notice by Overseers; Art. 7, Neglect to make Fishway, Dam a nuisance, and penalty; Art. 8, Remedy for penalty; Art. 9, Proviso as to local enactments.

ART. 1.

How to proceed to obtain Sluiceway.

If any person shall require a Sluiceway for the purpose of driving Timber, Logs or other Lumber down or over any Dam now or hereafter erected across any River or Stream, he shall call upon the Surveyor of Dams for the Parish or District in which the Dam is situate, who shall proceed to examine the same, and report in writing to the General Sessions his opinion as to the necessity for such Sluiceway.

ART. 2.

Notice to owner of dam to make Sluiceway.

If the making of a Sluiceway be recommended by the Surveyor of Dams, and approved of by the General Sessions, a notice in writing shall be forthwith served upon the owner or occupier of the Dam, requiring such Sluiceway to be made within such time as to the said General Sessions may seem proper.

ART. 3.

On refusal, dam to be a public nuisance.

In case the owner or occupier of such Dam shall refuse or neglect to make such

such Sluiceway within the time so limited for that purpose, the said Dam shall be thenceforth deemed a public nuisance; and upon conviction of the owner or occupier, upon an indictment therefor, before the General Sessions, he shall be liable to be fined at the discretion of the Court in a sum not exceeding twenty pounds; and the said Court are hereby empowered to order the said nuisance to be abated.

ART. 4.

The necessary expenses of the Surveyor of Dams, with a reasonable allowance for his time when so employed, shall be paid to him by the party making application for such Sluiceway. Expenses of surveyor of Dams.

ART. 5.

In all Mill Dams or other Dams which have been or shall be hereafter erected or placed across any River, situate wholly or in part in this Province, and which has been or may be resorted to by Fish from the Sea, at the season for spawning, there shall be a Fishway sufficient for such Fish to pass up and return without any such hinderance, as may in future tend to divert them from such resort. Fishways in Dams where fish resort to spawn.

ART. 6.

If any Mill Dam erected as aforesaid shall at any time be without such Fishway as required by the preceding Article, the Overseers of the Fisheries shall give notice in writing to the owner or occupier of such Dam to make a good and sufficient Fishway therein, within forty days after service of such notice. If no Fishway, notice by Overseers.

ART. 7.

In case the owner or occupier of such Dam shall refuse or neglect to make such Fishway to the satisfaction of the said Overseers of the Fisheries, within the time so limited for that purpose, the said Dam shall be thenceforth deemed a public nuisance, and upon the conviction of such owner or occupier on an indictment therefor before the General Sessions, he shall be liable to be fined at the discretion of the Court, in a sum not less than twenty pounds, and not exceeding forty pounds, and the said Court shall order the said nuisance forthwith to be abated. Neglect to make Fishway, Dam a nuisance, and penalty.

ART. 8.

If the owner or occupier of the Dam refuse to pay such fine, the said Sessions may issue a Warrant for levying such fine by distress and sale of the offender's goods and chattels, and if no sufficient distress can be found, the offender may be committed to the common gaol for the space of four months, or until the said fine be paid. Remedy for penalty

ART. 9.

Nothing herein contained shall affect any Act of Assembly now in force, concerning any River or Stream therein named, or the rules and regulations made under the authority of such enactment, or the common law rights of any individual. Proviso for local enactments.

SECT. XII.—LANDS FOR PUBLIC USES, AND SCHOOL RESERVES.

SUMMARY OF CONTENTS.

Article 1, Former Grants to Justices of the Peace valid; Art. 2, Justices of the Peace may receive and hold Land in Trust; Art. 3, School Reserves vested in Justices of the Peace; Art. 4, Authority to Lease; Art. 5, Authority to Sue.

ART. 1.

ART. 1.

Previous grants to
Justices valid.

All grants of Land heretofore made to Justices of the Peace of any County for public uses, shall be and remain good, valid and effectual.

ART. 2.

Justices may
receive and hold
Land in trust.

The Justices of the Peace of any County, by the style and title of "The Justices of the Peace for the County of _____, for the time being," may accept, receive, and hold in trust for any public use therein specified, any grant or grants of Land, and may execute the trusts thereof; and all such grants shall be good and valid in law and equity.

ART. 3.

School Reserves
vested in Justices.

All Lands in any County reserved for the use and benefit of Schools, and not already granted by the Crown, are hereby vested in the Justices of the Peace of the County in which the same may be situate, to be by them held in the same manner as if the same were granted to them by the Crown; provided always, that the rents, issues and profits arising from such Reserves shall be faithfully applied by such Justices for the support of the Parish Schools within the Parish where such lands lie.

ART. 4.

Authority to lease.

The said Justices of the Peace in General Sessions are hereby authorized and empowered, by the style and title aforesaid, to lease by public auction for a term not exceeding twenty one years, any such land so held by them in trust as aforesaid, and on such other terms as to them shall seem most beneficial to the said trust.

ART. 5.

Authority to sue.

The said Justices, by the style and title aforesaid, shall be able and capable in law to sue for, recover and receive the rents, issues and profits, if any, of the said lands leased by them for any term of years, or occupied under any agreement in respect thereof, and also by the style and title aforesaid, to bring and maintain any action of trespass or ejection of or concerning any of the said lands, or any other action for or on account thereof.

 SECT. XIII.—COUNTY BUILDINGS AND COUNTY OFFICES.

SUMMARY OF CONTENTS.

Article 1, Assessment for Gaol, Court House, &c.; Art. 2, Assessment for Offices of Registrar and Clerk of the Peace; Art. 3, Authority to make contracts therefor; Art. 4, Occupation of Buildings in Article 2.

ART. 1.

Assesment for
Gaol, Court House,
&c.

Whenever it may be necessary to build, secure or repair any Gaol, Court House, or other Public County Building, any General Sessions, upon the presentment of the Grand Jury at such Sessions, recommending the same, shall, if they think proper and convenient, make such rates and assessments for the same from time to time, and for such sum of money as they may think necessary for all or any of the purposes aforesaid, to be assessed, levied and collected in like manner as provided for other rates in this Act.

ART. 2.

Assesment for
offices of Registrar

The General Sessions, whenever they may consider it expedient, may make

a rate and assessment of any sum not exceeding three hundred pounds, for the erecting suitable buildings, with safes of stone or brick, near the County Court House, for the use and safe keeping of the Records of Deeds and Wills, and also the Papers and Records of the Inferior Court of Common Pleas and General Sessions, such sum to be assessed, levied, collected and paid according to the provisions of this Act. and Clerk of the Peace.

ART. 3.

The General Sessions shall have power, by the style and title of "The Justices of the Peace for the County of _____," to contract and agree with any person for the erection and repairing of such Gaol, Court House, or other Public Building as aforesaid, and to apply the proceeds of any assessments made therefor in performance of such agreement or contract. Authority to make contracts.

ART. 4.

All buildings erected according to Article 2 of this Section shall be occupied and used for the several offices of Registrar of Deeds and Wills, and Clerk of the Inferior Court of Common Pleas and General Sessions of the Peace, for the County. Occupation of the buildings.

SECT. XIV.—COUNTY CONTINGENCIES AND ASSESSMENTS THEREFOR,
AND COUNTY ACCOUNTS.

SUMMARY OF CONTENTS.

Article 1, When Sessions may order Assessment for Contingencies; Art. 2, Clerk of the Peace to make out Warrants, &c., and penalty for neglect; Art. 3, When claims against Parish or County to be filed; Art. 4, Accounts to be laid before Grand Jury; Art. 5, Parish Officers to exhibit Accounts at time of election; Art. 6, Accounts filed with Clerk of the Peace for inspection.

ART. 1.

Whenever it may become necessary to raise any sum of money by assessment in any County, for the payment of the contingent expenses thereof, the General Sessions shall lay before the Grand Jury a detailed statement, shewing how the sum so required is made up, and upon the approbation of the Grand Jury being first obtained, such Sessions may order and direct an assessment for that purpose, and not otherwise. When Sessions may order Assessment for contingencies.

ART. 2.

Whenever any General Sessions shall order any sum to be levied and assessed for the purpose of defraying any County contingencies, or other County or Parish charge or expense, the Clerk of the Peace shall make out the Warrants (A a) under the Seal of the Sessions for such assessment, and forthwith transmit the same to the Assessors for the several Parishes in the said County, under the penalty of ten pounds for each and every neglect. Warrant to be made out and penalty for neglect.

ART. 3.

No claim or account against any Parish or County shall be allowed by the Sessions, unless the same be filed with the Clerk of the Peace within one hour after the opening of such Sessions. Filing of claims against a Parish or County.

ART. 4.

At the time of appointing of Town and Parish Officers, a full and detailed statement Accounts to be laid before the Grand Jury.

statement of the County and Parish Accounts shall be laid before the Grand Jury for their consideration, immediately after the opening of the Court, and shall be returned into Court on or before the Friday following, with such presentment as the Grand Jury may see fit to make thereon; and no unpaid claim or account shall be paid, or ordered to be paid, which has not been so first laid before the Grand Jury.

ART. 5.

Parish officers to exhibit accounts at election.

The Overseers of the Poor, the Collectors of Rates, and the Commissioners of Highways, shall lay before the Rate payers, at the time of the election of Town and Parish Officers, a copy of their Accounts respectively, for examination, before such election takes place.

ART. 6.

Accounts to be filed and open to inspection.

The County Accounts shall be filed in the Office of the Clerk of the Peace, and shall at all times be open to the inspection of any Rate payer of the County who may wish to examine the same, without any fee therefor.

 SECT. XV.—ACTIONS AGAINST OFFICERS, AND RECOVERY OF PENALTIES.

SUMMARY OF CONTENTS.

Article 1, No action after three months; Art. 2, Plea, General issue, and when Verdict to be for the Defendant; Art. 3, Treble costs; Art. 4, Certified copy Regulations, evidence; Art. 5, Persons acting as Officers deemed to be sworn; Art. 6, Recovery of Penalties; Art. 7, Competency of Witnesses.

ART. 1.

No action after three months.

No action shall be brought against any person for any thing done in pursuance of any provisions of this Act, unless within three months after the fact committed, and upon one month's previous notice thereof in writing: and such action, when brought, shall be tried in the County where the cause of action arose.

ART. 2.

Plea, general issue, and verdict to defendant if under Act.

In any such action the defendant may plead the general issue, and give this Act and the special matter in evidence; and if on the trial it appear that the defendant acted under the authority of this Act, or of any regulations made in pursuance of the powers conferred by this Act, or that the cause of action arose in some other County, in any such case the Jury shall give a verdict for the defendant.

ART. 3.

Treble costs on non-suit, &c.

If in such suit the plaintiff shall discontinue the action after the defendant has appeared, or if, upon demurrer, judgment shall be given against the plaintiff, or if the plaintiff become non-suit, the defendant shall be entitled to and shall recover treble costs from the plaintiff in such suit.

ART. 4.

Certified copy of regulations, evidence.

A copy of any regulations made under the provisions of any Article of this Act, purporting to be under the Seal of the General Sessions, and certified and signed by the Clerk of the Peace as a true copy, and as having been duly confirmed, shall be admissible as evidence in all Courts of Law in this Province.

ART. 5.

ART. 5.

All persons acting as Town and Parish Officers, or County Officers, shall *prima facie* be deemed to have taken the oath of office without proving the same. Persons acting as officers deemed to be sworn.

ART. 6.

All fines and penalties imposed under and by virtue of any authority or provisions of this Act, shall and may be recovered and applied according to the provisions of the Act of Assembly made and passed in the twelfth year of Her present Majesty's Reign, intituled *An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, within this Province, with respect to summary convictions and orders*, unless otherwise specially provided for. Recovery of penalties.

ART. 7.

In any prosecution for the recovery of any fine, penalty or forfeiture, under and by virtue of this Act, or of any regulation made under the authority hereof, no person shall be deemed an incompetent witness by reason of his being an inhabitant or rate payer of the Parish, Town or County wherein such prosecution may be had. Competency of witnesses.

 SECT. XVI.—RULES OF CONSTRUCTION.

SUMMARY OF CONTENTS.

Article 1, Words in the singular and plural number; Art. 2, General Sessions or Special Sessions; Art. 3, County, Town and Parish, and City Officers; Art. 4, Justice of the Peace, or two Justices of the Peace; Art. 5, Real Estate and Personal Estate; Art. 6, Cattle; Art. 7, All the Articles of a Section together, if necessary.

ART. 1.

Throughout this Act, wheresoever words are used importing the singular number or the masculine gender only, yet they may be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males; and wheresoever words are used denoting the plural number, yet they may be understood to apply to one matter as well as more than one, and to one person as well as more than one, as though the words had been used in the singular number, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction. Words in singular or plural number.

ART. 2.

Wherever throughout this Act any thing is authorized or required to be done by any General Sessions, or by any Special Sessions, it shall be deemed and construed to apply to any General Sessions of the Peace, or to any Special Sessions, as the case may be, in all or any of the several and respective Counties of the Province, unless there may be something in the subject or context repugnant to such construction; and wherever any thing is authorized or required to be done by any Sessions, it shall be deemed and construed to apply to any General or Special Sessions in all or any of the said several Counties of the Province. General Sessions or Special Sessions.

ART. 3.

Wherever any provision is made throughout this Act relating to a County, it shall be deemed and taken to apply to all or any of the several and respective Counties of the Province, and wherever any provision is made relating to a Town or County, Town, or Parish and City officers.

A. D. 1850.

13th VICTORIÆ.

C. 30.

89

General Sessions, at _____ in the said County, this _____ day of _____ in the year of our Lord one thousand eight hundred and _____ By the Court. E. F., Clerk.

(A)

Form of Assessment.

Assessment of the Town or Parish of _____ (or District of the same, as the case may be,) in the County of _____ in pursuance of a Warrant of the General Sessions of the Peace for the said County of _____ to levy the sum of _____ for Dated the _____ day of _____ one thousand eight hundred and _____ Form of Assessment.

Names of Persons	Poll Tax.	Real Estate (within the Parish) of Inhabitants.		Personal Estate of Inhabitants.		Real Estate of non-residents.		Annual Incomes.		20 per cent. of value of Property.		Amount to be Taxed.		Total Assessment	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		
A. B.	1 4	200 0 0	100 0 0	0 0 0	0 0 0	0 0 0	60 0 0	60 0 0	1 5 4						
C. D.	1 4	300 0 0	100 0 0	0 0 0	50 0 0	80 0 0	130 0 0	2 13 4							
E. F.	0 0	0 0 0	0 0 0	200 0 0	0 0 0	40 0 0	40 0 0	0 16 0							
G. H.	1 4	0 0 0	0 0 0	0 0 0	20 0 0	0 0 0	20 0 0	0 9 4							
J. K.	1 4	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 1 4							

(B)

Precept.

To A. B., one of the Collectors of Rates in the Town or Parish of _____ or to any other Collector of Rates in the said Town or Parish. Precept.

You are hereby required forthwith to collect from the several persons named in the annexed assessment, the sums set against their names respectively, under the last column thereof, headed "Total Assessment," amounting in the whole to the sum of _____ and to pay the same, when collected, into the hands of County Treasurer, [or Overseer of the Poor, or otherwise, as the case may be.]— Given under our hands the _____ day of _____ in the year of our Lord one thousand eight hundred and _____

E. F.,
G. H., } Assessors.
I. K., }

(C)

Execution.

County, ss. To any Constable of the Parish of _____ Execution:

You are hereby required to levy of the goods and chattels of A. B., within your Parish, the sum of _____ which has been assessed upon him [or her,] and also for costs, amounting in the whole to _____ besides costs of levying this Execution, and have the money before me, at my dwelling house, on the _____ day of _____ to be rendered to C. D., Collector of Taxes for the Parish of _____ [or

[*or* District of]; and for want of goods and chattels whereon to levy, you will take the body of the said A. B. and deliver to the Keeper of the Gaol of the said County; and the said Keeper will take the said A. B., and him safely keep for days, unless the said and costs be sooner paid; and how you shall have executed this Precept make return to me at the day and place aforesaid.—Given under my hand and seal this day of one thousand eight hundred and

E. F., *Justice of the Peace for the County of*

(D)

Warrant to Apprehend.

Warrant to
apprehend.

To any Constable of the Parish of in the County of

A. B. having this day upon oath made before me, declared that she has been delivered [*or is like to be delivered*] of a bastard child which will be chargeable to the said Parish of and having charged C. D. therewith, upon application to me made by E. F., an Overseer of the Poor for the said Parish, I do hereby require you forthwith to apprehend the said C. D. and bring him without delay before me or some other Justice of the Peace of the said County, to be dealt with according to Law.—Given under my hand and seal this day of one thousand eight hundred and

G. H., *Justice of the Peace.*

(E)

Bond to indemnify.

Bond to indemnify.

ss.—Be it remembered, that on the day of in the year of our Lord one thousand eight hundred and A. B. of in the County of and C. D. of in the said County; personally appeared before me Esquire, one of Her Majesty's Justices of the Peace in and for the said County, and acknowledged themselves to be jointly and severally indebted to our Sovereign Lady the Queen, in the sum of pounds of lawful money of New Brunswick, upon condition that if the said A. B. [*or in case such reputed father be under the age of twenty one years, that if E. F.*] shall well and truly, and at all times indemnify and save from all charges and expenses whatsoever, the Parish of for or on account of the support of a bastard child charged against the said by then this Recognizance to be void, otherwise to be and remain in full force and effect.—Taken and acknowledged before me.

G. H., *Justice of the Peace.*

(F)

Recognizance to appear.

Recognizance to
appear.

ss.—Be it remembered, that on the day of in the year of our Lord one thousand eight hundred and A. B., of in the said County, and C. D., of in the said County, personally came and appeared before me Esquire, one of Her Majesty's Justices of the Peace in and for the said County, and acknowledged themselves to be jointly and severally indebted to our Sovereign Lady the Queen, in the sum of pounds of lawful money of New Brunswick, upon condition that if the said A. B. [*or in case the person charged be under*

under age, that E. F.] shall personally appear at the next General Sessions of the Peace to be holden in and for the said County, then and there to answer a charge made against him as being the reputed father of a bastard child, likely to be chargeable to some Parish in the said County, and not to depart the said Court without leave, then this Recognizance to be void, otherwise to be in full force. Taken and acknowledged before me.

G. H., *Justice of the Peace.*

(G)

Warrant to discharge.

ss.—It having been made to appear to my satisfaction that A. B. is no longer chargeable, according to law, as the reputed father of a bastard child, of which complaint was heretofore made by E. F., I do therefore hereby authorize and require that the said A. B. be henceforth acquitted and discharged from all liabilities as such reputed father.—Given under my hand and seal this day of one thousand eight hundred and

Warrant to discharge.

G. H., *Justice of the Peace.*

(H)

Order of Affiliation.

General Sessions,

day of one thousand eight hundred and

The Queen, at the instance of the Overseers of the Poor for the Parish of vs. A. B. In the matter of a charge of Bastardy, preferred by the Overseers of the Poor for the Parish of against A. B., for having gotten of in said County, with child, which child was born a bastard, and has been and is chargeable upon the said Parish of

Order of affiliation.

The said A. B. being called upon his Recognizance, appears and denies that he is the reputed father of the child in question, whereupon the Justices proceed to the examination of the cause and circumstances, and the following witnesses are called and sworn :—

and on hearing the full examination of the witnesses and parties, the Justices do order and adjudicate as follows :—That the said C. D. was delivered of the said bastard child, being the child in question, on the day of one thousand eight hundred and and that the said child is chargeable on the Parish of and was so since its birth; and further, that the said A. B. is the reputed father of the said child, and chargeable with the support of the same; and it is further ordered and adjudged by the said Justices, that the said A. B. do pay to the Clerk of the Peace for said County, for the use of the Overseers of the Poor of the said Parish of the sum of for lying-in expenses of the said C. D., on the birth of the child in question; and the further sum of per week, from the birth of the said child (which took place on the said day of) up to the date of this order: and the further sum of for expenses incurred in the apprehension and conviction of the said A. B.; and also the further sum of per week, from the date of this order until the said child shall attain the age of seven years, which said latter sum of per week to be paid to

to the Overseers of the Parish of weekly and every week ; and the said Justices do further order and adjudge, that the said A. B. do enter into recognizance required by Law, with two sufficient sureties, in the penal sum of fifty pounds, for the payment of the said last mentioned sum of per week, for the future maintenance of the said child ; and that the said A. B. do forthwith pay the other sums in this order mentioned, or be committed to the common gaol of the County, there to remain until discharged by the due course of law.

(J)

*Recognizance upon Order of Affiliation.*Recognizance on
order of affiliation.

ss.—Be it remembered, that at the General Sessions of the Peace holden at in and for the County of on the Tuesday in in the year of our Lord one thousand eight hundred and before [*senior Justice present*] and others, his fellows, personally appeared A. B. of in the said County, and C. D. of in the said County, and acknowledged themselves jointly and severally indebted to our Sovereign Lady the Queen, Her Heirs and Successors, in the sum of fifty pounds of lawful money of New Brunswick, upon condition that if the said A. B. [*or in case such father be under age, that if E. F.*] shall well and truly at all times obey and perform all or any orders of such Court, made or to be made, touching the support or maintenance of a bastard child, while chargeable on any Parish in the said County, and of which child the said has been by such Court adjudged the reputed father, then this Recognizance to be void, otherwise in full force.—Taken and acknowledged in open Court.

L. M., Clerk Peace.

(K)

Form of Scire Facias.

Scire Facias.

ss.—Victoria, by the Grace of God, &c.

To the Sheriff of the County of Greeting :

Whereas A. B. and C. D., lately in and before the Court of General Sessions of the Peace, held at in and for the said County, on the Tuesday in in the year acknowledged themselves indebted to our Sovereign Lady Queen Victoria in the sum of of lawful money of New Brunswick, upon condition that A. B. should personally appear at the next General Sessions of the Peace, to be held in and for said County, to answer a certain charge made against him, the said A. B., as being the reputed father of a bastard child, as by said Recognizance will appear [*or in case such Recognizance be for the performance of any order of the said Court for maintenance of such child, say, upon condition, here recite condition according to the fact*] ; and whereas the said Court is given to understand that the said A. B. hath failed to perform the condition of the said Recognizance, whereby the same hath become forfeited : These are therefore to command you that you make known to the said that they appear before the next Court of General Sessions of the Peace, to be holden at in and for the said County, on the Tuesday in next, to shew cause, if any they have or know, why Execution should not issue against them, according to the effect of such Recognizance.—Witness [*senior Justice*] at the [*last day of previous Session*] in the year of our Reign.

E. F., Clerk.

(L)

(L)

Form of Minute, and entry of Judgment.

At a Court of General Sessions of the Peace, held at _____ in and for the Minute and Judgment.
County of _____ on the Tuesday of _____ one thousand eight hundred and
before _____ and other Justices of the said Court.

It appearing to this Court that A. B. hath not performed the condition of a certain Recognizance lately entered into by him, relating to a charge of Bastardy, and the said A. B. having been duly served with a *Scire Facias* thereon, returnable at this present Term, and not appearing thereto, [*or if appearing, not shewing sufficient cause,*] it is considered and adjudged by the Court, that such Recognizance is forfeited, and that Execution do issue against the said A. B. according to the form and effect of such Recognizance.

(M)

Form of Execution.

ss.—Victoria, by the Grace of God, of the United Kingdom of Great Execution.
Britain and Ireland, Queen, Defender of the Faith, &c.

To the Sheriff of _____ Greeting:

Whereas at a Court of General Sessions of the Peace, held at _____ in and for the said County, on the Tuesday in _____ it was adjudged that a certain Recognizance entered into by _____ in the penal sum of _____ with a condition relating to a case of Bastardy, had become forfeited, by reason of the condition thereof not being performed, of which execution remains to be done: We therefore command you, that of the goods and chattels of the said _____ in your Bailiwick, you cause to be made the said sum of _____ and have that money before us at the next Court of General Sessions of the Peace, to be held at _____ on _____ to be paid and applied according to law; and for want of goods and chattels whereon to levy, you will take the body of the said _____ and him safely keep in the common gaol of your County, until he pay the said sum of _____ or be otherwise discharged, and make return hereof.—Witness _____ at _____ this _____ day of _____ in the _____ year of our Reign.

A. L., *Clerk.*

(N)

Form of Writ of Replevin.

To either of the Constables of the Parish of _____

You are hereby commanded to replevy to A. B. his _____ which C. D. unjustly, Writ of Replevin.
as is alleged, detains under pretence of having committed a trespass not exceeding five pounds, and also to summon the said C. D. to be and appear before me on the _____ day of _____ at _____ of the clock in the _____ noon, then and there to answer such things as shall be objected against him by the said A. B.—Witness my hand and seal the _____ day of _____ one thousand eight hundred and _____

E. F., *J. Peace.*

(O)

Form of Replevin Bond.

Replevin Bond.

We, A. B., of C. D., of and E. F., of are jointly and severally held and firmly bound to G. H., of the Parish of Constable, in the sum of to be paid to the said G. H., his executors, administrators or assigns.— Sealed with our seals, dated this day of one thousand eight hundred and

The condition of the above obligation is such, that if the above bounden A. B. shall appear before J. K. a Justice of the Peace for the County of on [here insert the time and place specified in the Writ of Replevin,] and do prosecute his suit with effect against L. M., for taking and unjustly detaining [here specify the property taken,] and do make return, if a return shall be adjudged by the said Justice, then the said Bond to be void, otherwise to be in force and effect.

Assignment of Replevin Bond.

Assignment.

Know all men, that I, G. H., Constable of the Parish of have, at the request of the within named L. M., the defendant in this cause, assigned over this Replevin Bond to him, pursuant to the Act of Assembly in that case provided.—In witness whereof I have hereunto set my hand this day of in the year of our Lord one thousand eight hundred and

G. H., Constable.

Table of Fees.

TABLE OF FEES TO BE CHARGED UNDER THIS ACT.

Justices Fees.

Information or Complaint in writing,	....	....	....	....	....	£0	1	0
Every Summons,	....	....	....	....	....	0	1	0
Warrant to arrest,	....	....	....	....	....	0	1	6
Taking Recognizance, each party,	....	....	....	....	....	0	0	6
Entering up Recognizance,	....	....	....	....	....	0	1	0
Warrant of Distress,	....	....	....	....	....	0	2	0
Commitment,	....	....	....	....	....	0	1	0
Administering an Oath,	....	....	....	....	....	0	0	6
Drawing an Affidavit,	....	....	....	....	....	0	1	0
First folio of 100 words of the Minutes in writing on a trial,	....	....	....	....	....	0	1	0
Every additional folio,	....	....	....	....	....	0	0	6
Writ of Replevin,	....	....	....	....	....	0	1	6
Subpcena,	....	....	....	....	....	0	0	6
Copy of Writ, Summons, or other necessary paper, half the allowance for the original.	....	....	....	....	....	0	3	0

Clerks of the Peace.

Drawing every Indictment, and engrossing not exceeding five folios,	0	2	6
Copies of all Indictments, Depositions, and all other papers delivered upon application of Defendant, and collating, per folio,	0	0	6
Motions for trial, minuting the same, calling and swearing Jury, swearing Witness, &c., the like Fees as in Civil Cases in Summary Actions.			

Taking,

Taking, respiting or discharging every Recognizance, and discharging a Prisoner by Proclamation,	£0	1	0
Preparing, signing and sealing each Subpcena or Bench Warrant,	0	2	0
Every Subpcena Ticket,	0	0	6
Every Certificate under Seal,	0	2	0
Entering appearance of Defendant upon Indictment,	0	1	0
Entering Judgment of Court, each person,	0	1	0
Trial and Judgment;	0	3	6
Every Warrant of Assessment, and Seal,	0	2	6
Drawing every Order, Rule, Ordinance or Regulation of the Session, per folio,	0	0	6
Calling Special Sessions, and preparing notices to Justices,....	0	10	0
Copying Jurors' Lists, Parish Lists, and Returns from Sessions, and making copies of the same when necessary, per folio, ..	0	0	6
Assisting on Trial before the Sessions, to be allowed by the presiding Justice, not less than half a guinea and not exceeding one guinea.			
Any other service not provided for, to be allowed in the discretion of the Justices in Session.			

Constables Fees.

Serving Summons, and making Return thereto,	£0	1	0
Serving Warrant to arrest, ...	0	1	6
Taking Replevin Bond,	0	2	0
Getting Warrant endorsed,	0	1	0
Serving Warrant of Distress,	0	1	0
And Poundage, 1s. per £1.			
Executing Warrant of Imprisonment,	0	2	0
Serving Subpcena, and Return,....	0	1	0

In addition to these Fees, to have three pence per mile, going and coming, to be charged according to the number of miles actually travelled.

CAP. XXXI.

An Act to consolidate and amend the Laws relating to Insolvent Confined Debtors.

Passed 26th April 1850.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That whenever any person may be confined within any gaol or the limits thereof, within this Province, for any debt, damages or costs, whether on mesne or final process, and such person so confined shall be unable to provide or obtain his necessary support, it shall and may be lawful for such person immediately, or at any time after the said debtor may be put in confinement, to make application to any Judge of the Supreme Court, or any Justice of the Inferior Court of Common Pleas, together with any Justice of the Peace, being of the quorum, in the County where such person shall be confined, for a weekly support or maintenance; and such Judge or Justices, (after fourteen days previous notice to the plaintiff or person at whose suit such person may be confined, or his Attorney,) shall examine on oath such person so confined, as to his ability to support himself; and if on examination, to be taken in writing on oath as aforesaid, to be filed in the Office of the Clerk of the Court out of which such process may have issued, it shall appear to such Judge or Justices that such person is utterly unable to support himself, and has no property whatever, real or personal, of what nature or kind soever, except necessary bedding, wearing apparel, kitchen utensils,

Confined Debtors may apply for an order for maintenance to a Judge of the Supreme Court or Justice of the Common Pleas and Justice of the quorum.

If he be found unable to support himself, &c., an order for maintenance to be made.

utensils, and necessary tools of his trade or occupation, not exceeding in value in the whole fifteen pounds, and that such confined person hath not at any time since he or she was served with the first or mesne process in the suit in which he may have been confined, or since he had notice of the said suit having been commenced, made over, assigned, transferred or put out of his possession or power, either directly or indirectly, any property whatsoever, whether real or personal, for the purpose of defrauding such plaintiff, or giving any undue preference to any other plaintiff or creditor, that then it shall be lawful for such Judge or Justices to make an order for the party at whose suit such person may be confined, to pay a weekly sum of five shillings, to be applied for the support of such person, which sum shall be paid weekly, and the first payment to be paid at the time such Judge or Justices may in such order direct; and after such order made, it shall be the duty of such party, without any further notice, to pay such weekly support agreeably to such order; and in case of failure thereof, it shall and may be lawful for any such Judge or Justices as aforesaid, on such failure being made known to him or them, to make an order under his or their hands, directed to the Sheriff or Gaoler, to discharge the said person out of confinement by reason of such suit, and such person shall be forthwith discharged by the said Sheriff or Gaoler, without any claim or detention for or by reason of any Sheriff's fees, Gaoler's fees, board found or provided, or any pretence whatsoever; provided that nothing in this Act shall prevent any plaintiff from prosecuting his suit, if on mesne process, to final judgment, or from taking out *fieri facias* against the goods and chattels, lands and tenements of such defendant, or from recovering in any other manner the amount of the judgment obtained in the suit, so always that the person of any debtor so discharged shall be freed from arrest in any proceedings or actions upon such judgment.

On failure of payment an order for discharge to be made.

Not to prevent proceeding to final judgment or taking out *fieri facias*.

Examination of debtor may be taken and order made by any person authorized to take such examination when requested by the person issuing the notice.

Examination to be taken at the appointed time, and an entry to be made of the fact.

Act extended to judgment debtors in the Court of a Justice of the Peace

II. And be it enacted, That in any case where a notice of the examination of any insolvent confined debtor shall have been given under the provisions of this Act by any person or persons authorized to take such examination, it shall and may be lawful (in case of the illness, absence or inability to attend of the person or persons who issued such notice of examination,) for any other person or persons authorized to take examinations of confined debtors, who, at the request of the person or persons who issued the notice of examination, may attend for that purpose, to proceed to the examination of such confined debtor, and to hear and determine the application for support, and to make all such order or orders thereon, and on any proceedings subsequently had in regard to the support or withholding the support of such confined debtor, as to such person or persons taking such examination may seem meet; provided always, that such examination shall be had and taken at the time and place specified in the notice of examination, and that an entry shall be made in the minutes of such examination of the same having been taken by the person or persons who shall take the same, in lieu of the person or persons who issued the notice, and the cause thereof.

III. And be it enacted, That each and every defendant committed to gaol in execution upon any judgment recovered before any Justice of the Peace in such Justice's Court, shall be entitled to the benefit of this Act; and such Justices or any other Justice of the Peace of the County in the gaol of which the defendant shall be confined, upon such application, notice and examination, as are prescribed in the cases mentioned in this Act, shall make the like orders for the relief of such defendant in every respect as if the execution against such defendant had issued out of either of the Courts before mentioned in this Act.

IV. And be it enacted, That upon the application of any such person to any such Judge or Justices as aforesaid for such support, such Judge or Justices is hereby authorized and required to make an order under his or their hand, directed to the Sheriff or Gaoler in whose custody such person may be confined, to bring up such person before him or them at the time and place in such order to be specified, for the purpose of being examined as is hereinbefore provided, and such Sheriff or Gaoler shall not be liable to any action for escape or other suit for or on account of such order, according to the true intent and meaning of this Act.

Sheriff or Gaoler to bring the debtor before the Judge or Justice.

V. And be it enacted, That when any plaintiff or defendant shall have occasion to compel the attendance of any witness or witnesses, to testify or give evidence before the Judge or Justices to or before whom any application, examination or other proceeding may be had under this Act, it shall and may be lawful for such plaintiff or defendant to issue a Subpœna, or if need be, a Subpœna *duces tecum*, out of the Court from which the process under which the person is confined may have issued, commanding and requiring the attendance of such witness, and the production of books and papers before such Judge or Justices, at the time and place in such Subpœna to be specified; which said Subpœna shall be served, and the witness paid or tendered his reasonable expenses in the same manner as if the Subpœna had issued from such Court in the ordinary manner; and the witness or person served therewith shall be subject to the same punishment by such Court, or liable to the like damages in all respects to the party injured, for wilfully refusing or neglecting to obey such Subpœna, as in any other case he would be liable or subject to.

Attendance of witnesses or production of books, &c., to be enforced by Subpœna.

VI. And be it enacted, That when any person so confined shall be possessed of money or debts at the time of his or her confinement or afterwards, and shall have offered to pay or assign the same to the party at whose suit such person may be confined, or in case there be several parties, to them respectively, in part payment of and in proportion to such demand or demands, or when such confined person shall be possessed of either real or personal property, (excepting nevertheless, wearing apparel, bedding, and tools, to the value of fifteen pounds, as before excepted,) and shall have offered to convey and assign the same to the party or parties at whose suit or suits such person may be confined, at a fair price, to be agreed upon, in part payment, or in proportion as aforesaid, and in case of disagreement as to the price or value of such property, shall have offered to pay in manner aforesaid the proceeds arising from the sale of such property, which said property shall be sold at public auction by such confined person, after having first advertised the time and place of the sale thereof for the space of fourteen days, and given the party or parties respectively, or their attorneys, notice of such sale, and the said party or parties shall have refused to accept and receive the said payment or assignments, or the said proceeds arising from the said sale of the said property as aforesaid, that then it shall and may be lawful for the said person so confined to assign or pay over the same to any other *bona fide* creditor or creditors and that when such party or parties may have received such assignment or payment from such confined person as aforesaid, or when the confined person, in case of refusal by such party or parties, may have assigned or paid the same to other *bona fide* creditors as aforesaid, that then in either of such cases the said confined person shall be entitled to the benefit of this Act, in all respects the same as if such person had no such debt or property at the time of confinement or application.

Debtor may assign his property to other creditors: if confining creditor refuse to take it or the proceeds.

After assignment debtor to have the benefit of this Act.

VII. And be it enacted, That such allowance shall be paid to the gaoler of the County in which such debtor may be confined, at any time during the day

Maintenance to be paid to the Gaoler of the County.

(between sunrise and sunset) such allowance becomes due, for the use and support of such confined debtor.

Weekly allowance may be stopped if after order made it shall appear that the debtor has means of supporting himself.

VIII. And be it enacted, That in any case when it shall be made to appear to the satisfaction of any Judge or Justices who may have ordered support to any person, or to any other Judge or Justice of the Court out of which the process may have issued, upon which such person may be confined, after such support ordered, that such person has the means of providing his or her necessary support, whether from property possessed at the time or since obtained, or by any other means, in either of such cases, upon application made to him or them, such Judge or Justices shall be and are hereby authorized and empowered, by order under his or their hand and seal, to suspend the payment of such support for a stated time, or until further orders given in that behalf by such Judge or Justices, or by the Court out of which the process shall have issued; provided always, that in case the said Judge or Justices shall direct the suspending or withholding support until further order from the Court is given in that behalf, it shall and may be lawful for such Court, at the next or any future sitting, to hear and determine upon the same, and make such order as to such Court may appear fit and proper; provided that such Court shall not direct the payment of any greater support than by this Act is authorized; and further provided, that no order shall be made for suspending the payment of support without due notice being given to the confined person of the application for that purpose being made, in order that such person may attend if he or she think proper; and any Judge or Justices aforesaid may order and direct the Sheriff or Gaoler to cause such person to be brought before him or them for that purpose, in the same manner as directed hereinbefore.

Maintenance may be refused or suspended if debtor can earn it.

IX. And be it enacted, That if it shall at any time be made out to the satisfaction of any Judge or Justices as aforesaid, that the person so applying for, or having support under this Act, (and having the benefit of the gaol limits,) can either by labour or otherwise earn or procure his or her necessary support or maintenance, such Judge or Justices shall and may refuse to make such order for support as aforesaid, or in case the same be made, to suspend the same in the manner hereinbefore provided.

Persons not strictly entitled to the benefit of this Act may, after six months confinement, apply to the Supreme Court for relief.

X. And whereas it is expedient in certain cases to authorize and empower the Supreme Court of Judicature of this Province to grant relief or discharge to confined debtors, who by the strict provisions of this Act may not be entitled to the benefit thereof; Be it enacted, That when any person may have been confined in any gaol or limits thereof in this Province, for the space of six months, at the suit of any person for either debt, costs or damages, such confined person may apply to the said Supreme Court in Term time, on affidavit of the circumstances, for relief or discharge, which said Court, on notice having been given of such application to the adverse party or his Attorney, may inquire into the matter on affidavit or otherwise, and if it shall thereupon appear to said Court that the person so confined has no property whatever, real or personal, within his possession, power or control, wherewith he can satisfy such demand or any part thereof, or support himself in custody, such Court may in its discretion make an order either for the maintenance or discharge of such person so confined, in the same manner as any Judge of such Court may do by virtue of this Act, and which order or discharge shall in all respects have the like force and effect as any order or discharge made by any Judge, pursuant to the directions of this Act.

After receipt of weekly allowance for six months,

XI. And be it enacted, That any person who may have received such weekly allowance for the space of six months, shall immediately thereafter be entitled to his

his or her discharge from confinement, at the suit of the party who may have paid the same; and in such case the said Judge or Justices of the Peace who made the order for such weekly support, or any other Judge or Justice of the Peace as aforesaid, is hereby authorized and required to discharge such person from custody at the suit of the party who may have paid the support: provided always, that in case of such discharge, the party shall be entitled to the same remedy by proceeding to final judgment, or taking out execution against goods, chattels, lands and tenements, as is provided hereinbefore.

debtor to be discharged from confinement.

XII. 'And whereas it is expedient that creditors may have power to discharge debtors without losing the benefit of judgment obtained against such debtors; Be it therefore enacted, That it shall and may be lawful for any creditor or creditors, at whose suit any debtor or debtors is, are or shall be in prison, and taken and charged in execution for any sum of money, by writing signed by such creditor or creditors, or by one of them, for and in behalf of himself or herself, and the others of them, (being complainants in the same action,) to signify or declare his, her or their consent to the discharge of such debtor or debtors from the prison in which he, she or they is, are or shall be confined in execution, at the suit of such creditor or creditors, without losing the benefit of the judgment upon which such execution issued, except as is hereinafter provided; and that notwithstanding the discharge of any debtor or debtors in pursuance of such consent as aforesaid, the judgment upon which such debtor or debtors was or were taken or charged in execution, shall continue and remain in full force to all intents and purposes, except as hereinafter provided; and it shall be lawful for such creditor or creditors at any time to take out execution on every such judgment against the lands, tenements, hereditaments, goods and chattels of such debtor or debtors, or any of them, (other than and except the necessary apparel and bedding of him, her or them, or his, her or their families, and the necessary tools of his, her or their trade or occupation, not exceeding the value of fifteen pounds in the whole,) or to bring an action or actions on every such judgment, or to bring any action, or use any remedy for the recovery of his, her or their demand against any other person or persons liable to satisfy the same, in such and the same manner as such creditor or creditors could or might have had or done in case such debtor or debtors had never been taken or charged in execution upon such judgment; provided always, that no debtor or debtors who shall be discharged in pursuance of this Act, shall at any time afterwards be taken or charged in execution, or convicted upon any judgment hereinbefore declared to continue and remain in full force, or in any action which may be brought on any such judgment; and that no proceeding by *feri facias*, action or otherwise, shall be had against any bail in the action on which such judgment was obtained.

Creditor may consent to discharge his debtor in custody on execution without losing the benefit of the judgment.

Bail discharged.

XIII. And be it enacted, That the Executors and Administrators of any such creditor as aforesaid, shall and may consent to the discharge of any debtor or debtors to their testator or intestate, in such and the same manner, and with the same advantages and consequences in all respects as such creditors if living might or could have done in pursuance of this Act, and such Executors and Administrators respectively, shall not by reason of any such discharge in pursuance of this Act, be deemed guilty of *devastavit*, or be chargeable with the debt due from the person or persons so discharged.

Executors and administrators may consent to the discharge of debtors.

XIV. And be it enacted, That every Sheriff, Gaoler or keeper, in whose prison, gaol or custody, any debtor or debtors is, are or shall be confined, or detained in execution, shall, and every of them is hereby required, within twenty four hours next after such consent in writing of any creditor or creditors as hereinbefore

Debtor to be set at liberty after consent of creditor in writing being produced, &c.

mentioned

mentioned shall have been produced to and left with such Sheriff, Gaoler or keeper, or his deputy or agent, at such prison or gaol, (the hand writing or mark of such creditor or creditors to such consent in writing being duly proved by affidavit of some creditable person to be thereunto annexed, and to be sworn before one of the Judges of the Court out of which the execution against such debtor or debtors issued, or a Commissioner duly authorized to take affidavits in the County where such debtor or debtors shall be confined,) to discharge and set at liberty the debtor or debtors to whose discharge such consent shall be signified or declared as aforesaid.

False swearing
under this Act
deemed perjury.

XV. And be it enacted, That every person who shall be convicted of making or taking a false oath to any of the matters hereinbefore described or required to be sworn to, shall be deemed guilty of perjury, and shall be liable to all the pains and penalties to which persons are liable for wilful and corrupt perjury.

Indemnification for
discharge of debtor
for non-payment of
maintenance, or
after six months
confinement.

XVI. And be it enacted, That in case any confined person may have been discharged in consequence of the weekly support ordered agreeably to the provisions of this Act not having been paid, or after a six months' confinement, agreeably to this Act, all persons whomsoever shall be indemnified, and are hereby freed and discharged against and from all suits, actions and prosecution, informations or judgments whatsoever, that may be had, moved, prosecuted or adjudged against them or any of them, for or by reason or on account of such person having been discharged as aforesaid.

Sheriff may permit
persons arrested on
mesne process or
execution to have
liberty within the
gaol limits upon
bond.

XVII. And be it enacted, That when any person has been arrested in this Province either upon mesne process or execution, the Sheriff or other officer in whose custody such person may be, is hereby authorized and empowered to permit such person to go about and have his liberty within the limits designated for such gaol, upon a bond being given to the Sheriff, by the name of his office, by such person, with two sufficient sureties to the satisfaction of the Sheriff, in double the amount of the sum for which such person shall be in custody, upon condition thereunder written that such defendant shall not go or be at large out of such limits, or escape at any time while he has the liberty of the same as aforesaid, any law or custom to the contrary notwithstanding; and the Sheriff shall be entitled to demand and receive for making such bond five shillings, and no more, and such bond shall be in the form following, that is to say:—

Fee.

Form of Bond.

Know all men by these presents, that we are held and firmly bound to Sheriff of the County (or City and County,) of in the sum of lawful money of New Brunswick, to be paid to the said Sheriff, or to his certain attorney, executors, administrators, or assigns, for which payment to be well and truly made, we bind ourselves, and each of us by himself, for and in the whole, our and each and every of our heirs, executors and administrators, firmly by these presents: Sealed with our seals.—Dated this day of in the year of the Reign of our Sovereign of the United Kingdom of Great Britain and Ireland, &c. &c., and in the year of our Lord one thousand eight hundred and

Whereas the above named Sheriff as aforesaid, hath given permission to the above bounden a person in custody of the Sheriff of the County (or the City and County,) above mentioned, to go about and have his liberty within the limits of the gaol of such County; now the condition of the above obligation is such, that if the said shall not go or be at large out of the said limits of such gaol, or escape at any time while he has the liberty of the same as aforesaid, then this obligation is to be void, otherwise to remain in full force and virtue.—Signed, sealed and delivered in the presence of

Which

Which said bond the said Sheriff or his Deputy, at the request of the plaintiff in such suit, or his Attorney, shall assign to the said plaintiff in such action, by endorsing the same and attesting to it under his hand and seal, in the presence of two or more credible witnesses, and if the said bond or assignment be forfeited, the plaintiff in such action, after such assignment made, may bring an action and sue therefor in his own name; and the Court where the action is brought may by rule or rules of the same Court give such relief to the plaintiff and defendant in the original action, and to the obligors in the said bond as is agreeable to justice and reason, and that said rule or rules of the said Court shall have the nature and effect of a defeasance to such bond.

Bond to be assigned to plaintiff.

XVIII. And whereas in cases where the sureties of any debtor executing a bond under the provisions of this Act may be considered insufficient, or where any Sheriff or other officer may die, resign, or be removed from office, it is considered proper that the Sheriff or other officer, or his successor, should be authorized to require a new bond; Be it therefore enacted, That in any case where the Sheriff or other officer holding any bond taken under the provisions of this Act, or the successor of any such Sheriff or other officer, shall require such new bond from any debtor within the limits, the same shall be given by the debtor in the same manner as if such debtor was in actual custody, and on the refusal or neglect of the debtor to give such bond, it shall be lawful for the Sheriff or other officer to commit such debtor to custody in the same manner as if such debtor had been rendered by his sureties under the provisions of this Act.

New Bond may be required in case of its insufficiency or of the death or removal of a Sheriff.

XIX. And be it enacted, That no Sheriff shall be liable to any action of escape or other suit or information for or on account of any liberty that may be granted to any confined debtor under the provisions and according to the true intent and meaning of this Act; provided always, that if any confined person shall go or be at large in any manner or by any means not authorized by this Act, the Sheriff shall then be liable to all intents and purposes in the same manner as if this Act had not been made.

Sheriff not to be liable to action of escape for liberty given under this Act.

XX. And be it enacted, That in all cases wherein a writ of *feri facias* shall be issued upon any judgment obtained or to be obtained in any Court in the Province, it shall not be lawful for the Sheriff or other officer executing such writ, to seize and levy upon the necessary apparel and bedding of the debtor or debtors against whom such judgment shall be obtained, or of his, her or their family or families, the necessary tools of his, her or their trade or occupation, in satisfaction of such judgment; provided always, that such apparel, bedding and tools so to be exempted from being seized or levied upon as aforesaid, shall not exceed the value of fifteen pounds in the whole to any one debtor, which value shall be ascertained by the oath of three disinterested freeholders in the County, to be appointed by such Sheriff or other officer to appraise the same, which oath the said Sheriff is hereby authorized and empowered to administer.

Sheriff not to levy on the apparel, bedding or tools of a debtor if the same do not exceed £15 in value.

XXI. And be it enacted, That every Sheriff or Gaoler who shall do any thing in obedience to the order of any Judge or Justices, under the provisions of this Act, shall be indemnified for whatsoever shall be done by them respectively, in obedience thereto, and the order of the Judge or Justices for the discharge of any prisoner out of confinement, shall be a sufficient justification to the Sheriff or Gaoler for such discharge; and in any action brought against such Sheriff or Gaoler he may plead the general issue, and give such order in evidence thereunder.

Indemnification to Sheriffs and Gaolers.

XXII. And be it enacted, That any debtor having the liberty of the gaol limits, under the provisions of this Act, may render himself or be rendered by his sureties,

Debtor on the gaol limits may render himself or be rendered by his sureties.

clered by his sureties
to close custody.

sureties, or one of them, to close custody in the gaol, in discharge of the limit bond, in like manner as a principal may render himself or be rendered in discharge of his bail in cases of special bail, and upon such render being made, the obligation of the said bond shall thenceforth become void.

Mayor or Recorder
of the City of Saint
John may carry
into execution the
provisions of this
Act within the City
and County.

XXIII. And be it enacted, That it shall and may be lawful for either the Mayor or Recorder of the City of Saint John, to carry into execution in the City and County of Saint John, the several provisions of this Act as fully and completely as any Justice of the Inferior Court of Common Pleas, together with any Justice of the Peace being of the quorum for the City and County of Saint John, might or could do by virtue of this Act.

6 W 4, c 31,

7 W 4, c 33,

8 V c 42,
repealed.

Reservations.

XXIV. And be it enacted, That an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act relating to Insolvent Confined Debtors*; also an Act made and passed in the seventh year of the same Reign, intituled *An Act to amend an Act, intituled 'An Act relating to Insolvent Confined Debtors'*; also an Act made and passed in the eighth year of the Reign of Her present Majesty, intituled *An Act to continue the several Acts now in force relating to Insolvent Confined Debtors*, be and the same are hereby repealed: Provided always, that every act, matter or thing heretofore done under and by virtue of the said recited Acts, shall remain and continue valid and effectual for all intents and purposes; and all bonds, acts or things which may have been taken or done under the said recited Acts, or any of them, shall continue in force, and may be proceeded upon in all respects the same as if said recited Acts were perpetual.

CAP. XXXII.

An Act in further amendment of the Law.

Passed 26th April 1850.

Preamble.

WHEREAS the practice of pleading several matters of defence to the same cause of action, frequently leads to great delay and expense, and tends more to defeat than to advance the cause of Justice;

Imperial Act
4 Anne, c 16,
repealed.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the fourth section of an Act of Parliament made and passed in the fourth year of the Reign of Her Majesty Queen Anne, intituled *An Act for the amendment of the Law, and the better advancement of Justice*, which has hitherto been considered in force in this Province, be and the same is hereby declared to be repealed and of no force or effect within this Province, any usage or practice to the contrary notwithstanding; provided always, and be it enacted, that the defendant in any action or suit brought against him as an Executor or Administrator, or the plaintiff or defendant in any action of replevin in any Court of Record in this Province, may plead as many matters thereto as he shall think necessary to his defence, in the same manner and subject to the same provisoes, costs and certificates as if this Act had not been made and passed.

Executors or
administrators as
defendants, or
plaintiff or defen-
dant in any action
of replevin, may
plead as many
matters as are
necessary.

Defendant, except
in actions of replevin
or as executor or
administrator, may
give in evidence
any matter of
defence on notice.

And may be met on
the trial by evidence
of other matter

II. And be it enacted, That the defendant in any action in any Court of Record in this Province, (except actions of replevin, or where he is sued as Executor or Administrator,) may, in addition to any matter which may be by him pleaded in bar to such action, and put to issue for trial by a jury, give in evidence on the trial thereof any other matter of defence whatsoever; provided that notice of such other matter be given in writing to the plaintiff or his attorney, at the time of the delivery of the plea, (which notice may be proved on the trial to have been delivered either *ore tenus* or by affidavit of the person delivering the same); and provided also, that any such other matter of defence may, without any previous notice

notice thereof, be met on the trial by evidence of any matter which might have been pleaded thereto by way of replication, in case such other matter had been pleaded, and so *toties quoties* by either party.

pleadable by way of replication, when no notice has been given.

III. And be it enacted, That the defendant may be allowed either by the Court or any Judge thereof wherein the action is brought, to amend or add to such notice in like manner and upon the same terms as defendants can now by the practice of the Court be allowed to add or amend pleas.

Defendant may amend or add to notice.

IV. And be it enacted, That the notice of any such other matter of defence shall be in a general and brief form, and shall be deemed sufficient unless the plaintiff shall make it appear to the Court or Judge before whom the trial is had, that he has been misled by the defect or generality of such notice.

Notice to be in a brief form.

V. 'And whereas the insertion of several counts in the declaration for the same subject matter of complaint, often tends to unnecessary prolixity and expense;' Be it therefore enacted, That where there is more than one count in the plaintiff's declaration, and he fails to establish a distinct subject matter of complaint in respect to each count, a verdict and judgment may at the instance of the defendant, pass against the plaintiff upon each count which he shall have so failed to establish, and he shall also be liable to the defendant for the reasonable costs occasioned by such count, including those of the evidence, pleading and notices relating to such count, unless the Judge before whom the trial is had shall certify that there was a reasonable cause for the insertion of such count.

Verdict or judgment, with costs, may pass against the plaintiff in respect of counts in declaration not established.

VI. And be it enacted, That in action brought on any note, bill of exchange, bond, or other writing, where damages may be assessed by the Court or a Judge, after judgment on demurrer or by default, costs only shall be allowed the plaintiff for one count in the declaration, or in case there be several causes of action in the same declaration, on such counts as the damages may be assessed upon, unless the Court or Judge making the assessment shall certify that there was a reasonable cause for the insertion of other counts.

In actions on notes, &c., costs to be allowed for one count only, or on such as the damages may be assessed upon.

CAP. XXXIII.

An Act to remove doubts as to the abbreviation of the names of parties and persons in proceedings at Law or in Equity.

Passed 26th April 1850.

WHEREAS it has been the almost invariable practice in this Province, instead of setting out the whole christian or first name or names of any of the parties in suits at law or in equity, to designate such persons by one christian or first name, and using initial letters, contractions or abbreviations for any other christian or first name such persons may have; which practice has, without the least disadvantage, tended to shorten proceedings: And Whereas doubts have lately arisen whether such mode of proceeding is regular, and whether it is not necessary to set out the whole christian or first names at length; for removal whereof;

Preamble.

I. Be it declared and enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall not be necessary in any process, pleading, affidavit, or other proceeding whatsoever, in any Court of Law or Equity in this Province, to designate any of the parties or any other person whose name may be introduced into any such proceeding, by any other than one christian or first name, being a name commonly used by such person himself or herself, or by which he or she may generally have been known or called, and to insert initial letters or usual contractions or abbreviations for any other christian or first name, where such person may have more than one; and that no process, pleading, affidavit or other

Unnecessary in legal proceedings to designate a party by more than one christian or first name, and initial letters or usual contractions for other names where party has more than one.

Not to apply to
recital of Deeds, &c.

Nor to control the
operation of
12 V c 39, s 38.

No plea in abate-
ment allowed for
misnomer for not
setting out at length
the right christian
or first name where
one such name is
set out and others
by initial letters or
contractions, unless
on affidavit, &c.

Name may be
altered on applica-
tion to the Court.

other proceeding whatsoever, shall be vacated, annulled, set aside, or be demurred to, or otherwise affected, or treated as nugatory, defective or irregular, by reason of the insertion of initial letters, or other usual contractions or abbreviations of christian or first names, where one christian or first name commonly used by the person or by which he or she may be generally called or known, is set out at length; provided always, that nothing herein contained shall extend or be construed to apply to the insertion of names in the recital or setting forth of any deed or paper where it is necessary, or it is purported, to recite or set out such deed or paper *in hæc verba*; and provided also, that nothing herein contained shall extend or be construed to limit or control the operation of the thirty eighth section of an Act passed in the twelfth year of Her Majesty's Reign, intituled *An Act to consolidate and amend various Acts of Assembly relating to the further amendment of the Law*.

II. And be it enacted, That no plea in abatement for misnomer for not setting out at length the right christian or first name of any defendant where one such name is set out, and another or others designated by initial letters, contractions or abbreviations, shall be allowed or filed, unless the same is accompanied by an affidavit of such defendant, that he or she doth not commonly use and is not generally known by that name, but by some other and which of the names designated by initial letters, contractions or abbreviations, and further, that he or she hath not in the matter in contest in such suit or other transaction with the plaintiff or plaintiffs, described or designated himself or herself by that name; and that in case of any plea in abatement being duly filed, with such affidavit, it shall be open to the plaintiff or plaintiffs, by application to the Court in which such proceeding may be had, or any Judge thereof, to have the name in the declaration or writ altered and amended so as to conform to the name set out in such plea in abatement, upon such terms as such Court or Judge may prescribe; and so in case of motion to set aside any proceeding for such misnomer, the Court or Judge shall have the same power to alter and amend the proceeding objected to on that ground on like conditions.

CAP. XXXIV.

An Act for the punishment of persons guilty of injuring Electric Telegraphs.

Passed 26th April 1850.

Wilfully damaging
the works of any
Electric Telegraph
made felony.

Punishment.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That whosoever shall wilfully break, throw down, cut, sever, injure, damage, or destroy any of the works or property of any Electric Telegraph Company in this Province, or do any other act whereby the communication by any Telegraph may be interrupted, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding four years, which punishment shall be in addition to any civil or other remedy for such offence.

CAP. XXXV.

2 V. c. 48.

An Act to amend an Act, intituled *An Act to provide for the summary punishment of persons committing trespasses upon Square Timber and other Lumber*.

Passed 26th April 1850.

Preamble.
2 V. c. 48.

WHEREAS the Act intituled *An Act to provide for the summary punishment of persons committing trespasses upon Square Timber and other Lumber*, and the several Acts of Assembly in continuation thereof, are about to expire, and

‘ and it is deemed advisable and necessary to continue and amend the provisions of the said Act, and provide more effectual protection to the honest dealer in the staple of the Province;’

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act if any person or persons shall by himself or another by his direction, fraudulently and wilfully take, carry away, convert to his own or their own use, or possess himself or themselves without the consent of the owner or person in lawful charge thereof, any Timber squared or unsquared, Saw Log, Mast, Spar, or other Lumber sawed or unsawed, the property of another, whether the owner be known or unknown, lying or being in on or near any River, Pond, Bay, Stream or Inlet, or the bank or shore thereof, within this Province, or shall injure, cut up or destroy any such Timber, Logs or Lumber, or shall wantonly or maliciously cut away or cast adrift any Boom for preserving the same, or any raft of Timber, Logs or Lumber as aforesaid, or shall hew out or otherwise obliterate or deface the mark or marks by which the same shall have been distinguished, such person or person shall for every such offence be deemed and taken to be guilty of larceny, and be liable to be imprisoned therefor for any term not exceeding two years, on conviction before any Court of competent jurisdiction.

Fraudulently taking possession of Timber, &c., near any River, &c., or destroying the same or casting adrift Booms or Rafts, or obliterating marks, deemed larceny.

Punishment.

II. And be it enacted, That in every case of prosecution under the preceding section of this Act, whenever it shall be proved that any such Timber, Log, Mast, Spar, or other Lumber was found in the possession of the defendant without the consent of the owner, with the marks thereof or any of them cut out, altered, obliterated or defaced, or said Timber, Log, Mast, Spar, or other Lumber shall be found partly sawed or manufactured, or partly destroyed, it shall be deemed and taken as prima facie evidence of the guilt of the said defendant, and the burden of proof shall be upon him to discharge himself; provided always, that no person shall be deemed or taken to be in possession of any Timber, Logs or other Lumber, only from the fact of such Timber, Logs and other Lumber being found upon lands in his possession and carried upon such land by force or action of the water.

Possession with marks defaced, &c., to be prima facie evidence of guilt.

Proviso as to Timber, &c., carried on land by force of water.

III. ‘ And whereas it frequently happens that on the removal of Timber, Logs, Spars or other Lumber carried by the water upon the intervale lands adjoining the River Saint John, considerable damage is done to the said lands by the persons managing the same, who are either unknown or unable to pay such damage;’ Be it enacted, That whenever such damage shall be sustained, the owner or agent of such Timber, Logs, Spars and other Lumber shall be liable for all such damage to the owner or occupier of such intervale lands, and may be prosecuted for the same in the form of an action of trespass, or on the case, at the election of the party grieved, in any Court of Law in this Province, and where the damage claimed may not exceed the sum of five pounds, before any two Justices of the Peace in any County in this Province.

Owner or agent of Timber to be liable for damages in removing it when floated on intervale lands adjoining the River Saint John.

IV. And be it enacted, That in any and every case of prosecution under the first section of this Act, the Justice or Justices before whom the complaint shall be preferred shall and may when the same may to him or them seem proper, by warrant direct any Constable of the Parish where the property may be, to take the same into his possession and keep the same for the benefit of the owner thereof; and upon conviction of such offender, or upon his absconding or concealing himself to avoid being brought to justice, or after trial of the offender, without conviction, when the Justice or Justices shall be satisfied upon sufficient evidence that the ownership of such Timber, Log, Mast, Spar or other Lumber,

Justice may order Constable to take possession of Timber, &c., in cases of prosecution under first section.

On proof of ownership to be delivered up on payment of charges.

On failure of proof to be redelivered on like payment.

No such adjudication to be evidence of right of property in any other Court.

Notwithstanding conviction, party to be liable to an action of trespass.

Owners of Timber may enter any Mill Pond, &c., in search of lost property. Penalty for obstructing.

Limitation.

is in the party claiming the same, or any other person, not being the defendant, shall order the same to be delivered up to the owner thereof or his lawful agent, on payment of the reasonable charges for keeping the same, and on failure of satisfactory evidence of ownership in any other person, the said Justice or Justices shall direct the redelivery of the said property to the person from whom the same may have been taken, on payment by him of the like reasonable charges; provided always, that no adjudication under this section shall be evidence in any Court of Law or Equity of the right of property in any such Timber, Logs, Masts, Spars or other Lumber.

IV. And be it enacted, That notwithstanding any conviction had under the first section of this Act, every person or persons guilty of either of the offences therein described, shall be liable to answer to the owner of any such Timber, Log, Mast, Spar or other Lumber, or raft or boom respecting which the offence shall have been committed, in an action or actions of trespass on the case, wherein the owner shall be entitled to receive double the value of the article taken or injured.

V. And be it enacted, That the owner of any such Timber, Logs, Masts or Spars may at any reasonable time by himself or his agent, enter in a peaceable manner upon any Mill, Mill Pond, Brow, Boom or Raft of Timber, Logs or other Lumber, in search of any such property which he may have lost, and any person who shall wilfully prevent or obstruct such search, shall forfeit for each offence not less than five pounds nor more than ten pounds, to be recovered in an action on the case to the use of the person by whom or on whose account such entry may have been claimed.

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 fifty two.

CAP. XXXVI.

An Act to provide for the holding a Circuit Court in the County of Victoria.

Passed 26th April 1850.

Preamble.

WHEREAS in consequence of the passing of an Act to erect a part of the County of Carleton into a new County, by the name of Victoria, 'it is necessary to provide for the due administration of justice in the said County';

Provisions of Act 9 V. c. 57, extended to the County of Victoria.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the several provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Courts*, be and the same are hereby extended to the County of Victoria, in as full and ample a manner as if the several sections of the said Act respectively were set forth in this Act.

A Circuit Court to be held annually, and commence on Wednesday before the last Tuesday in September.

II. And be it enacted, That from and after the passing of this Act a Circuit Court shall be holden in each and every year during the continuation of this Act, in the County of Victoria, and shall commence and be opened on the Wednesday before the last Tuesday in September in each and every year.

Limitation.

9 V. c. 57.

III. And be it enacted, That this Act shall continue and be in force during the continuance of the said recited Act for the period the said recited Act is continued by an Act made and passed in the eleventh year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to continue an Act relating to Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Courts*.

11 V. c. 18.

CAP. XXXVII.

An Act to regulate the proof of certain documents in actions wherein Foreign Corporations doing business in this Province are parties.

Passed 26th April 1850.

WHEREAS in and by the sixteenth section of an Act made and passed in the twelfth year of Her present Majesty's Reign, intituled *An Act to consolidate and amend various Acts of Assembly relating to the further amendment of the Law*, it is amongst other things enacted, "That in the case of a Foreign Corporation, or of any Body Politic or Corporate, not being established or incorporated within this Province, and which may enter into any contract or engagement, or transact any business therein, by their known accredited agent or officer, a Writ of Summons may be served upon such accredited agent or officer within this Province, and that such service should be valid:" And Whereas in actions against such Foreign Corporation or Body Politic or Corporate, upon any contract or engagement entered into by the said Foreign Corporation or Body Politic or Corporate, doing business in this Province, by their agent or other accredited officer as aforesaid, the proof of such contract or engagement is very difficult to be obtained, owing to the necessity of the Seal of such Foreign Corporation or Body Politic or Corporate, and the signatures of the officers of said Foreign Corporation or Body Politic or Corporate, being strictly proved in those cases where the existence of such contract or engagement is put in issue: And Whereas a total defeat of justice might be occasioned for want of such strict proof as aforesaid;

Preamble.
12 V. c. 39.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, upon any trial of any cause before any Court in this Province, wherein it shall be necessary to prove any contract or engagement entered into by any Foreign Corporation or Body Politic or Corporate, doing business in this Province, it shall only be necessary for the party or parties, plaintiff or plaintiffs, defendant or defendants, seeking to prove such contract or engagement, or to put the same in evidence before such Court to prove that such contract or engagement has been duly signed or issued by the accredited agent or officer of such Foreign Corporation, Body Politic or Corporate in this Province; and upon such proof having been given, the Court before which such trial shall be had shall admit the same in evidence, and the same shall be considered as duly proved without any other or further evidence of the execution thereof by such Foreign Corporation, Body Politic or Corporate, any law, usage or custom to the contrary notwithstanding; provided always, that nothing in this Act contained shall be construed to extend to any contracts or engagements already entered into and now in force in this Province.

Upon any trial, proof that a contract with a Foreign Corporation was duly issued by the accredited agent, sufficient.

Court to admit the same in evidence.

Not to affect contracts already made.

CAP. XXXVIII.

An Act to continue and amend an Act, intituled *An Act relating to the collection of Duty on Timber and other Lumber*.

Passed 26th April 1850.

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the seventh year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to the collection of Duty on Timber and other Lumber*, and every article, matter and thing therein contained, be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty five.

Act 7 V. c. 18, continued.

II.

Articles exempted
from the operation
of the Act.

II. Provided always and be it enacted, That nothing in the said recited Act relating to the collection of the Duty on Timber and other Lumber shall extend or be construed to extend to impose any Duty upon Lathwood, Laths, Shingles, Clapboards, Sash-pieces, Hand Spikes, Slabs, Staves, Fence Pickets, Palings, Oars, Scantling, and all other small Lumber sawed or hewed each and every piece whereof shall not exceed five inches square and nine feet in length, except Hacmatack.

This Act may be
amended during
the present Session.

III. And be it enacted, That this Act may be altered or amended by any Act passed during this Session of the Legislature.

CAP. XXXIX.

Act 9 V, c. 53.

An Act to continue *An Act to authorize the granting of Mill Reserves in certain cases.*

Passed 26th April 1850.

Act 9 V, c. 53,
continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the ninth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to authorize the granting of Mill Reserves in certain cases*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five.

CAP. XL.

5 W. 4, c. 46.

An Act to continue an Act to provide for the services of the Clerk of the Circuit Courts in this Province.

Passed 26th April 1850.

Act 5 W. 4, c. 46,
continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to provide for the services of the Clerk of the Circuit Courts in this Province*, 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 fifty two.

CAP. XLI.

An Act relating to the Naturalization of Aliens in this Province.

Passed 26th April 1850.

Persons of Foreign
birth resident in
the Province for
seven years, taking
and subscribing the
prescribed oath
before a Judge of
the Supreme Court
to be entitled to the
privileges of a
natural born sub-
ject of Her Majesty.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, all persons of Foreign birth who have inhabited and resided in this Province for the space of seven years or more, previous to his applying to be naturalized under the provisions of this Act, and who shall take and subscribe the oath of allegiance and residence, or being one of the persons allowed by law to affirm in civil cases, affirmation prescribed in the Schedule to this Act, before any Judge of the Supreme Court of this Province, shall be deemed, adjudged and taken to be entitled to all the privileges of Her Majesty's natural born subjects, to all intents, constructions and purposes as if they and every of them had been or were born in Her Majesty's Dominions; which said oath or affirmation and subscription any of the said Judges is hereby authorized and empowered to administer and take; and the taking and subscribing of every such oath or affirmation shall be before any such Judge in open Court, either at Bar or at Nisi Prius, between the hours of nine and twelve in the forenoon; and such subscription shall be made in a book to be kept for that purpose; and such Judge shall cause a certificate or return thereof

Return and entry.

to

to be transmitted to the office of the Secretary of the Province, and such Secretary shall cause an entry of such certificate or return thereof to be made in a book to be kept for that purpose in his office.

II. And be it enacted, That a testimonial or certificate under the Seal of this Province of such Alien having taken and subscribed the said oath or affirmation, shall be deemed and taken to be a sufficient testimony and proof thereof, and of his or her being entitled to all the privileges of a natural born subject of Her Majesty, to all intents and purposes, and in all Courts whatsoever.

Certificate under the Seal of the Province to be evidence

III. And be it enacted, That if any person taking and subscribing the oath or affirmation required by this Act, shall falsely swear or affirm as to the facts of residence in such oath or affirmation contained, such person so falsely swearing or affirming shall be deemed guilty of perjury, and shall be liable to the pains and penalties incident by laws to the crime of perjury, and moreover, upon conviction of such offence, shall be adjudged to have forfeited and lost, and shall forfeit and lose all the privileges of a natural born subject, to which he or she might otherwise have been entitled by virtue of having been naturalized under this Act.

False swearing to be deemed perjury and involve forfeiture of privileges.

IV. And be it enacted, That any woman married, or who shall be married to a natural born British subject, or person naturalized under the authority of this or any other or former Act of this Province, shall be deemed and taken to be herself naturalized, and to have all the rights and privileges of a natural born British subject.

Woman married to a natural born or naturalized subject to have the privileges of a natural born subject.

SCHEDULE.

FORM OF OATH.

I do swear, [*or being one of the persons allowed by law to affirm in civil cases, do affirm,*] that I have resided seven years in this Province, without having during that time been a stated resident in any Foreign Country, and that I will be faithful and bear true allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province as dependent thereon.—So HELP ME GOD.

Form of Oath.

CAP. XLII.

An Act to establish Polling Places in the County of Victoria.

Passed 26th April 1850.

WHEREAS in consequence of the erection of a part of the County of Carleton into a separate County, it is necessary to provide for the polling the votes of the Freeholders of the said County at any and every Election held for the Election of Representatives for the said County;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the following Polling places shall be established in the County of Victoria for polling the votes of the Freeholders in the said County at any and every Election to be held for the said County, viz:—

Polling places established for County of Victoria.

District number one to comprise all that part of the Parish of Andover situate below the upper line of the lot on which Samuel Young resides, and all that part of the Parish of Perth situate below the Salmon River, and the Freeholders thereof shall assemble and Poll their votes at or near some place in the Parish of Andover opposite the mouth of Tobique River:

District No. 1, Andover and Perth.

District number two to comprise all the remaining parts of the Parishes of Andover and Perth not included in District number one, and the Parish of Saint Leonard, and the Freeholders thereof shall assemble at some convenient place in the Parish of Andover near the Grand Falls:

District No. 2, Andover, Perth and St. Leonard.

District

District No. 3,
Saint Basil and
Madawaska.

District number three to comprise the Parishes of Saint Basil and Madawaska, and the Freeholders thereof shall assemble near the Little Falls in the Parish of Saint Basil :

District No. 4,
St. Francis.

District number four to comprise the Parish of Saint Francis, and the Freeholders thereof shall assemble at or near Louis Albert's.

CAP. XLIII.

An Act to amend the Laws relating to Juries.

Passed 26th April 1850.

Fines for default
in attendance as a
Juryman at the
Inferior Court of
Common Pleas.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That every person who may be duly summoned to attend as a Petit Juror at any Court of General Sessions of the Peace or Inferior Court of Common Pleas in and for any County or City in this Province, and who shall not appear when called upon the trial of any criminal or civil cause in any such Court, shall on due proof being made by oath or affidavit of the summoning officer that such person hath been lawfully summoned, forfeit and pay for every such default the sum of five shillings, unless some sufficient cause of his absence be assigned and produced to the satisfaction of such Court; provided always, that the amount of such fines to be levied on each such Juryman for the several defaults at any one term shall not exceed the sum of three pounds, such fines so imposed as aforesaid to be levied and collected in the same manner as is directed and provided in respect of fines on Jurors in and by an Act passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Juries.*

Aggregate at any
one Term not to
exceed three
pounds.

12 V. c. 41.

Sheriff to annually
between first
January and
fourteenth Febru-
ary, make out a list
of persons liable to
serve as Jurymen,
with their titles and
additions, and file
it in the Office of
the Clerk of the
Peace.

II. And be it enacted, That the Sheriff of each County and City and County, shall between the first day of January and the fourteenth day of February in each year, make out a list and cause the same to be fairly entered in a book to be by him provided for that purpose, of all persons qualified to serve upon Juries, who have resided within the said County or City and County for three months preceding, with their titles and additions, between the age of twenty one years and the age of sixty years, and shall return the same book into the Office of the Clerk of the Peace of the said County or City and County, to be by him kept among the Records of the Sessions of the said County or City and County, and it shall not be necessary for the said Clerk to have the said list entered in any other book; and no Sheriff shall empanel or return any person or persons to try any issue joined in any Court of Record in this Province that shall not be named and mentioned in such list.

Order for striking a
special Jury to be
granted on applica-
tion.

III. And be it enacted, That upon motion made in the Supreme Court on behalf of Her Majesty, or on motion of any prosecutor or defendant on an indictment or information for any misdemeanor or information in the nature of a quo warranto, or on motion of any plaintiff or defendant in any cause depending in the said Courts, the Justices are required to order a Special Jury to be struck before the Clerk of the Peace of the County or City and County in which the venire is laid, and the party obtaining such order shall get an appointment from the said Clerk of the time and place of the selection of forty eight persons from the Jury list entered in his office, and shall serve a copy of said order and appointment on the opposite party or his attorney, at which time and place the said Clerk or his deputy shall attend with the said Jury list, and shall then and there in the presence of the parties, or their counsel or attorneys, or such of them as shall attend, select from the said Jury list the names of forty eight persons whom he shall deem most indifferent between the parties and best qualified to try such cause, and whose attendance is likely to be procured, and if no such list shall be entered for the

Appointment of
time and place to
be obtained from
Clerk of the Peace
and served on the
opposite party or
his attorney
to attend and
select from the Jury
list forty eight
persons.

current

current year, the selection shall be made from the list of the preceding year; and the said Clerk or his deputy shall thereupon make out a list of the names of the said forty eight persons so selected, and shall certify the same to be the list from which such special Jury shall be struck, and shall deliver the same to the party who obtained the order for such special Jury, his attorney or agent, and such party shall thereupon get an appointment from the said Clerk of the time and place for striking the said Jury, and shall serve a copy thereof, together with a copy of the said list of forty eight names, on the opposite party or his attorney, at which time and place the said Clerk of the Peace or his deputy shall attend, and shall then and there in the presence of the parties, or their counsel or attorneys, or such of them as shall be present, proceed to strike a Jury in the manner following:—First, The party on whose application such special Jury was ordered, or his attorney or agent, shall first strike out one of the said names, and the opposite party, or his attorney or agent, shall strike out another of such names, and so alternately until each party shall have struck out twelve names; Second, If either party shall fail to attend for striking such Jury, or shall neglect to strike out any names according to the foregoing provisions, the Clerk or his deputy shall strike for such party; Third, The Clerk or his deputy shall thereupon make out a list of the names of twenty four persons not struck out and shall certify the same to be the persons drawn to serve as Jurors pursuant to the order of the Court, and shall deliver such list so certified to the Sheriff of the County or City and County, Coroner, or Returning Officer, as the case may require, who shall proceed to summon the said Jurors pursuant to the directions of the said recited Act, without any writ of distringas or other process whatever.

IV. And be it enacted, That the sixth and seventh sections of the said recited Act be and the same are hereby repealed.

V. And be it enacted, That the number of persons to serve as Petit Jurors to attend at and for the Courts of Nisi Prius, Sittings after Term, Oyer and Terminer and General Gaol Delivery, shall in future be thirty instead of twenty four as provided in and by the fourth, fifth and fifteenth sections of the said recited Act.

Clerk to deliver to the party obtaining the order a list of the forty eight persons selected and a further appointment which he shall serve on the opposite party or his attorney.

Attendance to be given at the appointed time, and the Jury struck in the manner herein specified.

Act 12 V. c. 41, s. 6 and 7, repealed.

Number of Jurymen to be summoned to be thirty instead of twenty four.

CAP. XLIV.

An Act to prevent Desertion from Her Majesty's Forces.

Passed 26th April 1850.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That any person who shall apprehend any Deserter from Her Majesty's Forces, and deliver up such Deserter 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 of any such Deserter, and to what Regiment or Corps he may belong, signed by such Commanding Officer and one Justice of the Peace for the County or District before whom such 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.

Any person apprehending and delivering up a Deserter from Her Majesty's Forces to receive a reward of five pounds.

II. And be it enacted, That it shall henceforth be the duty of all keepers of Her Majesty's Gaols in the County or Counties between the place where such Deserter may be apprehended and the place of his final destination, to receive such Deserter in their custody without any fee or reward, whether such Deserter 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.

Aggregate rewards in one year not to exceed one hundred pounds.

Gaolers to receive Deserters into custody while under escort.

III.

Rewards to be paid
by Warrant on the
Treasury.

III. 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 Governor or Commander in Chief for the time being, by and with the advice and consent of the Executive Council, directed to the Province Treasurer, provided the same do not exceed one hundred pounds.

CAP. XLV.

An Act to reduce the Fees on Militia Commissions.

Passed 26th April 1850.

Scale of fees to be
hereafter chargeable
for Militia
Commissions.

WHEREAS it is deemed advisable to reduce the Fees now payable on 'Militia Commissions;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, there shall be charged and paid the following and no other Fees for Commissions to Officers of the Militia, in lieu of the Fees now authorized to be paid under and by virtue of any ordinance heretofore made and passed in this Province, namely:—Field Officers, twenty shillings; Captains, ten shillings; Subalterns, five shillings.

CAP. XLVI.

An Act to continue the Acts relating to Parish Schools.

Passed 26th April 1850.

Acts 10 V. c. 56, &
12 V. c. 45,
continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to provide for the support and improvement of the Parish Schools*; also an Act made and passed in the twelfth year of the said Reign, intituled *An Act to amend an Act, intituled 'An Act to provide for the support and improvement of the Parish Schools,'* be and the same are hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty two.

CAP. XLVII.

An Act to consolidate and amend the Laws to provide for the administration of Justice in the Inferior Courts of Common Pleas and General Sessions of the Peace.

Passed 26th April 1850.

Repeal of
26 G. 3, c. 8, s. 2,
31 G. 3, c. 9,
35 G. 3, c. 2, s. 1,
2, 3, and 4,
45 G. 3, c. 2,
60 G. 3, c. 11,

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the second section of an Act made and passed in the twenty sixth year of the Reign of King George the Third, intituled *An Act for enabling the Justices of the Supreme Court to try all causes at Nisi Prius, and authorizing Attornies of the Supreme Court to practise in the Inferior Courts of Common Pleas within this Province*; also an Act made and passed in the thirty first year of the said Reign, intituled *An Act for altering the times of holding the Courts of General Sessions of the Peace and Inferior Court of Common Pleas in the Counties therein mentioned*; also the first, second, third and fourth sections of an Act made and passed in the thirty fifth year of the said Reign, intituled *An Act to regulate the Terms of the Sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the jurisdiction of the same, and for the summary trials of certain actions*; also an Act made and passed in the forty fifth year of the said Reign, intituled *An Act to alter one of the Terms of holding the Inferior Court of Common Pleas for the County of York*; also an Act made and passed in the sixtieth year of the said Reign, intituled *An Act to authorize and empower the Inferior Courts of Common Pleas*

Pleas in the respective Counties of this Province to appoint Commissioners to take Bail in the same Courts; also an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to authorize the enlargements of the Sittings of the Courts of General Sessions of the Peace and Inferior Courts of Common Pleas in this Province*; also an Act made and passed in the same year of the said last mentioned Reign, intituled *An Act to alter the time of holding the November Term of the Inferior Court of Common Pleas of the County of Gloucester*; also the second section of an Act made and passed in the same year of the said last mentioned Reign, intituled *An Act to regulate the Fees in actions not Summary in the Inferior Courts of Common Pleas, and to restrain the removal of such actions to the Supreme Court*; also an Act made and passed in the seventh year of the said last mentioned Reign, intituled *An Act to alter the additional Terms of the Inferior Court of Common Pleas for the County of Kent*; also an Act made and passed in the second year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to repeal the Act establishing the times of holding the Courts of General Sessions of the Peace and Inferior Courts of Common Pleas in the County of Northumberland, and for enlarging the times of the Sittings of the said Courts, and for making other and better regulations concerning the same*; also an Act made and passed in the third year of the said last mentioned Reign, intituled *An Act for altering the times of holding one of the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace, and also one of the additional Terms of the said Inferior Court of Common Pleas for the County of King's*; also an Act made and passed in the same year of the said last mentioned Reign, intituled *An Act to alter the time for holding the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace for the County of York*; also an Act made and passed in the fourth year of the said last mentioned Reign, intituled *An Act to alter the times for holding the Terms of the Inferior Courts of Common Pleas and General Sessions of the Peace for the County of Sunbury*; also an Act made and passed in the fifth year of the said last mentioned Reign, intituled *An Act to authorize Commissioners for taking Affidavits in Causes pending in the Supreme Court, to take Affidavits in Causes pending in the several Inferior Courts of Common Pleas for the several Counties in this Province*; also the first section of an Act made and passed in the sixth year of the said last mentioned Reign, intituled *An Act to amend the Law relating to the Practice in the Inferior Courts of Common Pleas, and render the same uniform in the several Counties*; also an Act made and passed in the seventh year of the said last mentioned Reign, intituled *An Act for altering the times of holding one of the Terms of the General Sessions of the Peace and Inferior Courts of Common Pleas of the County of Carleton*; also an Act made and passed in the eighth year of the said last mentioned Reign, intituled *An Act to alter the time of holding the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Gloucester*; also the third section of an Act made and passed in the seventh year of the said last mentioned Reign, intituled *An Act for the division of the County of Carleton into two Counties, and to provide for the Government and Representation of the new County*; be and the same are hereby repealed: Provided that nothing in this Act contained shall extend to repeal any of the said recited Acts, so far as they or any of them repeal any former Acts; provided also, that any Rules of Court or Regulations heretofore made under and by virtue of the authority given in and by the said recited Acts, shall be and continue in full force and effect; and all actions, suits, prosecutions and proceedings of all kinds commenced, had or taken before the passing of this Act, shall be continued and prosecuted to their final termination and satisfaction, in the same manner

5 W. 4, c. 4,

5 W. 4, c. 7,

5 W. 4, c. 29, s. 2,

7 W. 4, c. 24,

2 V. c. 11,

3 V. c. 19,

3 V. c. 32,

4 V. c. 24,

5 V. c. 10,

6 V. c. 33, s. 1,

7 V. c. 5,

8 V. c. 64,

7 V. c. 51, s. 3.

Reservations.
 Repeal of former
 Acts.
 Rules of Court.

Actions commenced

Fines and penalties. manner as if this Act had not been passed ; and all fines and penalties imposed
 Recognizances. under the authority of any of the Acts hereby repealed ; and all bonds, recogni-
 Property held by Justices. zances, judgments or securities, and all real and personal property held by
 Appointments of Officers. Justices of the Peace in any County of this Province ; and all leases, contracts or
 conveyances made to or by any such Justices or Courts respectively ; and all
 appointments of Town or County Officers, and every matter or thing done under
 the authority of any of the said Acts hereby repealed, shall be and remain good,
 valid and effectual to all intents and purposes as if the said Acts had not been
 repealed.

II. And be it enacted, That there shall be in each and every County of this
 Province two Terms of the Inferior Court of Common Pleas at which Juries
 shall be summoned and required to attend for the trial of all causes brought to
 issue in the said Courts, and two additional Terms for the return of Writs and the
 transaction of other business therein, but at which no Juries shall be summoned to
 attend, to-wit: For the County of York, on the second Tuesdays in January and
 June ; additional Terms, the third Tuesday in March and the second Tues-
 day in October: For the County of Sunbury, the second Tuesday in January
 and third Tuesday in June ; additional Terms, third Tuesdays in March and
 October: For Queen's County, the fourth Tuesdays in January and June ;
 additional Terms, the fourth Tuesdays in April and October : For King's County,
 the first Tuesday in March and third Tuesday in October ; additional Terms,
 the first Tuesdays in January and May : For the County of Charlotte, the second
 Tuesday in April and the third Tuesday in September ; additional Terms, the
 second Tuesdays in July and December : For the County of Westmorland, on
 the third Tuesdays in June and November ; additional Terms, the first Tuesday
 in April and the second Tuesday in September : For the County of Northum-
 berland, on the second Tuesdays in January and July ; additional Terms, the
 first Tuesdays in May and October : For the County of Kent, on the second
 Tuesday in January and fourth Tuesday in June ; additional Terms, the last
 Tuesdays in April and September: For the County of Gloucester, on the first
 Tuesdays in January and July ; additional Terms, the first Tuesday in April and
 last Tuesday in October : For the County of Carleton, on the first Tuesday in
 January and fourth Tuesday in June ; additional Terms, the first Tuesdays in
 March and October : For the County of Restigouche, on the first Tuesday in
 January and the second Tuesday in July ; additional Terms, on the second
 Tuesdays in April and October: For the County of Albert, on the fourth Tues-
 day in June and second Tuesday in November ; additional Terms, on the second
 Tuesdays in March and September: For the County of Victoria, on the first
 Tuesday in July and second Tuesday in January ; additional Terms, on the
 second Tuesdays in March and October : and such Terms and additional Terms
 shall be deemed to continue and include the whole week from Tuesday to Satur-
 day inclusive ; and it shall be lawful for the said Courts at the Terms at which
 Juries are summoned to attend, if the Justices of the said Court respectively, or
 a majority thereof, shall deem the same expedient, to adjourn their sittings or
 either of them to the week next succeeding the said Terms respectively ; and all
 causes and matters heard and determined, and all business transacted on any
 day during the week next succeeding the said Terms respectively, pursuant to
 such adjournment, shall have the same and the like force and effect to all intents
 and purposes as if heard and determined and transacted at any time during the
 said Terms respectively ; and all parties concerned shall take due notice of such
 adjournment from time to time, and govern themselves accordingly ; provided
 always,

To continue from
 Tuesday to Satur-
 day inclusive.

The Terms at
 which Juries attend
 may be prolonged.

always, that no trials of any issues by Jury shall be had at any such adjourned sittings.

III. And be it enacted, That in the City and County of Saint John the sittings of the Inferior Court of Common Pleas shall be holden on the third Tuesday in March, and the first Tuesdays of June, September and December in each and every year, and continue from Tuesday until Saturday in each Term respectively.

Sittings of the Inferior Court of Common Pleas for the City and County of Saint John.

IV. And be it enacted, That the jurisdiction of the said Courts respectively shall be considered to extend to all transitory actions, and all other actions arising within any other place or County, except where the title to lands shall come in question, and shall in those cases, except as aforesaid, have a concurrent jurisdiction with the Supreme Court of this Province; and that the said Justices of the Inferior Court of Common Pleas be and are hereby empowered to issue Subpœna or Subpœnas for any witness or witnesses residing in any part of the Province; and that all Subpœnas so issued from the said Justices of the said Inferior Court of Common Pleas shall be of the same validity to compel the appearance of the witness or witnesses as if such Subpœna or Subpœnas had been issued from the Inferior Court of Common Pleas where the witness or witnesses reside.

Jurisdiction of the Courts to be concurrent with the Supreme Court except as to actions affecting the title to lands.
Power to issue Subpœnas.

V. And be it enacted, That it shall be lawful for any defendant or defendants in any suit, not summary, now or hereafter pending in either of the said Inferior Courts of Common Pleas, at any time before interlocutory judgment signed or issue joined in such suit, to remove the same by Habeas Corpus into the Supreme Court, or after judgment is obtained in any such suit, to bring a Writ of Error to remove the same into the Supreme Court.

Actions may be removed to the Supreme Court by Habeas Corpus or Writ of Error.

VI. And be it enacted, That in cases where the plaintiff's cause of action shall amount to upwards of five pounds, and affidavit thereof made and filed, the defendant or defendants may be held to bail, as has been heretofore accustomed; and such affidavit may be made before the Chief Justice or any other Justice of the Supreme Court, or a Justice of the Inferior Court of Common Pleas, or any Commissioner appointed for taking affidavits to be read in the Supreme Court.

Defendants may be held to bail.

VII. And be it enacted, That the several Commissioners now appointed, and that may be from time to time hereafter appointed to take affidavits in causes pending and to be pending in the Supreme Court, shall be and they are hereby severally authorized to take and receive all and every such affidavit and affidavits, as any person or persons shall be willing and desirous to make before them severally in or concerning any cause, matter or thing pending or to be pending, or in anywise concerning any of the proceedings of any of the said Inferior Courts of Common Pleas for the several Counties, as the Clerks of the said Inferior Courts respectively do use to do; provided that no such affidavit shall be taken by any Commissioner who is the Attorney in the cause to which such affidavit may relate, except affidavits to hold to bail.

Commissioners for taking affidavits to be read in the Supreme Court authorized to do the like as respects Inferior Courts of Common Pleas.

VIII. And be it enacted, That in all actions in the Inferior Courts of Common Pleas in this Province in which the said Courts may be authorized by law after judgment by default to inquire of the truth of any matters, or to assess the damages or the amount to be recovered without the intervention of a Jury, such inquiry and assessment may be made by a Judge of the said Court in vacation; and upon the production of such assessment signed by such Judge, it shall be lawful for the Clerk of such Court to tax the costs and sign judgment, whereupon execution may issue forthwith; provided always, that no such inquiry or assessment shall be made in vacation until the expiration of twenty days after the day on which the judgment by default shall have been entered; provided also,

A Judge may in vacation and without a Jury inquire and assess damages in all cases in which the Courts are authorized to do so.

Defendant may have the assessment, &c., made by a Jury on application.

Attorneys of the Supreme Court may prosecute and defend.

Courts may appoint Commissioners for taking bail.

A Court of General Sessions of the Peace to be held in each of the Terms with power to adjourn to the succeeding week.

also, that the defendant in any such action may, upon due application therefor, have such inquiry and assessment made by a Jury, and that the Judge who may be applied to in vacation to make such inquiry or assessment shall have power to order the same to be made by a Jury in like manner as is now the law and practice in cases before the Court in Term.

IX. And be it enacted, That all and every of the Attorneys of the Supreme Court may commence prosecution or defend any action or suit for his or their clients in any Inferior Court of Common Pleas within this Province.

X. And be it enacted, That it shall and may be lawful for the said Courts to appoint Commissioners to take bail in the same Courts in such part of their respective Counties as the majority of the Justices of any of the said Courts in Term assembled shall at any time or times see fit and necessary; and such Commissioners to take bail as aforesaid shall be appointed by the Courts in the same manner as Commissioners to take bail are appointed by the Supreme Court.

XI. And be it enacted, That in each of the said several Terms of the Inferior Courts of Common Pleas in each and every County of this Province there shall be holden a Court of General Sessions of the Peace for the transaction of all business within the competency of such Court of General Sessions; and the said Justices in Sessions or a majority thereof shall have power to adjourn the sitting of the said Courts or either of them to the week next succeeding the said Terms respectively; and all causes and matters heard and determined, and all business transacted on any day during the week next succeeding the said Terms respectively, pursuant to such adjournment, shall have the same and the like force and effect to all intents and purposes as if heard and determined and transacted at any time during the said Terms respectively; and all parties concerned shall take due notice of such adjournment from time to time and govern themselves accordingly; provided always, that no trials of any issues by Jury shall be had at any adjourned sittings.

CAP. XLVIII.

An Act to consolidate and amend the Laws relating to sick and disabled Seamen belonging to this Province, not being Paupers.

Passed 26th April 1850.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the sixtieth year 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*; also an Act made and passed in the second year of the Reign of King George the Fourth, intituled *An Act in addition to and amendment of an Act, intituled 'An Act to provide for sick and disabled Seamen, not being paupers, belonging to the Province'*; also an Act made and passed in the third year of the same Reign, intituled *An Act to alter an Act to provide for sick and disabled Seamen, not being paupers, belonging to the Province, and to provide buildings for the accommodation of the same*; also an Act made and passed in the seventh year of the same Reign, intituled *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*; also an Act made and passed in the eighth year of the same Reign, intituled *An Act to make further provisions for sick and disabled Seamen, not being paupers, belonging to this Province*; also an Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled *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

Repeal of
60 G 3, c 15,

2 G 4, c 10.

3 G 4, c 27.

7 G 4, c 14.

8 G 4, c 16,

4 W 4, c 20,

the same relate to the County of Gloucester; also an Act made and passed in the second year of the Reign of Her present Majesty, intituled *An Act in amendment of an Act, intituled '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'*; also an Act made and passed in the seventh year of the same Reign, intituled *An Act to reduce the Duties imposed upon Ships or Vessels arriving at the Port of Saint John to provide for the support of sick and disabled Seamen, not being paupers, belonging to the Province*; also an Act made and passed in the same year of the same Reign, intituled *An Act to authorize the erection of a Marine Hospital at Dalhousie, in the County of Restigouche, and to make further provision for sick and disabled Seamen, not being paupers, belonging to this Province, so far as the same may relate to the Port of Dalhousie*; also an Act made and passed in the tenth year of the same Reign, intituled *An Act to repeal the fifth Section of an Act, intituled 'An Act to provide for sick and disabled Seamen, not being paupers, belonging to the Province, and to appropriate for a particular service a part of the surplus fund collected under that and other Acts*; also an Act made and passed in the twelfth year of the same Reign, intituled *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 Kent*; be and the same are hereby repealed: Provided always, that all acts, matters and things done and performed, and all titles to lands acquired, and buildings erected, under and by virtue of the said Acts hereby repealed, or any of them, shall be and remain good, valid and effectual notwithstanding the repeal of the said Acts, and all appointments, and all rules and regulations heretofore made under and by virtue of the said Acts hereby repealed, shall be, remain and continue in full force until other appointments and other rules and regulations are made in lieu thereof.

II. And be it enacted, That all sick and disabled Seamen who may hereafter be brought into this Province, and who are not paupers belonging to any Parish within the same, shall be supported and cared for by the Overseers of the Poor or the Commissioners appointed as hereinafter mentioned, at the port or place where such sick and disabled Seamen may so be brought.

III. And be it enacted, That the said several Overseers of the Poor, or the Commissioners, as the case may be, shall at least once in each and every year render an account of the expenses incurred by them in the support and care of the said sick and disabled Seamen, to the Court of General Sessions of the Peace for the County in which they act; which accounts, attested to on oath before any Justice of the Peace, who is hereby authorized to administer the same, shall be examined and audited by the said Sessions, and when approved by the said Court, shall be certified by the Clerk of the Peace, and transmitted to the Office of the Secretary of the Province, to be dealt with as other public accounts; and the amount due thereon shall be paid from the funds and in the manner hereinafter provided.

IV. And be it enacted, That from and after the passing of this Act, every Ship or Vessel that shall arrive at any port or place within this Province, with the exception of the Ports of Miramichi and Saint Andrews, being of the burthen of sixty tons or upwards, shall pay to the Treasurer of the Province, or the Deputy Treasurer at the port or place of arrival, the sum of one penny per ton for every ton at which such Ship or Vessel shall be rated in the register thereof; and every such Ship or Vessel, as aforesaid, that shall arrive at the ports of Miramichi or Saint Andrews, shall pay to the Deputy Treasurer of the said last mentioned ports respectively, the sum of two pence per ton, according to the register thereof; which

2 V c 32.

7 V c 10.

7 V c 17.

10 V c 52.

12 V c 26.

Reservations.

Sick and disabled Seamen, not being paupers, belonging to the Province, to be cared for by the Overseers of the Poor or Commissioners.

Overseers of the Poor or Commissioners to account annually to the General Sessions.

Accounts to be sent to the Provincial Secretary, to be dealt with as other public accounts.

Masters of vessels to pay specified tonnage duty on arrival.

Coasters to pay once only in each year.

which said duty shall be paid by the master, owner or consignee at the time of entry at the Office of the Treasurer of the Province, or the Deputy Treasurer as aforesaid, before breaking bulk or discharging any ballast; provided that each and every Vessel denominated a coaster shall pay the said duty only once in each and every year; and such payment shall be made at the first entry in each year of each coaster into any port of this Province.

Treasurer to keep separate accounts of duty received and disbursed.

V. And be it enacted, That the Treasurer and Deputy Treasurers as aforesaid shall severally keep separate accounts of the money received and disbursed by them by virtue of this Act, and shall render the same in like manner and at the same times as their accounts of other public money.

Governor in Council to appoint Commissioners for the sick and disabled Seamen at specified places.

VI. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to appoint three or more fit and proper persons to be Commissioners for sick and disabled Seamen at the port of Saint John, the port of Saint Andrews, the port of Miramichi, the port of Bathurst, the port of Dalhousie, the port of Richibucto, and the port of Buctouche; and from time to time, as may be deemed expedient, to displace all or any of the persons so appointed, and re-appoint or appoint others in the room of the persons or person so displaced.

The Commissioners to have the exclusive care of the buildings erected, with power to make contracts, &c.

VII. And be it enacted, That the said Commissioners for the several ports before mentioned shall have the exclusive care and management of all or any buildings that may have been erected at their respective ports as Marine Hospitals or Pest Houses, for the use of sick and disabled Seamen, under the authority of any of the Acts hereby repealed; and the said Commissioners are hereby authorized to make all necessary contracts for repairing and maintaining the said buildings, and for the care, cure, attendance and support of the patients therein, and to make such rules and regulations as they may see fit for the good government of the same, as also for regulating the visiting of Seamen ill of any infectious disease, whose removal to any Pest House or other building they are also hereby authorized to direct and enforce.

Buildings may be hired until erections be made, and the Commissioners to have the same powers in respect of sick Seamen as the Overseers of the Poor.

VIII. And be it enacted, That until such time as proper buildings for the accommodation of sick and disabled Seamen shall have been erected and fitted at each and every of the ports where the erection has been already authorized, the Commissioners appointed for the port shall and may hire and make use of any other houses or buildings within their respective ports, which they shall think fit and convenient; and generally the said Commissioners shall have the same power and authority with respect to sick and disabled Seamen at the respective ports for which they shall be appointed, except so far as altered by this Act, as the Overseers of the Poor of the Parish within which they act have with respect to the ordinary poor of the Parish.

Tonnage duty may be levied by Warrant of distress on failure or refusal to pay it.

IX. And be it enacted, That upon neglect or refusal of payment in any instance of the Duties in and by this Act imposed, and such neglect or refusal being proved upon oath before any one of Her Majesty's Justices of the Peace of the County, or City and County, where such Ship or Vessel shall arrive, the same shall be levied by Warrant of distress and sale of the guns, boats, tackle and apparel, and furniture of such Ship or Vessel, under the hand and seal of such Justice, directed to any Sheriff or Constable of such County, or City and County, or Marshal of the City of Saint John, rendering the overplus, if any, after deducting the costs and charges of distress and sale, to the master or person having the command of any such Ship or Vessel.

X. And be it enacted, That in case there shall be any overplus of such Duty that may be levied and collected at any one port or place, by virtue of this Act, in any one year, after the expenditure of so much thereof as may be necessary for the benefit and relief of sick and disabled Seamen at such port or place, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to order and direct the payment of such overplus, or so much thereof as may be necessary for that purpose, to the Overseers of the Poor or Commissioners of any other port or place where there may be a deficiency of such moneys collected at such other port or place to provide for the relief of sick and disabled Seamen there, upon such deficiency being made to appear to the satisfaction of the said Lieutenant Governor or Administrator of the Government for the time being, and the Executive Council.

Overplus of duty collected at one port may be transferred to another.

XI. And be it enacted, That all offences against this Act may be inquired of and determined before the Court of General Sessions of the Peace of the County in which the offence shall be committed, and the fines imposed by any rules or regulations made under and by virtue of this Act, shall be levied and paid over for the purposes of this Act to the Overseers of the Poor or Commissioners within whose jurisdiction the offence shall be committed.

All offences against this Act may be inquired of by the Court of General Sessions of the Peace.

XII. And be it enacted, That for the purposes of this Act, and no farther, the waters, creeks and places lying between Point Escuminac and Tabusintac, shall be taken and considered as forming the Port of Miramichi; the waters, creeks and places in the County of Charlotte, shall be taken and considered as forming the Port of Saint Andrews; the waters, creeks and places lying between the head of the tide on the River Restigouche and Belledune River, shall be taken and considered as forming the Port of Dalhousie; and 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; the waters, creeks and places lying between the boundary line dividing the Counties of Northumberland and Kent, coastwise, and Chockpish River, shall be taken and considered as constituting the Port of Richibucto; and the waters, creeks and places lying between Chockpish River and Cocagne Island, shall be taken and considered as constituting the Port of Buctouche.

Ports defined: Miramichi,

Saint Andrews,

Dalhousie,

Bathurst,

Richibucto,

Buctouche.

CAP. XLIX.

An Act for the establishment and regulation of Inland Posts within this Province.

Passed 26th April 1850.

‘ **W**HEREAS by an Act of the Imperial Parliament passed in the twelfth and thirteenth years of the Reign of Her present Majesty, intituled ‘ *An Act for enabling Colonial Legislatures to establish Inland Posts*, authority is ‘ given to the Legislature of this Province to make such provision as may be ‘ thought fit for the establishment, maintenance and regulation of Posts or Post ‘ Communication within the same, and for charging Rates of Postage for the con- ‘ veyance of Letters by such Posts or Post Communication, and for appropriating ‘ the revenue to be derived therefrom;’

Preamble. Imperial Act 12 & 13 V c 67.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the time appointed for this Act to go into operation, the exclusive privilege of establishing posts, collecting, conveying and delivering letters, and collecting postage within this Province, heretofore by certain Acts of the Imperial Parliament vested in Her Majesty's Postmaster General, and the

Right to establish rates of postage chargeable in the Province vested in the Governor in Council.

power

power and authority heretofore vested in the Lords of Her Majesty's Treasury, to fix and establish rates of postage to be charged within this Province, shall be and hereby are severally vested in the Lieutenant Governor in Council.

Posts and Post Offices may be established, altered or discontinued, and officers appointed, suspended or displaced.

II. And be it enacted, That the Lieutenant Governor in Council may establish, alter, discontinue or extend any posts or post communication, or Post Offices within this Province; and may appoint, suspend, remove or displace a Postmaster General, and all or any Postmasters, Officers, Deputies, Agents and Servants connected therewith.

Rules and regulations to carry out this Act may be made.

III. And be it enacted, That the Lieutenant Governor by Order in Council, may make such rules and regulations in conformity with this Act, as may be necessary for carrying out the same, and for promoting the objects thereof; and all such orders, rules and regulations so made, shall be valid and binding as if in this Act contained; provided always, that no higher penalty than the sum of one hundred pounds shall be imposed by any such Order in Council for the violation thereof.

Penalties not to exceed £100.

Orders in Council to be published.

IV. And be it enacted, That every such Order in Council shall be published in the Royal Gazette, and the rate of postage therein established shall be demanded and taken immediately after such publication, and every such order within fourteen days after it is made, shall be laid before the Legislature if then sitting, or otherwise within fourteen days after it shall meet.

To be communicated to the Legislature.

No transit postage.

V. And be it enacted, That no postage shall be charged on letters carried through this Province, and not delivered therein.

Letters delivered in the Province, or posted therein, to be charged at a uniform specified rate.

VI. And be it enacted, That all letters delivered in this Province, or posted therein, shall be charged at the uniform rate of postage of three pence currency for every letter not exceeding half an ounce in weight, together with an additional three pence for each additional half ounce, up to twelve ounces; provided always, that the Lieutenant Governor in Council may fix a higher rate than three pence for each half ounce for letters from those countries with which Her Majesty at such time may have no postal convention.

Pre-payment optional.

VII. And be it enacted, That it shall be optional in every case with a party posting a letter in this Province, addressed to a person within the same or in any other British North American Colony, or in the United Kingdom, whether the postage of such letter be paid at the time of posting the same, or be paid on delivery thereof.

Accounts of United Kingdom Packet Postage to be kept separate. Payment of moneys

VIII. And be it enacted, That all moneys received on account of Packet postage to and from the United Kingdom, be carried to a separate account by the Postmaster General of this Province, and the same shall be transmitted by the Lieutenant Governor once in each year, to the Postmaster General in England; and all other moneys received by the Postmaster General of this Province shall be paid by him to the Provincial Treasurer at the termination of every quarter.

Postage stamps to be provided and sold.

IX. And be it enacted, That the Lieutenant Governor in Council may cause postage stamps marked with any device thereon, and the words "three pence" to be engraved and printed, and shall cause such postage stamps to be sold at such places, and under such regulations as may be established; and all letters having affixed thereon any such postage stamp, not previously used, shall be taken to be post paid to the extent of the value of such stamp.

Liability of parties for postages.

X. And be it enacted, That every person to whom a letter is addressed shall be held *prima facie* liable for the postage thereof, or for the difference between the postage chargeable on such letter, and the value of any stamp used for the first time, affixed to such letter; provided always, that any person to whom a letter is addressed may refuse to receive the same from the hands of the Postmaster or other person tendering such letter.

XI.

XI. And be it enacted, That all newspapers printed in the United Kingdom, and there duly stamped, which shall be received in this Province by post, shall be delivered to the person to whom they are addressed free of postage; and all newspapers printed in this Province, addressed to persons in the United Kingdom, shall be transmitted free of postage; and that all other newspapers transmitted within and through this Province shall pay the rate of one half penny each; provided always that it shall not be compulsory to send newspapers by the post.

Newspapers published in the United Kingdom to be delivered free.

Provincial and other newspapers.

XII. And be it enacted, That printed books, periodical publications, and pamphlets, may be transmitted by post within this Province, at the rate of two pence per ounce up to six ounces in weight, and the sum of three pence per ounce for each additional ounce up to sixteen ounces in weight, beyond which weight no printed book, periodical publication or pamphlet, shall be transmitted by post; provided always, that the Lieutenant Governor in Council may by order reduce or modify the rates of postage on such printed books, periodical publications or pamphlets, as may be deemed fit and necessary.

Rate of postage on printed books, periodical publications, &c.

XIII. And be it enacted, That all papers ordered to be printed by either House of Parliament, or by Her Majesty's command, or by the Legislative Council or House of Assembly of this Province, or by virtue of an address of the Legislative Council or Assembly, as also the Royal Gazette of this Province printed by the Printer of Her Majesty the Queen, shall be transmitted by post within this Province free of postage.

Papers printed by order of either House of Parliament, Her Majesty's command, or either House of the Provincial Legislature, as also Royal Gazette, to be transmitted free.

XIV. And be it enacted, That no printed paper, whether newspaper, book, pamphlet or other paper, permitted by this Act to be sent by post, shall be transmitted either free or at a reduced rate of postage unless the following conditions shall be observed:—First, It shall be sent without a cover, or in a cover open at the sides or ends: Second, There shall be no words or communication printed on the paper after its publication, or upon the cover thereof, nor any writing or marks upon it, or upon the cover of it, except the name and address of the sender, and of the person to whom it is sent: Third, There shall be no paper or thing enclosed in or with any such paper or publication.

Conditions of free conveyance of printed papers.

XV. And be it enacted, That the Postmaster General or any of his Officers may examine any printed paper or packet which shall be sent by the post, either without a cover or with a cover open at the sides or ends, in order to discover whether it is contrary in any respect to the condition hereby required to be observed; and in case any of the required conditions be not fulfilled, the whole of every such paper shall be charged with postage as a letter; and as to every such printed paper going out of the Province, the Postmaster General or his Officers may either detain the same or forward it by post charged with letter postage as aforesaid.

Printed papers may be examined to ascertain if foregoing conditions have been observed.

XVI. And be it enacted, That in all cases where a question shall arise whether a printed paper is entitled to the privileges of a newspaper or other publication, as regards its transmission by post under this Act, the question shall be referred to the Postmaster General of this Province, whose decision, with the concurrence of the Lieutenant Governor in Council, shall be final.

Question as to title of printed papers to transmission under this Act, at reduced rates.

XVII. And be it enacted, That in case any printed newspaper or other printed paper privileged to go by post, and brought into this Province, shall be directed to a person who shall have removed from the place to which it is directed, before the delivery thereof at that place, it may (provided it shall not have been opened,) be re-directed and forwarded by post to such person at any other place within this Province, free of charge for such extra conveyance; but if such newspaper or other printed paper shall have been opened, it shall be charged with the rate of a single

Re-direction of printed papers in case of removal of party to whom directed.

single letter from the place of re-direction to the place at which it shall be ultimately delivered.

Pecuniary allowance to be made to masters of vessels for conveyance of letters between places beyond the British North American Colonies and this Province.

XVIII. 'And for encouraging masters of vessels, not being Post Office Packets, to undertake the conveyance of letters between places beyond the British North American Colonies and this Province, and for regulating the conveyance and delivering of such letters;' Be it enacted, That the Post Master General may allow to the masters two pence for each letter which they shall receive from the Post Office when outward bound, and two pence for each letter which they shall deliver to the Post Office at the first port at which they touch or arrive in this Province, or with which they shall communicate when inward bound; and if from unforeseen circumstances the master cannot, upon delivering his letters at an out-port, receive the money to which he is entitled, he shall be paid by means of an order on the Post Master General, at such other place as may be convenient; and every master of a vessel inward bound shall, at the port or place of arrival, sign a declaration in presence of the person authorized to take the same at such port or place, who shall also sign the same; and the declaration shall be in the form or to the effect following:—

Declaration to be made by masters of vessels.

'I, A. B., commander of the [*state the name of the ship or vessel,*] arrived from [*state the place,*] do, as required by the Post Office Act, solemnly declare, that I have to the best of my knowledge and belief, delivered or caused to be delivered to the Post Office every letter, letter bag, package or parcel of letters that were on board the [*state the name of the ship,*] except such letters as are exempted by the said Act.'

Vessels not to be allowed to enter or report before declaration made and letters delivered.

And no Treasurer or Deputy Treasurer in this Province shall permit such vessel to enter or report until such declaration shall be made and produced; and no vessel shall be permitted to break bulk or make entry in this Province until all letters on board the same shall be delivered to the Post Office, where posts are or may hereafter be established, except such letters as are exempted by this Act, and also except all such letters as shall be brought by a vessel liable to the performance of quarantine; all which last mentioned letters shall be delivered by the persons having possession thereof to the persons appointed to superintend the quarantine, that all proper precautions may be by them taken before the delivery thereof; and when due care has been had therein, the said letters shall be by them despatched in the usual manner by post; and the officers of the Provincial Treasury at any port or place in this Province shall search every vessel for letters which may be on board contrary to this Act, and may seize all such letters, and forward them to the nearest Post Office; and the officer who shall so seize and send them shall be entitled to a moiety of the penalties which may be recovered for any such offence; and the Post Master General may appoint any person to demand from the master of vessels arriving in this Province, all letters on board the same not exempted by this Act, and the master of any such vessel shall forthwith deliver all letters on board to such person on his demanding the same.

Exceptions.

Post Office Officers to give security and enjoy salaries herein specified.

XIX. And be it enacted, That the Postmaster General and other Officers of the Post Office to be appointed under this Act, shall respectively give good and sufficient security, by bond, to Her Majesty the Queen, in such sum as shall be ordered by the Lieutenant Governor in Council; and such Postmaster General and other Officers shall respectively receive the following annual Salaries:—

The Postmaster General of the Province the sum of four hundred pounds currency:

The

The first Clerk in the General Post Office one hundred and twenty pounds currency :

The second and third Clerks in the General Post Office each one hundred and ten pounds currency.

The Postmasters of the respective Post Offices in the following places, that is to say :—

Andover, the sum of twelve pounds ten shillings currency :

Bathurst, thirty five pounds currency :

Bend, Petitcodiac, twenty five pounds currency :

Campbelltown, twenty pounds currency :

Chatham, one hundred pounds currency :

Dalhousie, thirty pounds currency :

Dorchester, twenty pounds currency :

Fredericton, two hundred and forty pounds currency ; Assistant, one hundred pounds currency :

Gagetown, fifteen pounds currency :

Grand Falls, twenty pounds currency :

Harvey, ten pounds currency :

Hampton, ten pounds currency :

Kingston, ten pounds currency :

Little Falls, twelve pounds ten shillings currency :

Newcastle, forty five pounds currency :

Richibucto, fifty pounds currency :

Sackville, one hundred pounds currency :

Shediac, twenty pounds currency :

Saint Andrews, two hundred pounds currency :

Saint George, twenty five pounds currency :

Saint Martin, ten pounds currency :

Saint Stephen, forty five pounds currency :

Sussex Vale, twenty pounds currency :

Woodstock, one hundred pounds currency :

And such Salaries shall be paid quarterly, and shall be in full for all commuted allowances, compensation for loss of franking privilege, and all other fees and emoluments whatsoever, and shall be deemed at all times subject to revision by the Legislature.

XX. And be it enacted, That nothing in this Act contained shall prevent the establishment, by the Lieutenant Governor in Council, of Way-Offices, over and above the regular Post Offices ; and every person employed at such Way-Office shall be liable to all the penalties imposed by this Act on Postmasters and other Officers of the Post Office ; and shall be entitled to such remuneration for their services as shall be allowed by the Lieutenant Governor in Council, either by way-postage on all letters received or delivered, or otherwise, as may be directed.

Way-Offices may be established in addition to the regular Post Offices. Liability and remuneration.

XXI. And be it enacted, That the Postmaster General, with the concurrence of the Lieutenant Governor in Council, may enter into an agreement with and take security from any person applying to him to extend the accommodations of the post to any place, for indemnifying the Revenue against the expenses which shall be incurred thereby, beyond the amount of postages received, and the indemnification may be either for the whole or any part of the expenses incurred, and for such time only as shall be thought necessary.

Post accommodation may be extended on private agreements.

Agreements may be made for the transmission of Colonial or Foreign newspapers or other printed matter.

XXII. And be it enacted, That the Lieutenant Governor in Council may enter into arrangements or conventional agreements with any other of the North American Colonies, or with any Foreign Country, for the transmission of Colonial or Foreign Newspapers or other printed papers within or through this Province, upon such terms and conditions as shall be just and reasonable, and shall be empowered to carry out such arrangements or conventional agreements by order in Council, duly published as herein directed.

Postage marks on letters brought into this Province, to be evidence of amount of postage due in addition to other postage.

XXIII. And be it enacted, That the postage marks, whether British, Foreign or Colonial, on any letter brought into this Province shall in all Courts of Justice and elsewhere, be received as conclusive evidence of the amount of British, Foreign or Colonial postage payable in respect of such letter, in addition to any other postage chargeable thereon; and all such postage shall be recoverable in this Province as postage due to Her Majesty.

Post Office officers exempted from serving in specified public offices.

XXIV. And be it enacted, That no Postmaster General, nor any Officer of the Post Office, shall be compelled to serve on any jury or inquest, or in the Militia, or as a Town or Parish officer, or as a Corporate officer.

Exclusive privilege of receiving and conveying letters secured to the Postmaster General and officers.

XXV. And be it enacted, That the Postmaster General of this Province by himself or his Deputies, and their respective servants and agents, shall have the exclusive privilege of receiving, collecting, conveying and delivering all letters, except in the following cases:—

Exceptions.

Letters sent by a private friend in his way or journey, so as such letters be delivered by such friend, to the party to whom they shall be directed:

Letters sent by a messenger on purpose, concerning the private affairs of the sender or receiver thereof:

Commissions, or returns thereof, and affidavits and writs, process or proceedings, issuing out of a Court of Justice, and returns thereof:

Letters sent out of the Province by a private vessel, not being a Packet Boat:

Letters of Merchants, owners of Merchant vessels, or of the cargo or loading therein, sent by such Merchant vessels, or by any person employed by such owners for the carriage of such letters according to their respective directions and delivered to the respective persons to whom they are directed, without hire, reward, profit or advantage from the same in anywise:

Letters concerning goods or merchandize sent by common known carriers, to be delivered with the goods which such letters concern, without hire or reward, or other profit or advantage for receiving or delivering such letters.

But nothing herein contained shall authorize any person to make a collection of such excepted letters, for the purpose of sending them in the manner hereby authorized; and the following persons are expressly forbidden to carry a letter, or to receive, collect or deliver a letter, although they shall not receive hire or reward for the same, that is to say:—

Common known carriers, their servants or agents; except a letter concerning goods in their carts, wagons or other conveyances, and owners or drivers of stage coaches or carriages:

Owners, masters or commanders of vessels sailing or passing between ports and places within this Province, or between, to or from any port or place beyond the same, or their servants or agents, except in respect of letters of merchants owning such vessels or the goods on board:

Passengers or other persons on board such vessels:

Persons on board any vessel, boat or barge, navigating any of the inland waters of this Province.

XXVI. And be it enacted, That whoever shall convey otherwise than by the post a letter not exempted by this Act, shall for every such letter forfeit five pounds; and whoever shall be in the practice of conveying letters not so exempted shall for every week during which the practice shall be continued, forfeit one hundred pounds; and whoever shall perform otherwise than by the post any services incidental to conveying letters from place to place, whether by receiving, or by taking up, or by collecting, or by ordering, or by despatching, or by carrying, or by recarrying, or by delivering letters not exempted, shall forfeit for every letter five pounds; and whoever shall be in the practice of performing such incidental services, shall for every week during which the practice shall be continued forfeit one hundred pounds; and whoever shall send or cause to be sent a letter not exempted, otherwise than by the post, shall forfeit for every letter five pounds; and whoever shall be in the practice of committing any of the acts last mentioned, shall for every week during which the practice shall be continued forfeit one hundred pounds; and whoever shall make a collection of exempted letters for the purpose of conveying or sending them otherwise than by the post, or by the post, shall forfeit for every letter five pounds; and whoever shall be in the practice of making a collection of exempted letters for either of those purposes, shall forfeit for every week during which the practice shall be continued one hundred pounds; and be it declared, that the term 'post' shall herein include all post communications by land or by water, (except by outward bound vessels not being employed by or under the Post Office, or the Admiralty, to carry post letters,) and the above penalties shall be incurred whether the letter shall be sent singly or with anything else, or such incidental service shall be performed in respect to a letter either sent or to be sent singly, or together with any other letter or thing; and in any prosecution by action or otherwise, for the recovery of any such penalty, the onus shall lie upon the party prosecuted to prove that the act in respect of which the penalty is alleged to have been incurred was done in conformity to this Act.

Penalties for conveying a letter not exempted, otherwise than by post.

Onus of proof.

XXVII. And be it enacted, That every person being either the master of a vessel inward bound, or one of the officers, or one of the crew, or a passenger thereof, who shall knowingly have any letter in his possession not exempted by this Act, after the master shall have sent any part of his letters to the Post Office, shall forfeit for every letter five pounds; and whether the letter be in the baggage or on the person of the offender, or otherwise in his custody, it shall be held to be in his possession; and whoever shall detain any such letter after demand made by any person duly authorized to demand Ships' Letters, shall forfeit for every letter five pounds.

Penalty on persons on board of inward bound vessels having unexempted letters in their possession after the Master has sent any part of the letters in his charge to the Post Office.

XXVIII. And be it enacted, That whoever shall be employed to convey or deliver a Post Letter Bag, or a Post Letter, and who shall whilst so employed, or whilst the same shall be in his custody, care, or possession, leave a Post Letter Bag or a Post Letter, or suffer any person to ride upon a horse used for the conveyance on horseback of a Post Letter Bag or a Post Letter, or if any such person shall be guilty of any act of drunkenness, or of carelessness, negligence or other misconduct, whereby the safety of a Post Letter Bag or a Post Letter shall be endangered, or who shall collect, or receive, or convey, or deliver a letter otherwise than in the ordinary course of the Post, or who shall give any false information of an assault or an attempt at robbery upon him, or who shall loiter on the road or passage, or wilfully mis-spend his time so as to retard or delay the progress or arrival of a Post Letter Bag or a Post Letter, or who shall not use due and proper care and diligence safely to convey a Post Letter Bag or a Post Letter at the rate

Penalty on persons employed to convey post letters, &c., for neglect, drunkenness, &c.

rate of speed appointed by and according to the regulations of the Post Office for the time being, and being thereof convicted, shall forfeit ten pounds.

Ferryman to carry persons in charge of Mails without charge.

XXIX. And be it enacted, That no person in the employ of the Post Office, travelling with a Mail, shall pay for passing or repassing a ferry within this Province, but the ferryman at every such ferry shall forthwith convey over such person travelling with a Mail, without any payment for the same, on pain of forfeiting for every offence five pounds.

Abettors of offences punishable on summary conviction, to be liable to same penalty as the principals.

XXX. And be it enacted, That whoever shall aid, abet, or counsel or procure the commission of an offence which is by this Act punishable on summary conviction, shall on conviction be liable to the same forfeiture or punishment to which a principal offender is by this Act made liable.

By whom and in what Court penalties may be sued for.

XXXI. And be it enacted, That all pecuniary penalties imposed by this Act may be sued for and recovered, with full costs, by whoever shall inform and sue for the same, in any Court of Record in this Province having jurisdiction.

Justices of the Peace to have jurisdiction when the penalty does not exceed £20.

XXXII. And be it enacted, That any Justice of the Peace having jurisdiction

Summons.

where the offence shall be committed, may hear and determine any offence against this Act which may subject the offender to a pecuniary penalty not exceeding twenty pounds; and any such Justice shall upon information given, or complaint made before him, summon the party accused, and also the witnesses on either side, to be and appear before him, or before any other Justice of the Peace, at a time and place to be appointed for that purpose; and either on the appearance of the party accused, or in default thereof, the Justice present at the time and place appointed for such appearance, may proceed to examine into the facts, and upon due proof made thereof by voluntary confession of the party, or by oath of one witness or more, may give Judgment for the Plaintiff or Complainant, or for the Defendant; and if for the Plaintiff or Complainant, such Justice may award and issue out his Warrant for the levying of the penalty so adjudged, together with the costs and expenses of such proceeding, and of such Warrant, and of levying the same on the goods of the offender, and may cause sale to be made of such goods, in case they shall not be redeemed within five days, rendering to the party the overplus, if any; and when goods of such offender cannot be found sufficient to answer the penalty and all such costs and expenses, the Justice shall commit the offender to the common gaol, or house of correction, there to remain for any time not less than three calendar months, and not exceeding six calendar months, if the full penalty imposed by this Act for the offence of which the offender shall have been convicted shall amount to the sum of twenty pounds, and for any time not exceeding three calendar months if such penalty shall not amount to twenty pounds, unless such penalty with all costs and expenses shall be sooner paid; and if the person convicted shall find himself aggrieved by the judgment of any such Justice, he may appeal against the same to any Judge of the Supreme Court of this Province, of which appeal notice in writing shall be given to the prosecutor or informer seven clear days previous to the day appointed for hearing such appeal, and such Judge may examine witnesses upon oath, and finally hear and determine such appeal; and in case the judgment of the Justice shall be affirmed, the said Judge may award and order the person appealing to pay such costs occasioned thereby as to him shall seem meet; provided always, that no person convicted before a Justice shall be permitted to appeal against such conviction, unless within five days next after such conviction made he shall enter into a recognizance, with two sufficient sureties, before such Justice, to enter and prosecute such appeal, and to pay the amount of penalty and costs in which he shall have been convicted, and also to pay such further costs as shall be

Judgment.

Warrant to levy.

Commitment.

Appeal.

Recognizance to be entered into by appellant.

be awarded in case such conviction shall be affirmed on the hearing of such appeal; provided also, that no such proceedings so to be had or taken shall be quashed or vacated for want of form or for any error or mistake which in the judgment of the said Judge has not a tendency to mislead the defendant, or shall be removed by *certiorari*, or by any other writ or process, into any other Court or jurisdiction than herein named.

XXXIII. And be it enacted, That all pecuniary penalties under this Act which shall be sued or prosecuted for, or recovered by or in the name of a person other than Her Majesty's Attorney General in this Province, or any Officer of the Post Office within the same, shall respectively be distributed and divided in manner following, (that is to say,) one moiety thereof to Her Majesty for the use of the Province, and the other moiety thereof, with full costs of suit, to the person who shall inform and sue or prosecute for the same; and all such pecuniary penalties as aforesaid which shall be prosecuted for and recovered by or in the name of the Attorney General or any Post Office officer, shall be paid to Her Majesty for the use of the Province; provided always, that the Lieutenant Governor in Council may give all or any part of such penalties or shares of penalties belonging to Her Majesty, as rewards to any person who shall have detected such offences or given information which may have led to the discovery thereof, or to the conviction of the offenders.

XXXIV. And be it enacted, That when any person shall be summoned before a Justice of the Peace to answer an information or complaint exhibited or made against him by a person other than an officer of the Post Office, touching an offence committed or alleged to have been committed against this Act, and such information or complaint shall afterwards be withdrawn, or quashed, or dismissed, or if the defendant shall be acquitted of the offence charged against him, the Justice may order and award that the informer or person exhibiting the information or making the complaint, shall pay to the defendant such costs of making or preparing for his defence, and also such compensation for his loss of time, and for the time of his witnesses, (if any,) in attending such Justice, touching such information or complaint, as to such Justice shall seem reasonable; and in default of immediate payment of the sum so awarded, the Justice may cause the same to be levied by distress and sale of the goods and chattels of the person ordered to pay the same, together with the costs of such distress and sale; and if goods and chattels of such person sufficient to answer the sum so awarded, and such costs as aforesaid, cannot be found, the Justice may commit such person to the common gaol or house of correction for any time not exceeding one calendar month, unless the sum so awarded, together with all costs and expenses, shall be sooner paid.

XXXV. And be it enacted, That a Summons issued by a Justice of the Peace, requiring a defendant or a witness or other person to appear before him or any other Justice with reference to an information, complaint or other proceeding under this Act, shall be deemed to be sufficiently served, in case either the summons or a copy thereof be served personally upon the person as aforesaid, or be left at his usual or last known place of residence; or if such person be a proprietor or driver of any stage-carriage, if such summons or copy be left with the book-keeper or person for the time being acting as book-keeper for such stage-carriage, in any town or place from, into or through which such carriage shall go or be driven, nearest to the place where such offence shall be committed.

XXXVI. And be it enacted, That every Constable or other Peace Officer who shall refuse or neglect to serve a summons, or execute a warrant or order granted, issued or made by a Justice, pursuant to this Act, shall forfeit ten pounds.

Application of penalties not prosecuted by the Attorney General or an officer of the Post Office.

When prosecuted by Her Majesty's Attorney General or an officer of the Post Office.

The whole or any part of penalties belonging to Her Majesty may be given as rewards to informers.

Justice may award costs and compensation to parties summoned to answer an information not laid by an officer of the Post Office, when the same is withdrawn, quashed, &c.

To be levied by Warrant of distress, and sale, and commitment when sufficient goods not found.

What shall be deemed sufficient service of Summons.

Penalty for refusing or neglecting to serve a Summons.

XXXVII.

Penalty for non-appearance as a witness.

XXXVII. And be it enacted, That whoever shall be summoned as a witness to give evidence before a Justice of the Peace, touching the matters relating to any proceeding before such Justice under this Act, who shall neglect or refuse to appear at the time and place for that purpose appointed, without a reasonable excuse to be allowed by such Justice, or whoever shall appear, but shall refuse to be examined and give evidence before such Justice touching the matters in question, shall forfeit ten pounds.

Informant or complainant to be a competent witness.

XXXVIII. And be it enacted, That upon the trial or hearing of any information exhibited or complaint made under this Act, any officer of the Post Office, or any other person shall be a competent witness notwithstanding such officer or other person may be the informant or complainant, or may be entitled to or expect a part of any pecuniary penalty, or any remuneration or reward, on the conviction of an offender, upon such information or complaint.

Goods distrained to be sold at public auction.

Notice of sale to be given to the owner.

Goods may be sold according to the owner's consent, or released on payment.

XXXIX. And be it enacted, That in all cases when goods or chattels, distrained or otherwise seized or taken under this Act, are directed to be sold, the same shall be sold by public auction, and notice of the time and place of sale shall be given to the owner of such goods or chattels, or be left at his last known place of abode, three days at least prior to such sale; provided always, that if the owner of such goods or chattels shall give his consent in writing to a sale at an earlier period, or in any other manner than is directed by this Act, it shall be lawful to sell such goods and chattels according to such consent; provided also, that if the owner of such goods or chattels shall at any time before the sale thereof pay or tender to the person who by any Warrant or other process shall be directed or authorized to cause such goods or chattels to be sold, the sum which he shall by such Warrant or process be directed to levy or raise by the sale of such goods or chattels, together with all reasonable costs and expenses incurred, no sale of such good or chattels shall be made.

Suits on information may be compromised.

XL. And be it enacted, That the Lieutenant Governor in Council may compromise and compound any action, suit or information which shall at any time hereafter be commenced against any person to recover penalties under this Act, on such terms and conditions as the said Lieutenant Governor in Council shall think proper, with full power to accept the penalties so incurred, or any part thereof, with or without action, suit or information brought or commenced for the recovery thereof.

Suits for penalties to be commenced within one year after penalty incurred.

Opening or detaining of a post letter by a post-officer made a misdemeanor.

Punishment.

XLI. And be it enacted, That all penalties incurred by any person for offences against this Act, shall be sued for within the space of one year next after the penalty shall be so incurred.

XLII. And be it enacted, That every person employed by or under the Post Office, who shall, contrary to his duty, open or procure or suffer to be opened, a post letter, or shall wilfully detain or delay, or procure or suffer to be detained or delayed, a post letter, shall be guilty of a misdemeanor, and being convicted thereof, shall suffer such punishment, by fine or imprisonment, or both, as the Court shall seem meet; provided always, that nothing herein contained shall extend to the opening or detaining or delaying of a post letter returned for want of a true direction, or of a post letter returned by reason that the person to whom the same shall be directed is dead, or cannot be found, or shall have refused the same, or shall have refused or neglected to pay the postage thereof.

Stealing or embezzling a post letter, made felony.

XLIII. And be it enacted, That every person employed under the Post Office, who shall steal, or shall for any purpose whatever embezzle, secrete or destroy a post letter, shall be guilty of felony, and shall be imprisoned for any term not exceeding three years; and if any such post letter so stolen, or embezzled, secreted,

secreted, or destroyed, shall contain therein any chattel or money whatsoever, or any valuable security, every such offender shall be imprisoned for any term not exceeding seven years.

XLIV. And be it enacted, That whoever shall steal from or out of a post letter any chattel or money, or valuable security, shall be guilty of felony, and shall be imprisoned for any term not exceeding seven years.

XLV. And be it enacted, That whoever shall steal a post letter bag, or a post letter from a post letter bag, or shall steal a post letter from a Post Office, or from an officer of the Post Office, or from a Mail, or shall stop a Mail with intent to rob or search the same, shall be guilty of felony, and shall be imprisoned for any term not exceeding fourteen years.

XLVI. And be it enacted, That whoever shall steal or unlawfully take away a Post Letter Bag sent by a Post Office Packet, or who shall steal or unlawfully take a letter out of any such bag, or shall unlawfully open any such bag, shall be guilty of felony, and shall be imprisoned for any term not exceeding fourteen years.

XLVII. 'And with regard to receivers of property sent by the Post and stolen therefrom;' Be it enacted, That whoever shall receive any Post Letter, or Post Letter Bag, or any chattel or money or valuable security, the stealing, taking, embezzling or secreting whereof, shall amount to a felony under this Act, knowing the same to have been feloniously stolen, taken, embezzled, or secreted, and to have been sent or intended to be sent by the Post, shall be guilty of felony, and may be indicted and convicted either as an accessory after the fact, or for a substantive felony, and in the latter case, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and every such receiver, howsoever convicted, shall be imprisoned for any term not exceeding fourteen years.

XLVIII. 'And whereas Post Letters are sometimes by mistake delivered to the wrong person, and Post Letters and Post Letter Bags are lost in the course of conveyance or delivery thereof, and are detained by the finders in expectation of gain or reward;' Be it therefore enacted, That whoever shall fraudulently retain, or shall wilfully secrete or keep, or detain, or being required to deliver up by an officer of the Post Office, shall neglect or refuse to deliver up by an officer of the Post Office, shall neglect or refuse to deliver up a Post Letter which ought to have been delivered to any other person, or a Post Letter Bag or Post Letter which shall have been lost, whether the same shall have been found by the person secreting, keeping, or detaining, or neglecting or refusing to deliver up the same, or by any other person, shall be guilty of a misdemeanor, and being convicted shall be liable to be punished by fine and imprisonment at the discretion of the Court.

XLIX. And be it enacted, That every person employed in the Post Office who shall steal, or for any purpose embezzle, secrete, or destroy, or who shall wilfully detain or delay, in course of conveyance or delivery thereof by the Post, any printed votes or proceedings in Parliament, or in any of the Assemblies of any British Colony, or any printed newspaper, or any other printed paper whatever, sent by the Post, without covers or in covers open at the sides, shall be guilty of a misdemeanor, and being convicted thereof, shall suffer such punishment, by fine or imprisonment, or by both, as to the Court shall seem meet.

L. And be it enacted, That whoever shall solicit or endeavour to procure any other person to commit a felony or misdemeanor punishable by this Act, shall be guilty of a misdemeanor, and being thereof convicted, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years.

Stealing any chattel, &c. out of a post letter made felony.

Stealing a post letter bag, or a post letter from a post letter bag, or from a Post Office, or from an officer or Mail, or stopping a Mail with intent to rob.

Stealing a Post letter bag &c. from a Post Office Packet.

Receiving property sent by Post and stolen therefrom.

Refusing to deliver up Post letters erroneously delivered, or lost Post letters or bags.

Stealing or detaining from delivery, printed Parliamentary proceedings, newspapers, or other matter sent by Post.

Procuring the commission of a felony or misdemeanor punishable under this Act.

Where offenders against this Act may be tried.

In County where apprehended or in custody.

In County where apprehended, or in any County through which the Mail may have passed.

When offence committed on boundaries of Counties, trial may be in either County.

Accessaries may be tried where principal may be tried.

In indictment, the property may be laid in the Postmaster General.

Unnecessary to prove value

or state particular employments of offending Post officers.

Imprisonment may be made in the Provincial Penitentiary or common gaol, with or without hard labour.

Recovery of Postages charged under this Act.

LI. And be it enacted, That the offence of every offender against this Act may be dealt with, indicted, tried and punished, and laid and charged to have been committed, either in the County or place where the offence shall be committed, or in any County or place in which he shall be apprehended, or be in custody, as if his offence had actually been committed in that County or place; and when an offence shall be committed in or upon or in respect of a Mail, or upon a person engaged in the conveyance or delivery of a Post Letter Bag or Post Letter, or in respect of a Post Letter Bag or Post Letter, or a chattel, or money, or valuable security sent by the Post, such offence may be dealt with and inquired of, tried and punished, and laid and charged to have been committed, as well in any County or place in which the offender shall be apprehended or be in custody, as also in any County or place through any part whereof the Mail, or the person, or the Post Letter Bag, or the Post Letter, or the chattel, or the money, or the valuable security sent by the Post, in respect of which the offence shall have been committed, shall have passed in due course of conveyance or delivery by the Post, in the same manner as if it had been actually committed in such County or place; and in all cases where the side, or the centre, or other part of a highway, or the side, the bank, the centre of a River, Lake, or other piece of water, shall constitute the boundary of two Counties, such offence may be dealt with and inquired of, tried and punished, and laid and charged to have been committed in either of the said Counties, through which, or adjoining to which, or by the boundary of any part of which the Mail or person shall have passed in due course of conveyance or delivery by the Post, in the same manner as if it had actually been committed in such County or place; and every accessary before or after the fact to any such offence, if the same be a felony, and any person aiding, or abetting, or counselling, or procuring the commission of any such offence, if the same be a misdemeanor, may be dealt with, indicted, tried and punished as if he were a principal, and his offence laid and charged to have been committed in any County or place in which the principal offender may be tried.

LII. And be it enacted, That in every case where an offence shall be committed in respect of a Post Letter Bag, or a Post Letter, or a chattel, money, or a valuable security sent by the Post, it shall be lawful to lay in the indictment to be preferred against the offender, the property of the Post Letter Bag, or of the Post Letter, or chattel or money, or the valuable security sent by the Post, in the Postmaster General of this Province; and it shall not be necessary to allege in the indictment or to prove upon the trial, or otherwise, that the Post Letter Bag, or Post Letter, or valuable security, was of any value; and in any indictment against any person employed under the Post Office for any offence committed against this Act, it shall be lawful to state and allege that such offender was employed under the Post Office of this Province at the time of the committing of such offence, without stating further the nature or particulars of his employment.

LIII. And be it enacted, That when a person shall be convicted of an offence punishable under this Act, for which imprisonment shall be awarded, the Court may sentence the offender to be imprisoned with or without hard labour in the Provincial Penitentiary, or any common gaol or house of correction.

LIV. And be it enacted, That all duties of postage granted by this Act, and charged by virtue thereof, may be sued for and recovered by suit, action or information in any of Her Majesty's Courts of Record, or before any Justice of the Peace having jurisdiction, and by all such ways and means, and in such manner and form as any other duties granted to Her Majesty are made recoverable; and in all actions, informations and proceedings to be commenced, prosecuted, entered

or filed in the name or on behalf of Her Majesty, for the recovery of any such duties, Her Majesty may have and recover such duties with full costs of suit.

LIV. And be it enacted, That every complaint, information, summons, conviction, warrant of distress, or commitment, or other such proceeding, which shall be had or taken for the recovery of any postage, debt or penalty under the provisions of this Act, may be drawn or made out according to the several forms contained in the Schedule hereunto annexed, or to the effect thereof, with such charges therein as the case shall require; and every complaint, information, summons, conviction, warrant, or other such proceeding which shall be so drawn or made out, shall be good and effectual to all intents and purposes whatsoever, without stating the case or facts, or evidence, in any more particular manner than is required in and by such forms respectively.

Complaints, Summons, Warrants, &c., to be according to the Forms in the Schedule to this Act.

LVI. 'And for the protection of persons acting in the execution of this Act;' Be it enacted, That all legal proceedings, whether by action or by prosecution, which shall be commenced against any person for any thing done in pursuance of or under this Act, shall be commenced and prosecuted within three calendar months next after the commission of the act, and not afterwards; and such proceedings shall be laid and tried in the County or place where the cause of action shall arise, and not elsewhere; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in the following cases the defendant shall recover his full costs of suit, as between attorney and client, that is to say, if a verdict shall pass for the defendant, or if the plaintiff shall become non-suit, or if the plaintiff shall discontinue the action, or if on demurrer or otherwise, judgment shall be given against the plaintiff; and the defendant shall have the like remedy for his costs as any defendant may have for costs of suit in other cases at law; and although a verdict shall be given for the plaintiff in any such action, the plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be had shall at the time of such trial certify in writing his approbation of the action, and of the verdict obtained thereupon.

Proceedings against persons acting under this Act, to be commenced within three months after offence.

LVII. And be it enacted, That no person shall be capable of holding the office of Postmaster General, or of being an officer of the Post Office, unless such person shall have first made and subscribed the oath and affidavit contained in the Schedule hereunto annexed, before a Justice of the Peace acting for the place where such person resides, which oath such Justice, on application to that effect, shall administer and take accordingly.

Oath and affidavit in the Schedule to be taken by all Post Office officers.

LVIII. And be it enacted, That every person employed under the Post Office who shall wilfully demand or exact for his own benefit a higher rate of postage than is payable by law, as well as any person whatsoever who shall forge or counterfeit any stamp authorized to be affixed to letters, or who shall knowingly and wilfully use such forged or counterfeited stamp, with the intent to defraud the Post Office, shall be guilty of felony, and shall be imprisoned for any term not exceeding seven years.

Exactng for private benefit higher than authorized rates of postage.

LIX. And be it enacted, That in all Orders in Council, legal proceedings, contracts, appointments, or otherwise howsoever, it shall in all cases be sufficient to refer to and designate this Act as the "Post Office Act."

This Act may be designated "The Post Office Act," in all legal proceedings.

LX. And be it enacted, That the following terms and expressions shall have the several interpretations hereinafter respectively set forth, unless such interpretations are repugnant to the subject, or inconsistent with the context of the provisions in which they may be found, (that is to say,) the expression 'Lieutenant Governor in Council' shall mean the Lieutenant Governor of this Province

Construction of words and terms.

Lieutenant Governor in Council.

or the Administrator of the Government thereof for the time being, acting by and with the advice and consent of Her Majesty's Executive Council for this Province; and the term 'Postage' shall mean the duty chargeable on letters transmitted within this Province, and also all duty chargeable thereon before such letters shall come within the same; and the term 'Her Majesty' shall mean Her Majesty, Her Heirs and Successors; and the term 'Letter' shall include packets of letters; and the term 'British Mail' shall mean and include every conveyance by which Post Letters shall be carried or conveyed from the United Kingdom of Great Britain and Ireland to this Province; and the term 'Mail' shall include every conveyance by which Post Letters are carried, whether it be a coach, or cart, or horse, or other conveyance, and also a person employed in conveying or delivering Post Letters, and also every Vessel which is included in the term Packet Boat; and the term 'Mail Bag' shall mean a Mail of Letters, or a box, or a parcel, or any other envelope in which Post Letters are conveyed, whether it does or does not contain Post Letters; and the term 'Master of a Vessel' shall include any person in charge of a Vessel, whether commander, mate, or other person, and whether the Vessel be a Ship of War or other Vessel; and the expression 'Officer of the Post Office' shall include the Postmaster General and every Deputy Postmaster, Agent, Officer, Clerk, Letter Carrier, Guard, Post Boy, Rider, Driver, or any other person employed in any business of the Post Office, whether employed by the Postmaster General or by any person under him, or on behalf of the Post Office; and the term 'Packet Postage' shall mean the postage chargeable for the transmission of letters by Packet Boats between the United Kingdom and any of Her Majesty's Colonies; and the term 'Penalty' shall include every pecuniary penalty or forfeiture; and the expression 'persons employed by or under the Post Office' shall include every person employed in any business of the Post Office, according to the interpretation given to Officers of the Post Office; and the term 'Packet Boat' shall include all Vessels employed by or under the Post Office, or the Admiralty, for the transmission of Post Letters, and also Ships or Vessels, (though not regularly employed as Packet Boats,) for the conveyance of Post Letters under contract, and also a Ship of War or other Vessel in the service of Her Majesty, in respect of letters conveyed by it; and the term 'Post Letter Bag' shall include a Mail bag, or box, or packet, or parcel, or other envelope or covering in which Post Letters are conveyed, whether it does or does not contain Post Letters; and the term 'Post Letter' shall mean any letter or packet transmitted by the Post under the authority of this Act; and a letter shall be deemed a Post Letter from the time of its being delivered to a Post Office to the time of its being delivered to the person to whom it is addressed; and the delivery to a Letter Carrier or other person authorized to receive letters for the Post, shall be a delivery to the Post Office; and a delivery at the house or office of the person to whom the letter is addressed, or to him or to his servant or agent, or other person considered to be authorized to receive the letter according to the usual manner of delivering that person's letters, shall be a delivery to the person addressed; and the term 'Post Office' shall mean any house, building, room, or place where Post Letters are received or delivered, or in which they are sorted, made up, or despatched; and the term 'Ships' shall include Vessels of every description other than Packet Boats; and the term 'Ship Letter' shall mean a letter transmitted inwards or outwards over Seas by a Vessel not being a Packet Boat; and the term 'valuable security' shall include the whole or any part of any tally, order or other security whatsoever, entitling, or evidencing the title of any person or body corporate to any share or interest in any public stock

or fund, whether of the British Dominions or of any Foreign State, or in any fund of any body corporate, company or society, or to any deposit in any savings' bank, or the whole or any part of any debenture, deed, bond, bill, note, warrant, or order, or other security whatsoever, for money, or for payment of money, whether of the British Empire or of any Foreign State, or of any warrant or order for the delivery or transfer of any goods or valuable thing; and whenever the term 'between' is used in reference to the transmission of letters, newspapers, Parliamentary proceedings, or other things, between one place and another, it shall apply equally to the transmission from either place to the other; and every officer mentioned shall mean the person for the time being executing the functions of that office; and whenever in this Act or the Schedule thereto, with reference to any person, or matter, or thing, or to any persons, matters or things, the singular or plural number or the masculine gender only is expressed, such expression shall be understood to include several persons, or matters, or things, as well as one person, or matter, or thing, and one person, or matter, or thing, as well as several persons, or matters, or things, females as well as males, bodies politic or corporate, as well as individuals, unless it be otherwise specially provided, or the subject or context be repugnant to such construction; and the term 'Carriage' shall be deemed to signify any coach, wagon, stage, sleigh or other vehicle whatsoever.

Between.

Officer mentioned.

Number and gender.

Carriage.

LXI. And be it enacted, That this Act shall come into operation and be in force at such time as may be fixed therefor by order of Her Majesty in Council, or by Proclamation of the Lieutenant Governor or Administrator of the Government for the time being of this Province.

Act to come into operation at a time to be fixed by Her Majesty in Council or by Proclamation of the Lieutenant Governor.

LXII. And be it enacted, That all moneys payable for or on account of the Post Office Department, shall be drawn by Warrant of the Lieutenant Governor in Council upon the Treasurer of the Province from time to time as the same may be required for the service of the said Department.

Moneys on account of the Post Office Department to be drawn by Warrant on the Treasurer.

LXIII. And be it enacted, That this Act may be altered or amended during the present Session of the Legislature.

Act may be amended.

SCHEDULE TO WHICH THE FOREGOING ACT REFERS.

No. 1.

Form of an Information for the recovery of a penalty under this Act.

City or County, (as the case may be,) to wit :

Information for the recovery of a penalty.

Be it remembered, that on the _____ day of _____ in the year of our Lord one thousand eight hundred and _____ at _____ in the _____ A. B. of, &c. (or A. B. an Officer of the Post Office, as the case may be,) cometh before me, C. D. Esquire, one of Her Majesty's Justices of the Peace for the said _____ and informeth me, the said Justice, that E. F. of _____ heretofore to wit, on the _____ day of _____ in the year of our Lord _____ at _____ in the said _____ did [*here state the offence*] contrary to "The Post Office Act," whereby the said E. F. hath forfeited for the said offence the sum of _____

Taken and received by me, }
the day and year first above written. }

No. 2.

Form of Summons:

Form of a Summons on the foregoing Information.

To E. F. of, &c.

City or County of [*as the case may be,*] to-wit :

Whereas an information hath been exhibited before me, C. D. Esquire, one of Her Majesty's Justices of the Peace for the charging, that you, the above named E. F. on the day of at did [*here state the substance of the charge,*] whereby you have forfeited the sum of : These are therefore to require you personally to be and appear before me the said Justice, or before such other of Her Majesty's Justices of the Peace for the said as shall be then present at on the day of at the hour of in the noon of the same day, then and there to answer the same information, and to make your defence thereon ; and if you fail to appear accordingly, such proceedings will be taken as if you had personally appeared, and had not made any defence to the said charge.—Given under my hand and seal this day of

No. 3.

Form of a Conviction.

*Form of a Conviction on the foregoing Information.*City or County of [*as the case may be,*] to-wit :

Be it remembered, That on the day of at E. F. of, &c., was duly convicted before me one of Her Majesty's Justices of the Peace for pursuant to the "Post Office Act," for that the said E. F. on the day of did [*here state the offence, as the case may be,*] contrary to the said Act; for which offence I do adjudge that the said E. F. hath forfeited the sum of as also the sum of for the costs and charges of G. H. the informer, in prosecuting this conviction.—Given under my hand and seal the day of

No. 4.

Warrant of Distress.

*Form of a Warrant of Distress founded on the foregoing Conviction.*To the Constable of in the of
City or County of [*as the case may be,*] to-wit :

Whereas E. F. of has been duly convicted of a certain offence for [*here state the offence, as in conviction,*] whereby he hath forfeited the sum of over and above the reasonable costs and charges of the informer, allowed and assessed at the sum of : Therefore I command you to levy the said sum of and also the said sum of for the costs and charges aforesaid, making together the sum of by distraining the goods and chattels of the said E. F. ; and if within the space of five days next after such distress taken, the said sum of together with the reasonable costs and charges of taking and keeping such distress, shall not be paid, then I order and direct that you shall sell and dispose of the said goods and chattels, which shall be so distrained, seized and taken as aforesaid, and shall levy and raise thereout the said sum of and all reasonable costs and charges of taking and keeping and selling such distress, rendering the overplus, if any, to the owner of the said goods and chattels ; and you are to certify to me what you shall have done by virtue of this my Warrant.—Given under my hand and seal the day of

(Signed)

One of Her Majesty's Justices of the Peace for the said of

No. 5.

No. 5.

Form of a Warrant of Commitment for want of sufficient distress, founded on the foregoing conviction. Warrant of Commitment.

To the Constable of _____ and to the Keeper of the Common Gaol (or House of Correction) at _____ in the said City or County of (as the case may be,) to-wit:

Whereas E. F. of _____ has been duly convicted of a certain offence for that [here state the offence as in the conviction,] whereby he hath forfeited the sum of _____ over and above the reasonable costs and charges of the informer, allowed and assessed at the sum of _____ making together the sum of _____; and whereas it has been duly made appear to me, that no sufficient distress can be found whereon to levy the said sum of _____; therefore I command you, the Constable of _____ to apprehend and take the said E. F., and safely to carry him to the common gaol (or House of Correction) at _____ in the _____ of _____ and there to deliver him to the Keeper thereof, together with this Warrant; and I do hereby command you the said Keeper to receive into your custody in the said gaol, (or House of Correction,) him the said E. F., and him therein safely to keep for the space of _____ unless the said sum of _____ shall be sooner paid.—Given under my hand and seal the _____ day of _____

(Signed)

One of Her Majesty's Justices of the Peace for the said _____ of _____

No. 6.

Form of complaint whereon to found a Warrant of Distress for recovery of Postage. Complaint to obtain a Warrant of Distress for recovery of Postage.

City or County of (or as the case may be,) to wit:

Be it remembered, that on this _____ day of _____ in the year _____ at _____ in the _____ of _____ A. B. an officer of the Post Office complaineth to me, C. D., Esquire, one of Her Majesty's Justices of the Peace for the said _____ that the sum of _____ is due and owing from E. F. of _____ to Her Majesty, (or to the said A. B., if the case be so) for the duty of Postage which he hath neglected or refused to pay; and therefore the said A. B. prayeth of me the said Justice, that the said E. F. may be summoned to appear and shew cause, if any he have, why, due proof being made of the sum due, and owing from him for postage as aforesaid, a Warrant of Distress should not be granted for recovery thereof, pursuant to the "Post Office Act."

Taken and received by me, _____ }
the day and year first above written. }

No. 7.

Form of Summons on the foregoing complaint. Form of Summons.

To E. F. of _____

City or County of (or as the case may be,) to wit:

Whereas complaint has been made unto me C. D., Esquire, one of Her Majesty's Justices of the Peace for the _____ of _____ that the sum of _____ is due and owing from you to Her Majesty (or to A. B. an officer of the Post Office, if the case be so) for the duty of postage which you have refused or neglected to pay;

pay; These are therefore to summon you to be and appear at _____ in the said _____ on the _____ day of _____ at the hour of _____ in the _____ noon of the same day, before me the said Justice, or before such other of Her Majesty's Justices of the Peace for the said _____ as shall be then present, in order that you may shew cause, if any you have, why, on due proof being made of the sum of money due and owing from you, for such duty of postage as aforesaid, a Warrant of Distress should not be granted, for the recovery thereof, pursuant to the directions of the "Post Office Act;" and if you fail to appear accordingly, such proceedings will be taken as if you had appeared, and had not shewn any sufficient cause why such Warrant should not be granted.—Given under my hand and seal this _____ day of _____ in the year _____

No. 8.

Form of a Warrant of Distress, founded on the foregoing complaint.

Warrant
of Distress.

To the Constable of _____ (or to C. D. of, as the case may be)
City or County of (as the case may be,) to-wit:

Whereas complaint hath been made that E. F. of _____ is indebted to Her Majesty (or to A. B. an officer of the Post Office, *if the case be so*) in the sum of _____ for the duty of postage, which he hath neglected or refused to pay; and whereas the said E. F. hath been duly summoned, and due proof hath been made on oath before me, that the sum of _____ is due and owing from the said E. F. for such duty of postage as aforesaid, and that he hath neglected to pay the same; therefore I command you to distrain the said E. F. by his goods and chattels, and to levy thereon the said last mentioned sum, being the amount of such duty of postage as aforesaid, and also the further sum of _____ for the costs, charges and expenses of proceeding for and obtaining this Warrant, and of the proceedings incident or relating thereto; making together the sum of _____ and if within the space of five days next after the taking of such distress the sum of _____ together with the reasonable costs and charges of taking and keeping such distress shall not be paid, then I do hereby order and direct that you shall sell and dispose of the said goods and chattels, which shall be so distrained, and that you shall levy and raise thereout the said sum of _____ and all reasonable costs and charges of taking, keeping and selling such distress, rendering the overplus, if any, to the owner of the said goods and chattels; and you are to certify to me what you have done by virtue of this my Warrant.—Given under my hand and seal this _____ day of _____

(Signed)

One of Her Majesty's Justices of the Peace, for the said _____ of _____

No. 9.

Form of a Warrant of Commitment for want of sufficient distress, founded on the foregoing complaint.

Warrant of Com-
mitment for want
of Distress.

To the Constable of _____ in the _____ of _____ and also to the Keeper of the Common Gaol, (or House of Correction) at _____ in the said _____ City or County of (or as the case may be,) to wit:

Whereas complaint was made that E. F. of _____ was indebted to Her Majesty (or to A. B. an officer of the Post Office, *if the case be so*) in the sum of _____ for the duty of postage, which he had refused or neglected to pay; and whereas _____

whereas the said E. F. was duly summoned, and due proof was made on oath that the sum of _____ was due and owing from the said E. F. for such duty of postage as aforesaid, and that he had neglected to pay the same; and whereas a Warrant has been issued directed to C. D. of _____ commanding him by distress and sale of the goods and chattels of the said E. F. to levy the last mentioned sum, being the amount of such duty of postage as aforesaid, due and owing from the said E. F. and the further sum of _____ for the costs, charges and expenses of proceeding for and obtaining the said Warrant, and of the proceedings incident and relating thereto, making together the sum of _____; And it now appearing to me by the oath of the said C. D. that no sufficient distress can be found whereon to levy the said duty, costs, and charges, (*or in case an insufficient distress shall have been taken*); And Whereas the said C. D. hath certified to me that he hath under the said Warrant, levied and raised the sum of _____ only; and it now appearing to me by the oath of the said C. D. that no sufficient distress can be found whereon to levy the residue of the said duty, costs and charges,) Therefore I command you the said Constable of _____ to apprehend and take the said E. F. and safely convey him to the common gaol (*or House of Correction*) of the _____ at _____ in the said _____ and there to deliver him to the keeper thereof, together with this Warrant; and I do hereby command you the said keeper to receive into your custody in the said gaol (*or House of Correction*) him the said E. F., and him therein safely to keep until the said sum of _____ (*or until the sum of _____ being the residue of*) the said duty, costs and charges, (*remaining after deducting the said sum of _____ so levied and raised as aforesaid*) shall be fully paid and satisfied.—Given under my hand and seal this day of _____

(Signed)

One of Her Majesty's Justices of the Peace for the said _____

No. 10.

Form of Affidavit to be sworn by every Officer of the Post Office.

I _____ do solemnly and sincerely depose and swear, that I will not wittingly or willingly open or delay, or cause or suffer to be opened or delayed, contrary to my duty, any letter, or any thing sent by the Post, which shall come into my hands or custody, by reason of my employment relating to the Post Office, except by consent of the person or persons to whom the same shall be directed, or except in such cases where the party or parties to whom such letter, or any thing sent by the Post, shall be directed, or who is or are chargeable with the payment of the postage thereof, shall refuse or neglect to pay the same, and except such letters, or other thing sent by the Post, as shall be returned for want of true directions, or when the party or parties to whom the same shall be directed cannot be found; and that I will not in any way embezzle any such letter, or any thing sent by the Post, as aforesaid; and I make this solemn oath, conscientiously intending to fulfil and obey the same, and by virtue of "The Post Office Act."

Oath to be taken by all Post Office officers.

Subscribed and sworn at _____ this _____ }
 day of _____ A. D. _____ }
 Before me.

CAP. L.

An Act to consolidate and amend the Laws relating to the Office of Sheriff.

Passed 26th April 1850.

Repeal of

6 W 4, c 1,

1 V c 15,

3 V c 71,

9 V c 26,

Reservations :

Appointments,

Bonds.

Judgments,

Liabilities.

Appointment of Sheriffs, save for the City and County of Saint John, to be made annually in March.

Proviso for death or removal.

Sheriffs to remain in office till others appointed and sworn.

To give Bonds annually with sureties, in addition to the Bond to the Queen.

Bonds to be lodged in the Secretary's office for the approval of the Lieutenant Governor.

To be sent to the Clerk of the Pleas when perfected.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the sixth year of the Reign of His late Majesty William the Fourth, intituled *An Act for the better regulating of the Office of Sheriff in this Province*; also an Act made and passed in the first year of the Reign of Her Majesty Queen Victoria, intituled *An Act to alter the times for the appointment of Sheriffs and Supervisors of Great Roads*; also an Act made and passed in the third year of the said last mentioned Reign, intituled *An Act to amend the Act to alter the times for the appointment of Sheriffs and Supervisors of Great Roads*; also an Act made and passed in the ninth year of the said last mentioned Reign, intituled *An Act in amendment of the Law relating to the appointment of Sheriffs*; be and the same are hereby repealed: Provided, that the appointment of Sheriffs or Deputy Sheriffs heretofore made, and all bonds heretofore given, and all judgments heretofore recovered, and all other acts, matters and things heretofore done, and all liabilities heretofore incurred under and by virtue of any of the said Acts hereby repealed, shall continue and remain in full force and effect so far as the same are in accordance with the provisions of the said Acts hereby repealed, or any of them, notwithstanding the repeal of the said Acts.

II. And by it enacted, That the Sheriffs of the several Counties in this Province, save and except the Sheriff of the City and County of Saint John, shall be appointed annually by the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, in the month of March in each and every year; provided that nothing in this Act contained shall prevent the appointment of any such Sheriff at any other time when the same may become necessary in consequence of the death or removal from office of any Sheriff.

III. And be it enacted, That every Sheriff appointed or to be appointed, shall remain in office until another shall be appointed and sworn in his stead; and every such Sheriff, in addition to the Bond (A) required to be given to Her Majesty, shall give a bond (B) with two good and sufficient sureties in the sum of five hundred pounds to the Lieutenant Governor or Administrator of the Government for the time being, to answer for any moneys or damages that may be recovered against the said Sheriff, or by reason of any Act, misdoing or neglect of such Sheriff or any of his Deputies, in the discharge of the duties of his office for the year or portion of a year for which he may be so appointed, and a new bond (B) shall be annually given by every Sheriff, although such Sheriff shall be re-appointed and continued in office; and every such Sheriff shall forthwith after his appointment lodge such bond (B) in the office of the Secretary of the Province, to be by him laid before the Lieutenant Governor or Administrator of the Government for the time being, for his approval of the sureties therein named, and the bond shall not be deemed to be perfected until such approval shall be given and endorsed thereon; and in case of the failure of any Sheriff to give such bond with sureties that shall be so approved of, for the space of one month after his being appointed, another person shall be appointed in his stead for the then current year, to end on and at the same day in March then next ensuing as the appointments of the other Sheriffs, and every such bond when so perfected shall be transmitted by the Secretary of the Province to the office of the Clerk of the Pleas of the Supreme Court, and shall be filed by him and remain on file with the records of the said Court.

IV.

IV. And be it enacted, That if any person shall recover a judgment against any Sheriff in any Court of Record in this Province, for any moneys due to or damages sustained by him or them for or by reason of any act, doing, misdoing or neglect of such Sheriff, or any of his Deputies, in the discharge of the duties of his office, during the year or portion of a year for which any such bond may be given, and shall issue any writ of *feri facias* upon such judgment into the County where such Sheriff may reside, and a return of *nulla bona* as to the whole or any part of the amount of such judgment shall be made upon such writ of *feri facias*, such person may forthwith, upon such return being made, apply to the said Supreme Court or any Judge thereof, and such Court or Judge shall thereupon grant an order for such bond to be put in suit by such person, and such person may thereupon bring an action of debt upon such bond in the Supreme Court in his own name, and a copy of such bond, certified under the Seal of the said Court, shall in all cases be good evidence thereof without the production of the original; provided that no action shall be brought upon any such bond unless the suit in which such judgment shall have been obtained against such Sheriff, for a cause of action accruing during the year for which such bond was given, shall have been commenced before the expiration of one year after the end of the year for which such bond was given; nor shall any such action on such bond be brought after the expiration of one year from the day of the signing of such judgment recovered against such Sheriff; and provided also, that no order for putting such bond in suit shall be made, unless the requisite facts shall be made to appear by affidavit to the satisfaction of the Court or Judge.

On a return of *nulla bona* on a writ of *feri facias* against a Sheriff, Bond may be put in suit.

V. And be it enacted, That the person by whom such action of debt upon such bond shall be brought, may recover in such action the amount of the judgment recovered against the Sheriff, with the costs of suit, provided that the amount of such judgment does not exceed the penalty of the bond, and the amount of debt recovered in any action on such bond shall be deemed a satisfaction of the bond *pro tanto*; and in case of a subsequent order being obtained for putting the bond in suit at the instance of any other party, there shall be recovered in such subsequent action no more than the residue of the penalty which may remain after such part satisfaction of the bond in such former action, together with costs of suit, and so on *toties quoties*; and the aggregate of the debt recovered in all actions upon any such bond shall never exceed the penalty of the bond; and in case any action shall be brought upon any such bond, wherein there shall be nothing recovered, the defendant shall have judgment with costs of suit.

Amount recoverable upon the Bonds defined.

VI. And be it enacted, That any Sheriff may appoint one or more fit and proper persons to act as Deputy Sheriffs under him, and any person so appointed Deputy Sheriff shall give to the said Sheriff security for the faithful performance of his duty; and the said Sheriff shall immediately after such appointment publish the name of any person whom he may so appoint as a Deputy Sheriff in one of the public newspapers of the County, and if none be published therein, then in the Royal Gazette of this Province, which publication may be proved by the production of the said Gazette or newspaper in which the said notice shall have been published, and the same shall be sufficient evidence of such person being such Deputy Sheriff; and no person shall be authorized to act as Deputy Sheriff until he shall have given security, and his name shall have been published in the manner aforesaid; provided always, that nothing in this section contained shall apply to any person deputed by any Sheriff to do particular acts only.

Appointment of Deputy Sheriffs.

VII. And be it enacted, That in all cases where the High Sheriff of the County is or shall be permitted to reside out of the Shire Town of the County, it shall be the

Sheriffs permitted to reside out of the Shire Town to keep an office and Deputy there.

the duty of such Sheriff, and he is hereby required, not only to keep a Deputy or Under Sheriff resident in the Shire Town of the County, but also an office as near as conveniently may be to the Court House, which office such Sheriff is hereby required to keep open at all reasonable times for the transaction of business.

Retaining money
levied or received.

VIII. And be it enacted, That if any Sheriff or his Deputy shall levy or receive any sum of money by virtue of any execution, writ or process, and shall retain the same in his hands for the space of one month after the same shall have been demanded by the person authorized to receive the same, that then such Sheriff shall forfeit to the party entitled to receive such sum of money, for any time that he or his Deputy may retain the same, at the rate of one shilling per pound for every month that the same shall be so detained after the expiration of one month after demand, made as aforesaid, to be recovered by action of debt at the suit of the party entitled to receive the same, in the Supreme Court of this Province, or in the Inferior Court of Common Pleas for the County where such offence shall have been committed; provided such action shall be brought within three months next after such demand made, and not otherwise.

Forfeiture.

Recovery.

No fees for service
of writs or process
to be charged
except when made
by Sheriffs or their
Deputies.

IX. And be it enacted, That no person (save and except the High Sheriffs respectively, and their respective Deputies) shall charge or be allowed to receive any fee or reward whatsoever for the services of any writ or process issued from the Supreme Court or any of the Inferior Courts of Common Pleas in this Province, nor shall any fee for the service of any writ or process issued from any of the said Courts be allowed or taxed in any case unless such service has been made or performed by the Sheriff or some one of his Deputies of the County or City and County in which the writ or process shall have been served, or by some person specially authorized by the said Sheriff to make the particular service, any law, usage or custom to the contrary in any wise notwithstanding; and it shall be the duty of every Attorney issuing any process from any of the said Courts to put the same into the hands of the Sheriff or one of his Deputies to be served, unless when the service is intended to be entirely gratuitous.

Attorney issuing
writ or process to
be considered the
employer of the
Sheriff.

Proviso.

X. And be it enacted, That the Attorney issuing any writ or process, whose name is endorsed on such writ or process, shall in all cases be considered as the employer of the Sheriff serving any such writ or process, and as such, liable to the Sheriff for his legal fees for serving or executing the same; provided that nothing herein contained shall be construed to defeat the liability of the plaintiff to such Sheriff for the service of any writ or process.

Compensation to
be made by the
Justices to Sheriffs
for summoning
Juries and
attending Courts.

XI. And be it enacted, That the Justices of the Peace of the several Counties in this Province, at their respective General Sessions, shall allow the said Sheriffs respectively such reasonable compensation for their services in summoning the Grand and Petit Jurors of their respective Counties, and for attending the Courts therein, as to the said Sessions respectively shall appear just and right, not exceeding in any one year the sum of twenty pounds; which allowance or compensation when so awarded by the Sessions as aforesaid, shall be paid by the County Treasurer out of any funds in his hands belonging to the said Counties respectively, by order of the said Sessions, provided that the limit of twenty pounds hereinbefore mentioned shall apply only to the services hereinbefore specifically described, and shall not be construed to extend to any remuneration to be made by the said Justices to the said Sheriff out of the County funds for any other services by him performed.

Scale of Fees
chargeable by
Sheriffs;

XII. And be it enacted, That the following Fees shall be allowed in lieu of the Fees now authorized to be taken by the Sheriffs respectively for the like services, viz :—

Drawing

Drawing and taking a Bail Bond,	£0	10	0
Arrest of every defendant on mesne process, where sum sworn to does not exceed fifty pounds,	0	2	6
Where it exceeds fifty pounds and not one hundred pounds,	0	5	0
Where it exceeds one hundred pounds and not two hundred and fifty pounds,	0	7	6
When above two hundred and fifty pounds,	0	10	0
For serving a Declaration in Ejectment,	0	5	0
Travelling, per mile, from the Court House,	0	0	3
Executing <i>Habere Facias Possessionem</i> ,	0	10	0
Travelling, per mile, from the Court House,	0	0	3
<i>Gaolers' Fees.</i>			
For locking and unlocking each Debtor,	0	7	6

Gaolers.

SCHEDULE A.

Know all men by these presents, that we _____ of _____ County of _____ in _____ the Province of _____ County of _____ in the Province aforesaid, and _____ County of _____ in the Province aforesaid, are held and firmly bound unto our Sovereign Lady Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c. in the sum of one thousand pounds of lawful money of New Brunswick, to be paid to our said Lady the Queen, Her Heirs or Successors, for which payment well and truly to be made, we bind ourselves and each of us by himself, for and in the whole, our Heirs, Executors and Administrators, and every of us, firmly by these presents. Sealed with our seals. Dated this _____ day of _____ in the year of our Lord one thousand eight hundred and _____, and in the _____ year of Her Majesty's Reign.

Whereas the above bounden _____ has by Letters Patent under the Great Seal of the said Province of New Brunswick, been appointed High Sheriff of the _____ County of _____ in the said Province. Now the condition of the above obligation is such, that if the said _____ shall in all things well, truly and faithfully demean and behave himself in the said office of High Sheriff of the said County of _____ during his continuance in the said office, and faithfully execute and perform all and singular the duties belonging to the said office, and also shall duly account for and pay over to Her Majesty's Receiver General for the said Province for the time being, or to such other person as shall be authorized to receive the same, all moneys which shall or may be received by him the said _____ as such Sheriff on account of or to the use of Her said Majesty, Her Heirs or Successors, when duly required from time to time so to do, then the said obligation to be void, or else to be and remain in full force and virtue.

Signed, sealed and }
delivered in presence of }

SCHEDULE B.

Know all men by these presents, that we _____ are held and firmly bound unto the Lieutenant Governor or Administrator of the Government of the Province of New Brunswick for the time being, in the sum of five hundred pounds of lawful money of the said Province, to be paid to the said Lieutenant Governor or Administrator of the Government of the said Province for the time being, for which payment to be well and truly made, we bind ourselves and each of us by himself, _____ for

Form of Bond to the Lieutenant Governor.

for and in the whole, our and each of our Heirs, Executors and Administrators, firmly by these presents. Sealed with our seals. Dated the day of in the year of our Lord one thousand eight hundred and

Whereas the above bounden has been duly appointed High Sheriff of the County of (or the City and County of as the case may be,) for the year ending on the day of March next ensuing the date of this obligation. Now the condition of this obligation is such, that if the said Sheriff as aforesaid, his Executors or Administrators, shall well and truly pay and satisfy, or cause to be paid and satisfied, all moneys and damages that may be recovered against him the said Sheriff as aforesaid, by any person or persons for or by reason of any act, doing, misdoing, or neglect of such Sheriff or any of his Deputies in discharge of the duties of his office, during the said year ending on the day of March next ensuing the date of this obligation, then this obligation to be void, otherwise to remain in full force and virtue.

Signed sealed and }
delivered in presence of }

CAP. LI.

An Act to consolidate all the Laws now in force for the division of the Province into Counties, Towns and Parishes.

Passed 26th April 1850.

Preamble.

WHEREAS His Most Gracious Majesty King George the Third, by the ' Royal Letters Patent, under the Great Seal of this Province, bearing ' date the eighteenth day of May in the year of our Lord one thousand seven ' hundred and eighty five, was pleased to erect and divide this Province of New ' Brunswick into eight Counties, known and distinguished by the following names: ' The City and County of Saint John, Westmorland, Charlotte, Northumberland, ' King's County, Queen's County, York, and Sunbury; which said several Coun- ' ties are fully defined and described by their several boundaries in the said ' Letters Patent, as by reference thereto will more fully appear: And Whereas ' the Counties of Northumberland, York and Westmorland have by several Acts ' of the General Assembly of this Province been divided, and six new Counties ' erected, to wit, the County of Northumberland into the Counties of Northumber- ' land, Kent, Gloucester and Restigouche; the County of York into the Counties ' of York, Carleton and Victoria; and the County of Westmorland into the ' Counties of Westmorland and Albert: And Whereas the descriptions of the ' said Counties, and their subdivision into Towns and Parishes, are in some ' instances obscure, and difficult to be understood, and it is deemed expedient to ' consolidate all the Laws now in force relating thereto, and more clearly to define ' and specify the boundaries of the said Counties, and the Towns and Parishes ' into which they have been subdivided;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Province of New Brunswick shall be divided into the several Counties hereinafter named, and the said several Counties shall be bounded and limited as follows, any law to the contrary notwithstanding:—

The said County of Charlotte, bounded south by the Bay of Fundy, west by the River Saint Croix and the western shore of the Bay of Passamaquoddy, east by the line running true north thirty miles from Point Lepreau, as surveyed by Deputies Wilkinson and Mahood in the years of our Lord one thousand eight hundred and thirty eight and one thousand eight hundred and forty five; and north

The Province
divided into Coun-
ties, viz:

The County
Charlotte.

north by the line running true west from the termination of the last mentioned line, as surveyed by Deputy Mahood in the year of our Lord one thousand eight hundred and forty five, including all the Islands adjacent thereto, and the Island of Grand Manan and the Islands adjacent to it.

The said City and County of Saint John, bounded south by the Bay of Fundy, west by the County of Charlotte, north by the line run north eighty three degrees and thirty minutes east from the southernmost point of Kennebecasis Island by Deputies Scully and Palmer in the years of our Lord one thousand eight hundred and thirty three and one thousand eight hundred and forty one and the westerly prolongation of said line to the County of Charlotte, east by the line run north by Deputy Stiles in the year of our Lord one thousand eight hundred and thirty eight from a birch tree on the shore of the Bay of Fundy thirty chains east from the mouth of Goose River, including all the Islands in the Bay of Fundy adjacent thereto.

City and County
of Saint John.

King's County, bounded south by the City and County of Saint John, west by the County of Charlotte, east by the prolongation of the eastern boundary of the City and County of Saint John, and north by a line run north sixty two degrees and thirty four minutes east, and south sixty two degrees and thirty four minutes west, by Deputy Wilkinson, from the lower end of Spoon Island, in the year of our Lord one thousand eight hundred and thirty eight, and its southerly prolongation.

King's County.

Queen's County, bounded south easterly by King's County, north easterly by the prolongation of the eastern boundary of King's County and the line run north fifty six degrees and thirty minutes west by Deputy Price in the year of our Lord one thousand eight hundred and forty one from the north west angle of the County of Westmorland, south westerly by the County of Charlotte, and north westerly by the line run from the lower line of Lot number one (Conrad Stinick), south westerly by Deputy Wilkinson in the year of our Lord one thousand eight hundred and thirty nine and Deputy O'Connor in the year of our Lord one thousand eight hundred and forty three, and north easterly by Deputy Munro in the year of our Lord one thousand eight hundred and forty six.

Queen's County.

The County of Sunbury, bounded south easterly by Queen's County, south by Charlotte County, north by the line run north fifty six degrees and thirty minutes west by Deputy Price in the year of our Lord one thousand eight hundred and forty one from the north west angle of the County of Westmorland, and north westerly by the line run north forty seven degrees and forty five minutes east, and south forty seven degrees and forty five minutes west, by Deputy Jouett in the year of our Lord one thousand eight hundred and forty six, from the lower boundary of the Grant to Daniel Fukes and others, and its prolongation north easterly.

The County of
Sunbury.

The County of York, bounded south easterly by the County of Sunbury, south westerly by the County of Charlotte and the State of Maine, north easterly by the line run north fifty six degrees and thirty minutes west by Deputy Price in the year of our Lord one thousand eight hundred and forty one from the north west angle of Westmorland, and the line run north six degrees and forty minutes west by Deputy Scully in the year of our Lord one thousand eight hundred and thirty two from the South West Miramichi River, near Boiestown, and its southerly and northerly prolongations, and north westerly by the line run true east by Deputy Jouett in the year of our Lord one thousand eight hundred and forty seven from the Monument by Eel River, and the line run north forty seven degrees

The County of
York.

degrees and twenty minutes east by Deputy Jouett in the year of our Lord one thousand eight hundred and forty seven from the River Saint John, at the upper line of the lower half of Lot number twenty eight, granted to Matthew Phillips, and its north easterly prolongation.

The County of Carleton.

The County of Carleton, bounded southerly and easterly by the County of York, westerly by the State of Maine, and northerly by the River DeChute and a line running true east from the mouth thereof.

The County of Victoria.

The County of Victoria, bounded southerly and westerly by the County of Carleton and the State of Maine, northerly by the Province of Canada, and easterly by the County of York and the northerly prolongation of the line run north six degrees and forty minutes west by Deputy Scully in the year of our Lord one thousand eight hundred and thirty two from the South West Miramichi River, near Boiestown.

The County of Restigouche.

The County of Restigouche, bounded westerly by the County of Victoria, northerly by the Province of Canada and the Bay of Chaleur, easterly by the line run true south by Deputy Carruthers in the year of our Lord one thousand eight hundred and forty eight from the Bay of Chaleur, near the mouth of Belledune River, and its southerly prolongation, south by the westerly prolongation of the south line of Lot number one in the Grant to Simon Arseneau and associates, near the Little Nepisiquit, including all the Islands adjacent thereto.

The County of Gloucester.

The County of Gloucester, bounded northerly by the Bay of Chaleur, easterly by the Gulf of Saint Lawrence, southerly and westerly by the line run north eighty eight degrees west by Deputy Davidson in the year of our Lord one thousand eight hundred and forty five from the Gulf of Saint Lawrence, at the rear of the first division of Lots in the Tracadie Grant, until it strikes Portage River, thence north twenty two degrees west by the magnet of the year of our Lord one thousand seven hundred and eighty four, to intersect the line of Restigouche, and thence along the southerly and easterly bounds thereof to the Bay of Chaleur, including Miscou and Shippegan and all the other adjacent Islands.

The County of Northumberland.

The County of Northumberland, bounded northerly by the Counties of Gloucester and Restigouche, west by the Counties of Victoria and York, south by the Counties of York and Sunbury and the line run from Point Escuminac south seventy degrees and forty five minutes west forty eight miles, thence south fifty one degrees west twenty three and one half miles by Deputies Layton and Sadler in the years of our Lord one thousand eight hundred and forty two and one thousand eight hundred and forty five, and easterly by the Gulf of Saint Lawrence, including all the Islands adjacent thereto.

The County of Kent.

The County of Kent, bounded north by the County of Northumberland, south by Queen's County and the line run true west by Deputy Palmer in the year of our Lord one thousand eight hundred and forty one, from the north end of Shediac Island, and east by the Gulf of Saint Lawrence, including all the Islands adjacent thereto.

The County of Westmorland.

The County of Westmorland, bounded north by the County of Kent and the Gulf of Saint Lawrence, west by King's and Queen's Counties and the River Petitcodiac, south by Bay Verte, the Province of Nova Scotia, Cumberland Basin, the River Petitcodiac, and the line run south twenty degrees west nine miles, and west nine and one half miles, by Deputy Wilmot in the year of our Lord one thousand eight hundred and forty six, from near the mouth of Coverdale River, including Shediac and all the other adjacent Islands.

The County of Albert, bounded westerly by King's County and the City and County of Saint John, northerly by the County of Westmorland and Petitcodiac River, easterly by Petitcodiac River, and southerly by Chignecto Bay, including all the Islands adjacent thereto. The County of Albert.

II. And be it enacted, That the said several Counties shall be divided into the several Towns and Parishes hereinafter named, and the several Parishes and Towns within the said Counties shall be bounded and limited as follows, any Law to the contrary notwithstanding:— The said Counties divided into Towns and Parishes:

In the County of Charlotte:

Parishes in Charlotte County.

The Parish of Saint Stephen, south by the River Saint Croix, east by the east line of the Grant to Nehemiah Marks and others and the rear line of Lots fronting on River Saint Croix above Oak Point, north by the north line of Lot number fifty three, (P. Christie,) and its prolongations, and the north line of Lot number sixteen, (Angus Rankin,) and its westerly prolongation, westerly by west line of Lot number sixty, (R. M. Todd,) and its prolongations. Saint Stephen.

Saint David, west by Saint Stephen and the west limits of the Grant to Henry Goldsmith and others, north by the north limits of the above mentioned Grant, east by the east line of the said Grant and the rear of Lots fronting on the east side of Oak Bay, and its northerly prolongation, south by a part of the south line of the Cape Ann Association Grant, Oak Bay, and the rear of Lots fronting on the River Saint Croix above Oak Point, including all the Islands in Oak Bay. Saint David.

Saint James, south by Saint Stephen and Saint David, east by the northerly prolongation of the east line of Saint David, north by the County Line, and west by the River Saint Croix. Saint James.

Saint Andrews, north by Saint David, west by Saint David and the River Saint Croix, south by Passamaquoddy Bay, and east by a direct line from the south east angle of the Grant to Henry Goldsmith and others to the south west angle of Lot number twenty granted to F. Welch, including Chamcook and Saint Andrews Islands. Saint Andrews.

Saint Patrick, west by Saint David, Saint James and Saint Andrews, east by the west line of the Grant to Philip Bailley and others and its northerly prolongation, north by the County Line, and south by Passamaquoddy Bay, including all the Islands west of the prolongation of the east line within two miles of the shore. Saint Patrick.

Saint George, westerly by Saint Patrick and the Bay of Passamaquoddy, north by the County Line, east by the rear line of Lot number three, granted to William Payne, and its prolongation northerly to the County Line, and southerly to L'Etang River, south by L'Etang River and the Bay of Fundy, including all the Islands within two miles of the shore. Saint George.

Pennfield, westerly by Saint George and L'Etang River, north and east by the County Line, and south by the Bay of Fundy, including the "Wolves" Islands and all other Islands within two miles of the shore. Pennfield.

Campo Bello, being the Island so named, and its appurtenances. Campo Bello.

West Isles, to consist of Deer Island and the lesser Islands contiguous to it, not included in the Parishes before mentioned. West Isles.

Grand Manan, being the Island so named, and its appurtenances. Grand Manan.

In the City and
County of Saint
John:

The City
of Saint John.

In the City and County of Saint John :

The City of Saint John, bounded by a line to commence and beginning near Fort Howe, at Portland Point, at low water mark, and thence running a direct line to a small point or ledge of land at the causey by the old Saw Mill, thence east north east until a direct line shall strike the Creek running through Hazen's Marsh, on the east side of the Eastern District, thence along the course of the said Creek to its mouth, thence by a line running south nineteen degrees west into the Bay, until it meets a line running east from the south point of Partridge Island, and along the said line to the said point, thence by a direct line to a point on the shore, which is at the south east extremity of a line running south forty two degrees east from the River Saint John to the Bay of Fundy, and terminating the Town Lots of the Western District, thence along the said line north forty two degrees west to the River Saint John aforesaid, and continuing the said course across the said River until it meets the opposite shore, and thence along the north shore of the said River at low water mark to Portland Point aforesaid.

Lancaster.

The Parish of Lancaster, all that part of the County which lies west of the City of Saint John and the western shore of the River Saint John.

Portland.

Portland, bounded west by the City of Saint John and the eastern shore of the River Saint John, north by the north line of the County, south by the eastern shore of the Harbour of Saint John and the limits of the City of Saint John, and east by a line running due south from the head of Portage Cove, so called, to the north west branch of Marsh Creek, thence along the centre of the same until it comes opposite Black Point, thence at right angles easterly until it meets the eastern line of the Marsh Road, so called, thence southerly following the eastern line of the said Marsh Road, and of the Road which passes along the front of Walker Tisdale's stone cottage to the old Westmorland Road, thence south twenty degrees west until it strikes the Marsh Creek, running through the flats, thence following the said Creek to low water mark.

Simonds.

Simonds, all that part of the County bounded west by Portland, and east by the east boundary line of Lot number one, granted to Samuel Hugh, and the northerly prolongation thereof.

Saint Martins.

Saint Martins, all that part of the County lying to the eastward of the Parish of Simonds.

In King's County.

In King's County :

Westfield.

The Parish of Westfield, bounded on the north, south and west by the boundary lines of the County, and on the east by a line running north west from the mouth of Devil's Brook, (at Devil's Head, Long Reach,) and south east to the rear of Lots fronting on the north west side of Kennebecasis Bay, thence south west to the north east line of Lot number twenty eight (Dennis Coombes), thence south east to the County Line, including Kennebecasis Island.

Springfield.

Springfield, bounded on the north by the County Line, on the west by the upper or eastern line of Chaloner's Lot number seven and the north west prolongation thereof, the line dividing Lots numbered one and eighteen, south of Bellisle Bay, and a part of the line dividing Lots numbered fifteen and sixteen in the back Settlement, south by the designed Road running through the back Settlement and the easterly prolongation thereof, to intersect a line running north from the mouth of Halfway Brook, and east by the continuation thereof, north to the County Line.

Kingston,

Kingston, bounded on the north by Bellisle Bay and the Long Reach, on the west by the Parish of Westfield, on the south and east by the Kennebecasis Bay and River until it meets the line dividing Lots numbered twelve and thirteen in the Kingston Grant, thence along said line and the rear of said Grant to the line between Lots numbered thirty three and thirty four therein, thence along the prolongation thereof and the boundary of the Parish of Springfield, northerly to Bellisle Bay, including Long Island. Kingston.

Sussex, bounded west and south by a line running south from the mouth of Halfway Brook to the Westmorland Road, thence south seventy six degrees east to the County Line, thence along the same to the eastern extremity thereof, east by the County Line, and north by the centre of the Kennebecasis River beginning at the Halfway Brook, thence upwards to the south angle of Lot numbered twenty five, (Jacob Snider,) thence along the east line of said Lot to the rear thereof, thence north sixty six degrees east to the County Line. Sussex.

Studholm, bounded north and east by the County Lines, west by Springfield and the southerly prolongation of the east line thereof, and south by the Parish of Sussex. Studholm.

Norton, bounded east by Sussex and Studholm, north by Kingston and Springfield, south by Kennebecasis River and the centre of the old Westmorland Road, and west by Kingston and the lower line of Lot number fourteen, (John Fritch,) prolonged southerly. Norton.

Upham, bounded north by Norton and Sussex, south by the County Line, and west by the southerly prolongation of the lower line of the Lot number fourteen, (John Fritch.) Upham.

Hampton, bounded westerly, northerly and easterly by the Kennebecasis Bay and River, the Parishes of Norton and Upham, and south by the County Line, including Darling's Island. Hampton.

Greenwich, bounded north by the County Line, west by Westfield, east by Springfield, and south by the Long Reach and Bellisle Bay, including the Islands in the Long Reach and mouth of Bellisle Bay. Greenwich.

In Queen's County :

In Queen's County:

The Parish of Petersville, being all that part of the County south west of a line beginning where the road from Jones' Mill crosses the County Line, thence along the same to the north west line of Lot number one, (John Short,) thence along the same to the north east line of Lot number five, (Sylvanus Haviland,) thence along the same and its prolongation to south east line of Lands granted to James Corbett, thence along the same to the line of the Grant to Henry Appleby, thence along the same and its prolongation to the Gagetown road, thence along the same to north east line of Lot number twenty five, (T. T. Hewlett,) and thence along the same and its prolongation to the Sunbury County Line. Petersville.

Wickham, bounded south east by the County Line, west by the River Saint John, north west by a line running north fifty four degrees east by the magnet of the year of our Lord one thousand seven hundred and eighty six, from the west angle of the Grant to Samuel Hughs, north easterly by the south line of Lot number seven (A. Brigg,) and its north west prolongation, and the centre of the present Post Road leading from Washademoac to Bellisle, including the lower Musquash Island. Wickham.

Johnston,

Johnston. Johnston, bounded south west by Wickham, north west by the north west line of Wickham prolonged, north east by the east line of the Grant to A. C. Starritt, on New Canaan River, and its prolongations, and south east by the County Line.

Brunswick. Brunswick, south west by Johnston, north west by the north west line of Johnston prolonged, north east and south east by the County Lines.

Chipman. Chipman, north west and north east by the County Lines, south east by Brunswick and Johnston, south west by the north east line of Lot number nine, Hardwood Ridge Road, thence south forty five degrees east to Salmon Bay, thence in a direct line to Indian Point, thence direct to north angle of Lot number eight, (William Burk,) thence along the east line of said Lot and its prolongation to the Parish of Johnston.

Waterborough. Waterborough, bounded south east by Wickham and Johnston, north east by Chipman, south west by the River Saint John, north west by south east line of Lot number fifteen, (Isaac Gilbert,) and a line along the centre of the Grand Lake.

Canning. Canning, bounded north east by Chipman, north west by the County Line, south west by the River Saint John, and south east by Waterborough.

Gagetown. Gagetown, bounded north west by the County Line, south west by Petersville, north east by the River Saint John, and south east by the north line of Lot number thirty seven, (George Sweet,) thence by a line running south fifty two degrees west, including Grimross Island.

Hampstead. Hampstead, bounded north west by Gagetown, south west by Petersville, south east by the County Line, and north east by the River Saint John, including Long Island, Upper Musquash Island and Spoon Island.

In the County of Sunbury:

Blissville. The Parish of Blissville, bounded south east and west by the County Lines, north east by a line running north sixty six degrees west, and south sixty six degrees east, from the south point of the Geary Block.

Lincoln. Lincoln, bounded north west by the County Line, north east by the River Saint John, south east by the Oromocto River, and south west by Blissville, including Thatch Island.

Burton. Burton, bounded south east by the County Line, south west by Blissville, north west by the Oromocto River, and north east by the River Saint John, including Mauger's and Ox Islands.

Maugerville. Maugerville, bounded south west by the River Saint John, north west and north east by the County Lines, and south east by the lower line of Lot number four (Nathaniel Underhill and D. Palmer, Junior,) and its prolongation, including Oromocto Island.

Sheffield. Sheffield, bounded south east and north east by the County Lines, north west by Maugerville, and south west by the River Saint John, including Middle Island.

In the County of York:

City of Fredericton. The City of Fredericton, bounded as follows, beginning at the north easterly bank or shore of the River Saint John in the north eastwardly prolongation of the lower boundary line of the Grant to Stephen Jarvis and others, (being the lower bounds of Kingsclear, hereinafter described,) thence extend to and along the said lower boundary line of the said Grant to Stephen Jarvis and others south westwardly until it intersects the north westerly extremity of the north easterly boundary of

of a tract of land heretofore granted to William F. Odell and associates, thence along the said last mentioned boundary and its prolongation south easterly to intersect the upper or north westerly boundary line of the County of Sunbury, thence along the said boundary line of the County of Sunbury north easterly until it intersects the north easterly bank or shore of the River Saint John above mentioned, and thence along the said bank or shore along the line of high water mark north westerly or up stream to the place of beginning.

The Parish of New Maryland, bounded north east by the City of Fredericton, south east and south west by the County Lines, and north west by a line running south westerly or parallel to the lower line from the south west angle of the City of Fredericton. New Maryland.

Kingsclear, north east by the River Saint John, south east by the City of Fredericton and the Parish of New Maryland, south west by the County Line, and north west by the lower line of Lot number one granted to Francis Horseman and its southwesterly prolongation, including all the Islands in front with the exception of Madam Keswick, Big and Little, and Merithew's Islands. Kingsclear.

Prince William, bounded south east by Kingsclear, south west by the limits of the County, north east by the River Saint John, north west by the lower line of Lot number one hundred and forty three in the Prince William Grant, and its south westerly prolongation, including all the Islands in front with the exception of Great Bear and Bloodworth Islands. Prince William.

Dumfries, bounded south east by Prince William, northerly, westerly and southerly by the River Saint John and the limits of the County, including all the Islands in front with the exception of Big and Little Koack Islands. Dumfries.

Stanley, all that part of the County bounded southerly and westerly by a line running east from the north west angle of the Grant to D. Campbell and others, and a line running from said angle southerly along the various courses of the western rear line of the Grants to D. Campbell and associates, and D. Lyman and associates, to the south branch of the Cleuristie Stream, thence up the same to the rear line of Lots fronting on east side of the Cardigan Road, thence along said rear line to east angle of Lot number forty four, thence north to the County Line. Stanley.

Saint Mary's, bounded southerly by the River Saint John and the City of Fredericton, westerly by Stanley and a line to commence at the western angle of Lot number twenty nine, letter C, in the Maryland Loyalists' Grant, thence along the upper line of said lot to the rear thereof, thence north forty five degrees west to east line of lot number one (D. Sawyer), thence north to the Parish of Stanley, north east by Stanley, and south east by the County Line. Saint Mary's.

Douglas, bounded east by Saint Mary's and Stanley, north by the County Line, west by the east line of Lot number fifty nine (Jonathan Williams,) and its northerly prolongation to the County line, and south by the River Saint John and City of Fredericton, including Madam Keswick, Big and Little, and Merithew's Islands. Douglas.

Queensbury, bounded south by the River Saint John, north east by Douglas, and north west by the lower line of Lot number one, (Joseph Cunliff,) at the mouth of the Nackawicac River, and its north easterly prolongation to the line of Douglas, including Great Bear, Bloodworth, and Big and Little Koack Islands. Queensbury.

Southampton, bounded north west by the County line, north east by Douglas, south east by Queensbury, and south by the River Saint John. Southampton.

In the County
of Carleton:
Woodstock.

In the County of Carleton :

The Parish of Woodstock, bounded south and west by the limits of the County, east by the River Saint John, and north by the lower line of Lot number one (Caleb Phillips,) and its prolongation westerly to the River Maduxnikik, thence along the same and the south branch thereof to the County line, including all the Islands in front.

Wakefield.

Wakefield, bounded north by the lower line of Lot number thirty eight (David Good,) and the westerly prolongation thereof, westerly by the County Line, south by Woodstock, and east by the River Saint John, including all the Islands in front.

Simonds.

Simonds, bounded north by the upper line of Lot number ninety seven (H. M. Green,) and the westerly prolongation thereof, westerly by the County Line, south by Wakefield, and east by the River Saint John, including all the Islands in front.

Wicklow.

Wicklow, bounded north by the River DeChute, westerly by the County Line, east by the River Saint John, and south by Simonds, including all the Islands in front.

Northampton.

Northampton, bounded south east by the County Line, south west by the River Saint John, and north by a line running true east from the mouth of Shaw's Creek.

Brighton.

Brighton, bounded east by the County Line, south by Northampton, west by the River Saint John, and north by a line running true east from the south east angle of the Parish of Wicklow.

Kent.

Kent, bounded south by Brighton, east by the County Line, west by the River Saint John, and north by a line running true east from the mouth of the River DeChute.

In the County
of Victoria:
Andover.

In the County of Victoria :

Andover, bounded south by the River DeChute, west by the County Line, and north and east by the River Saint John.

Perth.

Perth, bounded south and east by the County Line, west by the River Saint John, and north by a Line running true east from the Grand Falls.

Saint Leonard.

Saint Leonard, bounded south by Perth, south westerly by the River Saint John, north easterly by the County limits, and north westerly by the lower line of Lot number seventy two (near the mouth of Quisibis River,) granted to Marcel Beaulieu, and its north easterly prolongation, including the Islands in front.

Saint Basil.

Saint Basil, bounded south easterly by Saint Leonard, north easterly by the County limits, south westerly by the River Saint John, and north westerly by the upper line of Lot number one (near by the mouth of Madawaska River,) granted to Joseph Hebert, and its north easterly prolongation, including the Islands in front.

Madawaska.

Madawaska, bounded south easterly by Saint Basil, south westerly by the River Saint John, westerly by a line running north twenty five degrees west from the south east angle of the lower half of Lot number sixty seven (near the mouth of Baker's Brook,) granted to F. W. Hatheway, and northerly by the limits of the County, including the Islands in front.

Saint Francis.

Saint Francis, bounded easterly by Madawaska, southerly by the River Saint John, and westerly and northerly by the limits of the County, including the Islands in front.

In the County of Restigouche :

The Parish of Eldon, bounded west and south by the County Lines, north by Restigouche River, and east by a line running true south from the mouth of the Upsalquitch River, including all the Islands in front which belong to this Province.

In the County
of Restigouche :

Eldon.

Addington, bounded west by Eldon, south by the County Line, east by a line running true south from the middle of Walker's Brook or Ferguson's Mill Stream at the Bridge on the Great Road, and north by the River Restigouche, including all the Islands therein which belong to this Province.

Addington.

Dalhousie, bounded west by Addington, south by the County Line, north by the River Restigouche, and east by the Bay of Chaleur and a line running true south from the forty eight mile post placed on the Great Road leading from Bathurst to Dalhousie on the east side of Eel River Gully, including all the Islands in front.

Dalhousie.

Colborne, bounded west by Dalhousie, south by the County Line, east by a line running true south from the mouth of Benjamin River, and north by the Bay of Chaleur, including Heron Island and all the other Islands in front.

Colborne.

Durham, bounded east and south by the County Lines, west by Colborne, and north by the Bay of Chaleur, including all the Islands in front.

Durham.

In the County of Gloucester :

The Parish of Beresford, bounded west by the County Line, east by the Bay of Chaleur, and south by the easterly prolongation of the south line of the County of Restigouche.

In the County
of Gloucester :

Beresford.

Bathurst, bounded north by the Bay of Chaleur, Beresford and the County Line, west and south by the County Line, and east by the east line of Lot number twenty nine (Jacob Tague,) and the southerly prolongation thereof.

Bathurst.

New Bandon, bounded north and east by the Bay of Chaleur and Caraquet Bay, west by Bathurst, and south by the South Caraquet River from its mouth to the mouth of Innishannon Brook, thence south forty five degrees west to Bathurst.

New Bandon.

Caraquet, bounded north by New Bandon, Caraquet Bay and the Bay of Chaleur, south east by the Gulf of Saint Lawrence, and south west by the north east line of Lot number one (William Ferguson,) and the prolongation thereof north thirty six degrees west three hundred chains, thence in a direct line to the mouth of Innishannon Brook, including the Islands of Caraquet, Pokseudie, Shippagan and Miscou.

Caraquet.

Saumarez, bounded notherly by New Bandon and Caraquet, west by Bathurst, south by the County Line, and south east by the Gulf of Saint Lawrence.

Saumarez.

In the County of Northumberland :

The Parish of Alnwick, bounded north by the County Line, west by Bartibog River from its mouth up to the Bridge on the Great Post Road, thence north to the County Line, and south east by the Gulf of Saint Lawrence and Miramichi Bay, including Sheldrake Island and all the other Islands in front north of the principal entrance to Miramichi Bay.

In the County of
Northumberland :

Alnwick.

Newcastle, bounded east by Alnwick, south by Miramichi River, north by the County Line, and west by a line running north from the south east angle of Lot number five, granted to Oliver Willard, at Oxford Cove.

Newcastle.

Northesk, bounded east by Newcastle and the County Line, north and west by the County Lines, and south by a line running west from Beaubear's Point.

Northesk.

Ludlow,

Ludlow. Ludlow, bounded west and south by the County Lines, north by Northesk, and east by a line running north and south from the mouth of the Big Hole Brook.

Blissfield. Blissfield, bounded west by Ludlow, north by Northesk, south by the County Line, and east by a line running north and south from the mouth of Moore's Brook.

Blackville. Blackville, bounded south by the County Line, west by Blissfield, north by Northesk, and east by a line running south twenty two degrees east, and north twenty two degrees west, from the mouth of Renous River.

Nelson. Nelson, bounded north by Northesk and the main Miramichi River, west by Blackville, south by the County Line, and east by the west line of Lot number sixty one (William Brown,) and its prolongation to the County Line, including Beaubear's Island.

Chatham. Chatham, bounded north by the Main Miramichi River, west by Nelson, and south by Napan River, from its mouth to the north west angle of Lot number thirty two (Henry Coils,) thence south sixty eight degrees west to Nelson, including Middle Island.

Glenelg. Glenelg, bounded west by Nelson, north by Chatham, Napan River and Miramichi Bay, and south by the County Line, including all the Islands in front which are south of the principal entrance to Miramichi Bay.

In the County
of Kent :

In the County of Kent :

Dundas. The Parish of Dundas, bounded south by the County Line to the distance of twenty miles from the north point of Shediac Island, west by a line running north twenty two degrees west from the western extremity of said distance, north by a line running south eighty two degrees west from the north east angle of Lot number one (Joseph Richard), and east by the Gulf of Saint Lawrence, including all the Islands in front.

Wellington. Wellington, bounded south by Dundas, north west by Chockpish River and a line running south sixty eight degrees west from the Forks thereof, and east by the Gulf of Saint Lawrence, including all the Islands in front.

Weldford. Weldford, bounded south by Wellington, west by the west line of Dundas prolonged, north and east by a line running south from the mouth of Black Brook, the East Branch and Main River of Saint Nicholas, Richibucto River, the west line of the Grant to William Harley and its prolongation to rear of the Indian Reserve, thence by a line running true west.

Richibucto. Richibucto, bounded south by Wellington, west by Weldford and a line running true south from the Forks of Aldouane River, north by the centre of Aldouane River and Lake, and east by the Gulf of Saint Lawrence, including all the Islands in front.

Carleton. Carleton, bounded west by the west line of Weldford prolonged, south by Weldford and Richibucto, north by the County Line, and east by the Gulf of Saint Lawrence, including all the Islands in front.

Harcourt. Harcourt, bounded south and west by the County Lines, east by Dundas and Weldford, and north by a true west line passing through the mouth of the North Forks of Richibucto River.

Huskisson. Huskisson, bounded north westerly by the County Line, east by Carleton and Weldford, and south by Harcourt.

In the County of Westmorland :

In the County of
Westmorland :

The Parish of Dorchester, bounded west by Petitcodiac River, north by a line running true east from the mouth of Fox Creek, east by the south east line of Lot number one (John Sherwood), and the prolongation thereof two hundred and fifty chains from the sea, thence north eleven degrees east by the magnet of the year of our Lord one thousand seven hundred and sixty five.

Dorchester.

Sackville, bounded north by the north line of Dorchester prolonged, west by Dorchester and Chignecto Bay, south and east by Cumberland Basin and the River Au Lac from its mouth to the upper line of the Sackville Grant, thence by a line running north by the magnet of the year of our Lord one thousand seven hundred and sixty five.

Sackville.

Westmorland, bounded south east by the Province limits, west by Sackville, and north east by the north line of Sackville prolonged till it intersects the north east line of the "Cumberland Grant," thence along the same south easterly to Bay Verte.

Westmorland.

Botsford, bounded north east by the Straits of Northumberland, south by Bay Verte and Westmorland, and west by the west line of Westmorland prolonged northerly.

Botsford.

Shediac, bounded east by Botsford, north easterly by Northumberland Straits and the County Line, south by Dorchester and Sackville, and west by the prolongations of the west line of the Grant to Columb Connor on the Shediac Road.

Shediac.

Moncton, bounded east by Shediac, north by the County Line, west by that part of the east line of the Grant to Martin Gay and associates which lies north of Petitcodiac River, and the northerly prolongation thereof to the County Line.

Moncton.

Salisbury, bounded north, west and south by the County Lines, and east by Moncton and the County of Albert.

Salisbury.

In the County of Albert :

In the County
of Albert :

The Parish of Coverdale, bounded north and east by the River Petitcodiac, south by the south line of Lot number two (Robert Crossman,) and its westerly prolongation, and west by that part of the County Line run south twenty degrees west by Deputy Wilmot in the year of our Lord one thousand eight hundred and forty six and its prolongation.

Coverdale.

Hillsborough, bounded south and west by the south line of Lot number seventeen (William Carlisle,) and its prolongation westerly to the distance of twelve miles from Petitcodiac River, thence by a line running north twenty degrees west by the magnet of the year of our Lord one thousand seven hundred and sixty five, north by Coverdale, and east by the Petitcodiac River.

Hillsborough.

Hopewell, bounded north by Hillsborough, south east by Chignecto Bay, and south west by a line commencing at the mouth of Shepody River, thence up the centre of said River to the mouth of Crooked Creek, thence up the centre of said Creek to the old Bridge over the same on the old main Road, and thence north twenty degrees west to intersect the south line of Hillsborough or its westerly prolongation.

Hopewell.

Harvey, bounded north by a line running south seventy two degrees west from the north west angle of Hopewell, west by the County Line, east by Hopewell, and south by Chignecto Bay, including Grindstone Island.

Harvey.

Elgin,

Elgin.

Elgin, bounded north by Coverdale and the County Line, east by Hillsborough, south by Harvey, and west by the County Line.

Courses to be magnetic.

III. And be it enacted, That all bearings or courses of lines described in this Act shall be taken and understood to be by the magnet, unless otherwise expressed.

Shire Towns.

IV. And be it enacted, That the City of Fredericton in the County of York, the Parish of Burton in the County of Sunbury, the Parish of Gagetown in the County of Queen's County, the Parish of Kingston in the County of King's County, the City of Saint John in the City and County of Saint John, the Parish of Saint Andrews in the County of Charlotte, the Parish of Dorchester in the County of Westmorland, the Parish of Newcastle in the County of Northumberland, the Parish of Richibucto in the County of Kent, the Parish of Bathurst in the County of Gloucester, the Parish of Woodstock in the County of Carleton, the Parish of Dalhousie in the County of Restigouche, the Parish of Hopewell in the County of Albert, and the Parish of Andover in the County of Victoria, be and for ever hereafter continue to be Shire or County Towns of the said Counties respectively.

Repeal of 26 G 3, c 1.

27 G 3, c 7.

35 G 3, c 3.

43 G 3, c 4.

43 G 3, c 5.

45 G 3, c 18.

53 G 3, c 2.

54 G 3, c 15.

54 G 3, c 17.

56 G 3, c 10.

56 G 3, c 27.

2 G 4, c 22.

V. And be it enacted, That an Act made and passed in the twenty sixth year of the Reign of His Majesty King George the Third, intituled *An Act for the better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes*; also an Act made and passed in the twenty seventh year of the same Reign, intituled *An Act in addition to an Act for the better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes*; also an Act made and passed in the thirty fifth year of the same Reign, intituled *An Act in addition to an Act, intituled 'An Act for the better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes'*; also an Act made and passed in the forty third year of the same Reign, intituled *An Act in addition to an Act, intituled 'An Act for the better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into Towns and Parishes'*; also an Act made and passed in the same year of the same Reign, intituled *An Act for erecting the upper part of the County of York into a distinct Town and Parish*; also an Act made and passed in the forty fifth year of the same Reign, intituled *An Act for erecting the eastern part of the County of Westmorland into a distinct Town or Parish*; also an Act made and passed in the fifty third year of the same Reign, intituled *An Act to enlarge the limits of the Parish of Saint Stephen, in the County of Charlotte*; also an Act made and passed in the fifty fourth year of the same Reign, intituled *An Act to enlarge the limits of the Parishes of Saint Patrick and Saint George, in the County of Charlotte*; also an Act made and passed in the same year of the same Reign, intituled *An Act in further addition to an Act, intituled 'An Act for the better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes'*; also an Act made and passed in the fifty sixth year of the same Reign, intituled *An Act to constitute the Island of Grand Manan and its appurtenances, in the County of Charlotte, into a distinct Town or Parish*; also an Act made and passed in the same year of the same Reign, intituled *An Act to erect into a separate Parish all the lands in Queen's County in the rear of the Parishes of Wickham and Waterborough*; also an Act made and passed in the second year of the Reign of His Majesty King George the Fourth, intituled *An Act to erect the upper part of the County of York into a Town or Parish*;

Parish; also an Act made and passed in the fourth year of the said last mentioned Reign, intituled *An Act for erecting a part of the Parish of Saint Stephen and the country adjacent, in the County of Charlotte, into a separate and distinct Town or Parish*; also an Act made and passed in the fifth year of the said last mentioned Reign, intituled *An Act to alter the division line between the Parishes of Newcastle and Northesk in the County of Northumberland*; also an Act made and passed in the same year of the said last mentioned Reign, intituled *An Act for erecting a part of the Parishes of Saint Mary and Queensbury, in the County of York, into a separate and distinct Town or Parish*; also an Act made and passed in the seventh year of the said last mentioned Reign, intituled *An Act for the division of the County of Northumberland into three Counties, and to provide for the government and representation of the two new Counties*; also an Act made and passed in the eighth year of the said last mentioned Reign, intituled *An Act for erecting the north western part of the Town or Parish of Waterborough, in Queen's County, into a separate Town or Parish*; also the first section of an Act made and passed in the same year of the said last mentioned Reign, intituled *An Act to erect the north eastern part of the County of Westmorland into a distinct Town or Parish, and also to authorize the appointment of Parish Officers at the November General Sessions in each year*; also an Act made and passed in the ninth year of the said last mentioned Reign, intituled *An Act to alter the division line between the Parishes of Dundas and Wellington, in the County of Kent*; also an Act made and passed in the same year of the said last mentioned Reign, intituled *An Act to erect a part of the Parish of Hillsborough, in the County of Westmorland, into a distinct Town or Parish*; also an Act made and passed in the ninth and tenth years of the said last mentioned Reign, intituled *An Act for erecting a part of the Parish of Wakefield, in the County of York, into a separate and distinct Town or Parish*; also an Act made and passed in the tenth and eleventh years of the same Reign, intituled *An Act to alter the boundary lines of certain Parishes in the County of Northumberland, and to erect two new Parishes in said County*; also an Act made and passed in the first year of the Reign of His Majesty King William the Fourth, intituled *An Act to erect two new Parishes in the County of Gloucester*; also an Act made and passed in the same year of the said last mentioned Reign, intituled *An Act for the division of the County of York into two Counties, and to provide for the government and representation of the new County*; also an Act made and passed in the second year of the said last mentioned Reign, intituled *An Act to alter the name of the Shire Town in the County of Kent from Liverpool to Richibucto*; also an Act made and passed in the third year of the said last mentioned Reign, intituled *An Act to divide the Parish of Kent, in the County of Carleton, into five Towns or Parishes*; also an Act made and passed in the same year of the said last mentioned Reign, intituled *An Act to alter the names of certain parts of three Parishes in the County of York, and to erect two separate Parishes therein*; also an Act made and passed in the fourth year of the said last mentioned Reign, intituled *An Act to alter the division line between the Counties of York and Carleton*; also an Act made and passed in the same year of the said last mentioned Reign, intituled *An Act to erect a new Parish in the County of Sunbury*; also an Act made and passed in the fifth year of the said last mentioned Reign, intituled *An Act to alter the boundary line between certain Parishes in the County of Westmorland*; also an Act made and passed in the same year of the said last mentioned Reign, intituled *An Act to erect the south western part of the Parish of Richibucto into a separate and distinct Parish*; also an Act made and passed in the same year of the said last mentioned Reign, intituled *An Act for erecting parts*

parts of the Towns or Parishes of Brunswick and Canning, in Queen's County, into a separate Town or Parish; also an Act made and passed in the same year of the said last mentioned Reign, intituled An Act to alter the division line between the Parishes of Douglas and Queensbury, in the County of York; also an Act made and passed in the same year of the said last mentioned Reign, intituled An Act to erect the north eastern part of the Parish of Hampton, in King's County, into a separate and distinct Parish; also an Act made and passed in the sixth year of the said last mentioned Reign, intituled An Act to amend and explain an Act, intituled 'An Act to alter the names of certain parts of three Parishes in the County of York, and to erect two separate Parishes therein;' also an Act made and passed in the seventh year of the said last mentioned Reign, intituled An Act for erecting a part of the Parishes of Saint Mary's and Douglas, in the County of York, into a separate or distinct Town and Parish; also an Act made and passed in the said last mentioned year, intituled An Act to establish a boundary line between the Counties of Westmorland and Saint John and King's and Queen's Counties; also an Act made and passed in the said last mentioned year, intituled An Act to erect part of the County of Gloucester into a separate and distinct County; also an Act made and passed in the first year of the Reign of Her present Majesty Queen Victoria, intituled An Act for erecting parts of the Towns or Parishes of Hoperwell and Salisbury, in the County of Westmorland, into a separate Town or Parish; also an Act made and passed in the said last mentioned year, intituled An Act to enlarge and define the boundaries of the Parish of Woodstock; also an Act made and passed in the said last mentioned year, intituled An Act to repeal an Act, intituled 'An Act for erecting a part of the Parishes of Saint Mary's and Douglas, in the County of York, into a separate and distinct Town or Parish;' also an Act made and passed in the said last mentioned year, intituled An Act to erect a part of the Parishes of Gagetown and Hampstead, in Queen's County, into a separate and distinct Town or Parish; also an Act made and passed in the second year of Her present Majesty's Reign, intituled An Act to erect the eastern part of the Parish of Portland, in the County of Saint John, into a separate and distinct Town or Parish; also an Act made and passed in the said last mentioned year, intituled An Act to divide the County of Restigouche into five Towns or Parishes, and to define the boundaries thereof; also an Act made and passed in the said last mentioned year, intituled An Act to erect a part of the Parish of Wickham, in Queen's County, into a separate and distinct Town or Parish; also an Act made and passed in the third year of Her present Majesty's Reign, intituled An Act for erecting a part of the Parish or Township of Sussex, in King's County, into a separate and distinct Parish or Township; also an Act made and passed in the fourth year of Her present Majesty's Reign, intituled An Act to establish a division line between the Parishes of Northampton and Brighton, in the County of Carleton; also an Act made and passed in the fifth year of Her present Majesty's Reign, intituled An Act to alter the division line of the Parishes of Douglas and Queensbury, in the County of York; also an Act made and passed in the said last mentioned year, intituled An Act to erect the upper part of the Parish of Wakefield, in the County of Carleton, into a separate and distinct Town or Parish; also an Act made and passed in the seventh year of Her present Majesty's Reign, intituled An Act to alter the division line between the Parishes of Kingston and Norton, in King's County; also an Act made and passed in the eighth year of Her present Majesty's Reign, intituled An Act to annex the Madam Keswick Island to the Parish of Douglas, in the County of York; also an Act made and passed in the said last mentioned year, intituled An Act to extend the division line between

the

the Counties of Northumberland and Kent to the rear line of the Counties of Queen's County and Sunbury; also an Act made and passed in the ninth year of Her present Majesty's Reign, intituled *An Act to alter the division line between the Counties of Westmorland and Albert, and also certain Parish lines in the said County of Albert*; also an Act made and passed in the said last mentioned year, intituled *An Act for erecting a part of the Parishes of Saint Mary's and Douglas, in the County of York, into a separate and distinct Town or Parish*; also an Act made and passed in the said last mentioned year, intituled *An Act to annex certain Islands in the River Saint John to the Parish of Queensbury, in the County of York*; also an Act made and passed in the eighth year of Her present Majesty's Reign, intituled *An Act to divide the County of Westmorland into two Counties, and to provide for the government and representation of the new County*; also an Act made and passed in the tenth year of Her present Majesty's Reign, intituled *An Act for erecting the Parish of Harvey, in the County of Albert, into two separate Parishes*; also the first, second and sixth sections of an Act made and passed in the seventh year of Her present Majesty's Reign, intituled *An Act for the division of the County of Carleton into two Counties, and to provide for the government and representation of the new County*; be and the same are hereby repealed: Provided always, that nothing in this Act contained shall be construed to extend to the repeal of any of the said recited Acts, so far as they or any of them repeal any former Act or Acts, or to affect or in any wise interfere with the assessing, levying and collecting any County or Parish Rates ordered before the passing of this Act, but such rates shall be assessed, levied and collected in the same manner in all respects as if this Act had not been passed, save only and except when any alteration is made in this Act in the boundaries of Parishes, then and in such case such assessment shall be made and collected from the Parish as described by this Act; and all and every appointment or appointments of County, City, Town or Parish Officers; and every act, matter or thing heretofore done, suffered or committed under the authority of any Act or Acts hereby repealed, shall be deemed valid and effectual to all intents and purposes as if such Act or Acts had not been hereby repealed; and that all Gaols, Court Houses, Register Offices, Alms Houses, Houses of Correction, and other buildings belonging to any County, or Parish in any County, shall be and continue to be the Gaol, Court House, Register Office, Alms House, House of Correction, or other building respectively for such County or Parish as the case may be, in the same manner and as full and effectually as if none of the Acts herein recited had been repealed; and that all Courts, and the authority for holding the same, shall continue as good, valid and effectual as if none of the said Acts had been repealed; and that all leases and conveyances of any property made under and by virtue of any Act hereby repealed, shall be valid and effectual to all intents and purposes as if none of the said Acts had been repealed; and all bonds, recognizances, judgments or securities whatever, and all actions, writs, warrants, suits or proceedings in law or equity, which may have been commenced in any Court, and which may in any way be affected by any of the provisions of the said Acts, shall and may be prosecuted and proceeded with to their termination and satisfaction in the same manner and as fully and effectually as if the said Acts had not been repealed.

VI. Provided always, and be it enacted, That nothing in this Act contained shall be construed to extend to interfere with the operation of any Law in force for the erection and support of any Alms House and Work House in any County or Parish in this Province.

Reservations.
Repeal of former Acts.
Assessments.

Appointment of Officers.
Things done.

Public Buildings.

Courts.

Conveyances.

Bonds and legal proceedings.

Act not to affect Laws for Alms or Work Houses.

CAP. LII.

An Act to consolidate and amend the Laws relating to the Great Roads of Communication through this Province.

Passed 26th April 1850.

Repeal of

7 W. 4. c. 6.

3 V. c. 71.

5 V. c. 7.

8 V. c. 61.

8 V. c. 68.

8 V. c. 70.

9 V. c. 35.

10 V. c. 12.

10 V. c. 13.

10 V. c. 14.

10 V. c. 67.

11 V. c. 19.

12 V. c. 8.

Reservations.

Establishment of
Great Roads.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act relating to the Great Roads of Communication through this Province*; also an Act made and passed in the third year of the Reign of Her present Majesty, intituled *An Act to amend the Act to alter the times for the appointment of Sheriffs and Supervisors of Great Roads*; also an Act made and passed in the fifth year of the same Reign, intituled *An Act to establish the line of Road from Oak Bay, in the County of Charlotte, to the mouth of Eel River, in the County of York, as one of the Great Roads of Communication in this Province*; also an Act made and passed in the eighth year of the same Reign, intituled *An Act to establish the Road leading from the City of Saint John to Quaco, in the Parish of Saint Martins, in the County of Saint John, as one of the Great Roads*; also an Act made and passed in the same year of the same Reign, intituled *An Act to establish the Road leading from Bathurst, in the County of Gloucester, to the southern termination of the Great Bathurst Road, via Pokemouche, as one of the Great Roads of this Province*; also an Act made and passed in the same year of the same Reign, intituled *An Act to establish the line of Road leading from Charles Dixon's, near Hamplon Ferry, intersecting the old Post Road from Bellisle to Kingston, as one of the Great Roads of Communication in this Province*; also an Act made and passed in the ninth year of the same Reign, intituled *An Act to alter the Great Road from Fredericton to Saint Andrews*; also an Act made and passed in the tenth year of the same Reign, intituled *An Act to establish the Road leading from the lower Landing at the Grand Falls, (known as the new Portage Road,) in the County of Carleton, to the American Boundary, to include the Ferry Landing, as one of the Great Roads of Communication in this Province*; also an Act made and passed in the same year of the same Reign, intituled *An Act to establish the Road leading from Shediac to the Nova Scotia Line, via Shemogue, Bay de Verte, and Jolicure, as one of the Great Roads of this Province*; also an Act made and passed in the same year of the same Reign, intituled *An Act to establish the line of Road leading from Pickard's Store, in the Parish of Andover, in the County of Carleton, to the American Boundary, one of the Great Roads of Communication in the Province*; also an Act made and passed in the same year of the same Reign, intituled *An Act to alter part of the Great Road of Communication leading from Newcastle to Bathurst*; also an Act made and passed in the eleventh year of the same Reign, intituled *An Act to alter and amend an Act relating to the Great Roads of Communication through this Province*; also an Act made and passed in the twelfth year of the same Reign, intituled *An Act to establish the Road leading from Roix Farm, on the Great Road between Saint George and Saint Andrews, to the Great Road between Fredericton and Saint Stephen, as one of the Great Roads of Communication*; be and the said several Acts are hereby repealed, except so far as any of the said Acts may repeal the whole or any part of any other Acts, and that all acts and proceedings which may have been done and had under and by virtue of any of the said Acts, shall be and remain valid and effectual, notwithstanding such repeal.

II. And be it enacted, That the Roads as herein described, be and they are hereby continued, appointed, and established to be the Great Roads of communication through the Province, that is to say :

The

The Road leading from Fredericton to Saint John by way of the Nerepis by the following line or route, that is to say, From the Market House in Fredericton, by the present route, to the Bridge across the Oromocto River, thence by the Road at present travelled to Vaughan's Point, thence across the inlet at the head of South Bay to the point of intersection of the Great Road from Saint John to Saint Andrews, thence by the present route to Carleton Ferry.

Fredericton to
Saint John, via
Nerepis.

The Road from Fredericton to Saint Andrews by the following line or route, From the Market House in Fredericton through the Hanwell Settlement, thence through the Harvey Settlement to the River Magaguadavic, near Vail's, thence to the River Digdeguash, thence through the Turner Ridge Settlement to Cormick's, thence to Gilman's, thence to Mallock's corner, thence to the junction of the Commons Road (so called), and thence by the present route to Saint Andrews.

Fredericton to
Saint Andrews.

The Road leading from Fredericton to Newcastle, and thence to Restigouche, by the following line or route, that is to say, Crossing the River Saint John at Fredericton by the upper Ferry, thence north easterly, or thereabouts, through the woods to Hanson's Mills, thence up the west side of the Nashwaak, crossing that River at the site of the present Bridge, thence across the Portage to Boiestown, thence on the south side of the South West Branch of the River Miramichi down to Doak's, thence crossing the said Branch of the River Miramichi to the north side, thence down on the last mentioned side to M'Laggan's Mills on Bartholomew's River, thence to Indian Town, thence following the Road as at present made and travelled to Beaubair's Point, thence crossing the North West Branch of the Miramichi to Newcastle, thence to meet the Road from Dixon's Ferry, thence to Russel's Meadows on the Little Bartibogue, thence north easterly to the Bridge over the Big Bartibogue River at Corrie's, thence along the Road as at present travelled to the Shire Town at Bathurst, and from thence crossing the Bathurst Bridge to Tattigouche Bridge, and from thence to Belledune Bridge, thence to River Charlo, at or near the head of the tide, thence to cross at the mouth of Eel River, thence on the present laid out line to Dalhousie, and thence on to Campbelton, thence following the south side of the Restigouche River by the present line to Mrs. Riddle's, opposite the mouth of the Metapediac River.

Fredericton to
Newcastle and
thence to
Restigouche.

The Road leading from Fredericton to the Canada Line by the following line or route, that is to say, From the County Court House in Fredericton, on the west side of the River Saint John, to Woodstock, thence to the Great Falls, and thence to the Canada Line, through the Madawaska Settlement.

Fredericton to the
Canada Line.

The Road from Fredericton to Richibucto by the following line or route, that is to say, Commencing at Barker's landing opposite Fredericton at the mouth of the Nashwaak Stream in the Parish of Saint Mary's in the County of York, thence running by the Line of the Petitcodiac Road to Newcastle in Queen's County, thence by the line of the Hardwood Ridge Road to the Gaspereaux River, crossing said River above the lower Mills, and following the Beckwith Line to McDonald's on the Richibucto River, and thence following the Harley Line to the Town of Richibucto.

Fredericton to
Richibucto.

The Road from the Finger Board by the following line or route, that is to say, From the County Court House in Fredericton across the River Saint John to the lower side of the Nashwaak, thence to the Parish of Maugerville, thence following the present Road through that Parish and the Parishes of Sheffield and Canning to the Jemseg, thence across the Jemseg, and following the new line of Road lately

Fredericton to
Finger Board.

lately explored by William Foshay and John Earle, crossing the Washademoak Lake at White's Point to the old Road, thence by the present route to the Finger Board on the Great Road from Saint John to the Nova Scotia Line.

Saint John to
Saint Andrews.

The Road from Saint John to Saint Andrews by the following line or route, that is to say, From Carleton to Musquash, thence to Magaguadavic, thence to Digdeguash, thence to Chamcook, and thence to Saint Andrews.

Saint John to the
Nova Scotia Line.

The Great Road from the City of Saint John to the Nova Scotia Line by the following line or route, that is to say, From the City of Saint John to the Bridge over Hammond River, thence by the present route to Hampton, thence to Sussex, and through that Parish to Alexander M'Leod's, thence by the new Road round the Portage Hill to where it joins the old Road near Leake's farm, thence to the new Bridge over the Petitcodiac River, thence along the said River to the Bend, thence through the Portage between Petitcodiac and Memramcook Rivers, thence across Memramcook River by the Bridge to the Court House in Dorchester, thence through the Portage to Sackville, thence by the Road leading over the Great Marsh by the Truss Bridge and AuLac Aboideau to the Missiquash, the boundary line of the Province, to join the Post Road of Nova Scotia.

Saint John to
Quaco.

The Road leading from the Forks of the Road on the Great Marsh near Saint John to Frog Pond, thence to Loch Lomond, thence to the head of said Lake, and thence to Vaughan's Creek in Quaco.

Saint John to the
Head of Bellisle.

The Road from Saint John to the Head of Bellisle by the following line or route, that is to say, From Saint John by the present Road towards Nova Scotia to the forks of the Road at the Nine Mile House, thence by the present Road to Gondolo Point, thence crossing the River Kennebecasis and following the Road to the eastward of Bates' Mill Pond, and through the Middle Land Settlement and the new Road by the Beaver Dam and the shore of the Bellisle Bay to the Bridge at the head of Bellisle, meeting there the Great Road leading from Fredericton to the Finger Board.

Hampton to the
intersection of old
Post Road to
Kingston.

The Road from near Hampton to the intersection of the old Post Road to Kingston by the following line or route, Commencing at Charles Dixon's near Hampton in the Parish of Norton, thence by the route explored and laid out by the Commissioners John M. Raymond and Henry Jackson, to the intersection of the old Post Road to Kingston, near the farm of John Henderson, Esquire, at or about four miles distance from said Ferry.

Dorchester to
Chatham.

The Road from Dorchester to Chatham by the following line or route, Commencing at the angle of the line of the Great Road from Saint John to the Nova Scotia Line on the east end of the Memramcook River Bridge, thence by the present line of Road to the new Bridge across the Richibucto River, thence to the Bridge across M'Almon's Creek, thence to the Bridge across Davidson's Creek, thence through the Town of Richibucto, thence by the Chapel at D'Aigle's Creek to the Bridge across the North West River, thence to Napan, and from thence by the Road as at present travelled to the Town of Chatham, thence crossing the Ferry to the Great Road leading to Bathurst.

Bend of Petit-
codiac to Shediac.

The Road leading from the Bend of the Petitcodiac River to Shediac by the following line or route, that is to say, From the Bend of Petitcodiac River by the present Road to Shediac.

Harvey
to Salisbury.

The Road from Harvey to Salisbury by the following line or route, that is to say, Commencing at Isaac Derry's and extending thence by the present Road to

John

John Calhoun's, thence to McLatchey's Creek in Hillsborough, thence by the Road as now travelled through Coverdale, and thence to the Great Road from Saint John to the Nova Scotia Line.

The Line of Road leading from Isaac Derry's in the Parish of Harvey in the County of Albert to the Post Office, thence to Point Wolf River. Isaac Derry's to Point Wolfe River.

The Road leading from the Post Road at Cole's Island to Cape Tormentine by the following line or route, Commencing at the Great Post Road at Cole's Island, thence passing through Cole's Island along the present Road to the old Post Road, thence along the same to Hewson's, thence through Jolicure to Bay de Verte, and thence by the Road through the Emigrant Settlement to Cape Tormentine. Cole's Island to Cape Tormentine.

The Road from Bathurst to Miramichi, via Pokemouche, by the following line or route, that is to say, Commencing at the Big Nepisiquit River, Bathurst, and thence through the Settlement in the Parish of New Bandon, thence through Grand Aunce to Waterloo Corner, thence across the Northwest Branch of Caraquet River by End's Bridge, (so called) thence across the Southwest Branch of Caraquet River, thence through the Settlement of Caraquet, thence by the lower or Blackhall Portage to Pokemouche, thence to Tracadu, thence to Tabusintac River, and from thence by the present line to Dixon's Ferry. Bathurst to Miramichi, via Pokemouche.

The Road leading from Gagetown to the Nerepis Road by the following line or route, that is to say, From the Court House in Gagetown along the present highway leading towards Dingee's Mill, until it meets the Road leading from Gagetown to the Nerepis Great Road, thence through the Summer Hill and Coot Hill Settlements, until it meets the aforesaid Nerepis Road. Gagetown to the Nerepis.

The Great Road from Connick's, at Waweig, in the County of Charlotte, to the lower Bridge over the River Saint Croix, by the following line or route, that is to say, From the Bridge over the Waweig round the head of Oak Point Bay, and thence through the Town of Saint Stephen to the lower Bridge over the River Saint Croix. Connick's, at Waweig, to the lower Bridge over the Saint Croix.

The Road from Oak Bay, in the County of Charlotte, to Eel River, in the County of Carleton, by the following line or route, that is to say, Commencing at the head of Oak Bay, in the Parish of Saint David, in the County of Charlotte, thence running through the Tower Hill Settlement to the Bridge over the western Branch of the River Digdeguash, thence by the present line to the Bridge over the Little Digdeguash, thence by the said line to the Howard Settlement, in the Parish of Dumfries, in the County of York, and thence by the line marked out under the direction of Messieurs Rainsford and Brown, until it strikes the Great Road from Fredericton to Woodstock near the Bridge at the mouth of Eel River. Oak Bay to Eel River.

The Road from Roix's Farm, on the Great Road from Saint John to Saint Andrews, to the Glenelg Bridge on Didgeguash River, thence crossing the Great Road from Fredericton to Saint Andrews until it intersects the Great Road from Waweig to Saint Stephen. Roix's farm to Glenelg Bridge on the Didgeguash.

The Line of Road leading from the Dead Water Brook Bridge, on the Great Road from Fredericton to Saint Andrews, and thence to Saint Stephen by the way of Smith's and Moore's Mill and Upton's farm to the Public Landing. Dead Water Brook Bridge to Saint Stephen.

The Road leading from Woodstock to Houlton by the following line or route, that is to say, From the Great Road leading to the Canada Line at Woodstock Corner, thence through the Richmond Settlement to the American Line. Woodstock to Houlton.

Grand Falls to the American Boundary.

The Road commencing at the Lower Landing at the Grand Falls on the west side of the River Saint John, in the Parish of Andover, in the County of Carleton, leading to the American Boundary, including the Ferry Landing at Street's.

Pickard's Store at Tobique to the American Boundary.

The Road commencing at Pickard's Store near the mouth of Tobique, known by name as the Arestook Road, in the Parish of Andover, in the County of Carleton, leading through a back Settlement to the Boundary Line between this Province and the State of Maine.

Roads to be four rods wide.

III. And be it enacted, That all the before mentioned Great Roads and all other Great Roads hereafter established shall be at least four rods wide, and shall be worked of such width as the Supervisors in their respective Districts shall deem necessary.

Supervisors to be appointed by the Governor in Council

IV. And be it enacted, That the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, is hereby authorized and empowered to appoint fit and proper persons to be Supervisors of Great Roads or of parts or portions thereof, not exceeding in the whole one hundred and fifty miles to any one Supervisor, as the said Lieutenant Governor or Administrator of the Government, by and with the advice aforesaid, may deem proper.

Appointments to be made in the month of April and for one year.

V. And be it enacted, That the several and respective Supervisors of Great Roads shall be appointed for and during the space of one year from the first of April in each and every year, and such appointments shall be made annually in the month of March; and in case of death or removal from the Province, or refusal of any Supervisor to act, or for other sufficient cause shown to the Lieutenant Governor or Administrator of the Government for the time being, for the removal of any Supervisor or Supervisors, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to nominate and appoint for the remainder of the year some other fit and proper person to be Supervisor in the room of such person so deceased or removed from the Province, or who shall refuse to act or be removed for other sufficient cause.

Supply of casual vacancies.

Supervisors may be displaced for neglect to render Accounts, &c.

VI. And be it enacted, That when it shall be made to appear to the Lieutenant Governor or Administrator of the Government for the time being, that any Supervisor has neglected to render to the Secretary of the Province, Accounts duly vouched and attested of the expenditures of all the moneys received by him from the Treasury of the Province in the year preceding the commencement of the annual Session of the Legislature, at an early period of such annual Session, or who shall have drawn moneys from the Treasury contrary to the rules made by the Lieutenant Governor or Administrator of the Government for the time being, in Council, for the government of Supervisors, then and in such case it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, and he is hereby authorized and empowered to displace such Supervisor and to appoint another fit person to be Supervisor in his stead.

Supervisors to give security for due discharge of duty.

VII. And be it enacted, That every Supervisor appointed under and by virtue of this Act, shall give security by bond to Her Majesty, Her Heirs and Successors, with two good and sufficient sureties, to be approved of by His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, in double the amount such Supervisor may have to expend, conditioned for the faithful performance of the duties required of him and for the accounting for all public moneys entrusted to him.

VIII. And be it enacted, That the respective Supervisors appointed under and by virtue of this Act, except in cases hereinafter mentioned, shall have the sole ordering of the repairs and alterations which may be necessary for the completing the said Roads within their respective limits or districts, and keeping them at all times during their continuance in office, in the best possible state of repair; and for the purpose of making any alteration they may deem necessary, such Supervisors respectively shall have power and authority and they are hereby authorized to enter upon the lands of any proprietor or proprietors through which it may be thought desirable to make any alteration, in order to make the necessary exploration and survey preparatory to such alteration, doing no unnecessary damage thereto; provided always, that nothing in this Act contained shall extend or be construed to extend to deprive the several Commissioners of Highways in their respective Parishes of the power of directing the application of the Statute Labour of the inhabitants of the said Parishes, either upon the Great Roads or other Roads within the same as to the said Commissioners may appear most conducive to the public good; provided always, that the said Commissioners shall in no case have the power of altering any Great Road, but are hereby respectively required in all cases where they deem it necessary to expend the Statute Labour or any part thereof on any of the Great Roads of this Province, to adhere to the lines already laid out and established by law, or that may be laid out in pursuance of any law now in force or that may hereafter be in force for that purpose.

Supervisors to have the sole ordering of repairs and alterations of the roads.

Empowered to enter on lands.

Commissioners of Highways may direct the application of the Statute Labour.

IX. And be it enacted, That each and every Supervisor so to be appointed shall in the Spring of the year when the ground is free from snow and ice, carefully examine the whole of the Road under his superintendence, and shall lay off and mark out such allotments as may conveniently be contracted for, in order that the making or repairing of the same may be let by auction to the lowest bidder; and in all such cases such Supervisors respectively are hereby required to put up a sufficient number of notices, not less than ten days previous to such sale, in three or more of the most public places in the neighbourhood where the work is to be done; which notices shall specify and describe the work so to be performed, and also the place, day, and hour, when and where the same will be let at auction as aforesaid; and it shall further be the duty of such Supervisors respectively to attend personally at the time and place so appointed and there to let out to the lowest bidder the several and respective allotments, and at the same time to enter into written contracts with sufficient sureties for the faithful performance of the work in time and manner set forth in such contracts; and in cases where the work required to be performed cannot conveniently be let by auction, it shall be the duty of such Supervisors to agree with fit and proper persons to perform the same by days labour, provided that the sum expended by days work shall in no case exceed twenty per cent of the amount to be expended on the said Road.

Supervisors to carefully examine the roads in the Spring, and mark places to be repaired, &c.

Notices to be posted and work let by auction.

Contracts with sureties to be entered into.

X. And be it enacted, That the Supervisors shall cause all turnpiking, ploughing, and throwing up of the said Roads to be performed previous to the first day of October in each and every year, and shall not permit any contractor or day labourer to perform such work on the Roads under his charge after that date.

Turnpiking, &c. to be performed before the first of October.

XI. And be it enacted, That all the contracts and also all the wages of labourers hired by the day as aforesaid, shall be paid by the said Supervisors in money; and the said Supervisors shall respectively keep an exact account of the expenditures of all sums of money received and paid by them respectively for the Great Roads, and shall produce receipts in writing from the several and respective persons to whom any part of the said sums of money shall be paid, as

Contracts and wages to be paid in money.

vouchers

Accounts to be rendered with vouchers.

vouchers for the payment, and shall render an account thereof under 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 of the Province for the inspection and examination of the General Assembly.

Encumbrances on roads to be forfeited after six days notice.

XII. And be it enacted, That all fences, timber, wood, stones, boards, plank, and rubbish of any kind which shall be found to remain upon any part of the said Great Roads after six days previous public notice by the respective Supervisors to remove the same, shall be forfeited; and it shall and may be lawful for the said Supervisors respectively, or any of them, without any suit or process at law whatsoever, to cause all articles so found to be seized and disposed of in such way and manner as he or they may think proper, and if the same shall be sold the proceeds of such sale shall be applied by the said Supervisor or Supervisors for the repairs and improvement of such Roads.

Supervisors may take materials for the repair of the roads.

XIII. And be it enacted, That in case it shall be necessary or expedient for the Supervisors in their respective districts to go out of the said Roads to procure materials for the repairs of the same, it shall and may be lawful for the said Supervisors respectively, when from the absence or obstinacy of the owner or possessor of the soil no agreement can be made with him, to enter with workmen, carts, carriages and teams upon any uncultivated lands, and therefrom to dig, take and carry away for the repairs of the said Road, stone or gravel, and also to cut down and carry away trees and bushes for logs, poles and brushwork to repair the said Roads, and the damage done thereby shall be appraised and ascertained by the judgment of three indifferent freeholders to be nominated by a Justice of the Peace for that purpose, and the sum so ascertained shall be paid or tendered by the Supervisors respectively, to the owner or possessor of the soil, if demanded, within six months after such appraisement.

Damage to be appraised and paid.

No alteration of roads to be made through improved lands without consent of the owner, or payment of value of land taken, and damages.

XIV. And be it enacted, That the said Supervisors for the respective districts shall not make any alteration in any part of the Great Roads within their respective districts, through any improved lands, without the consent of the owner or owners thereof, or agreeing with or paying to him, her or them the value of the said improved lands so to be laid out in such public Road, with such damages as he, she or they may sustain by the said Road; and in case they cannot agree, then the true value to be set and appraised by five disinterested freeholders, to be nominated and appointed by two Justices of the Peace on the oath of such freeholders, which oath any one of the said Justices is hereby authorized and required to administer, and the amount of such value and damages, with the incidental expenses, shall be defrayed by the Supervisors of the respective districts out of the moneys to be granted for the use of the said Great Roads.

In case of disagreement, value to be appraised.

Proprietors, in possession by self or tenant, to be deemed the owner.

XV. And be it enacted, That the proprietor or proprietors in the possession either by themselves or by tenants holding under them, of any lands through which it may be necessary to lay out a Public Road, shall be deemed to be the owner or owners of such lands, to whom the value thereof and the damages sustained are to be paid under the provisions of the previous section of this Act, notwithstanding that such lands may be under mortgage or other incumbrance; and that the freeholders appointed to sit and appraise such value and damages shall also inquire and return in their verdict who are such owner or owners to whom such value and damages are to be paid; and upon payment of such value and damages to the person or persons whom the said freeholders shall so return in their verdict to be the owner or owners of such lands, or upon tender and refusal thereof, such Supervisor shall be fully authorized to lay out such Public Road through such lands; and in case any such alteration lies on the border of two

Appraisers to state in their return who are the owners.

two adjacent Counties so as to extend into both, or to render it doubtful as to which of the two Counties the said alteration may be situate in, the Justices and the said freeholders may belong to either County, and the proceedings had by them shall be as valid and effectual as any proceedings under the provisions of this Act; and if any person or persons who may by any of the provisions of this Act be found entitled to receive any sum or sums of money, and on due tender thereof shall not accept of and receive the same, and shall not apply for the same within six calendar months after such tender, then the Supervisor or Supervisors shall pay the same into the Province Treasury, to be disposed of under the direction of the Legislature; and that the Treasurer or Deputy Treasurer to whom such payment shall be made shall be accountable for the same, and shall give such Supervisor a receipt for the sum so paid, which shall be a sufficient discharge to such Supervisor or Supervisors for the same.

Damages tendered, and not accepted, to be paid into the Province Treasury.

XVI. And be it enacted, That if any person or persons do or shall hereafter alter, stop up or encroach upon any of the Great Roads of Communication through this Province in any manner whatever, such person or persons so offending contrary to the meaning of this Act, shall for every such offence forfeit the sum of two pounds, to be recovered with costs of suit before any one of Her Majesty's Justices of the Peace for the County where such offence shall be committed, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, (if any) to such offender; and for the want of sufficient goods and chattels, the said Justice is hereby required to commit such offender to the common gaol of the County where such offence shall be committed, there to remain for a term not exceeding eight days; which penalty, when recovered, shall be paid to the Supervisor for the use of the Great Road within the district.

Penalty for stopping up or encroaching on roads.

Recovery.

XVII. And be it enacted, That if any person or persons shall wilfully hinder or interrupt any Supervisor in the lawful exercise of the duties incident to his office, such person or persons so offending shall forfeit the sum of five pounds, to be recovered before any Justice of the Peace for the County where such offence may be committed, upon conviction upon the oath of one or more credible witness or witnesses, to be levied by warrant of distress and sale of the offender's goods and chattels, to be paid to the Supervisor of the district where such offence shall be committed, for the use of the Public Roads within such district.

Penalty for hindering any Supervisor in exercise of duty.

Recovery.

XVIII. And be it enacted, That in case any action of trespass or action upon the case shall be brought against any or either of the said Supervisors, by occasion of any thing done by him or them in the execution of his or their duty under and by virtue of this Act, such Supervisor or Supervisors may plead the general issue, and give the special matter in evidence at the trial in like manner as if such special matter had been fully and specially pleaded.

Supervisors may in actions against them plead the general issue.

XIX. And be it enacted, That no action shall be brought or commenced against any Supervisor for any act, matter or thing whatever by any such Supervisor done, performed or committed in or about the execution of his duty, until after one month's notice of such action to be brought shall have been given to such Supervisor, and every action against any Supervisor shall be confined to the subject matter stated in such notice; and it shall and may be lawful for any such Supervisor to whom notice of action shall so be given, at any time before action brought, to make and tender amends to the party aggrieved, and if such amends shall not be accepted, then such Supervisor may pay such money into Court, and if the plaintiff shall not recover greater damages than the amount so tendered and paid in, the said defendant shall recover his costs of suit.

No action to be brought against a Supervisor until after one month's notice.

Supervisors to make returns of their roads and alterations.

XX. And be it enacted, That the Supervisors of the respective districts for which they may be appointed, shall enter in writing the alterations that may from time to time be made in any of the Great Roads under their superintendence, and make a return thereof into the Office of the Secretary of the Province, and also a duplicate into the Office of Clerk of the Peace for the County in which such public Road lies, to be by such Clerk entered in a book kept by him for that purpose, and whatsoever the said Supervisors shall respectively do according to the power to them given by this Act, shall be valid and good.

Compensation to Supervisors.

XXI. And be it enacted, That each of the said Supervisors shall be allowed to retain for his services at and after the rate of ten per centum out of the moneys granted for the use of the Roads.

Act may be amended.

XXII. And be it enacted, That this Act may be altered and amended at any time during the present Session of the Legislature.

CAP. LIII.

An Act to consolidate and amend the Laws relating to Landlord and Tenant, and regulating proceedings in Replevin.

Passed 26th April 1850.

Preamble.

6 **W**HEREAS it is deemed advisable to consolidate and amend all the Laws 'relating to Landlord and Tenant and proceedings in Replevin;'

Repeal of

I. Be it therefore enacted by the Lieutenant Governor, Legislative 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 regulate 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 frauds by Tenants*; also an Act made and passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled *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*;' also an Act made and passed in the eighth year of the said last mentioned Reign, intituled *An Act relating to Landlord and Tenant*; also an Act made and passed in the third year of the Reign of Her present Majesty Queen Victoria, intituled *An Act further to regulate proceedings in Replevin, by allowing damages in certain cases to the defendant*; also the thirty first, thirty second, thirty sixth and thirty seventh sections of an Act made and passed in the twelfth year of the said last mentioned Reign, intituled *An Act to consolidate and amend various Acts of Assembly relating to the further amendment of the Law*; be and the same are hereby repealed: Provided always, that all acts, matters and things heretofore done under and by virtue of the said several Acts or any of them hereby repealed, shall be and remain good, valid and effectual so far as they are in accordance with the provisions of the said Acts or any of them; and provided also, that all actions and proceedings had and taken and now pending under the provisions of the said several Acts or any of them, shall in no wise be affected by the repeal of the said Acts, but that the same may be prosecuted and concluded in all respects as if the said several Acts still remained and continued in full force and effect; provided also, that no Act or part of an Act repealed by any of the said Acts hereby repealed, shall revive or come into force after the passing of this Act.

50 G 3, c 21,

4 W 4, c 38,

8 W 4, c 5,

3 V c 63.

12 V c 39, s 31, 32, 34, and 37.

Reservations:
Things done;

Legal proceedings
had;

Repeal of former
Acts.

II. And be it enacted, That to obviate the difficulties which many times occur in the recovery of rents when the demises are not by deed, the Landlord, where the agreement is not by deed, may recover a reasonable satisfaction for the lands, tenements or hereditaments held or occupied by the defendant, in an action on the case, for use and occupation of what was so held or enjoyed; and if on the trial of such action, any parol, demise or any agreement, (not being by deed,) wherein a certain rent was reserved shall appear, the plaintiff in such action shall not therefor be nonsuited, but may make use thereof as an evidence of the quantum of damages to be recovered.

Rents how to be recovered where the demises are not by deed.

III. And be it enacted, That when any goods and chattels shall be taken by virtue of any Warrant of Distress (A) for any rent reserved and due upon any demise or contract whatsoever, and the tenant or owner of the goods so distrained shall not, within five days next after such distress taken, and notice thereof (B) (with the cause of such taking) left at the dwelling house or other most notorious place on the premises charged with the rent distrained for, replevy the same, with sufficient security to be given to the Sheriff according to law, that then in such case after such distress and notice as aforesaid, and expiration of the said five days, the person distraining shall and may with the Sheriff or under Sheriff of the County, or with a Constable of the Parish, City, or place, where such distress shall be taken, (who are hereby required to be aiding and assisting therein) cause the goods and chattels so distrained, to be appraised by two sworn appraisers to whom such Sheriff, Under Sheriff or Constable are hereby empowered to administer the oath (C) to appraise the same truly according to the best of their understanding; and such oath shall be endorsed (D) on the said inventory, and after such appraisement (E) shall and may lawfully sell the goods and chattels so distrained, for the best price that can be gotten for the same, towards satisfaction for the rent for which the said goods and chattels shall be distrained and of the charges of such distress, appraisement and sale, leaving the overplus, if any, in the hands of the said Sheriff, Under Sheriff or Constable, for the owner's use.

Goods distrained for rent may be appraised and sold.

IV. And be it enacted, That upon any pound breach or rescous of goods or chattels distrained for rent, the person grieved thereby shall in a special action upon the case for the wrong thereby sustained, recover treble damages and costs of suit against the offender in any such rescous or pound breach, or against the owner of the goods distrained, in case the same be afterwards found to have come to his use or possession; but provided that in case any such distress and sale as aforesaid, shall be made by virtue or under colour of this Act, for rent pretended to be in arrear and due when in truth no rent is in arrear or due to the person distraining, or to him in whose name or right such distress shall be taken as aforesaid, that then the owner of such goods or chattels distrained and sold as aforesaid, his executors or administrators, shall and may by action of trespass or upon the case to be brought against the person so distraining, his executors or administrators, recover double of the value of the goods and chattels so distrained and sold, together with full costs of suit.

Treble damages for pound breach.

Double damages and costs against wrongful distrainer

V. And be it enacted, That when any distress shall be made for any kind of rent justly due, and any irregularity or unlawful act shall be afterwards done by the party distraining or by his agents, the distress itself shall not be therefor deemed to be unlawful, nor the party making it be deemed a trespasser *ab initio*, but the party aggrieved by such unlawful act or irregularity, shall or may recover full satisfaction for the special damage he shall have sustained thereby, and no more, in an action of trespass or upon the case at the election of the plaintiff; provided

Distress for rent not unlawful, &c. for any subsequent irregularity.

Tenants not to recover on tender of amends.

provided that where the plaintiff shall recover in such action he shall be paid his full costs of suit, and have all the like remedies for the same as in other cases of costs, but no tenant or lessee shall recover in any action for any such unlawful act or irregularity as aforesaid, if tender of amends hath been made by the party distraining or his agent before such action brought.

Landlords may within thirty days distrain and sell goods fraudulently carried off the premises.

VI. And be it enacted, That in case any tenant or lessee for life or lives, term of years, at will, sufferance or otherwise, of any messuages, lands, tenements or hereditaments, upon the demise or holding whereof any rent is made payable, shall fraudulently or clandestinely convey away or carry off from such premises his goods or chattels to prevent the landlord or lessor from distraining the same for arrears of rent so made payable, every such landlord or lessor, or any person by him for that purpose lawfully empowered, may within the space of thirty days next ensuing the removal of such goods or chattels as aforesaid, take such goods and chattels wherever the same shall be found, as a distress for the said arrears of rent, and may sell or otherwise dispose of the same in such manner as if the said goods and chattels had actually been distrained by such lessor or landlord in and upon such premises for such arrears of rent, any law, custom or usage to the contrary in any wise notwithstanding; provided that no such landlord or lessor shall take any such goods or chattels as a distress for the same, which shall be sold *bona fide* and for valuable consideration before such seizure made, to any person not privy to such fraud as aforesaid, any thing herein contained to the contrary notwithstanding.

Unless sold to any person not privy to the fraud.

Landlords may break open houses to seize goods fraudulently secured therein.

VII. And be it enacted, That when any goods or chattels fraudulently or clandestinely removed by any tenant or lessee, or his servant, agent or other person aiding or assisting therein, shall be placed in any house, barn, stable, out-house, yard, close or place locked up, fastened or otherwise secured so as to prevent such goods or chattels from being taken as a distress for arrears of rent, it shall and may be lawful for the landlord or lessor, his bailiff, receiver or other person empowered to take as a distress for rent such goods and chattels, (first calling to his assistance a Constable or other Peace Officer of the place where the same shall be suspected to be concealed, who is hereby required to aid and assist therein,) and in case of a dwelling house, (oath being also first made before some Justice of the Peace, of a reasonable ground to suspect that such goods or chattels are therein,) in the day time, to break open and enter into such house, barn, stable, out-house, yard, close and place, and to take such goods and chattels for the said arrears of rent as he might have done by virtue of this Act if such goods and chattels had been put in any open field or place.

Distress may be secured and sold on the premises.

VIII. And be it enacted, That it shall and may be lawful to and for any person lawfully taking any distress for any kind of rent, to impound or otherwise secure the distress so made, of what nature or kind soever it may be, in such place, or on such part of the premises chargeable with the rent, as shall be most fit and convenient for the impounding and securing such distress, and to appraise, sell, and dispose of the same, upon the premises in like manner and under the like directions and restraints to all intents and purposes, as any person taking a distress for rent may do off the premises by virtue of this Act; and that it shall be lawful to and for any person whatsoever, to come and go to and from such place or part of the said premises, when any distress for rent shall be impounded and secured as aforesaid, in order to view, appraise, and buy, and also in order to carry off or remove the same on account of the purchase thereof; and that if any pound-breach or rescous shall be made of any goods and chattels or stock distrained for rent and impounded, or otherwise secured by virtue of this Act, the person

person aggrieved thereby shall have the like remedy as in cases of pound-breach or rescous is given and provided by this Act.

IX. And be it enacted, That it shall and may be lawful for any person having any rent in arrear, or due upon any lease, for life or lives, or for years, or at will, ended or determined, to distrain for such arrears after the determination of the said respective leases, in the same manner as he might have done if such lease or leases had not been determined; provided that such distress be made within the space of six calendar months after the determination of such lease, and during the continuance of such landlord's title or interest, and during the possession of the tenant from whom such arrears became due.

Rent in arrear upon a lease expired may be distrained for within six months after the determination of the lease.

X. And be it enacted, That the executors or administrators of any lessor or landlord may distrain upon the lands demised for any term, or at will, for the arrearages of rent due to such lessor or landlord in his life time, in like manner as such lessor or landlord might have done in his life time; and that such arrearages may be distrained for after the end or determination of such term, or lease at will, in the same manner as if such term or lease had not been ended or determined; provided that such distress be made within the space of six calendar months after the determination of such term or lease, and during the continuance of the possession of the tenant from whom such arrears became due; provided also, that all and every the powers and provisions made herein or to be made relating to distresses for rent, shall be applicable to the distresses so made as aforesaid.

Executors of lessor may distrain for arrears accruing in his life time;

And within six months after determination of term.

XI. And be it enacted, That no goods or chattels whatsoever, lying or being in or upon any messuage, lands or tenements, which are or shall be leased for life or lives, term of years, or at will or otherwise, shall be liable to be taken by virtue of any execution on any pretence whatsoever, unless the party at whose suit the said execution is sued out, shall before the removal of such goods from off the said premises by virtue of such execution, pay to the landlord of the said premises or his bailiff, such sum of money as shall be due for rent of the said premises, at the time of the taking of such goods or chattels by virtue of such execution, provided that the said arrears do not amount to more than one year's rent; and in case the said arrears shall exceed one year's rent, then the said party at whose suit such execution is sued out, paying the said landlord or his bailiff one year's rent, may proceed to execute his judgment as he might heretofore have done; and the Sheriff or other officer to whom such execution may have been delivered to be executed, is hereby empowered and required in such case to levy and pay to the party at whose suit the said execution is sued out, as well the money so paid for rent as the money directed to be levied on such execution; provided that nothing in this section contained shall be construed to extend to hinder or prejudice Her Majesty, Her Heirs or Successors, in levying, recovering or seizing any debts, fines, penalties or forfeitures due or payable to Her Majesty, Her Heirs or Successors, but that it shall and may be lawful for Her Majesty, Her Heirs and Successors, to levy, recover, and seize such debts, fines, penalties or forfeiture in the same manner as if this Act had not been passed.

No goods, &c. to be taken in execution, &c. unless the party before removal of the goods, &c. pay arrears of rent for not exceeding one year.

Not to prevent levying debts, &c. due the Crown.

XII. And be it enacted, That the action of Replevin shall and may be prosecuted by Writ (F) issuing out of the Supreme Court or out of the Inferior Court of Common Pleas, and that such Writ of Replevin shall be tested and made returnable in the said Courts respectively, as Writs in other causes within the jurisdiction and cognizance of such Courts, and that such and the like proceedings shall be had upon such Writs and upon the return and filing thereof,

Actions of Replevin may be prosecuted by Writs issuing out of the Supreme Court and Courts of Common Pleas as if the Writs had issued out of Chancery.

in all respects and to all intents and purposes in the said Courts respectively, as could or might be had in the said Supreme Court, in case such Writs had issued out of the Court of Chancery and been made returnable in the said Supreme Court.

If title to lands come in question, or the Queen be a party, the cause to be removed to the Supreme Court.

XIII. And be it enacted, That whenever in any such action of Replevin, anything touching the freehold or title to lands shall come in question, or the Queen shall be a party, or the taking of any distress shall be in right of the Crown, that then and in all such cases, no further proceedings shall be had thereon in the said Inferior Court, but the party desirous to proceed therein shall remove such cause by *certiorari* into the Supreme Court, where the same shall be finally heard and determined, anything hereinbefore contained to the contrary notwithstanding.

Sheriff executing Writ of Replevin to take a Bond in double the value of the goods before delivery to the defendant.

XIV. And be it enacted, That all Sheriffs and other officers having the execution and return of Writs of Replevin issued out of the Supreme Court or any Inferior Court of Common Pleas, may and shall in executing every such 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, and immediately upon the execution of the said Writ, 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 (G) in double 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 is hereby authorized and required to administer 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 conusance in case 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, his executors or administrators, by endorsement (H) 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 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.

Bond to be assigned, and if forfeited may be prosecuted.

Notice of claim being given to the Sheriff within forty eight hours after seizure, Sheriff to return the Writ with claim endorsed.

XV. And be it enacted, That in all actions of Replevin sued and prosecuted in the Supreme Court, or in any of the Inferior Courts of Common Pleas, whether in cases of distress or otherwise, if the defendant in such action, by himself, or his attorney or agent, shall within forty eight hours after the seizure of the property under any such suit of Replevin, give notice (J) to the Sheriff or other officer executing the same, that he claims 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 Writ, whereupon the said plaintiff shall immediately issue the Writ *de proprietate probanda*, (K) 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 by their inquisition (L) find such claim good, then the said Sheriff's power under the said Writ of Replevin, and all proceedings upon the said Writ, 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

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

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, together with the inquisition thereon, 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 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.

XVI. And be it enacted, That if upon the trial of such claim under the Writ *de proprietate probanda* a verdict shall be found for the claimant, he shall forthwith be entitled to and shall receive an assignment of the Replevin Bond, and may in an action thereon before any Court of competent jurisdiction, recover all actual costs and expenses incurred by him in the prosecution and proof of his said claim under the said Writ, together with such other damages as he may have sustained by reason of the said Writ of Replevin and the proceedings thereon, and the costs and counsel fee in relation to such proceedings shall be regulated by the fees allowed and taxed in the Supreme Court in actions not summary.

Replevin Bond to be assigned to the claimant on verdict in trial on the Writ *de proprietate probanda*.

XVII. And be it enacted, That in any action hereafter brought in the Supreme Court or Inferior Court of Common Pleas upon any Replevin Bond, where the penalty exceeds the sum of twenty pounds, in case the plaintiff recover in such action a less sum than twenty pounds by way of damages, he shall be entitled to and shall recover the same costs as are now provided and allowed in the said Courts respectively in actions not summary.

Costs in actions on Replevin Bonds.

XVIII. And be it enacted, That if the defendant in Replevin shall not claim property, or shall fail to enter an appearance to the said Writ at the return of the said Writ of Replevin or within twenty days thereafter, the plaintiff in such action may issue a Process (M) against such defendant, returnable at the next ensuing term of the Court wherein such action may be brought.

Process may be issued if defendant do not claim property, &c.

XIX. And be it enacted, That it shall and may be lawful to and for all defendants in Replevin to avow or make cognizance generally, that the plaintiff in Replevin or other tenant of the lands and tenements whereon such distress was made, enjoyed the same under a grant or demise, at such a certain rent during the time wherein the rent distrained for was incurred, which rent was then and still remains due, without further setting forth the grant, tenure, demise or title of such landlord or lessor, any law, usage, or custom to the contrary notwithstanding; and if the plaintiff in such action shall become nonsuit, discontinue his action, or have judgment given against him, the defendant in such Replevin shall recover double costs of suit.

Defendants in Replevin may avow &c. that the plaintiff held the premises at a certain rent, &c.

XX. And be it enacted, That if upon the trial of any issue respecting the property in any action of Replevin, or of any other issue, which, upon the same being found in his favour, will entitle the defendant to judgment for the return of the goods and chattels replevied or any part thereof, the Jury shall find such issue in favour of the defendant, such Jury may if they shall think fit, give damages (N) to the defendant, and the defendant may enter up his judgment (O) thereupon with such damages and the costs of suit, and may issue execution for such damages and costs in like manner as he may now for the costs of suit only; and in all cases where the property may not have been already restored to the defendant, the Jury on the trial of any such issue as aforesaid may, at the instance and request of the defendant in whose favour such issue may be found, award to such defendant the value of the goods and chattels in damages, and in such case it shall be so specifically

Jury may give damages to the defendant, where he would be entitled to judgment for return of goods replevied.

Jury may award the value of the goods in damages at the request of the defendant.

specifically stated in the rendering of their verdict (P), and the defendant shall be thereupon entitled to enter up his judgment (Q), for the recovery of such damages, and to issue execution thereupon instead of entering up judgment *de retorno habendo* as heretofore accustomed; and upon the award of such value in damages, and judgment thereupon, the defendant's right and interest in such goods and chattels shall become vested in the plaintiff; and all obligors in Replevin Bonds shall become and be liable and bound to the payment of any such damages as may be awarded to the defendant by virtue of this Act.

Obligors in Replevin Bonds to be liable for the damages awarded.

Fees for executing Writ of Replevin or *de proprietate probanda*.

XXI. And be it enacted, That the several Sheriffs or other officers to whom any Writ of Replevin out of the Supreme Court or any Court of Common Pleas, 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 is set forth in the Schedule to this Act annexed; and any Sheriff or other officer to whom such Writ shall be directed, who shall presume to demand or receive any further or other fee or reward than is set forth and directed in such Schedule, shall be deemed and taken to be guilty of extortion, and liable to be punished for the same according to law.

Action of debt may be brought against tenant for life for rent.

XXII. And be it enacted, That it shall and may be lawful for any person having any rent in arrear or due upon any lease or demise for life or lives, to bring an action of debt for such arrears of rent in the same manner as he might have done in case such rent were due and reserved upon a lease for years.

Persons holding over lands, &c. after expiration of lease, to pay double the yearly rent.

XXIII. And be it enacted, That in case any tenant for any term of life, lives or years, or other person who shall come into possession of any lands, tenements or hereditaments by, from or under or by collusion with such tenant, shall wilfully hold over any lands, tenements or hereditaments after the determination of such term, and after demand made and notice in writing (R) given for delivering the possession thereof by his landlord or lessor or the person to whom the remainder or reversion of such lands, tenements or hereditaments shall belong, or his agent thereunto lawfully authorized, then and in such case such person so holding over, shall for and during the time he shall so hold over or keep the person entitled out of possession of the said lands, tenements and hereditaments as aforesaid, pay to the person so kept out of possession, his executors, administrators or assigns, at the rate of double the yearly value of the lands, tenements and hereditaments so detained, for so long a time as the same are detained, to be recovered in any Court of Record in this Province having cognizance of the same, by action of debt, whereunto the defendant shall be obliged to give special bail, against the recovery of which said penalty there shall be no relief in equity.

Tenants holding after the time notified for quitting to pay double rent.

XXIV. And be it enacted, That in case any tenant shall give notice (S) of his intention to quit any premises by him holden, at a time mentioned in such notice, and shall not accordingly deliver up the possession thereof at the time in such notice contained, that then the said tenant, his executors or administrators, shall from thenceforward pay to the landlord or lessor double the rent or sum which he should otherwise have paid, to be levied, sued for and recovered at the same times and in the same manner as the single rent or sum before the giving such notice could be levied, sued for or recovered, and such double rent or sum shall continue to be paid during all the time such tenant shall continue in possession as aforesaid; provided always, that when any houses, lands, tenements or hereditaments shall be let by the year, three months' notice, when by the month, one month's notice, and when by the week, one week's notice shall be given either to the tenant in possession to quit, or by the tenant to the landlord of an intention to quit as aforesaid.

XXV.

XXV. And be it enacted, That in all actions of trespass or upon the case to be brought against any person entitled to rents of any kind, or his bailiff, receiver or agent, relating to any entry by virtue of this Act or otherwise upon the premises chargeable with such rents, or to any distress or seizure, sale or disposal of any goods or chattels, thereupon the defendant in such action may plead the general issue and give the special matter in evidence; and in case the plaintiff in such action shall become non-suit, discontinue his action, or have judgment against him, the defendant shall recover double costs of suit.

Defendants may plead the general issue, &c.

XXVI. And be it enacted; That in cases between landlord and tenant, as often as it shall happen that one half year's rent shall be in arrear, and the landlord or lessor to whom the same is due hath right by law to re-enter for non-payment thereof, such landlord and lessor shall and may, without any formal demand or re-entry, serve a declaration in ejectment for the recovery of the demised premises, or in case the same cannot be legally served, or no tenant be in actual possession of the premises, then to affix the same upon the door of any demised messuage, or in case such ejectment shall not be for the recovery of any messuage, then upon some notorious place of the lands, tenements or hereditaments comprised in such declaration in ejectment, and such affixing shall be deemed legal service thereof; which serving or affixing such declaration in ejectment, shall stand in the place and stead of a demand and re-entry, and in case of judgment against the casual ejector, or non-suit for not confessing lease, entry and ouster, it shall be made appear to the Court where the said suit is depending, by affidavit, or be proved upon the trial, in case the defendant appears, that half a year's rent was due before the said declaration was served, and that no sufficient distress was to be found on the demised premises, countervailing the arrears then due, and that the lessor in ejectment had power to re-enter, then and in every such case the lessor in ejectment shall recover judgment and execution in the same manner as if the rent in arrear had been legally demanded and a re-entry made; and in case the lessee or his assignee, or other person claiming or deriving under the said leases, shall permit and suffer judgment to be had and recovered in such ejectment, and execution to be executed thereon, without paying the rent and arrears together with full costs, and without filing any bill or bills for relief in equity within six calendar months after such execution executed, then and in such case the said lessee or his assignee, and all other persons claiming and deriving under the said lease, shall be barred from all relief in law or equity other than by Writ of Error for reversal of such judgment, in case the same shall be erroneous, and the said landlord or lessor shall from thenceforth hold the said demised premises discharged from such lease, and if in such ejectment verdict shall pass for the defendant, or the plaintiff shall be non-suited therein except for the defendant's not confessing lease, entry and ouster, then in every such case such defendant shall have and recover his full costs; provided that nothing herein contained shall extend to bar the right of any mortgagee of such lease or any part thereof who shall not be in possession, so as such mortgagee shall and do within six calendar months after such judgment obtained and execution executed, pay all rent in arrear and all costs and damages sustained by such lessor or person entitled to the remainder or reversion as aforesaid, and perform all the covenants and agreements which on the part and behalf of the first lessee are and ought to be performed.

On half a year's rent being in arrear, Landlord may re-enter, serving a declaration of ejectment.

When Lessor in ejectment may recover judgment. &c.

Not to bar the right of any mortgagee.

XXVII. And be it enacted, That in case the said lessee or his assignee, or other person claiming any right, title or interest in law or equity, of in or to the said lease, shall within the time aforesaid file a bill for relief in any Court of Equity,

Lessee filing bill in equity not to have an injunction against proceedings at law, &c, unless

Equity,

he bring into Court amount sworn by the lessor to be due, &c.

Lessor to be accountable only for what he shall receive from the time of his actual possession.

Tenant paying all rent with costs, proceedings to cease.

Tenant refusing to give up possession after expiration of his term may be summoned to shew cause, &c.

On neglect to attend &c., a Warrant in the nature of a Writ of possession and execution may be issued.

Equity, such person shall not have or continue any injunction against the proceedings at law on such ejectment, unless he do within forty days next after a full and perfect answer shall be filed by the lessor of the plaintiff in such ejectment, bring into Court and lodge with the proper officer, such sum of money as the lessor of the plaintiff in the said ejectment shall in his answer swear to be due and in arrear over and above all just allowances, and also the costs taxed in the said suit, there to remain till the hearing of the cause, or to be paid out to the lessor or landlord on good security, subject to the decree of the Court; and in case such bill shall be filed within the time aforesaid, and after execution is executed, the lessor of the plaintiff shall be accountable only for so much and no more as he shall really and *bona fide*, without fraud, deceit or wilful neglect, make of the demised premises from the time of his entering into the actual possession thereof, and if what shall be so made by the lessor of the plaintiff happen to be less than the rent reserved on the said lease, then the said lessee or his assignee, before he shall be restored to his possession, shall pay such lessor or landlord what the money so by them made fell short of the reserved rent for the time such lessor of the plaintiff or landlord held the said lands.

XXVIII. Provided always, That if the tenant or his assignee do or shall at any time before the trial in such ejectment pay or tender to the lessor or landlord, his executors or administrators, or his, her or their attorney in that cause, or pay into the Court where the same cause is depending, all the rent and arrears, together with the costs, then and in such case all further proceedings on the said ejectment shall cease and be discontinued; and if such lessee, his executors, administrators or assigns, shall upon such bill filed as aforesaid, be relieved in equity, he or they shall have, hold and enjoy the demised lands according to the lease thereof made, without any new lease to be thereof made to him or them.

XXIX. And be it enacted, That when any tenant of premises under a lease for years or less period, shall after the expiration of such tenancy, and on due notice (T) to quit having been given, refuse to deliver up such possession to the lessor or person entitled thereto, it shall be lawful for such lessor or person to apply to two of the Justices of the Inferior Court of Common Pleas of the County within which such premises are situate, or if situate within the City and County of Saint John, then to the Mayor, Recorder and Police Magistrate, and a Justice of the Peace of the said City, or any two of them, and having made oath before any one of such persons that such tenant has held and occupied such premises, (particularly designating in the affidavit whether a messuage or other premises, and where situate,) for a certain period then last past, as tenant to such person under a demise which had then expired, and that due notice to quit has been given, such Justices or other persons authorized as aforesaid, shall and may thereupon issue a Summons (V) against such Tenant, giving at least six days notice, to be served by any Constable, subject to the order of such Justices, either personally on the tenant, or in case he cannot be found, by leaving the same with his wife, servant, or other adult member of the family, on the premises, to shew cause at a time and place in such Summons to be specified, before such Justices, why such tenant holds over such premises; and in case such tenant shall neglect or refuse to attend such Summons, or attending shall not shew sufficient cause to the satisfaction of such Justices or other persons aforesaid for so holding over, they shall issue their Warrant (W) in the nature of a Writ of possession and execution, directed to the Sheriff of the County, or City and County, within which such premises may be situate, which execution as to costs shall be regulated and enforced by the provisions of the Act to regulate proceedings before Justices

Justices of the Peace in Civil Suits, and it shall be the duty of such Sheriff to execute such Writ agreeably to the direction therein contained.

XXX. And be it enacted, That if such tenant or other person having an interest in such premises should consider himself aggrieved by the judgment of such Justices or other persons as aforesaid, it shall be lawful for the Supreme Court in term time, on the application of such tenant or other person, and upon sufficient cause shewn therefor by affidavit, to award a *certiorari* for the removal of such proceedings before such Court, and upon the return of such proceedings, such Court shall examine into the matter, and may admit affidavits on either side, and may in any case that in the opinion of such Court may require it, direct an issue for trial of facts, and shall order and determine in the matter, either by confirming or quashing the proceedings as to justice shall appertain, and such Court may make such orders and rules as may be necessary to carry their proceedings and determination into effect; provided that no such *certiorari* shall in the mean time stay or suspend the execution of the judgment of such Justices.

Supreme Court may award a *certiorari* for removing proceedings before such Court on application of a party considering himself aggrieved.

XXXI. And be it enacted, That in all such summary proceedings the party prevailing shall pay to the said Justices or other persons as aforesaid one guinea each, and shall recover his costs and have process therefor, that is to say, for proceedings had before such Justices, the said two guineas, and such other costs to be by them taxed and allowed, as are recoverable for similar services by the Act to regulate proceedings before Justices of the Peace in Civil Suits, except the Sheriff's fees on the execution of such Writ of possession, which shall be the same as for executing a Writ of *habere fucias possessionem* issuing out of the Supreme Court, and all proceedings upon *certiorari* in the Supreme Court, costs to be levied and recovered in the usual manner.

Party prevailing to recover costs and have process therefor.

XXXII. And be it enacted, That when such proceedings are quashed by the Supreme Court, the said Court may award a Writ of restitution, and such tenant or other person may recover against the adverse party in such proceedings any damage which such person may have sustained by reason of such proceedings, with costs, in an action on the case.

When proceedings are quashed the Court may order a Writ of restitution.

XXXIII. And be it enacted, That the several Forms in the Schedule to this Act contained, or Forms to the same or the like effect, shall be deemed good, valid and sufficient in law.

Forms in Schedule to be deemed valid.

XXXIV. And be it enacted, That in all cases of distress for rent the fees therefor shall be regulated according to the Table of Fees relating thereto in the Schedule to this Act annexed, except in cases where the rent due is under five pounds, when one half only of the said fees shall be allowed and taken.

Fees in cases of distress for rent.

XXXV. And be it enacted, That in the construction of this Act words importing the singular number or masculine gender only, shall be understood to include several matters as well as one matter, and several persons as well as one person, and female as well as male, and bodies corporate as well as individuals.

Construction of Act.

SCHEDULE.

(A)

Warrant of Distress.

Warrant of Distress.

To Mr. J. K. my Bailiff.

I hereby authorize you to distrain the goods and chattels of A. B. in the house he now dwells in, (or on the premises now in his possession), situate at in the County of for pounds, being (one year's) rent, due to me for the same on the day of last; and to proceed thereon for the recovery of the said rent as the law directs.—Dated the day of 185

C. D.

(B)

Inventory and Notice, to be served on the Tenant.

Inventory and notice to be served on the tenant.

An Inventory of the several goods and chattels distrained by me J. K. as Bailiff to Mr. C. D. this day of 185 , in the dwelling house, out houses, and lands [*or otherwise as the case may be*] of A. B. situate in the Parish of in the County of by the authority and on the behalf of the said C. D., the landlord of the said premises, for the sum of pounds, being (one year's) rent, due on the day of last, and as yet in arrear and unpaid.

IN THE DWELLING HOUSE.

Kitchen.

One table, one cook stove, two kettles.

Parlour.

One mahogany table, six chairs.

IN THE BARN.

Fifty bushels of oats, four tons of hay, &c. &c. &c.

[*Describing the things according to where they are taken from, then subjoin the notice.*]

Mr. A. B.

Take notice that I have this day distrained as Bailiff to C. D. your landlord, on the premises above mentioned, the several goods and chattels specified in the above Inventory, for the sum of pounds, being (one year's) rent due to the said C. D. on the day of last, for the said premises; [*if the goods are secured on the premises, insert here, "and have secured the said goods and chattels in the stable, &c., on the said premises,"*] and that unless you pay the said arrears of rent, with the charges of distraining for the same, within the space of five days from the date hereof, the said goods and chattels will be appraised and sold according to law.—Given under my hand this day of A. D. 185

J. K.

(C)

Appraiser's Oath.

Appraiser's oath.

You and each of you shall well and truly appraise the goods and chattels mentioned in this Inventory [*the Constable holding in his hand the Inventory and shewing it to the appraisers*] according to the best of your judgment.—So HELP YOU GOD.

(D)

Endorsement of Oath on Inventory.

Endorsement of oath on Inventory.

Memorandum, That on the day of in the year of our Lord 185 L. M. of, &c. and N. O. of, &c. were sworn upon the Holy Evangelists by me P. Q. of, &c. Constable (*or Sheriff or Under Sheriff*) well and truly to appraise the goods and chattels mentioned in this Inventory, according to the best of their judgment, as witness my hand.

P. Q. Constable.

Present at the time of swearing the said L. M. }
and N. O. as above, and witnesses thereto, }

R. S.
T. U.

(E)

(E)

*Appraisement on Inventory.*Appraisement
on Inventory.

We, the above named L. M. and N. O. being sworn upon the Holy Evangelists by P. Q. the Constable (*or other officer*) above named, well and truly to appraise the goods and chattels mentioned in this Inventory, according to the best of our judgment; and having viewed the said goods and chattels, do appraise and value the same at the sum of pounds and no more, as witness our hands the day of A. D. 185

L. M. }
N. O. } *Sworn Appraisers.*

Witness

R. S.

(F)

Writ of Replevin in the Supreme Court, Common Pleas, &c.

Writ of Replevin.

[L. S.] Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c. &c.

To the Sheriff of Greeting:

We command you if A. B. shall make you secure of prosecuting his complaint, and also of returning the goods and chattels, to-wit, which C. D. hath taken and unjustly detained, as it is alleged, if a return thereof shall be adjudged, that then the goods and chattels aforesaid to him the said A. B. without delay you cause to be replevied and delivered and put by sureties and safe pledges the aforesaid C. D., that he be before us at Fredericton, (*or in the Common Pleas*, before the Justices of the Interior Court of Common Pleas for the said County of ; *or before the Recorder of the said City of Saint John at the next Inferior Court of Common Pleas to be holden for the said City and County ; at on) on the Tuesday in next, to answer to the said A. B. of a plea wherefore he took the said goods and chattels of the said A. B., and them unjustly detained against gages and pledges, as he saith, and have there then the names of the pledges and this Writ.—Witness, &c. &c.*

(G)

Replevin Bond.

Replevin Bond.

Know all men by these presents, that we [*names and additions of the Plaintiff and his sureties*] are jointly and severally held and firmly bound unto Esquire, Sheriff of the County of (*or City and County, as the case may be,*) in the sum of [*double the value of the goods to be replevied*] of lawful money of New Brunswick, to be paid to the said his certain Attorney, Executors, Administrators, or Assigns, for which payment to be well and truly made, we bind ourselves and each of us, our and each and every of our Heirs, Executors, and Administrators, firmly by these presents. Sealed with our Seals. Dated the day of in the year of our Lord, 185

The condition of this obligation is such, that if the above bounden (Plaintiff) do appear before our said Lady the Queen at Fredericton on [*the return day of the Writ of Replevin,*] and do then and there prosecute his suit with effect and without delay against (the Defendant) for taking and unjustly detaining his goods and chattels, to wit, [*here specify the goods to be replevied,*] and do make a return of the said goods and chattels, if a return of the same shall be adjudged, and do

pay all such damages as may be awarded to the said (Defendant) pursuant to the Act of Assembly in such case provided, or in case a claim be made to the said property by the said (Defendant) and a Writ *de proprietate probanda* issue thereon, and upon the trial of such claim the said property be found in the said (Defendant,) and the above bounden (Plaintiff) do thereupon pay to the said (Defendant) all such costs and charges as may be incurred by him in the prosecution and proof of his said claim under the said Writ, together with such other damages as the said (Defendant) may sustain by reason of the said Replevin and the proceedings thereon, then this obligation to be void, otherwise to remain in full force and virtue.

Sealed and delivered }
in presence of }

[If the Writ be issued out of any Inferior Court of Common Pleas, the condition of the Bond will be as follows:—

The condition of this obligation is such, that if the above bounden (the plaintiff) do appear before the Justices of the Inferior Court of Common Pleas for the said County of at on (as specified in the Writ, or before the Recorder of the said City of Saint John, at the next Inferior Court of Common Pleas to be holden for the said City and County, at the said City, on, &c.,) then [conclude as in the form next preceding.]

(H)

Assignment of Replevin Bond by Sheriff.

Assignment of
Replevin Bond.

Know all men by these presents, that I, Esquire, Sheriff of the County of (or City and County,) have at the request of the within named (the avowant, person making conusance, or defendant,) in this cause assigned over this Replevin Bond to him the said pursuant to the Act of Assembly in such case provided.—In witness whereof I have hereto set my hand and seal of office this day of A. D. 185

Sealed, &c., in presence }
of [two witnesses.] }

A. B., Sheriff.

(J)

Notice of claim of property to be served on Sheriff.

Notice of claim of
property.

To Esquire, Sheriff of, &c.

You will take notice that I claim an absolute (or special,) property in the goods seized by you under a Writ of Replevin sued by (the plaintiff,) against me, and govern yourself accordingly.—Dated the day of A. D. 185

Yours, &c.

L. M., the Defendant.

(K)

Writ de proprietate probanda.

Writ de proprietate
probanda.

[L. S.] Victoria, &c. &c.

To our Sheriff of the County of Greeting :

Whereas we have commanded you that without delay you should cause to be replevied and delivered to the goods and chattels, to wit, of his which hath taken and unjustly detained as he saith, and for that the said doth avouch the said goods and chattels to be his own proper goods and chattels, you could not replevy the same to the said as you have signified to us :

We

We not being willing that the said should be defrauded of his goods and chattels by such false avouchment, whereby the said goods and chattels if they belong to him cannot be replevied to him according to law, command you that in the presence of the said if he will be present and he will hereupon be by you warned, you duly inquire by the oath of honest and lawful men of your Bailiwick, by whom the truth of the matter may be best known, whether the goods and chattels so taken and detained be the goods and chattels of the said or of the said and if by such inquisition it may appear to you that the said goods and chattels be the goods and chattels of the said (plaintiff,) then you shall cause the same to be replevied and delivered to the said (plaintiff,) according to the tenor of our said commands thereupon formerly directed unto you; and nevertheless if the said (plaintiff,) shall give you security to prosecute his suit, then attach the said so that you may have his body before us at Fredericton, on the Tuesday in next, to answer us for the contempt done in this behalf, and the said (plaintiff,) for the damages which he hath sustained by reason of the avouchment of the said goods and chattels, and have there then this Writ.—Witness, &c. &c.

(L)

Inquisition.

Inquisition.

to wit: An Inquisition indented taken at in this day of in the year between the hours of and before me Esquire, Sheriff of the said County, by virtue of Her Majesty's Writ to me directed, and to this Inquisition annexed, upon the oaths of good and lawful men of the said County of who being charged upon their oaths, say that the property in the said goods and chattels in the said Writ named, is in the said and not in the said .—In testimony whereof as well the said Sheriff as the the Jurors aforesaid, to this Inquisition have severally put their hands and seals the day and year aforesaid.

(M)

Process, Defendant not appearing.

Process Defendant not appearing.

[L. S.] Victoria, &c. &c.

To the Sheriff of, &c., greeting:

We command you that you take C. D. if he shall be found in your Bailiwick, and him safely keep, so that you may have his body before us at Fredericton, [*or as directed in Writ of Replevin in cases in the Common Pleas, &c.*] on the Tuesday in next, to answer A. B. of a plea wherefore he took the goods and chattels of the said A. B. and them unjustly detained against gages and pledges as he saith, and have you there then this Writ.—Witness, &c.

[*Notice to be subjoined in the ordinary form of non-bailable process.*]

(N)

Form of entry of Verdict on Postea where damages are awarded to the Defendant.

Entry of Verdict on Postea.

[*Commence in the usual form,*] say upon their oaths that [*stating the negative or affirmative of the pleading which concludes to the Country according as it makes for the defendant,*] in manner and form as the said hath "complained against him," or "in pleading alleged," and they assess the damages of the said defendant, by reason of the premises, to pursuant to the Act of Assembly in such case made and provided, besides his costs and charges, &c., [*as in the usual form.*]

(O)

(O)

Entry of
Judgment.*Entry of Judgment on the above.*

Therefore it is considered that the said plaintiff take nothing by his suit, but that the said defendant do go thereof without day, &c., and that he have a return of the said goods and chattels to hold to him imperishable forever: And it is further considered that the said defendant do recover against the said plaintiff his said damages, costs and charges by the Jurors aforesaid, in form aforesaid assessed, and also for his said costs and charges by the Court of our said Lady the Queen now here, (or in the Inferior Court "by the Justices here,") adjudged of increase to the defendant according to the form of the statute in such case made and provided; which said damages, costs and charges in the whole amount to and that the said defendant have execution thereof.

Entry of Verdict
on Postea.

(P)

Entry of Verdict on Postea when the value of the goods is assessed by the Jury.

[Commence in the usual form as in first form above,] in manner and form as the said hath complained against him, (or in pleading alleged,) and at the prayer of the said defendant they further say upon their oaths aforesaid, that the said goods and chattels at the time of the replevying thereof, were worth according to the true value thereof, which they award to the said defendant in damages, according to the form of the Act of Assembly in such case made and provided, and they assess the defendant's other damages by reason of the premises to pursuant to the said Act, besides his costs and charges, &c., [as in the usual form.]

(Q)

Entry of
Judgment.*Entry of Judgment on the above.*

Therefore it is considered that the said plaintiff take nothing by his suit, but that the said defendant do go thereof without day, &c: And it is further considered that the said defendant do recover against the said plaintiff the said sum of being the value of the goods and chattels aforesaid by the Jury in form aforesaid assessed, and also for his said other damages, costs and charges by the Court of our said Lady the Queen now here, (or in the Inferior Court, "by the Justices here,") adjudged of increase to the said defendant, according to the form of the statute in such case made and provided; which said damages, costs and charges in the whole amount to and that the said defendant have execution thereof.

(R)

Notice to quit or
pay double rent.*Notice to quit or pay double value.*

SIR,—I hereby give you notice to quit and deliver up on or before the day of next, the premises which you now hold of me, situate at in the County of in default thereof I shall require for the same the net yearly rent or value of [being double the present yearly rent or value thereof,] for so long time as you keep possession of the said premises, according to the form of the Act of Assembly in such case provided.—Dated, &c.

C. D., *Landlord.*

To Mr. A. B., &c.

(S)

(S)

*Notice to quit by Tenant.*Notice to quit
by tenant.

SIR,—I hereby give you notice that on the day of next, I shall quit and deliver up possession of the house and premises which I now hold of you situate at in the County of Dated, &c.

A. B., *Tenant.*

To Mr. C. D.

(T)

*Ordinary notice to quit.—Landlord to Tenant.*Ordinary notice
to quit.

SIR,—I hereby give you notice to quit and deliver up the premises which you now hold of me, situate at in the County of on the day of next, or at the expiration of the current year of your tenancy.—Dated the day of 185

C. D.

To Mr. A. B., *Tenant in possession.**By Landlord's Agent.*

SIR,—I do hereby, as the Agent for your landlord, Mr. C. D. of give you notice to quit and deliver up possession of the premises situate at [as in preceding form] now in your occupation, on the day of [as before].—Dated, &c.

E. F., *Agent for the said C. D.*

To Mr. A. B., &c.

(V)

*Form of Summons by two Justices of the Common Pleas.*Summons by two
Justices of the
Common Pleas.

ss.—To

Whereas of hath this day on oath made it appear to us that you have as his tenant occupied [here describe the premises,] for last past, under a demise which has expired, and that after being duly notified to quit you hold over and refuse to give up the possession of said premises: We do therefore, agreeably to the directions of the Act of Assembly in such case made and provided, summon you to appear before us (here describe day, hour and place,) to shew cause, if any you have, why you should not deliver up to the said the possession of the said premises.—Given under our hands this day of A. D. 185

L. M., *J.C.P.*N. O., *J.C.P.*

(W)

*Writ of Possession and Execution.*Writ of possession
and execution.

By L. M. and N. O., two of the Justices of the Inferior Court of Common Pleas in and for the County of (or otherwise, according to the Act.)

To the Sheriff of

Whereas G. H. claiming as lessor of certain premises situate [here describe premises] now in the occupation of hath on oath made it appear to us that the said holds over and refuses to give up the possession of the said premises after his demise thereof has expired and due notice to quit given, and the said said

said having been duly summoned to appear before us agreeably to the direction of the Act of Assembly in such case made and provided, to shew cause why he should not deliver up to the said the possession of the said premises: We have adjudged that the said shall be forthwith put in possession of the said premises, and shall also recover his costs of proceeding, being besides your fees on executing this Writ; and we do hereby command you, that without delay, you cause the said to have possession of said premises: We also command you, that you levy of the goods and chattels of the said the sum of adjudged to him for his costs, besides your fees, and for want of goods and chattels whereon to levy, you are required to take the body of said and deliver him to the keeper of gaol of said County, and the said keeper will take the said into his custody and him safely keep for days, unless the said and your fees be sooner paid; and how you shall have executed this Writ return to us within days from the date hereof.— Given under our hands this day of A. D. 185

L. M., J.C.P.
N. O., J.C.P.

Fees in case of distress for rent.

Table of Fees in cases of Distress for Rent.

Warrant of Distress,	£0 1 0
Bailiff executing Warrant, (exclusive of mileage),	0 2 6
Mileage on Distress, three pence per mile going and returning, to be estimated from the residence of the Bailiff.	
Preparing Inventory and Notice,	0 5 6
Swearing Appraisers,	0 1 0
Endorsing the same on Inventory,	0 0 6
Appraisers, each,	0 2 0
Drawing appraisement,	0 1 0
On sale of goods distrained four pence per pound on the rent due.	
Bailiff or other Officer for taking charge of goods,	0 2 6

Writ of Replevin and de proprietate probanda.

Officer's fees for executing Writs of Replevin and De Proprietate Probanda.

For entering the Writ of Replevin and endorsing the time of receiving the same,	£0 1 0
Mileage in travelling to execute the same to be computed from the Court House to the place where goods may be found and back, each mile three pence.	
For executing the Replevin,	0 6 8
For making a Return, if common,	0 1 0
For making a Return, if special,	0 2 6
For entering the Writ <i>De Proprietate Probanda</i> , and endorsing the time of receiving the same,	0 1 0
For mileage, to be computed as above, each mile three pence.	
For summoning the Jury,	0 5 0
For the Constable,	0 2 6
For swearing the Jury,	0 2 6
For swearing each witness or reading a paper in evidence,	0 0 6
For attending the Inquest,	0 5 0
For making out the Inquisition and returning the Writ <i>De Proprietate Probanda</i> ,	0 5 0
For an order to restore the goods and chattels,	0 1 0

CAP. LIV.

An Act to consolidate and amend the Laws relating to absconding, concealed and absent Debtors.

Passed 26th April 1850.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the twenty sixth year of the Reign of His Majesty King George the Third, intituled *An Act for relief against absconding Debtors;* also an Act made and passed in the twenty eighth year of the said Reign, intituled *An Act in addition to an Act, intituled 'An Act for relief against absconding Debtors;'* also an Act made and passed in the fourth year of the Reign of His Majesty King George the Fourth, intituled *An Act in amendment of an Act for relief against absconding Debtors;* also an Act made and passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled *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;'* also an Act made and passed in the ninth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to amend the Law relating to absconding Debtors;* be and the same are hereby repealed: Provided always, that all proceedings, acts, matters and things had and done under and by virtue of the provisions of the said Acts hereby repealed, or any of them, so far as the same are in accordance with and are authorized by the said Acts hereby repealed, or any of them, shall be and remain as good, valid and effectual in every respect as if the said Acts were still in full force and effect; and provided also, that all proceedings now pending under and by virtue of the said Acts hereby repealed, or any of them, shall be continued, carried on and completed in every respect as if the said Acts hereby repealed were still in full force and effect.

II. And be it enacted, That whensoever it shall happen that any person being indebted within this Province shall either secretly depart the Province, or keep concealed within the same, any creditor to whom such person is indebted in the sum of twenty pounds or upwards, over and above all discounts, may make application to a Judge of the Supreme Court for the time being, and make affidavit in writing that such person is indebted to him in the sum of over and above all discounts, and that he doth verily believe that the said debtor is either departed the Province or concealed within it with intent to defraud him and other creditors (if any such there be,) of their just dues, or to avoid being arrested by the ordinary process of law; which departure or concealment shall also be proved to the satisfaction of such Judge by two witnesses; and on such affidavit and such other proof made, the said Judge shall forthwith issue his Warrant to the Sheriff of the City or County which contains the last usual place of residence of such debtor, or to the Sheriff of any or every other City or County, commanding such Sheriffs respectively to attach, seize and safely keep all the estate as well real as personal of the said debtor in his Bailiwick, of what kind or nature soever, with all evidences, books of account, vouchers and papers relating thereto; which Warrant the Sheriff to whom the same shall be directed and delivered is hereby authorized and commanded well and truly to execute, and with the assistance of two substantial freeholders, forthwith to make a just and true inventory of all such estate and effects as he shall seize and take by virtue thereof, and to return the same, signed by himself and the said two freeholders, to the Judge who issued the Warrant for taking and seizing thereof.

III. And be it enacted, That the Judges of the Supreme Court, during Term time, may appoint three Commissioners in such remote parts of the Province as,

Repeal of
26 G 3, c 13.

28 G 3, c 2.

4 G 4, c 14.

4 W 4, c 36.

9 V. c. 27.

Reservations:
Things done;

Proceedings had
and pending.

Debtors abscond-
ing, creditors may
make oath before
a Judge of the
Supreme Court,
and obtain a
Warrant of
attachment of the
estate of such
debtors.

Judges of the
Supreme Court
may appoint
Commissioners, to,
in

examine persons applying for Warrant of attachment.

Commissioners may issue the Warrants in the name of the Chief or senior Judge of the Court.

in the opinion of such Court, may require the same, for the purpose of taking the examination of the person applying for a Warrant against an absconding or concealed debtor's estate; which said Commissioners, or any two of them, when so appointed and sworn as hereinafter directed, may take the examination in writing of any person applying for such Warrant, and upon the proof required by this Act being duly made before them, or any two of them, of the debt due, and of the absconding or concealment of the debtor, to their satisfaction, to issue a Warrant against such debtor's estate in the name of the Chief or 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 Warrant when so issued shall be as valid and effectual as if issued by a Judge of the said Court, and the same proceedings shall be had therein as if issued by a Judge of the said Court; provided always, that the said Commissioners taking such examination and issuing such Warrant, shall forthwith thereafter transmit the examination and proof upon which they issued 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 at whose instance and of the person against whom such Warrant was issued.

Commissioners to be sworn to the faithful discharge of duty.

IV. 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, to the due and faithful discharge of the duties of their said office; which oath shall be endorsed on the back of the Commission or respective Commissions appointing them to such office.

Judges of the Inferior Court of Common Pleas and Mayor and Recorder of Saint John, authorized to put this Act in execution in their respective Counties, when debt to one creditor does not exceed £50.

V. And be it enacted, That the Judges of the Inferior Court of Common Pleas, and the Mayor and Recorder of the City of Saint John, and each and every of them, is hereby authorized and empowered to put this Act in execution in their respective Counties, where the debt or sum due to any one creditor applying for relief does not exceed fifty pounds; provided always, that where Warrants shall be issued by any Judge of the Supreme Court, and also by any Judge of any of the said Inferior Courts, against the estate of the same person, in such case any Judge of the Supreme Court shall award a Writ of *certiorari* to the Judge of such Inferior Court to remove the proceedings there before the Judge or Judges of the Supreme Court, that he or they may proceed upon both Warrants, or either of them.

Estate of persons indebted in forty shillings or upwards, who may depart from or reside out of the Province, subject to be seized, &c.

VI. And be it enacted, That the estate of every person who may depart from or who may reside out of this Province indebted in the sum of forty shillings or upwards, who have estates or effects in the Province, and who may remain out of it to prevent their creditors from recovering or getting hold of such estate or effects, may be subject and liable to be seized, proceeded against and sold for the payment and satisfaction of their debts, as near as may be in like manner as the estate of other debtors in and by this Act are made subject and liable to; provided always, that instead of the proof of the absconding or concealment of such debtor, the creditor or his attorney who shall apply for an attachment against the estate of any person so departed from or so residing out of the Province, shall make proof by one or more witnesses to the satisfaction of the Judge to whom application for such attachment shall be made, that such debtor departed from or remained out of the Province after the debt was contracted, and has not resided or been within this Province for the term of six months next preceding such application; and also provided, that in any such case no Trustees shall be appointed until

Proof required.

until the expiration of six months after such public notice as is hereinbefore in this Act in like cases required to be given.

VII. And be it enacted, That the Judge who shall issue any Warrant of attachment in pursuance of this Act, shall make report to the Court whereof he is a Judge, of the proof of the debt or demand made by the creditor on whose application such Warrant issued, of the issuing of such Warrant, of the notice thereon ordered, of the publication of such notice, of the appointment of Trustees, and of all other matters required of him by this Act to be done out of Court; and cause that report to be entered on the minutes of the said Court to be evidence of the facts so reported; and such report, or the record or entry thereof on the minutes of the said Court, shall be conclusive evidence of the facts so reported in all Courts of Record within this Province.

VIII. And be it enacted, That the Judge who shall make any such appointment of Trustees, shall at the request of the Trustees thereby appointed, or any one of them, endorse on such appointment an allowance that the same may be recorded, which allowance signed by the said Judge, if a Judge of the Supreme Court, shall be a sufficient warrant and authority to the Secretary of this Province, and all or any of the Clerks of the respective Cities or Counties within this Province, to record the same; and if such Judge be a Judge of an Inferior Court of Common Pleas, shall be a sufficient warrant and authority to the Clerk of the County whereof he is a Judge, to record the same; and any appointment of Trustees under the hand and seal of any Judge authorized to put this Act in execution, or the record thereof duly made in the said Secretary's Office, or in the Office of the Clerk of any City or County of this Province, shall be conclusive proof in all Courts within this Province, that the person against whose estate such Warrant issued, was at the time of issuing thereof an absconding, departed or concealed debtor within the meaning of this Act, and that the said appointment and the proceedings previous thereto were regular and according to the directions of this Act.

IX. And be it enacted, That any Judge who shall issue such Warrant of attachment pursuant to this Act, shall cause the affidavit of the creditor made before him, within thirty days after the taking of such affidavit, and such Warrant within thirty days after the return thereof by such Sheriff as shall return the same, together with the Sheriff's return thereof, to be delivered into the Office of the Clerk of the Court whereof he is a Judge, which Clerk shall mark thereon the day and year on which each of them respectively shall be filed in his Office, and shall preserve the same in such Office; and all Trustees hereafter to be appointed by virtue of this Act, who by virtue of such appointment shall sell and convey any messuages, lands, tenements or hereditaments, shall cause such appointment to be duly proved or acknowledged and allowed, so that the same may be recorded, and shall cause the same to be entered of record either in the Secretary's Office of this Province or in the Office of the Clerk of the City or County wherein such messuages, lands, tenements or hereditaments do lie; and every appointment of Trustees hereafter to be made in pursuance of this Act, or the record thereof made by such proper officer as aforesaid, or an office copy thereof attested by any such proper officer as aforesaid, in case such record shall have perished by fire or other accident, together with a legal title or conveyance from such Trustees proved or to be proved in due form as by law required, shall be a full, complete and perfect title for such messuages, lands, tenements or hereditaments, to such purchaser, his heirs and assigns, against such absconding, departed or concealed debtor, his heirs and assigns, and all other persons claiming or to claim by, from or under

No Trustees to be appointed until six months after public notice.

Judges issuing Warrants to report to the Court the proof of the debt, &c.

Judges appointing Trustees, to endorse a certificate authorizing the proper officers to record the same.

The appointment or record to be good proof in all Courts.

Judges issuing Warrants of attachment, to file the same together with the affidavits in the office of their respective Courts.

Trustees selling Real Estate to prove and record their appointment.

Appointment of Trustees and a legal conveyance from them a good title.

him, by virtue of any act, deed, matter or thing after such first public notice as aforesaid.

Sheriff seizing goods claimed by any person, to summon a Jury to try right of property.

If Jury find for the claimant, Sheriff to deliver up the goods.

Charges of seizure and inquest to be paid by the Trustees.

Decision of the Jury to be final, unless notice and action be given and brought within specified periods.

Return of inquisition.

Notice of attachment to be given in the Royal Gazette and of sale, unless the debtor return and pay his debts.

Perishable articles seized may be sold immediately, on application to the Judge.

After public notice of attachment, payment of moneys or delivery of effects to the

X. And be it enacted, That if any Sheriff shall by virtue of any Warrant hereafter to be issued in pursuance of this Act, through ignorance or want of proper information, take any property which shall be claimed by any other person as his property, such Sheriff shall thereupon summon and swear a Jury of twelve 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 such property to be in the person so claiming the same, or in any other than the person against whose estate such Warrant issued, such Sheriff shall forthwith, after such inquisition taken, deliver such property in the like good order and condition in which it was taken, to the person for whom the same shall be so found, or to his agent or assigns; and such Sheriff shall not in such case be liable to any prosecution for having taken such property 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 who issued such Warrant, and paid by the Trustees out of the estate of the absconding or concealed person against whose estate such Warrant issued, if the said property so claimed shall by such inquisition be found to be in any other than the person against whose estate such Warrant issued; but if the said property so claimed shall by such inquisition be found to be in the person against whose estate the Warrant issued, then all costs, charges and expenses accrued or arising by such claim or inquisition shall be paid by the person claiming the same, to be recovered by action of debt or assumpsit at the suit of the Trustees of the said estate.

XI. And be it enacted, That the decision of the Jury on any such inquisition shall in all cases be final and a good bar to any action brought by the party against whom such inquisition may be found, unless written notice to the contrary shall be given by the party failing on that inquisition, to the Sheriff within six days after the taking of such inquisition, and unless such action be brought within three calendar months from the time of taking the same; and that all inquisitions so taken by any Sheriff 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.

XII. And be it enacted, That the Judge who shall issue such Warrant shall immediately thereafter order notice to be given in the Royal Gazette published by the Queen's Printer in this Province, that on application to him, made by a creditor of such absconding or concealed person, he has directed all his estate, real and personal, within this Province, to be seized, and that unless he, by name, return and discharge his debts within three months after such public notice given, all his estate, real and personal, will be sold for the payment and satisfaction of his creditors.

XIII. And be it enacted, That in case any Sheriff shall by virtue of any Warrant to be issued in pursuance of this Act, seize and take any perishable goods or chattels, it shall and may be lawful for the Judge who issued such Warrant at his discretion to order a sale of such things perishable, and the moneys arising therefrom to be paid to the Trustees that shall be appointed to manage the estate of such absconding or concealed person mentioned in such Warrant, to be by such Trustees applied according to the directions and intention of this Act.

XIV. And be it enacted, That if any person indebted to any such absconding or concealed person, or having the custody or possession of any effects or other thing whatsoever of any such absconding or concealed person, shall after such first public notice

notice as aforesaid given, pay any debt or demand, or deliver any such effects or things whatsoever, to any such absconding or concealed person, his attorney, agents, factors or assigns, the person so paying such debt or demand, or delivering such effects or other things whatsoever, shall be deemed to have paid the same fraudulently, and is hereby made liable to answer the same or the value thereof to such Trustees as shall by virtue of this Act be appointed to receive and distribute the estate of such absconding or concealed person, towards the payment and satisfaction of his creditors; and if any person indebted to, or having the custody or possession of any effects or other things whatsoever of any absconding or concealed debtor, shall after such public notice as aforesaid given, be sued by him or by his order or procurement for any such debt, duty, demand, effects or thing, the person so sued may plead the general issue and give this Act and the special matter in evidence.

absconding debtor
to be deemed
fraudulent.

XV. And be it enacted, That all sales and conveyances of his estate, made by any such absconding or concealed person after such public notice as aforesaid given, and all powers of Attorney by him given for selling any estate or collecting any debts or demands, whether made after or before such first public notice as aforesaid given, shall be null and void as to all acts done or to be done after such first public notice given.

All sales, &c. by
the absconding
debtor after such
notice to be void.

XVI. And be it enacted, That if any person against whose estate such Warrant 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, by petition, offer to prove to the Court of which the Judge who issued such Warrant is a Judge, in open Court, that he the petitioner is resident within this Province, and was 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 by the said Court, and shall at the same time execute and deliver to the creditor who obtained such Warrant a bond with good and sufficient security to be approved of by the said Judge, 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, by name, against whose estate such Warrant issued, shall well and truly pay or cause to be paid all the expenses the obligee may be put to in opposing such application, to be allowed by the Court issuing such Warrant, in case the person against whom such Warrant issued do not prove to the satisfaction of the said Court, at such time as the said Court may appoint for hearing the same, that he is then resident within this Province, and was not at the time such Warrant 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 who issued such Warrant shall report his proceedings in the premises to the next Court whereof he is a Judge; which Court shall compel the parties and their witnesses to come into Court, and shall hear the proofs and allegations of the parties and their witnesses in a summary way, and thereupon determine whether the matter and things in such petition have been fully proved; and if such Court shall adjudge that the matters and things contained in such petition have been fully proved, then such Court shall grant a *supersedeas* to such Warrant, and the person against whose estate such Warrant did issue shall recover his costs (to be taxed by the said Court in open Court,) of the creditor who procured such Warrant to be issued, by action of debt or attachment out of the said Court, and shall also have an action of damage against the creditor on whose application

Court, on proof
that the party is,
or was, not an
absconding or con-
cealed debtor,
may grant a *super-
sedeas* to the
Warrant of attach-
ment.

Costs.

Damages.

Probable cause of suspicion to be a bar to an action.

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 of suspicion and no malice on the part of the applicant for such Warrant, then such certificate may be pleaded in bar to such action.

If the absconding or concealed debtor does not return within three months, Trustees for all the creditors to be appointed.

XVII. And be it enacted, That if such absconding or concealed debtor do not return within three months next after such public notice as aforesaid given, and discharge his debts, or otherwise compound with or satisfy his creditors, not having presented such petition and given such bond as aforesaid, or if such debtor shall have presented such petition, and the Court shall have adjudged and determined that the matter and things in such petition mentioned have not been fully and satisfactorily supported, or shall have refused to grant a *supersedeas* to such Warrant, that in either such case the Judge who issued the Warrant, or any one of the Judges of the same Court for the time being, may nominate and appoint three or more fit persons to be Trustees for all the creditors of such debtor; which Trustees shall be sworn well and truly to execute the trust by that appointment reposed in them, according to the best of their skill and understanding; which oath the Judge appointing the said Trustees shall administer: provided that on the appointment of any Trustees by a Judge of the said Supreme Court, under and by virtue of the provisions of this Act, in any of the Counties of this Province where no Judge of the said Supreme Court shall reside, any Judge of the Inferior Court of Common Pleas for such County may administer the oath to any Trustees so appointed by a Judge of the said Supreme Court, in manner and form as is directed in and by this Act.

Trustees to be sworn.

Trustees to notify their appointment, and require payment of debts and delivery of accounts.

XVIII. And be it enacted, That if such absconding or concealed debtor shall return within the time limited by this Act, and discharge his debts, or otherwise compound with or satisfy his creditors as aforesaid, such creditors being for the purposes of this section deemed to be such persons only as shall file their respective claims with the attorney of the creditor instituting the proceedings, then and in such case the Judge who issued the said Warrant, or any other Judge of the same Court, on satisfactory proof thereof by affidavit or otherwise, shall grant a *supersedeas* to such Warrant.

A *supersedeas* to be granted if debtor return and discharge or compound for his debts.

XIX. And be it enacted, That the said Trustees when so as aforesaid appointed, shall as soon as may be thereafter, cause public notice thereof to be given in the Royal Gazette published by the Queen's Printer in this Province, and thereby require all persons indebted to such absconding or concealed debtor, by a day to be named in the said notice, to pay all such sums of money or other debt, duty or thing which they owe to the said debtor, and deliver all other effects of such debtor which they may have in their hands, power or custody, to them the said Trustees, and that the said Trustees shall also by public advertisement in the said newspaper, desire all the creditors of such debtor by a certain time in such advertisement to be mentioned, to deliver to the said Trustees, or any one or more of them, their respective accounts and demands against such debtor.

Trustees to take the estate, &c. of the absconding party into their hands, and have power to sue for the same.

XX. And be it enacted, That such Trustees, and each and every of them, when so appointed, may take into their hands all the estate of such absconding or concealed debtor for the management of whose estate or effects they were appointed, and every part or parcel thereof that shall have been seized as aforesaid, and all other his estate or effects which they the said Trustees may afterwards discover in any part of this Province, and all evidences, books of account, vouchers and papers relating thereto; and such Trustees immediately from their appointment, shall be vested with all the estate, real and personal, of such debtor, and they are hereby

hereby made capable to sue for, recover and receive all such estate, as well real as personal, debts due, effects or other things whatsoever which they shall find due, payable or belonging to such debtor; and such Sheriff as shall have taken any estate, real or personal, or any other matter or thing whatsoever, by virtue of any Warrant as aforesaid, shall deliver the same to such Trustees, or one of them, and such Trustees shall sell by public auction all such estate and effects of such debtor as shall come to their hands, (after fourteen days notice of each time and place of sale respectively,) and all estate and interest which such debtor had in the same, and deeds, releases, bills of sale, or other conveyances, for the same or any part thereof, from time to time to make and execute; which being so made and executed by them for such estate or effects, or any part thereof, shall be as good and effectual to transfer the property thereof, as if executed by the said debtor before such first public notice as aforesaid given, and shall be good and effectual in law against the said debtor, his heirs, executors, administrators and assigns, and all persons claiming under them or any of them by virtue of any act, deed, matter or thing after such first public notice as aforesaid given.

After fourteen days notice, to make sale.

Deeds executed to be valid.

XXI. And be it enacted, That if any person indebted to such absconding or concealed debtor, or having the custody of any goods, chattels or effects, or other thing of such debtor, 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 appointed, the person so concealing shall forfeit double the amount of the debt, 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 directed; which said Courts, or either of them, may by order for that purpose made on the application of the said Trustees, compel to come before them every person suspected of concealing, or of being concerned in concealing, the debts, goods, chattels and effects of the said debtor, and them respectively examine upon oath touching the premises, and may 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.

XXII. And be it enacted, That any person (other than those who have the effects in their custody,) who shall discover any effects of any absconding or concealed debtor secreted, contrary to the true intent and meaning of this Act, so that they may be recovered by the Trustees of such debtor's estate, shall be entitled to ten per cent. on the value of all effects so discovered, recovered and received by the said Trustees, to be paid to the discoverer by the said Trustees out of the estate or effects of such debtor.

Persons discovering secreted effects, entitled to ten per cent. on the value thereof.

XXIII. And be it enacted, That the Trustees of any absconding or concealed debtor's estate, duly appointed, or any two of them, may settle and adjust all matters, contracts and accounts subsisting between such debtor and his debtors, and also between such absconding or concealed debtor and his creditors, and may examine any person upon oath concerning any matters, accounts or settlements between them or either of them, which oath the said Trustees, or any one of them, two of them being present, may administer.

Trustees empowered to settle all accounts, &c. and examine any persons upon oath.

XXIV. And be it enacted, That in case any controversy shall arise concerning any debt, matter or thing claimed by any creditor of such absconding or concealed debtor, or concerning any debt, due, duty, matter or thing claimed by the said Trustees from or against any person, as belonging to or in right of the effects or estate of such debtor, or concerning or relating to any contract or agreement entered into or made by such debtor previous to such public notice as aforesaid

Trustees empowered to settle controversies by referees.

first.

first given, it shall and may be lawful for such Trustees to have every such controversy determined in the following manner, that is to say, the said Trustees may nominate two referees, not being creditors of such debtor, or to them known to be otherwise interested in such controversy, or related to any person interested in such controversy, and the other party in such controversy shall also nominate two indifferent persons to be referees, and their names shall be separately written on four pieces of paper, which shall be rolled up separately in the same manner and put into a box, and from thence one of the Trustees shall draw out three of the said pieces of paper, and the persons whose names are so drawn shall finally settle such controversy; and if any referees so appointed shall refuse or be incapable of acting in a reasonable time, a new choice shall be made in the manner aforesaid of another or others in the room of him or them so refusing or being incapable of acting as aforesaid; and in case any person who shall have any controversy with any such Trustees as aforesaid, shall refuse to nominate fit persons to be referees on his part, then such Trustees are hereby empowered to nominate referees for him so refusing, and to proceed to the final settlement of such controversy in manner aforesaid.

Trustees to convert the estate into money;

Collect the debts; Call a general meeting of the creditors to adjust accounts;

Make dividends;

Pay over surplus, if any, to the debtor or receiver appointed by the Court.

Creditors having demands not due to receive their proportion upon rebate of interest.

XXV. And be it enacted, That all Trustees hereafter to be appointed by virtue of this Act, shall proceed to convert the estate of such absconding or concealed debtor, for the management whereof they shall be appointed, into money, and collect the debts due to the same; and the said Trustees shall cause public notice to be given in the public newspaper before mentioned, requesting a general meeting of all such creditors as shall choose to attend, to examine and see the debts due to each person ascertained, at a certain time and place by such Trustees in their said notice to be appointed, which shall not be less than two nor more than three months after such notice given, nor more than one year and a half from the time of their first appointment; at which meeting, or at other subsequent meetings, to be continued by adjournment if necessary, when all accounts are fairly stated and adjusted, they shall proceed to make a distribution or division among the creditors in proportion to their respective just demands, of all such moneys as shall have come to their hands as Trustees of such estate, (of which all forfeitures by them recovered and received by virtue of this Act shall be considered as a part,) first deducting thereout all legal charges and commissions, in which payment no preference shall be allowed to debts due on specialties; and if the whole of such absconding or concealed debtor's estate shall not be then settled and distributed, such Trustees shall, within the space of one year thereafter, make a second dividend of all such moneys as shall have come to their hands after the first division, and so from year to year until a final settlement thereof, and a just and equal distribution of such estate shall have been made amongst the creditors of such debtor, in proportion to their respective just demands; and 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 debtor, his executors, administrators or assigns; but in the event of no such person appearing or being present to whom such surplus should be paid or delivered, 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.

XXVI. And be it enacted, That any person who may have given credit to any such absconding or concealed debtor on a valuable consideration for any sum of money which shall not be due or payable at the time of any such division or distribution as aforesaid, but will become due or payable at some time after, shall and may nevertheless be admitted and considered as a creditor whose debts were then

then due, and shall receive a dividend of the estate of such debtor in the same proportion as other creditors, deducting thereout only a rebate of legal interest for what shall be received on such debt, to be computed from the actual payment thereof to the time such debt would have become due.

XXVII. And be it enacted, That if any creditor shall neglect or refuse to give notice of or deliver unto the said Trustees an account of his demand, or having any controversy relating to the estate of such absconding or concealed debtor, shall refuse to adjust or settle the same with the said Trustees in the manner in and by this Act directed, until after a division shall have been made of the moneys and effects in the hands of the said Trustees, no such creditor shall be entitled to any dividend, and the whole moneys then in hand to be divided shall be divided by the said Trustees among the other creditors; but in case the whole of such debtor's estate shall not be divided and settled at the first division, then if such creditor shall prove and deliver unto the Trustees his demand before the time appointed for the second division, or shall have settled such controversy as aforesaid with the said Trustees, then such creditor shall have his first dividend, or so much money as he would otherwise have been entitled to on the first division, before any second division shall be made.

Creditors neglecting, &c., to deliver accounts to be excluded from any dividend, except in case of a subsequent delivery and declaration of dividend.

XXVIII. And be it enacted, That any creditor residing out of the Province shall be entitled to all the privileges and benefits of this Act, and that the Attorney of every such creditor residing out of this Province, on producing a letter of Attorney from such creditor, duly authenticated, and legal proof of the debt due, shall and may in all respects act, do and proceed for and in behalf of such creditor in the same manner as such creditor might or could do for securing or recovering a debt from such absconding or concealed debtor, if such creditor were personally present.

Creditors not in the Province may act by Attorneys.

XXIX. And be it enacted, That such Trustees as shall be appointed by virtue of this Act, shall keep regular books of account of all moneys that shall come to their hands by reason of such their appointment, to which books every creditor interested in such moneys or estate may have recourse at all reasonable times; and that such Trustees and each of them shall be subject to such orders and directions for the more effectually putting this Act in execution, and finishing a distribution of such estate or effects as may come to their hands by virtue of such appointment, as shall from time to time be made and given in the Court by a Judge whereof such appointment of Trustees was made; and that such Trustees shall render into such Court a just and true account in writing of their proceedings and accounts in the premises by virtue of their appointment, duly attested to before any Judge of such Court, or any Commissioner authorized to take affidavits in such Court, which said accounts shall be filed with the Clerk of the said Court for the satisfaction of all persons concerned, and such Court or the major part of the Judges thereof shall and may make such order thereon as they may deem advisable, not being inconsistent with the provisions of this Act; and such Trustees of the estate of any such absconding or concealed debtor, shall and may retain and keep in their hands, for the trouble and services to be by them performed, five per cent. on the whole sum which shall come into their hands by virtue of such appointment, before each dividend made, over and above all necessary disbursements in the premises.

Trustees to keep accounts for the inspection of the creditors;

To be subject to the order of the Court the Judges whereof appointed them;

And render an account of their proceedings attested thereto in open Court.

Compensation.

XXX. And be it enacted, That if any person shall be sued for any matter or thing done in pursuance or by virtue of this Act, it shall and may be lawful for him to plead the general issue, and give the special matter in evidence; and also that this Act shall be beneficially construed for the creditors in all Courts of Record within this Province.

Special matter pleadable under general issue in actions brought for things done.

False swearing on examination to be deemed perjury.

XXXI. And be it enacted, That in case any person so to be examined as aforesaid under the provisions of this Act shall wilfully and knowingly swear falsely, the person so offending shall be liable to all the same pains and penalties as those who are convicted of wilful and corrupt perjury.

Discharge of Trustees from office and liabilities.

XXXII. And be it enacted, That when the account of the proceedings, and accounts of such Trustees are duly filed with the Clerk of such Court agreeably to the directions of this Act, and the same is and are satisfactory to such Court, the said Court shall be and is hereby authorized by rule or order to discharge such Trustees from their appointment, and from the performance of all further duties and liabilities thereunder.

Construction of Act Number & gender.

XXXIII. And be it enacted, That wherever throughout this Act words are used importing one matter, the singular number, or the masculine gender only, they shall be construed to mean several matters as well as one matter, 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 matter or context repugnant to such construction; and the word "Estate" shall be deemed and construed to mean the estate real as well as personal of every kind and description; and the word "Property" shall be deemed and construed to mean goods, chattels and effects of every description; unless there be something in the subject matter or context repugnant to such construction; and wherever throughout this Act anything is authorized to be done by the Trustees appointed under the provisions of this Act, it shall be deemed and construed to mean all the said Trustees, or any two of them, or the survivors or survivor of them, or the executors or administrators of such survivor or survivors.

"Estate."

"Property."

Trustees.

CAP. LV.

An Act to authorize limited Partnerships in this Province.

Passed 26th April 1850.

Limited Partnerships, except banking or insurance, authorized.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That limited Partnerships for the transaction of mercantile, mechanical or manufacturing business within this Province, may be formed by two or more persons upon the terms and subject to the conditions and liabilities prescribed in this Act; but nothing herein contained shall authorize such Partnerships for the purpose of Banking or Insurance.

Such Partnerships to consist of parties to be designated General Partners & Special Partners.

II. And be it enacted, That the said Partnerships may consist of one or more persons who shall be called general Partners, and shall be jointly and severally responsible as general Partners now are by law; and if one or more persons who shall contribute to the common stock a specific sum in actual cash payments as capital, and who shall be called special Partners, and shall not be personally liable for any debts of the Partnership except in the cases hereinafter mentioned.

Parties to make a certificate specifying the names and distinguishing the General and Special Partners, with the amount of capital, nature of business, &c.

III. And be it enacted, That the persons forming such Partnerships shall make and severally sign a certificate, which shall contain the name or firm under which said Partnership is to be conducted, the names and respective places of residence of all the general and special Partners, distinguishing who are general and who are special Partners, the amount of capital which each special Partner has contributed to the common stock, the general nature of the business to be transacted, and the time when the Partnership is to commence, and when it is to terminate.

Partnership not to be deemed formed till the certificate be acknowledged and registered.

IV. And be it enacted, That no such Partnership shall be deemed to have been formed until a certificate made as aforesaid shall be acknowledged by all the Partners, before some Justice of the Peace, and recorded in the Registry of Deeds

Deeds of the County in which the principal place of the business of the Partnership is situated, in a book to be kept for that purpose open to public inspection; and if the Partnership shall have places of business situated in different Counties, a copy of the certificate, certified by the Register of Deeds in whose office it shall be recorded, shall be filed and recorded in like manner in the office of the Register of Deeds in every such County; and if any false statement shall be made in any such certificate, all the persons interested in the Partnership shall be liable as general Partners for all the engagements thereof.

V. And be it enacted, That the Partners shall for three months immediately after such registry publish a copy of the certificate above mentioned in a newspaper published in the Town or County where their principal place of business is situated; and if no such paper be there published, then in the Royal Gazette; and in case such publication be not so made, the Partnership shall be deemed general.

Certificate to be published.

VI. And be it enacted, That upon every renewal or continuation of a limited Partnership, beyond the time originally agreed upon for its duration, a certificate thereof shall be made, acknowledged, recorded and published in the like manner as is hereinbefore provided for the original formation of limited Partnerships; and every such Partnership which shall not be renewed in conformity with the provisions of this section, shall be deemed a general Partnership.

A like certificate to be made and published on any renewal or continuation of the Partnership.

VII. And be it enacted, That the business of the Partnership shall be conducted under a firm in which the names of the general Partners only shall be inserted, without the addition of the word Company or any other general term; and the general Partners only shall transact the business; and if the name of any special Partner shall be used in such firm with his consent or privity, or if he shall personally make any contract respecting the concerns of the Partnership, with any person except the general Partners, he shall be deemed and treated as a general Partner.

The business to be conducted in the name of the General Partners only.

If name of a Special Partner be used with his consent, he shall be deemed a General Partner.

VIII. And be it enacted, That during the continuance of any Partnership under the provisions of this Act, no part of the capital stock thereof shall be withdrawn, nor any division of interest or profits be made, so as to reduce such capital stock below the sum stated in the certificates before mentioned; and if at any time during the continuance, or at the termination of the Partnership, the property or assets shall not be sufficient to pay the Partnership debts, then the special Partners shall severally be held responsible for all sums by them in any way received, withdrawn or divided, with interest thereon, from the time when they were so withdrawn respectively.

Capital stock not to be drawn nor reduced by division of profits.

If the assets be insufficient to pay the Partnership debts, the Special Partners to be responsible for all sums drawn by them.

IX. And be it enacted, That no general assignment by said Partnership, in case of insolvency, or where their goods and estate are insufficient for the payment of all their debts, shall be valid, unless it shall provide for a distribution of the Partnership property among all the creditors, in proportion to the amount of their several claims, excepting the claims of the Government arising from any debts due and owing by any such firm or Partnership, which are first to be paid or secured.

No general assignment in case of insolvency to be valid, unless it provide for a division among all the creditors.

X. And be it enacted, That in case of an assignment as provided for in the preceding section, the assent of the creditors shall be presumed, unless they shall within sixty days after notice thereof dissent, either expressly, or by some act clearly implying such dissent; and no such assignment shall be valid unless notice thereof shall be given in some newspaper printed in the County where the place of business of the party making it is situated, or if no newspaper be published in such County, then in the Royal Gazette, within fourteen days after the making of such assignment.

Assent of the creditors to any such assignment shall be presumed unless dissent be made.

Suits respecting the business to be prosecuted by and against the General Partners.

Exceptions.

No dissolution to take place before the appointed time except by operation of law, or notice registered and published.

Special Partners to be General Partners in cases not mentioned.

A certificate of dividends of interest or profits to be made, sworn to, and recorded.

Such certificate to be *prima facie* evidence for the purposes of the 8th Section.

XI. And be it enacted, That all suits respecting the business of such Partnership shall be prosecuted by and against the general Partners only, except in those cases in which provision is made in this Act that the special Partners shall be deemed general Partners, and that special Partnerships shall be deemed general Partnerships, in which cases, all the Partners deemed general Partners may join or be joined in such suits; and excepting also those cases where special Partners shall be held severally responsible on account of any sums by them received or withdrawn from the common stock as before provided.

XII. And be it enacted, That no dissolution of a limited Partnership shall take place, except by operation of law, before the time specified in the certificate before mentioned, unless a notice of such dissolution shall be recorded in the Registry in which the original certificate, or the certificate of renewal or continuation of the Partnership was recorded, and in every other Registry where a copy of such certificate was recorded; and unless such notice shall also be published for six successive weeks in some newspaper printed in the County where the certificates of the formation of such Partnership were published according to the provisions of this Act, and if no newspaper shall at the time of such dissolution be printed in such County, then the notice of such dissolution shall be published in the Royal Gazette.

XIII. And be it enacted, That in all cases not otherwise provided for in this Act, the members of limited Partnerships shall be subject to all the liabilities and entitled to all the rights of general Partners.

XIV. And be it enacted, That a certificate of the dividend of interests or profits made from any such Partnership to the special Partners, shall from time to time and so often as the same shall happen, be signed and sworn to by one or more of the general Partners, setting forth the amount of the actual cash payments originally subscribed and paid by the special Partners, and the dividend or profits and sums of money declared payable under such statement to each of the several Partners; which certificate so executed and sworn to, shall be recorded by the Registrar of the County in which the general Partners reside, or wherein the business is conducted; provided always, that no dividend or division of profits or interest shall be made or declared for any period less than one year.

XV. And be it further enacted, That the amount of profits or dividends made or declared to be made under and by virtue of the certificate mentioned in the foregoing section, shall be taken and deemed to be *prima facie* evidence of the sum or sums of money received, withdrawn or divided by and between the parties for the purposes of the eighth section of this Act.

CAP. LVI.

An Act to remove doubts relating to Marriages in certain cases.

Passed 26th April 1850.

Preamble.

4 W 4, c 46.

‘ **W**HEREAS in and by the second section of an Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to extend the privilege of solemnizing Marriage to all Ministers or Teachers of the several Religious Congregations in this Province*, it is enacted, “That no Marriage shall be solemnized by any Minister or Teacher, or ordained person thereunto authorized, until after proclamation shall be made with an audible voice of such intended Marriage in some Church, Chapel or other public place of meeting for Religious Worship in the Town or Parish where such parties or one of them reside, during the time of Divine Service on three Sundays successively, except a Licence be first had and obtained therefor “ under

“under the Hand and Seal of the Lieutenant Governor or Commander in Chief for the time being, which Licence the Lieutenant Governor or Commander in Chief for the time being, is hereby authorized and empowered to grant:” And Whereas it is expedient to remove doubts relating to certain Marriages which have been supposed to be celebrated without Licences therefor being first obtained;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That no Marriage actually solemnized and intended to be celebrated by Licence in this Province, before the passing of this Act, shall be void or voidable only because no Licence for such Marriage had been previously obtained; provided that no other impediment or lawful hinderance to such Marriage existed at the time of its celebration.

No marriage intended to be celebrated by licence before the passing of this Act to be voidable because no licence had been previously obtained.

II. And be it enacted, That no person authorized to issue Marriage Licences in this Province shall demand or receive any fee for any such Licence until the delivery of the Licence to or for the party applying therefor, under the penalty of fifty pounds for every offence, to be sued for and recovered by action of debt or by information in the Supreme Court in the name of Her Majesty's Attorney General for the time being.

No fee for a marriage licence to be received before the delivery of the licence.

III. And be it enacted, That every Licence hereafter issued in blank from the Secretary's Office, shall be marked with a specific number, and with the date of its issue from such Office, and a register shall be kept shewing to whom and on what day every such Licence in blank is issued.

Licences issued from the Secretary's Office to be numbered and registered.

IV. And be it enacted, That every Minister or other person authorized to celebrate Marriage in this Province, shall on or before the first day of January in every year, forward to the Provincial Secretary a list of the Licences received by him during the preceding year, with the numbers and dates of such Licences, and the days on which the Marriages respectively were celebrated.

Ministers or persons authorized to celebrate marriage, to make an annual return to the Provincial Secretary's Office.

CAP. LVII.

An Act to prevent the destruction of Moose in this Province.

Passed 26th April 1850.

WHEREAS the preservation of Moose in this Province will be highly beneficial to the inhabitants thereof: Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act no person or persons whosoever shall under any pretence whatsoever, take, kill, wound or otherwise destroy any Moose within the limits of this Province between the first day of February and the first day of May in each and every year during the continuance of this Act.

No Moose to be taken, killed, &c. between the first of February and first of May.

II. And be it enacted, That any person who shall take, kill, or in any way destroy, or cause to be taken, killed, or in any way destroyed, any Moose within the time above specified, shall for each and every offence forfeit and pay the sum of ten pounds, to be recovered with costs in any Court of competent jurisdiction, one half thereof upon recovery to be paid to the person who shall inform and sue for the same, and the other half to the Overseers of the Poor of the Parish where the offence may be committed, for the use of the Poor of such Parish; and in case sufficient goods and chattels cannot be found whereon to levy such penalty and costs, the offender shall be liable to be imprisoned in the common gaol of the County where the offence may be committed for any term not exceeding two months.

Penalty for taking killing, &c. between the specified periods.

Recovery.

In default of goods, imprisonment.

III. 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 five.

Limitation.

CAP.

CAP. LVIII.

An Act to establish a Board of Health in the City and County of Saint John.

Passed 26th April 1850.

Governor in Council authorized to establish a Board of Health for the City and County of Saint John or any part thereof.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Lieutenant Governor in Council shall have full power and authority to constitute and establish a Board of Health for the City and County of Saint John, or for any part thereof, to consist of so many residents of the said City and County as may be advisable, with power at any time to add to the number of members at such Board, and to displace members therefrom, or dissolve the said Board, as may be thought fit.

Mayor and Recorder of the City to be members. [Chairman.]

II. And be it enacted, That the Mayor and Recorder of the City of Saint John shall always be members of such Board; that the said Mayor, or in his absence the Recorder, shall be Chairman thereof, and in the absence of both the Mayor and Recorder, such other member shall be Chairman as the Board shall nominate; and the several members of the Board immediately after their appointment shall be sworn to the faithful discharge of their duty before the Clerk of the Peace for the said City and County, and shall sign the roll by him kept for that purpose, and any five members of the Board shall be a sufficient number to proceed to business; that the Board may appoint a Clerk; and the orders, rules and regulations of the Board, signed by the Chairman and Clerk, shall be binding and effectual.

Members to be sworn.

Five members to be a quorum for business. Clerk, and signing orders.

III. And be it enacted, That during the continuance of the Board all the Quarantine Laws relating to the said City and County now in force or which shall hereafter be enacted, shall be enforced by the said Board only; and the Board may make rules and regulations for the preservation of the public health and the prevention of disease within its jurisdiction, with penalties and forfeitures not in any case exceeding the sum of one hundred pounds.

Board to enforce the Quarantine laws, and make regulations for the preservation of the public health.

Power given to cleanse enclosures, and fence up streets and alleys.

IV. And be it enacted, That the members of the Board, or other persons by them appointed, shall have power and authority to enter into and upon any house, building, yard, enclosure, or land not enclosed, within the jurisdiction of the Board, and remove any noxious or offensive matter therefrom, and may cleanse, fumigate or use any other means for purifying the same, and may cause any avenue, street, alley or other passage way to be fenced up or enclosed, and prevent all persons from entering therein.

Power given to prevent intercourse, and apprehend parties violating the regulations, and otherwise.

V. And be it enacted, That the Board may regulate or prohibit the intercourse between the district or any portion thereof under its jurisdiction and any other part of the Province, and may apprehend persons who violate the regulations or prohibitions and convey them to the vessel or place from whence they last came, or elsewhere beyond the district for which the Board is appointed, or may convey them to a Hospital or other place within the same, and may adopt prompt measures to prevent the spread of disease or communication with any vessel, house, family or place infected, and may exercise such powers as in the opinion of the Board the circumstances of the case and the public good may require.

Board may appoint a superintendent of Partridge Island and Quarantine Station, also a Physician.

May order removal of vessels and seizure of articles landed.

VI. And be it enacted, That the Board may appoint a Superintendent of Partridge Island and of the Quarantine Station there, and also may appoint a Physician to reside there, and may order any boat or vessel within its district to be removed to the quarantine ground, or other place of safety, and all persons, articles or things landed or introduced therefrom, to be apprehended or seized and again put on board, and may cause such removal at the expense of the master, owner or consignee of any boat or vessel, and no boat, vessel, person or article shall return or be brought back or landed without the written permission

of the Board, and any putrid or dangerous matter or thing may be destroyed by order of the Board.

VII. And be it enacted, That the Board may build or hire Hospitals, and furnish the same, and employ proper persons to attend the sick who may be placed therein, and may do whatever is necessary with regard thereto, and may provide for the interment of the dead, and may appoint Committees of one or more of the members of the Board to execute its orders, which Committees may sue or be sued for any contract or engagement entered into by them in fulfilment of their duties; and in order to defray the expenses, the Lieutenant Governor in Council is empowered to grant a Warrant on the Province Treasurer for payment thereof, but for no larger amount in any one year than the sum of five hundred pounds, and no money shall be expended by the Board until the expenditure shall have first received the sanction of the Lieutenant Governor in Council.

Board may build or hire Hospitals, employ nurses, provide for interments, and appoint Committees.

Expenses to be defrayed by Warrant on Provincial Treasury.

VIII. And be it enacted, That the Board shall have power to remove to the Hospital or other fit place any infected or sick person within its jurisdiction, and keep such person there until cured or sufficiently recovered to be discharged with safety, and whoever shall violate the orders of the Board, or resist, oppose or obstruct its members, or any person acting in their aid, shall be deemed guilty of and punished as for a misdemeanor, and shall be liable to a penalty not exceeding one hundred pounds nor less than five pounds for each offence.

Power given to remove infected persons to the Hospital.

Penalty for violating rules, or resisting.

IX. And be it enacted, That any penalty or forfeiture incurred under the authority of this Act, may be recovered with costs in any Court of competent jurisdiction in this Province, and whoever may become liable for such penalty or forfeiture may be held to bail by the order of a Judge according to the usual practice, and any penalty of twenty pounds or under may be recovered with costs by summary proceeding before the Police Magistrate for the City of Saint John, or the Police Magistrate for the Parish of Portland, and all suits for penalties shall be brought in the name of the Clerk of the Board, and all sums recovered, after deducting any expenses incurred in the prosecution, shall be paid into the Province Treasury.

Recovery of penalties.

X. And be it enacted, That this Act shall not come into force until the first day of May next, and any Board of Health for the City and County of Saint John, or for any part thereof, existing on the day preceding the time appointed for this Act to come into operation, shall be and continue as then constituted, and shall carry out the provisions of this Act until changed or dissolved by the Lieutenant Governor in Council.

Act to come into force on 1st of May, and Boards then existing continued.

XI. And be it enacted, That throughout this Act wheresoever words are used importing the singular number or the masculine gender only, yet they 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 wheresoever words are used importing the plural number, yet shall be understood to apply to one matter as well as more than one, and to one person as well as more than one, as though the words had been used in the singular number, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and the term "Lieutenant Governor in Council" shall be deemed to import the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council.

Construction of Act. Number and gender.

Lieutenant Governor in Council.

CAP. LIX.

An Act to facilitate the operations of the New Brunswick Iron Company.

Passed 26th April 1850.

Preamble.

WHEREAS it may encourage the investment of British Capital in the works of this Corporation, if the term of the Lease to Benjamin Wolhaupter were extended, and a Duty of one penny per ton charged upon the Iron manufactured, in lieu of the present reservation of five per centum on the value of the ore;

Governor in Council authorized to cancel a certain Lease to B. Wolhaupter, and grant another to the New Brunswick Iron Company.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the time appointed for this Act to come into operation, it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to revoke, cancel or annul the present Lease to the said Benjamin Wolhaupter, and to issue a new Lease in lieu thereof to the New Brunswick Iron Company, their successors and assigns, for the term of ninety nine years, to commence at and from the former Lease, and to reserve in the said Lease so to be granted a Duty of one penny per ton on the Iron smelted by the said Company, in lieu of the Duty of five per centum now reserved in the present Lease.

Reserved duty to be ld. per ton on iron smelted.

Commencement of Act.

II. And be it enacted, That this Act shall not come into operation or be in force until the first day of September next.

CAP. LX.

An Act further to encourage the erection of a Suspension Bridge over the River Saint John.

Passed 26th April 1850.

Preamble.

12 V. c 69.

WHEREAS an Act was made and passed at the last Session of the Legislature of this Province, intituled *An Act to incorporate the Saint John Suspension Bridge Company*, and it is deemed expedient further to encourage the undertaking by a grant of money in aid of the same, to be paid whenever the object contemplated by the said Act shall be fully accomplished by the said Bridge being erected, and in all respects *bona fide* ready for use, according to the provisions of the said Act;

£2000 granted to the shareholders interested in the Suspension Bridge.

To be drawn from the Provincial Treasury by Warrant on completion of the Bridge and approaches.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be granted for the use of the shareholders now and hereafter to become interested in the said Bridge, and payable to their Treasurer to be appointed under the provisions of the said recited Act, the sum of two thousand pounds, to be distributed among the said shareholders to each in proportion to the number of his or her share or shares and to be drawn from the Treasury of this Province by Warrant under the Hand and Seal of His Excellency the Lieutenant Governor of this Province or Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council; provided always and be it enacted, that nothing herein contained shall extend or be construed to extend directly or indirectly to authorize the issuing of such Warrant on the Treasury, until it shall have been certified to the entire satisfaction of the Lieutenant Governor or Administrator of the Government of this Province, and Her Majesty's Executive Council, in Council, that the object contemplated by the said in part recited Act hath been fully accomplished, by the said Bridge having been erected, completed, and reported to the Lieutenant Governor or Administrator of the Government for the time being, by a competent Engineer to be appointed by the Lieutenant Governor or Administrator of the Government for the time being, that the said Bridge is in actual use, with the Approaches

Approaches and Roads thereto completed, and in all respects of sufficient strength and materials for the purpose for which the same is intended, agreeably to the Act, intituled *An Act to incorporate the Saint John Suspension Bridge Company.*

12 V. c. 69.

CAP. LXI.

An Act to authorize the Trustees of Saint Andrew's Church in the City of Saint John to re-convey to the Crown a certain tract of Land in the County of Albert, and for other purposes.

Passed 26th April 1850.

WHEREAS it appears that in May one thousand eight hundred and thirty seven, there was granted to the Trustees of Saint Andrew's Church in the City of Saint John, for the use and behoof of the said Church, a certain tract of five hundred acres of Land, situate in the County of Albert, formerly Westmorland, and which was surveyed for, and granted to the said Trustees as vacant and Wilderness Land: And Whereas it appears that prior to the time of said survey and grant, one Andrew M'Farlane had settled on a portion thereof, paid a part of the purchase money at the Crown Land Office, cleared the same, and had erected buildings thereon and made other considerable improvements: And Whereas in consequence of such settlement by the said Andrew M'Farlane, the said Trustees of Saint Andrew's Church have been deprived of the use thereof;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Trustees of Saint Andrew's Church in the City of Saint John named and appointed for the time being, under and by virtue of the powers contained in the Act Second William the Fourth, Chapter eighteen, shall have full power and authority to re-convey and set over unto the Crown the said tract of Land, being lots number five and six on the east side of the Road leading from Upper Salmon River to the Shepody Road, as more particularly described in the said grant.

Trustees of Saint Andrew's Church in the City of Saint John empowered to re-convey to the Crown a tract of Land.

II. And be it enacted, That it shall be lawful for the said Trustees, as the Corporation of Saint Andrew's Church in the City of Saint John, to use and have a Common Seal for the uses of the said Corporation, and that in all Leases of their Lands or other obligations made by the said Body, the signature of the Chairman of the said Trustees with that of the Secretary for the time being, with the said Common Seal attached, shall be deemed to be lawful, and taken and used as such in all Courts and other places whatsoever within this Province, and shall be binding on their successors in office as such Trustees.

Trustees authorized to have a common seal, and all deeds executed as herein specified to be valid.

III. And be it enacted, That the said Trustees of Saint Andrew's Church in the City of Saint John aforesaid, are hereby empowered to re-convey to the Crown, the said tract of Land situated in the County of Albert as aforesaid, by the deed of the Chairman and Secretary of the said Body for the time being, with their Common Seal attached, which shall be taken and considered as the act and deed of the said Corporation for the re-conveyance of the said Lands.

Trustees empowered to re-convey said tract of Land by deed of the Chairman & Secretary with the Common Seal attached.

IV. And be it enacted, That upon such re-conveyance being made as is provided for by the third section of this Act, it shall and may be lawful, notwithstanding the provisions of the fifth section of the Act for the Civil Government of this Province, for His Excellency the Lieutenant Governor, by and with the advice of the Executive Council, to grant free of expense, and without public notice thereof, to the Corporation of Saint Andrew's Church in the City of Saint John, five hundred acres of Wilderness Crown Land, to be selected in any County in this Province by such Corporation of Saint Andrew's Church in the City of Saint John, in lieu of the Land so re-conveyed.

On such re-conveyance, Governor in Council to grant to the Corporation, 500 acres of other Lands.

Commencement
of Act.

V. And be it enacted, That this Act shall not come into operation or be in force until the first day of September next.

CAP. LXII.

An Act to incorporate "The New Brunswick Society for the encouragement of Agriculture, Home Manufactures and Commerce throughout the Province," and to regulate and provide for the same.

Passed 26th April 1850.

Preamble.

‘ **W**HEREAS James Robb, Robert Chestnut, Robert D. James, Robert Jardine, James Brown, Calvin L. Hatheway, William Foshay, Allen C. Evanson, the Honorable William Crane, William M'Leod, Francis Ferguson, Dugald Stewart, Charles Perley, Thomas Gilbert, James S. Beek, John A. Beckwith, Joseph Gaynor, Thomas R. Barker, William H. Odell, Frederick W. Hatheway, William Watts, Senior, the Honorable Lemuel A. Wilmot, David S. Kerr, George Todd, Constantine Connelly, John T. Smith, James Taylor, James A. Maclauchlan, Henry Fisher, and numerous other inhabitants of the Province, have lately formed themselves into a Society, called "The New Brunswick Society for the encouragement of Agriculture, Home Manufactures and Commerce throughout the Province," which Society is intended to improve the condition of the above important branches by all practical and effective means that may be available for the purpose: And Whereas it is deemed advisable to obtain an Act of Incorporation for the more efficient working of the said Society;

Company
incorporated.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That James Robb, Robert Chestnut, Robert D. James, Robert Jardine, James Brown, Calvin L. Hatheway, William Foshay, Allen C. Evanson, the Honorable William Crane, William M'Leod, Francis Ferguson, Dugald Stewart, Charles Perley, Thomas Gilbert, James S. Beek, John A. Beckwith, Joseph Gaynor, Thomas R. Barker, William H. Odell, Frederick W. Hatheway, William Watts, Senior, the Honorable Lemuel A. Wilmot, David S. Kerr, George Todd, Constantine Connelly, John T. Smith, James Taylor, James A. Maclauchlan, Henry Fisher, their associates and successors, be and they are hereby erected into a Body Corporate, under the name of "The New Brunswick Society for the encouragement of Agriculture, Home Manufactures and Commerce throughout the Province," and shall have and enjoy all the powers made incident to Corporations by the fifth section of an Act of the General Assembly of the Province made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to prescribe certain general regulations in respect to Corporations*; provided always, that the first meeting of the said Society, under and by virtue of this Act, shall on due notice thereof be held on the first Wednesday in July in the year of our Lord one thousand eight hundred and fifty; and provided also, that the persons who are now office bearers of the Society shall continue to act for the periods for which they have been appointed, or until others be chosen in their place agreeably to the laws and regulations of the said Society.

6 W 4, c 33.

First general
meeting.

On certificate of
payment of £100 to
the Treasurer of the
Society a Warrant
on the Provincial
Treasury may be
issued for £200.

II. And be it enacted, That whenever the said Society shall make it appear by certificate under the hand of the Treasurer of such Society, that a sum not less than one hundred pounds has been actually subscribed and paid to the said Treasurer by the members of such Society, and the President of the said Society shall make application, enclosing the said certificate, to the Lieutenant Governor or Administrator of the Government for the time being, for aid in supporting the said Society, it shall and may be lawful for the Lieutenant Governor or Administrator

trator of the Government for the time being, by and with the advice and consent of the Executive Council, to issue his Warrant on the Treasurer of the Province in favour of the Treasurer of the said Society for double the amount that shall have been so subscribed and paid as aforesaid; provided always, that the annual sum to be granted to such Society shall not exceed the sum of two hundred pounds currency.

III. And be it enacted, That if the said Society shall receive the said allowance or any part thereof from the Public Treasury, it shall offer annually by way of premiums, or shall apply otherwise at its discretion, for the encouragement of the objects of the said Society, a sum not less than the amount actually received out of the Public Treasury, and it shall also transmit to the Office of the Provincial Secretary, on or before the first Thursday in January annually, a statement of its proceedings in relation to the expenditure of such moneys, specifying the nature of the encouragement proposed or given by the said Society, and the objects for which its premiums have been offered and paid, and to whom they were awarded and given, and shall accompany the same with such general observations concerning the state of agriculture, home manufactures and commerce throughout the Province, as may be deemed important and useful.

Society to offer premiums, &c., to an amount equal to that received from the Provincial Treasury, and render a statement of their proceedings.

IV. And be it enacted, That if the said Society shall neglect in any year to comply with the foregoing provisions, it shall forfeit its claims to the Legislative bounty for the year next succeeding.

On neglect, Legislative bounty to be forfeited for next year.

V. And be it enacted, That the said Society may by its officers define and fix bounds of sufficient extent for holding of an annual show and fair, or other exhibition for carrying out the objects of the said Society, in such place as the said officers may select and appoint, with convenient passage ways to and about the same, on the days for holding the said show and fair, or other exhibition as aforesaid, within which bounds no person shall be permitted to enter or pass, unless in conformity with the regulations of the said Society.

Society authorized to fix bounds for an annual show.

VI. And be it enacted, That if any person shall, contrary to the regulations of the said Society, and after notice thereof, enter or pass within the bounds so fixed he shall forfeit a sum not exceeding ten shillings, to be recovered before any Justice of the Peace who shall have jurisdiction thereof; and all fines so recovered shall be paid over by the said Justice of the Peace to the Treasurer of the said Society, towards the funds of the said Society.

Penalty for entering bounds contrary to regulations.

VII. Provided always, and be it enacted, That nothing in this Act contained shall authorize the said Society to occupy or include within the bounds which it may fix for the purpose aforesaid, the land of any person without his consent, or to occupy any public street or highway in such a manner as to obstruct the public use thereof.

Society not to include private lands without consent, nor obstruct highways.

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 fifty two.

Limitation.

Anno Septimo VICTORIÆ Reginae.

CAP. LI.

An Act for the division of the County of Carleton into two Counties, and to provide for the government and representation of the new County.

Passed 13th April 1844.

WHEREAS from the great extent of the present County of Carleton it is necessary and expedient that the same be divided into two Counties;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, That all that part of the said County bounded as follows, namely: Commencing on the Boundary Line dividing the Province of New Brunswick from the United States of America, at the part or place where the same is intersected by the River de Chute, thence down stream, following the several courses of the said River, until it comes to the River Saint John, thence by the most direct course until it strikes the western termination of the line dividing the Lots numbers forty and forty one granted to John Marro and Patrick Marro, thence by the said line easterly and a prolongation of the same until it comes to the westerly line of the County of York, be and the same is hereby erected into a County separate and distinct from the said County of Carleton, and shall be called and known by the name of the County of Victoria; and that the residue thereof which lies below the boundary line of the said County, as is described in this Act, shall comprise the County of Carleton.

County of Victoria erected from a part of the County of Carleton.

II. And be it enacted, That the like Courts of Justice shall be erected and established, and the like Justices and other Officers be constituted and appointed in the said new County, as are now erected and established, constituted and appointed in the said County of Carleton, and with the like powers and authorities.

Establishment of Courts of Justice, Justices, and other Officers, in the new County.

III. And be it enacted, That the Courts of General Sessions of the Peace and Inferior Court of Common Pleas shall be held in the Shire Town of the said new County twice in every year, at the times following, that is to say, on the last Tuesday in December and May, and continue until the business shall be finished, not exceeding five days; and two additional Terms of the said Inferior Court of Common Pleas for the said County shall be holden as follows, that is to say, on the first Tuesdays in March and October, and continue until the business be finished, not exceeding five days, at which additional Terms no Jury shall be summoned.

Terms of the Court of Sessions and Common Pleas.

IV. And be it enacted, That the Town or Parish of Andover in the said County of Victoria, shall be for ever hereafter the Shire Town of the said County, and that a Court House and a Gaol shall be erected in the said Shire Town in like manner and by such and the like ways and means as such Public Buildings have been or may be erected in other Counties in this Province, and in such place within the said Shire Town as the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, shall direct and appoint, and that all the Public Offices in the said County of Victoria shall be kept at the place so to be directed and appointed by the Lieutenant Governor or Administrator of the Government of the Province for the time being, by and with the advice and consent of Her Majesty's Executive Council.

Andover to be the Shire Town.

Court House and Public Offices to be there erected.

V.

A Registry of
Deeds, &c.
established.

V. And be it enacted, That in the said Shire Town there shall be erected and established a Registry of Deeds, Conveyances, Wills, Mortgages, Memorials of Judgments or Recognizances for the said County, to be managed and executed by a Register to be constituted in like manner and under and subject in all respects to the like laws, rules and regulations as any other Registry in any other County of the Province; and that all Deeds, Conveyances, Wills, Mortgages, Memorials, Judgments or Recognizances which may affect any lands, tenements or hereditaments in the said County, shall be entered and registered at full length in the said Registry, provided the same Deeds and other documents have not been before registered in the said County of Carleton or County of York.

Powers of Parish
Officers to be the
same as in other
Counties.

VI. And be it enacted, That the several Parishes of the said County of Carleton in whole or in part comprised within the said new County, shall continue by their respective names to be the Parishes of the said new County until altered by the General Assembly; and that the Town or Parish Officers to be hereafter annually appointed for the said new County shall in all respects possess the same powers as the like officers in any other County; provided always, that the powers and authorities of the present or any other officers appointed or to be appointed by the Court of General Sessions of the Peace of the said County of Carleton shall continue until after the first General Sessions of the Peace shall be holden in the said new County.

Representation
in the General
Assembly.

VII. And be it enacted, That the said new County shall be entitled to send two Members to serve in the General Assembly of this Province, to be elected by the freeholders in like manner, and subject to the like laws, rules and regulations under which other Members are elected in any other County; and that all freeholders whose title deeds may have been registered in the County of Carleton or County of York before this Act shall go into operation, shall be entitled to vote without having their Deeds registered anew in the said new County; provided always, that no Writ shall be issued for the election of such Members until there shall be a General Election for the Province.

New County not
to be considered as
established until
the Commissions,
&c. are issued;

VIII. And be it enacted, That the new County shall not be deemed to be erected and established until the Commission shall be issued for erecting the said Courts of Justice, appointing the several Justices and other Officers for the said new County, and the same shall be notified by Proclamation of the Lieutenant Governor or Administrator of the Government for the time being; provided always, that this Act shall not be in force until Her Majesty's Royal approbation be thereunto had and declared.

Her Majesty's
approbation being
first declared.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 30th day of January 1850, and published and declared in the Province the 6th day of March, 1850.]

Anno Duodecimo VICTORIÆ Reginae.

CAP. LXVIII.

An Act in further amendment of the Charter of the City of Saint John.

Passed 14th April 1849.

WHEREAS it is expedient that the Charter heretofore granted to the Mayor, Aldermen and Commonalty of the City of Saint John, by Letters Patent under the Great Seal, bearing date the eighteenth day of May in the year of our Lord one thousand seven hundred and eighty five, should be altered and amended in the manner hereinafter mentioned;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the said Charter of the City of Saint John, and so much of all Acts of the General Assembly relating thereto, or altering and amending the same, and now in force, and so much of all Bye Laws or Ordinances of the City of Saint John as are inconsistent with or contrary to the provisions of this Act, shall be and the same are hereby repealed and annulled, save and except so far however as relates to any appointment, election, bye law, ordinance, rule, regulation, rate, tax, act, deed, matter, action, suit, proceeding or thing heretofore had, done, passed and made, or now pending, in progress, and undetermined, under and by virtue of the same, or either of them, which shall remain in full force, and be respectively observed and fulfilled, proceeded with and determined, unless as is hereinafter otherwise directed, in the same manner and to the same effect and purpose as if the said parts of the said Charter and Acts had not been repealed.

The Saint John City Charter, Acts of Assembly, and Bye Laws or Ordinances of the said City, repealed so far as inconsistent with this Act, except appointments and pending proceedings.

II. And be it enacted, That the Assistant Aldermen of the said City shall hereafter be known and designated Councillors, and shall under the name of Councillors have all the powers, privileges, authorities and immunities given and granted by the said Charter to the Assistant Aldermen of the said City.

Assistant Aldermen to be designated Councillors, and have the powers of Assistant Aldermen under the Charter.

III. And be it enacted, That on the first Tuesday in May which will be in the year of our Lord one thousand eight hundred and fifty, and on the same day in every succeeding year, the Common Council of the said City shall elect out of the Aldermen and Councillors of the said City, by a majority of votes by ballot or otherwise, (the Mayor of the said City, if present, having one vote,) a fit person to be Mayor of the said City, who shall continue in office until the first Tuesday in May in the next subsequent year, or longer as hereinafter provided; and in case a vacancy shall occur in the said office of Mayor by reason of any person who shall have been elected to that office not accepting the same, or by reason of dying or ceasing to hold the said office, the said Common Council of the said City shall within ten days after such vacancy elect out of the Common Council of the said City, another fit person to be Mayor thereof for the remainder of the period for which the Mayor whose place is to be supplied was to serve; provided that no person shall be capable of being appointed Mayor of the said City who shall not at any time of his election in every respect be qualified in such manner as would entitle him to be then elected as Alderman of the said City, conformably to the provisions of the Charter and of this or any other Act; and provided also, that after such election the former Mayor shall occupy the office and place in the City Council of the Mayor then elect, and go out of office at the time and in the manner such Mayor elect might and should have done if not elected

On first Tuesday in May 1850, and annually thereafter, Common Council to elect a Mayor out of the Aldermen and Councillors.

On vacancy in the office by non-acceptance, &c., another Mayor to be elected within ten days.

Qualification.

Former Mayor to occupy the place in the Common Council of the Mayor elect, unless he desires to retire, in

which case an Alderman or Councillor, as the case may require, to be elected.

electd Mayor, unless the outgoing Mayor shall desire to retire from the City Council, and shall within two days after the Mayor elect shall be approved and sworn into office as hereinafter directed, give notice in writing of his resignation to the City Council, in which case an Alderman or a Councillor as the case may require, shall be elected by the Ward by which such Mayor elect was elected, in the manner provided for the election of Common Councilmen in other cases; provided always, that the person who shall be Mayor of the said City (under the provisions of this Act) on the first election for Mayor, shall not continue to be a Member of the Common Council, but that an election for a Common Councilman in place of the person who shall be first chosen Mayor of the said City shall take place in the manner prescribed for the election of Common Councilmen in other cases; and further provided, that the person who may be Mayor of the said City on the first Tuesday in April in the said year one thousand eight hundred and fifty, or in any subsequent year, may be elected an Alderman or Councillor for any Ward in the said City, and shall, notwithstanding such election, continue to execute the office of Mayor of the said City until the election of Mayor of the said City by the Council on the first Tuesday in May then next; and that the person who may be Mayor of the said City on the first Tuesday in May in any year, may be re-elected Mayor by the said Common Council, in case the said Mayor shall have been elected Alderman or Councillor for any Ward for such year.

Name of Mayor elect to be transmitted for the approval of the Lieut. Governor.

IV. And be it enacted, That immediately after the election of any person to fill the office of Mayor under this Act, the name of the Mayor elect shall be transmitted by the Common Clerk to the Provincial Secretary, for the approval of the Lieutenant Governor or Administrator of the Government for the time being, with the advice and consent of the Executive Council; and in case such approval is given, the Mayor so chosen shall be sworn into office as provided by law; and in case such approval is not given, a new election shall take place in the manner hereinbefore provided for the election of a Mayor, until such approval is obtained; and no election of Mayor shall be complete, nor shall any person act, or have authority to act, until such approval shall first have been given and procured conformably hereto: Provided always, and be it enacted, that after such election as aforesaid, and until the approval shall be given, and the new Mayor sworn into office as hereinbefore provided, and no longer, the Mayor for the time being and at the time of such election, shall continue to be and have full power and authority to act as Mayor of the said City; and that the person who shall be Mayor of the said City of Saint John, under the provisions of the Charter of the said City, on the day previous to the first Tuesday in April which will be in the year of our Lord one thousand eight hundred and fifty, shall continue to be Mayor of the said City, and shall have full power and authority to act as Mayor of the said City, until such election for Mayor so as aforesaid to be held on the first Tuesday in May which will be in the year of our Lord one thousand eight hundred and fifty, and until the approval and swearing in of such Mayor in manner hereinbefore provided; and that no person shall be appointed Mayor of the said City under the provisions of the said Charter on the first Tuesday in April which will be in the year of our Lord one thousand eight hundred and fifty.

On disapproval a new election to be made.

Mayor to act till an appointment be completed.

No Mayor to be appointed under the Charter on first Tuesday in April 1850.

On failure to elect a Mayor, he may be appointed by the Governor in Council.

V. And be it further enacted, That in case the Common Council of the said City shall neglect or refuse on the first Tuesday in May in any year, or on the occasion of any vacancy in the office of Mayor, within ten days after such vacancy, to elect a Mayor of the said City, and transmit the name of the Mayor elect for approval, as provided by this Act, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice

and

and consent of the Executive Council, to nominate and appoint a Mayor of the said City, who shall be sworn and shall hold and execute the said office in the same manner to all intents and purposes as if he had been duly elected by the Common Council of the said City under the provisions of this Act.

VI. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to establish a Police Office in and for that part of the City of Saint John lying on the eastern side of the Harbour, and from time to time to appoint thereto a fit person to be, during Her Majesty's pleasure, Police Magistrate for the said portion of the said City, and *ex officio* a Justice of the Peace for the City and County of Saint John, and who shall also be invested with all such other duties and powers as shall be hereafter specified.

Governor in Council to establish a Police Office for the part of the City on the eastern side of the Harbour.

VII. And be it enacted, That every person so appointed as Police Magistrate by virtue of this Act shall, before he shall begin to execute the duties of his office, take and subscribe the following oath before one of the Judges of the Supreme Court in this Province:—

Police Magistrate to be sworn before a Judge of the Supreme Court.

'I, A. B., do swear that I will faithfully, impartially and honestly, according to the best of my skill and knowledge, execute all the powers and duties of a Police Magistrate and Justice of the Peace, under and by virtue of an Act made and passed in the twelfth year of the Reign of Queen Victoria, intituled *An Act in further amendment of the Charter of the City of Saint John;*

and also the oath of a Justice of the Peace in and for the City and County of Saint John, before said Judge.

VIII. And be it enacted, That an annual salary of a sum not exceeding three hundred pounds shall be paid to such Police Magistrate in manner and out of the funds hereinafter provided.

Salary not to exceed £300.

IX. And be it enacted, That a Clerk to the said Police Office shall be appointed by the Police Magistrate of the said City, whose Salary shall not exceed one hundred and fifty pounds.

Police Magistrate to appoint a Clerk. Salary.

X. And be it enacted, That a sufficient number of fit and able men, not exceeding thirty, shall be appointed by the said Police Magistrate, as a Police force for the said eastern part of the said City, who shall be severally sworn in by such Police Magistrate to act as day and night Policemen, Watchmen and Constables, for the preserving the peace, and the preventing of all felonies, and apprehending offenders against the peace; and the men so sworn shall not only within the whole of the City of Saint John, but also generally within the City and County of Saint John, have all such powers, authorities, privileges, advantages and exemptions, and be liable to all such duties and responsibilities, as any Constable duly appointed now has or hereafter may have, or is or may be liable to within his Constablewick, by virtue of the common law, or any Statute or Act of Assembly made or to be made, and shall obey all such lawful commands as they or any of them may from time to time receive from the said Police Magistrate or any other Magistrate sitting at the Police Office of the said City, for conducting themselves in the execution of their office; and that all the powers and provisions contained in the twenty second and twenty third sections of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, as also for other purposes,* shall be vested in and apply to all and every

Police Force not exceeding 30 in number, to be appointed by the Police Magistrate.

To have the authority and responsibility throughout the County, of Constables in their Constablewick.

Powers contained in 11 V. c 13, s 22 and 23, extended to the Police force under this Act.

every

every of the Police force to be appointed under this Act, within the whole of the City of Saint John on both sides of the Harbour.

Certain sections of Act 11 V. c 12, establishing a Police force in Portland, extended to that established under this Act.

XI. And be it enacted, That the fifth, sixth, seventh, eighth ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty first, twenty second, twenty third, twenty fourth, twenty fifth, twenty sixth, twenty seventh, twenty eighth, twenty ninth, thirtieth, thirty first, thirty fourth, thirty fifth, (together with Schedules A and B therein referred to, *mutatis mutandis*;) thirty sixth, thirty seventh, thirty eighth, thirty ninth, fortieth, forty first and forty seventh sections of an Act made and passed in the eleventh year of the Reign of Queen Victoria, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, shall extend and apply to, and be in force in all that part of the City of Saint John lying on the eastern side of the Harbour, to all intents and purposes; and all and every the offences, penalties, forfeitures, powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters and things contained in the said several sections respectively, shall be created, incurred and be observed, practised and put in execution in that part of the City of Saint John lying on the eastern side of the Harbour, as fully and effectually to all intents and purposes as if the said offences, penalties, forfeitures, powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters and things were severally, particularly and respectively repeated and re-enacted, and were declared in the body of this Act, and shall severally be applied, construed, deemed and taken to belong to this Act in like manner as if the same had been enacted herein; provided always, that the recognizance mentioned in the thirty first section, and the bond mentioned in the thirty seventh section of the said Act, shall be taken in the name of the Justices of the Peace for the City and County of Saint John, in lieu of the Commissioners therein mentioned; and in case of forfeiture of such bond, the said Justices of the Peace of the City and County of Saint John shall, by that name, have power to sue for and recover the amount of the same, to be by them paid to the Chamberlain of the City for the purposes of this Act; and that in addition to the power given to the said Police Magistrate by the said forty seventh section, it shall and may be lawful for the said Police Magistrate to collect and enforce payment of any rates or taxes whatever, recoverable in the said City by virtue of any Act or Acts of Assembly now in force or hereafter to be in force in the said City, and to pay all fees received by him in collecting the same into the hands of the Chamberlain for the purposes of this Act; and further provided, that the hours of attendance at the said Police Office in the said City shall be from ten A. M. to five P. M. in lieu of the hours mentioned in the said twenty first section, and that no Holidays shall be observed at the said Office except Sunday, Christmas Day, and Good Friday.

Exceptions.

Police Magistrate empowered to enforce payment of taxes in addition to powers conferred by the 47th s. of 11 V. c 12.

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

Police Office to be provided by the City Corporation.

XII. And be it enacted, That the first section of an Act made and passed in the eleventh year of the Reign of Queen Victoria, intituled *An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, as also for other purposes*, as far as the same relates to the ordering and appointment of Watchmen and Policemen, and to regulate the same, be and the same is hereby repealed; that a good and sufficient Police Office, with suitable apartments, shall be provided in the City of Saint John by the Corporation of the said City, and that the rent and other contingent expenses attending the same shall be borne and paid out of the assessment for the Watch and Police under the provisions of the said last recited Act.

XIII.

XIII. And be it enacted, That in case the Mayor, Aldermen and Commonalty of the City of Saint John should in any year hereafter neglect or refuse to proceed under the third section of the last recited Act, to determine and direct what sums of money shall be raised for the purposes of the said Act, and to issue the Warrant therein mentioned within the time therein mentioned, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to appoint three Commissioners, and it shall be the duty of the said Commissioners to determine and direct what sums of money shall be necessary to be raised for the purposes of the Police establishment under this Act, and to issue their Warrant under their hands and seals, directed to the Assessors in the said section named, to make the rate and assessment therein mentioned, and to transmit such Warrant to the Assessors, and that all proceedings to be had in levying and raising the sum of money determined upon, and the duty of the Assessors and all other persons shall be to all intents and purposes and in every respect the same as if the Mayor, Aldermen and Commonalty of the said City had issued such Warrant under their Common Seal as required by the said third section of the said Act.

Governor in Council to appoint Commissioners to make an assessment for the Police force when that duty is neglected by the City Corporation under 11 V. c. 13, s. 3.

XIV. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to nominate and appoint from time to time two or more of the Justices of the Peace for the City and County of Saint John, either one of whom may, during the temporary absence or illness of the said Police Magistrate, sit as Police Magistrate at the said Police Office, and execute the duties of the said Police Magistrate, and for every day such Justice of the Peace shall so execute the duties of Police Magistrate, he shall receive the sum of one pound, to be paid to him by the Chamberlain of the City of Saint John out of the Police Fund, on certificate from the Police Magistrate of the time during which he may have so performed the duties of Police Magistrate.

Governor to appoint certain Justices of the Peace, one of whom shall act for the Police Magistrate in case of his absence.

XV. And be it enacted, That all sums of money received by the said Police Magistrate, or at the said Police Office, or by any other Magistrate sitting at the Police Office, for fees, fines, penalties, forfeitures or costs incurred and paid under the provisions of any Act of the Imperial Parliament, or by virtue of the provisions of this Act, or of any other Act of the General Assembly, or of any bye law or ordinance of the Corporation of the City of Saint John, or for any costs whatever by him receivable on any account whatever, shall be paid over by the said Police Magistrate on the first day of every month, not being Sunday, together with an account under oath to be sworn before any Justice of the Peace, (which oath any such Magistrate is hereby authorized to administer,) of all such monies, to the Chamberlain of the City of Saint John, to be by him kept and held subject to the purposes and provisions of this Act; and that no person, although liable to payment of money for and towards the maintenance and support of the said Police, shall, by reason thereof, or by reason of the application of any penalty, forfeiture, or costs to the use of the Watch and Police Funds, as above mentioned, for the purposes of this Act, be deemed an incompetent witness before any Court, or before the said Police Magistrate, or any Magistrate sitting at such Police Office, in any proceeding whatever, for any offence whatever; and no Justice of the Peace shall be disabled from acting in the execution of this Act by reason of his being liable to the payment of any money for the maintenance of the Police established by this Act.

All moneys received at the Police Office for fees, fines, &c., to be paid over monthly to the Chamberlain of the City.

Police Magistrate, Clerk and Policemen disqualified to vote or solicit at certain elections.

XVI. And be it enacted, That no Police Magistrate, Clerk or Policeman appointed under this Act, or under the provisions of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, shall, during the time that he shall continue in his office respectively, or within six months after he shall have quitted the same, be capable of giving his vote for the election of any Member to serve in the General Assembly for any County or City in this Province, or for the election of any Member of the Council of the said City; nor shall he by word, message, writing, or in any other manner, endeavour to persuade any elector to give, or to dissuade any elector from giving his vote for the choice of any person to be a Member to serve for any such County or City, or to serve in the said Common Council; and every such Magistrate, Clerk or Policeman offending therein shall forfeit the sum of fifty pounds, one moiety thereof to the informer, and the other moiety thereof to the Overseers of the Poor of the Parish or City where such offence shall be committed, to be recovered by any person that shall sue for the same in any of Her Majesty's Courts of Record, within the space of one year after such offence committed; provided nevertheless, that nothing in this Act contained shall extend to subject any such Magistrate, Clerk or Policeman to any penalty for any act done by him at or concerning any of the said elections, in the discharge of his duty.

Penalty.

No Alderman or Justice of the Peace, other than the Police Magistrate or Justice acting for him, to receive any fees or costs in proceedings before him.

XVII. And be it enacted, That it shall not be lawful for any Alderman or Justice of the Peace, other than the said Police Magistrate, or any other Magistrate duly appointed and sitting at the Police Office, to take or receive any fees or costs of any nature or kind for or upon any proceedings, trial, judgment or conviction of any nature or kind whatever, had before him as a Justice of the Peace or Alderman within the City of Saint John; provided that nothing herein contained shall extend to the fees to be taken by the Justices of the Inferior Court of Common Pleas for the City and County of Saint John, or the fees to be taken and received in the City Court of the said City; and any Justice of the Peace or Alderman who shall demand, receive or take any costs or fees contrary to the provisions of this Act, shall be deemed and taken to be guilty of extortion, and may be indicted for the same before any Court of competent jurisdiction.

Exception.

Salaries and wages to be paid monthly by the Chamberlain, on orders of the Common Council.

XVIII. And be it enacted, That the salary and wages of the said Police Magistrate and Clerk, to be determined by the Lieutenant Governor or Administrator of the Government for the time being, and Policemen, and all other expenses attending the said Police, shall be paid monthly by orders of the Common Council of the said City upon the Chamberlain, out of moneys received by him under the provisions of this Act, and of the Act passed in the eleventh year of Her Majesty's Reign, intituled *An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour, and for lighting the same, as also for other purposes*.

11 V. c. 13.

City Charter in part repealed.

XIX. And be it enacted, That so much of the Charter of the said City as provides and ordains that the Common Clerk of the said City of Saint John shall be Clerk of the Peace and of the Sessions of the Peace, and Clerk of the Inferior Court of Common Pleas, and Keeper of the Memorandums, Rolls, Records, Muniments, and other writings of the said City and County of Saint John, be and the same is hereby repealed and annulled; provided always, that the Common Clerk of the said City of Saint John shall be Keeper of the Memorandums, Rolls, Records, Muniments, and other writings of the said City; and that the Common Council of the said City shall on the first Tuesday in May in each and

Common Clerk to be Keeper of the Records of the City.

every

every year appoint the High Constable of the said City for the year ensuing; and in case of the death, resignation, or removal from the City of such High Constable, another to appoint in his stead, and so as often as such cases shall happen.

Common Council to appoint the High Constable.

XX. And be it enacted, That notwithstanding any thing in the said Charter to the contrary contained, any black person or person of colour may become a free citizen of, and be admitted to the freedom of the said City.

Black or coloured persons may be admitted to the freedom of the City.

XXI. And be it enacted, That the election of one Alderman, one Councillor, and one Constable, for each Ward, shall be held on the first Tuesday in April in every year, at the hour of eight o'clock, A. M., in each Ward in the said City, at the time and place, and before a Commissioner not being a Member of the Common Council, to be appointed for each Ward by the Mayor, Recorder and Sheriff of the said City, or any two of them, at least fourteen days before the first Tuesday in April in every year; and in case of the death, illness, absence or refusal to act, or resignation of any such Commissioner, another or others may be appointed as hereinbefore provided, in the stead of such Commissioner; and in case of any election to supply any vacancy in the offices of Alderman, Councillor or Constable under the provisions of the Charter, such election shall be held on a day to be appointed by the Mayor or Recorder of the said City, and by a Commissioner to be appointed, and in the same manner in every other respect as provided by this Act for the election of Charter Officers.

Election for each Ward, to be held annually on the first Tuesday in April.

Elections for intermediate vacancies to be held at times appointed by the Mayor or Recorder.

XXII. And be it enacted, That of the time and place of holding every election respectively and of the names of the respective persons so to be appointed for holding elections as hereinbefore mentioned to hold such elections in the several Wards, public notice shall be given by and under the hand of the Mayor, or in case of a vacancy in the office of Mayor, by the Recorder, by publishing such notice in one of the newspapers published in the said City, or by handbills posted up in the respective Wards at least six days immediately preceding the day for holding such election; and if at the time appointed for holding such election, the same be not decided by show of hands, but a poll shall be demanded by any three electors, such poll shall be proceeded with forthwith, and shall be kept open till four o'clock, P. M., if either of the candidates require it, and then shall be closed, but that the Commissioner holding such election shall not be bound to keep the poll open until four o'clock in the afternoon in any case where no voter shall come forward to poll within one hour after proclamation made that unless within one hour some other voter shall come forward to poll the poll will be closed, but such officer or person shall in every such case finally close the poll at the expiration of such hour.

Public notice to be given of the time, &c., of holding elections.

If election be not settled by show of hands, poll to be kept open till 4 o'clock, P. M. if required.

XXIII. And be it enacted, That any person being otherwise duly qualified, may be elected Alderman or Councillor for any Ward in the said City, notwithstanding such person may not be a resident in the Ward for which he may be so elected; and that no person shall be qualified to be elected, or to be or sit as an Alderman or Councillor of the said City during such time as he shall hold any office or place of profit, (other than that of Mayor,) in the gift or disposal of the Common Council of the said City, or during such time as he shall have, directly or indirectly, by himself or partners, any share or interest in any contract or employment with, by or on behalf of the Corporation of the said City; provided that such disqualification shall not arise from any person being a shareholder in any corporate company having a contract with the said Corporation; and that no Alderman or Councillor shall receive into his hands any moneys for and on account of any contract, work or employment made, done or performed by or on

Aldermen and Councillors need not be residents of the electing Ward.

Offices of emolument to be a disqualification.

Money to be paid directly to Contractors, &c.

behalf

behalf of or by direction of the said Corporation, but that all moneys due by the said Corporation, on any such account, shall be paid by the Chamberlain of the said City to the person or persons who shall actually have done such work, and shall be entitled to such moneys by, under or for such contract, work or employment.

Registry of voters, and regulations affecting elections, may be established by the Common Council.

XXIV. And be it enacted, That it shall and may be lawful for the Common Council of the said City, by ordinance, to establish a Registry of voters, and to make all such rules and regulations as to them may seem necessary, to prevent persons not duly qualified from voting at elections for Charter Officers of the said City; and shall and may by ordinance make such further regulations for enforcing the laws in force regulating the qualification of candidates for the offices of Aldermen and Councillors, and for conducting the said elections, and paying the expenses of the same, and under such penalties not exceeding five pounds for any one breach thereof as to the said Common Council may from time to time appear to be necessary for such purposes.

Electors may be required to take an oath before being admitted to vote.

XXV. And be it enacted, That every person desirous of voting at any election of Aldermen, Councillors or Constables, shall before he be permitted to vote, if required by the officer or person holding any such election, or by any Candidate, or by any person qualified to vote at the same, make oath to the particulars of his qualification, and that he has not before voted at such election, which oath the officer or person holding such election is hereby authorized and required to administer, and which oath shall be in the form following, that is to say:—

‘ I, A. B., do solemnly swear that I am a British subject, that I am qualified by law to vote at this Election in this Ward, and have not voted before at this Election within this Ward.—So HELP ME GOD;’

and in every case the presiding officer shall note in his poll book that the voter was sworn, and which of the qualifications and the nature of the tenure he swore to.

False swearing as to qualification deemed perjury.

XXVI. And be it enacted, That if any person shall knowingly swear falsely as to any of the particulars of his alleged qualification, or if he shall knowingly swear falsely in taking any or either of the oaths prescribed by this Act, he shall be deemed guilty of wilful and corrupt perjury, and suffer the pains and penalties provided by law in cases of wilful and corrupt perjury.

General Sessions of the Peace may be adjourned *de die in diem* for want of a quorum.

XXVII. And be it enacted, That the General Sessions of the Peace for the City and County of Saint John may be adjourned *de die in diem* for want of a quorum, by the Mayor or Recorder and one of the Justices of the Peace for the said City and County.

City Court may be held every Thursday:

XXVIII. And be it enacted, That the City Court of Saint John shall and may if thought necessary for the dispatch of the business before the Court, be holden on the Thursday in every week instead of the Thursday in every alternate week, as provided by the Charter; and that in all cases when the defendant has been served with a summons at least three days before the time of appearance in the manner pointed out in the third section of an Act made and passed in the fourth year of the Reign of King William the Fourth, intituled *An Act to regulate proceedings before the Justices of the Peace in Civil Suits*, it shall and may be lawful for the Alderman presiding in the City Court, if the defendant do not appear to make a defence, to proceed to assess the debt or damages in the mode and under the regulations provided in the said section for assessing damages when the defendant does not appear; and that it shall not be necessary to issue an attachment to compel the appearance of the defendant in any case, except it shall be made

and debt, &c. may be assessed in the absence of a defence when defendant has been duly summoned.

to appear that he is about to depart the jurisdiction of the City, as provided by the Charter:

XXIX. And be it enacted, That any person arrested or confined in the body of the gaol of the said City and County of Saint John, either on mesne process, attachment or execution for any debt under five pounds, and who may be in indigent circumstances, unable to pay such debt, or to support himself or herself in gaol, may be brought before the Mayor or Recorder, or one of the Aldermen and Common Clerk, for examination, such debtor giving the plaintiff, his agent or party interested, twenty four hours notice of the time and place of such examination, which Mayor or Recorder, or Alderman and Common Clerk shall (if on examination they are satisfied of his inability to pay, and total indigence,) make an order for the immediate discharge of such debtor from custody, and that the said Mayor, Recorder, Alderman and Common Clerk, shall have power to issue subpoenas to compel the attendance of witnesses, if necessary, at such examination.

Debtors confined for less than £5, may be brought before the Mayor or Recorder for examination, and if found indigent and unable to pay, may be discharged.

XXX. And be it enacted, That notwithstanding any thing to the contrary in the Charter of the City of Saint John contained, a copy of every bye law or ordinance made by the said Corporation shall be transmitted, with all convenient speed after the making thereof, to the Lieutenant Governor or Administrator of the Government for the time being, and it shall be lawful for the Lieutenant Governor or Administrator of the Government, by and with the advice of the Executive Council, within three months from and after the receipt of such copy, to disallow any such bye law or ordinance, and such disallowance shall without delay be signified to the Mayor of the said City, and thenceforward such bye laws shall be void and of no effect; provided also, that all bye laws and ordinances repugnant to any law of the land, or to any Act of the Legislature of this Province, shall be null and void, and no bye law shall have any force or effect until after the same shall have been so submitted as aforesaid and then approved, or until after the said three months without disapproval; provided always, that no bye law or ordinance of the said Corporation which shall be in force at the time this Act shall come into operation, shall become void by virtue of this enactment until six months after this Act shall come into effect.

A copy of every bye law or ordinance to be sent to the Lieutenant Governor, and may be disallowed within three months after receipt.

Bye laws or ordinances repugnant to the law of the land, or not submitted, &c., to have no force.

XXXI. And be it enacted, That the said Charter, and all and every thing therein contained, shall be and remain firm, valid, good, sufficient and effectual in the law in all respects, save and except so far as the same is hereby altered and amended.

Charter, save as herein altered, to be valid.

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

Act suspended till Her Majesty's approbation be declared.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 29th day of June, 1849, and published and declared in the Province the 1st day of August, 1849.]

CAP. LXIX.

An Act to incorporate the Saint John Suspension Bridge Company.

Passed 14th April 1849.

WHEREAS it is proposed to construct a Suspension Bridge of Iron Wire across the Falls of the River Saint John, at Split Rock, near the City of Saint John: And Whereas a Bridge is greatly needed at that Point, and would be highly useful to the public in general, and it is thought advisable to incorporate such persons as may be willing, at their own costs and charges, to construct the

Preamble.

' the said Bridge, and grant them all necessary privileges for maintaining the ' same ;'

Company incor-
porated by the name
of *The Saint John
Suspension Bridge
Company.*

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That William K. Reynolds, his associates, successors and assigns, shall be and they are hereby erected into a Body Politic and Corporate, by the name of "The Saint John Suspension Bridge Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

Capital to be
£20,000, divided
into 4000 shares,
with power to
increase.

II. And be it enacted, That the capital stock of the said Corporation shall be twenty thousand pounds of current money of New Brunswick, and shall be divided into four thousand shares of five pounds each, to be paid in at such times and in such instalments as the business of the said Company shall require ; and also that the said Corporation shall, when necessary, have leave to extend the said capital stock to the sum of forty thousand pounds of like current money, and shall have power to increase the number of shares accordingly, or to assess such increase upon the original number of shares.

First meeting to be
held in Saint John
on notice, to choose
Directors and
other officers.

III. And be it enacted, That the first meeting of the said Corporation shall be held at the City of Saint John, and shall be called by the said William K. Reynolds, or in case of his death, neglect or refusal, by any two of the said Company, by giving notice in one or more of the public newspapers published in the said City, at least twenty days previous to such meeting, for the purpose of establishing bye laws, choosing five Directors and such other officers as may be necessary for the management of the affairs of the said Company ; which Directors and officers so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter made and provided.

A general annual
meeting to be held
on first Tuesday in
June for choosing
Directors and
officers.

IV. And be it enacted, That a general meeting of the stockholders of the said Corporation shall be held at the City of Saint John on the first Tuesday in June in each and every year, for the purpose of choosing five Directors and such other officers as may be necessary for the management of the affairs of the said Corporation ; which Directors so chosen shall remain in office for one year, or until others are chosen in their place, and shall at the first meeting after their election choose one of their number President of the said Company ; provided always, that not less than three Directors do form a quorum for the transaction of business, and in case of the absence of the President, the Directors shall have power to appoint one of their number chairman for the occasion.

Quorum.

Directors to be
holders of 20 shares
and of age.

V. And be it enacted, That no person shall be eligible as a Director unless such person is a stockholder, and holds not less than twenty shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

Stockholders to
have one vote for
each share, and
may vote by
proxy.

VI. And be it enacted, That the number of votes to which each stockholder shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in proportion of one to each share of stock ; and that absent stockholders may vote by proxy, provided such proxy be a stockholder, and produce sufficient authority in writing.

Shares to be
assignable.

VII. And be it enacted, That the shares of the said Corporation shall be assignable and transferable, according to such rules and regulations as may be established in that behalf ; but no assignment or transfer shall be valid and effectual unless the same shall be entered and registered in a book to be kept by the Directors for that purpose ; that in no case shall a fractional part of a share, or other than a complete share or shares, be assignable or transferable ; that when-

ever

ever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

VIII. And be it enacted, That if it should so happen that the said Directors or other officers should not be chosen on the said first Tuesday in June in any year as aforesaid, it shall and may be lawful to choose them on any other day, between the hours of twelve at noon and three in the afternoon of such day, on giving fourteen days notice of the time and place of such meeting in one or more of the newspapers published in the City of Saint John; and in case any Director shall be removed by the stockholders for misconduct or mal-administration, his place shall be filled up by the stockholders, fourteen days notice of the time and place of meeting for such purpose being first given; and in case of any vacancy among the Directors by death, resignation, or disqualification by sale and transfer of stock, then and in either of such cases the said Directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the stockholders or Directors shall serve until another be chosen in his room.

On failure to elect Directors at annual meetings, they may be chosen on any other day on notice.

Supply of Directorships vacated by misconduct, &c.

IX. And be it enacted, That the joint stock and property of the said Company shall alone, in the first instance, be responsible for the debts and engagements of the same, and that no creditors, or person or persons having any demand against the said Company, for or on account of any dealings with the said Company, shall have recourse against the separate property of any stockholder in the same, except in case of deficiency, or where the joint stock of the said Company shall fall short or not be equal to the payment of any debt, due or demand against the same, or upon *nulla bona* being returned upon any execution against the goods and chattels of the said Company, that then, and in either of such cases, the goods and chattels, lands and tenements of each shareholder shall and may be levied upon and seized respectively, to satisfy such debt or demand, to the extent of one half the amount of the share or shares or interest of such shareholders in the joint stock of the said Company, but no more; and that such amount, or so much as may be necessary to satisfy such debt, due or demand, shall and may be levied and seized, by process of execution, in the same suit in which such debt, due or demand may be recovered against the said Company.

Joint stock liable in the first instance for Company's debts, and then shareholders to the extent of one half their stock.

X. And be it enacted, That the said Company shall have power to levy and collect assessments upon the shares from time to time of such sums of money as may be deemed necessary for carrying on the business of the said Company; and whenever any assessment shall be made by the stockholders of the said Company, it shall be the duty of the Treasurer to give notice thereof in a newspaper printed in the City of Saint John, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the said Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale; and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser; provided always, that no assessment shall be made except by a vote of the stockholders, and by a majority of all the shares.

Company may assess the shares to carry on the business.

Delinquent shares may be sold.

All meetings to be called by public notice;

Special meetings by the Secretary, under the authority of the Directors or Shareholders.

Power to design and build the contemplated Bridge with proper foundations, &c.

Power to enter on lands.

Under part of floor of Bridge to be at least 70 feet above high water level at spring tides.

Gates, toll houses, &c. may be erected;

XI. And be it enacted, That all meetings of the said Company shall be called by public notice being given of the time and place in a newspaper printed in the City of Saint John, seven days at least before the time of such meeting; and that special meetings may be called by the Secretary, under the authority of the Directors, or by the shareholders representing not less than one thousand shares of stock, upon giving the like notice.

XII. And be it enacted, That it shall and may be lawful to and for the said Company, and their successors, their deputies, agents, servants, workmen and assistants, and they are hereby authorized and empowered to design, erect, order, and build, or cause to be built, and to complete, maintain, and keep in repair a Suspension Bridge across the River Saint John, at or near the Falls of the said River, near the Harbour of Saint John, from the Parish of Portland to the Parish of Lancaster, at such place there as may be deemed most advisable and fit for such Bridge; and to dig and make proper foundations on the lands and grounds lying on each side of the said River, for the towers, piers and abutments of the said Bridge; and to cut and level the banks of the said River in such manner as shall be necessary and proper for building the said Bridge; and to cut, remove, take and carry away all and every impediment whatsoever which may in any wise tend to hinder the erecting and completing the said Bridge; and to execute all other things necessary and requisite, useful or convenient for erecting and building, maintaining and supporting the said Bridge, according to the tenor and true meaning of this Act; and further, that they may from time to time enter and go in and upon the lands and grounds adjacent to the said Falls of the said River, on either side thereof, for the purpose of making surveys, examinations, or other necessary arrangements for fixing the site of the said Bridge; and further, that they may explore, lay out, work and make a Road, not more than four rods in width, leading from either end of the said Bridge to the Highways in the said Parishes respectively; and further, that for the purpose of erecting, building, maintaining, repairing and supporting the said Bridge, the said Company shall from time to time have full power and authority to land on either side of the said River, within two hundred yards of the said Bridge, all materials and other things to be used in and about the same, and there to work and use such materials and things, according as they, the said Company, and the persons to be by them appointed, shall think proper, without any previous agreement with the owner or owners, tenant or tenants of the property on which such towers, piers and abutments shall be built, or in and upon which such surveys, examinations, or other arrangements may be made, or through which such roads may be explored, laid out, worked and made, or on which such materials and other things shall be landed, worked or used, doing as little damage as may be, and making such satisfaction as hereinafter mentioned to the respective owners or occupiers of all lands and grounds, tenements and hereditaments which shall be used and occupied, altered, damaged, spoiled, taken or made use of, by means or for the purposes of this present Act; provided always, that the under part of the floor of any Bridge, (between the abutments thereof,) or of any work depending from the same, which may be built by virtue of this Act, shall be at least seventy feet above high water level at spring tides.

XIII. And be it enacted, That the said Company shall and may erect and set up, or cause to be erected and set up, one or more gate or gates, turnpike or turnpikes, in, upon and across the said intended Bridge, or within twenty yards thereof, together with toll houses and proper and necessary buildings, conveniences and fences near to each gate or turnpike, across the said intended Bridge, on the

road

road or avenue immediately communicating therewith, and within twenty yards of the said Bridge; and that the respective tolls following may be demanded and taken by such person or persons as the said Company shall from time to time appoint at each of the said gates or turnpikes, for each and every time of passing over the said Bridge, that is to say: For every foot passenger, not to exceed two pence; for every horse, mare, gelding, mule or ass, not to exceed one shilling; for every carriage drawn by one horse or beast of draught, with one person, not to exceed two shillings; for every horse or beast of draught more than one, drawing a carriage, not to exceed six pence; for every person more than one with a carriage, not to exceed two pence; for neat cattle, not to exceed four pence each; for sheep, calves or hogs, not to exceed one half penny each; provided always, that no toll be exacted from children under five years of age.

and herein specified
tolls demanded.

XIV. And be it enacted, That it shall and may be lawful for the collector or collectors of such tolls, or any of them, to stop and prevent the passage of any person or persons neglecting or refusing to pay the said tolls, or any of them, or of the horse, beast, cattle, carriage, or other thing, for or in respect of which the said tolls ought to be paid; or it shall and may be lawful to and for the said collector or collectors to seize and detain the goods and chattels of such person or persons, or such horse, beast, cattle, carriage, or other thing; and in case the said tolls shall not be fully paid or satisfied, together with all reasonable costs and charges of making, detaining and keeping such distress, within the space of five days, the said collector or collectors may sell the same, rendering the overplus, (if any) after deducting such costs and charges of making, detaining and selling of such distress, to the owner or owners thereof.

Collector of tolls
may prevent pas-
sage of persons re-
fusing to pay, or
seize chattels.

XV. And be it enacted, That if any dispute shall arise about the amount of tolls due, or the costs and charges of distraining, keeping or selling any such distress, it shall and may be lawful to and for the collector, or person so distraining, to detain the distress, or the money arising from the sale thereof, until the amount of the tolls, or the charges of distraining, keeping and selling the said distress, as the case may be, shall be ascertained by some Justice of the Peace for the City and County of Saint John, who, upon application made to him for that purpose, shall examine the said matters upon the oath or oaths of the parties, or other witness or witnesses, and shall determine the amount of tolls due, and shall also assess the charges of such distress and sale, and all other reasonable and incidental costs; all which sum or sums so determined or assessed shall be paid to the collector before he shall be obliged to return the distress, or the overplus after the sale thereof, or of any part thereof.

If dispute arise as
to the tolls due,
Collectors may de-
tain the distress till
dispute be settled
by a Justice of the
Peace.

XVI. And be it enacted, That the said Corporation shall make, allow and pay reasonable and proper compensation and satisfaction for all lands, tenements and hereditaments taken, used, occupied, altered, damaged or spoiled by means of and for the uses and purposes of the said Corporation, to be agreed upon by the said Corporation and the respective owners and occupiers of such lands, tenements and hereditaments; and in case of disagreement between the said Corporation and the said owners and occupiers, or any of them, then such compensation or satisfaction shall be determined by three arbitrators, one to be chosen by the said Corporation and one by the owner or owners, occupier or occupiers of the private property in question, which two arbitrators so chosen shall choose the third arbitrator; and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant Governor or the Administrator of the Government for the time being, upon the application of the said Corporation, to appoint the third arbitrator; and the award of the said arbitra-

Compensation to be
made for lands, &c.
taken, occupied or
damaged.

In case of disagree-
ment to be settled
by arbitrators.

tors, or any two of them, shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such private property shall decline making any such agreement, or appointing such arbitrator, then and in every such case the said Corporation shall make application to the Supreme Court of this Province, stating the grounds of such application; and such Court is hereby empowered and required from time to time, upon such application, to issue a writ or warrant, directed to the Sheriff of the City and County of Saint John, or in case of his being a party interested, then to the Coroner of the said City and County, and in case of the said Sheriff and the said Coroner being both interested, then to some person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons, as the case may be, to summon and empanel a Jury of five freeholders, within the said City and County, who may be altogether disinterested; which Jury, upon their oaths, (all which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such Jury, is hereby empowered to administer,) shall inquire, ascertain and assess the distinct sum or sums of money, or annual rent to be paid as the amount of compensation and satisfaction for the damages that may and shall be sustained by such owner or owners, occupier or occupiers of such private property as aforesaid; and the inquisition, award or verdict of such Jury shall be returned and filed in the Office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties; which amount so assessed as aforesaid, and the costs and expenses of such proceedings, to be taxed and allowed by the said Supreme Court, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award or verdict shall be filed as aforesaid.

Malicious injuries to the works of the Company made felony.

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

If Bridge be not completed within three years Act to be void.

XVIII. And be it enacted, That if the said Company shall not within three years from and after the passing of this Act, complete the said Bridge, so as to make the same passable for horses and carriages, that then and from thenceforth all and singular the powers and authorities vested in them by this Act shall cease and determine to all intents and purposes whatsoever.

No tolls to be demanded for passage of Mails, or of Her Majesty's Troops.

XIX. Provided always, and be it enacted, That no toll whatever shall be demanded or taken for any horse, beast, cattle or carriage of whatever description, employed or to be employed in conveying, fetching or guarding Mails of Letters and Expresses under the authority of Her Majesty's Post Master General, or the duly authorized Post Office authorities in this Province, or of the Provincial Government, either when employed in conveying, fetching or guarding the same, or for any soldiers upon their march or upon duty, or for any horse, cattle or carriages attending them with their arms and baggage, or returning after having been so employed; nor for any wagon, cart, or other carriage whatsoever, or the horse or horses, or other cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other public stores of or belonging to Her Majesty's Service; and provided also, that no poor or other rates or taxes shall be assessed or levied upon the said Company for or on account of the said Bridge and its appurtenances, either in the Parish of Portland or in the Parish of Lancaster.

XX. And be it enacted, That the Directors shall at the general meeting to be holden on the first Tuesday in June in every year, lay before the stockholders for their information, an exact and particular statement of the then state of the affairs and business of the said Company, agreeably to the several regulations of this Act, so as the same may contain a true account of the whole affairs of the said Company; which statement shall be signed by the Directors, and attested by the Secretary; and a duplicate thereof, in like manner signed and attested, shall be transmitted to the Secretary of the Province for the information of the Lieutenant Governor or Administrator of the Government for the time being, and the Honorable Her Majesty's Executive Council; provided always, that the rendering such statement shall not extend to give any right to the stockholders, not being Directors, to inspect the accounts of any individual or individuals in the said Company.

Statement of the Company's affairs to be laid before the stockholders at the general meetings in June;

Duplicate for the information of the Lieutenant Governor.

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

Company may sue shareholders who fail to pay assessments.

XXII. And be it enacted, That in any action or suit to be brought by the said Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one share or more in the said Company, [*state the number of shares,*] and is indebted to the said Company in the sum of money to which the assessment or assessments in arrear shall amount, in respect of one assessment or more, upon one share or more, [*state the number and amount of such assessments,*] by means of which an action hath accrued to the said Company by virtue of this Act.

Declaration in suits against shareholders for arrears.

XXIII. And be it enacted, That on the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant at the time of making such assessment was a holder of one share or more in the said undertaking, and that such assessment was in fact made; and it shall not be necessary to prove any other matter whatsoever, and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon.

Proof of defendant having been a shareholder at the time of the assessment made to be sufficient.

XXIV. And be it enacted, That whatever may be the divisible profits of the said Suspension Bridge Company, it shall be lawful for Her Majesty's Government, if it shall think fit, subject to the provisions herein contained, at any time after the expiration of twenty one years, to purchase the said Suspension Bridge, with all its hereditaments, stock and appurtenances, in the name and on the behalf of Her Majesty, upon giving to the said Company three calendar months notice in writing of such intention, and upon payment of a sum equal to twenty five years purchase of the annual divisible profits, estimated on the average of the seven then next preceding years; provided that if the average rate of profits for the said seven years shall be less than the rate of fifteen pounds on the hundred, it shall be lawful for the Company, if they should be of opinion that the said rate of twenty five years purchase of the said average profits is an inadequate rate of purchase of such Suspension Bridge, reference being had to the prospects thereof, to require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said Company.

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

XXV.

Act not to authorize the Company to interfere with the navigation of the River.

XXV. Provided always, and be it enacted, That nothing herein contained shall be construed to extend to authorize the said Company in the erection of the said Bridge or otherwise, to interfere with the free navigation of the River Saint John; and if at any time hereafter any part of the said Bridge, or any of the piers or abutments thereof, or any material or thing connected therewith, should so interfere with the navigation of the said River, it shall be deemed a nuisance.

Bridge to be constructed of iron wire or chains, with side paths, &c.;

XXVI. And be it enacted, That any Bridge erected under this Act shall be constructed of iron wire or chains in all respects of sufficient strength and quality to render it perfectly safe for life and property passing over the same, which Bridge shall have a side path for foot passengers of not less than four feet in width on each side of said Bridge, railed off from the road or carriage way, with railings outside of not less than five feet in height, and so constructed as to prevent any passengers falling through said railing; and that such Bridge shall not be opened for public conveyance until it shall have been certified to His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by some competent Engineer or Engineers duly appointed by His Excellency the Lieutenant Governor or Administrator of the Government for the time being, that such Bridge is in all respects of sufficient strength and materials for the purposes for which the same is intended.

and before being opened for public use to be reported safe by an Engineer appointed by the Lieutenant Governor.

On complaint of insufficiency, Bridge to be examined by an Engineer and if reported unsafe, Proclamation to be issued by the Lieutenant Governor prohibiting its use.

XXVII. And be it enacted, That it shall be lawful for His Excellency the Lieutenant Governor or the Administrator of the Government for the time being, to appoint a competent Engineer, at any time on complaint to him made of any injury or damage to, or any defect whatever in said Bridge, whereby it may become dangerous or unsafe for passing over the same, to examine the said Bridge; and if upon a report by said Engineer it shall appear that the Bridge is unsafe in any particular, it shall and may be lawful for His Excellency the Lieutenant Governor or the Administrator of the Government for the time being, to cause a Proclamation to be made in the Royal Gazette prohibiting any intercourse across the said Bridge until the same shall have been repaired, renewed or strengthened, as the case may be, to the satisfaction of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, when and so often as the case may happen during the continuance of this Act, or any renewal thereof.

Act suspended until Her Majesty's assent be declared.

XXVIII. And be it enacted, That this Act shall not be in force until Her Majesty's Royal assent be thereto had and declared.

[*This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 29th day of June, 1849, and published and declared in the Province the 1st day of August, 1849.*]

CAP. LXX.

An Act to vacate the Seats of Members of the Assembly in certain cases.

Passed 14th April 1849.

Member of Assembly accepting an office of profit under the Crown to be incapable of holding his seat while in such office, unless re-elected.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, any Member of the House of Assembly who shall accept of any office of profit or emolument under the Crown, shall be incapable of taking or holding his seat in the General Assembly of this Province while in such office, unless re-elected after his acceptance thereof.

II.

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

Act suspended till Her Majesty's approbation be declared.

[*This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 29th day of June, 1849, and published and declared in the Province the 1st day of August, 1849.*]

CAP. LXXI.

An Act in amendment of and in addition to an Act, intituled *An Act in addition to an Act, intituled 'An Act to extend the privilege of solemnizing Marriage to all Ministers or Teachers of the several Religious Congregations in this Province.'* 11 V. c 62.
4 W. 4, c 46.

Passed 14th April 1849.

WHEREAS it is deemed reasonable and just that the authorized or ordained Elders, Ministers, or Religious Teachers of the Free Christian Baptist Church, organized in this Province, should enjoy equal privileges in the solemnizing of Marriages, with the Ministers of the Churches of England, Scotland and Rome;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the provisions of the Act made and passed in the eleventh year of the Reign of Her present Majesty Queen Victoria, intituled *An Act in addition to an Act, intituled 'An Act to extend the privilege of solemnizing Marriage to all Ministers or Teachers of the several Religious Congregations in this Province,'* shall extend to the Free Christian Baptist Church, organized in this Province, and that the Elders, Ministers, or Religious Teachers ordained or set apart by the said Free Christian Baptist Church, according to the forms and usages of such Church, shall be entitled to all the rights and privileges of solemnizing Marriage within this Province granted to or conferred in and by said Act on the Ministers of the respective Churches and Denominations mentioned in the first section of said Act.

Provisions of Act 11 V c 62, extended to the Ministers of the Free Christian Baptist Church.

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

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

[*This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 29th day of June, 1849, and published and declared in the Province the 1st day of August 1849.*]

CAP. LXXII.

An Act for the relief of the Reverend Edward D. Very.

Passed 14th April 1849.

WHEREAS the Reverend Edward D. Very has made it appear by the Petition of the Western New Brunswick Baptist Association, and also of other good and loyal subjects of different Denominations of Christians, that he is a regularly ordained Baptist Minister; that he has become a permanent resident in this Province; that he is by education and affection a British subject; and that by the laws in force in this Province His Excellency the Lieutenant Governor is not enabled to licence the said Edward D. Very to solemnize Marriage in this Province, he not being a British born subject: And Whereas it is deemed just and equitable to enable His Excellency the Lieutenant Governor or Administrator of the Government for the time being, to licence the said Edward D. Very to solemnize Marriage in the Province, notwithstanding he was not a British born subject, provided he conforms to the provisions of the law;

Preamble.

I.

Governor authorized to grant a licence to the Rev. Edward D. Very to solemnize Marriage on his complying with the provisions of the Act 4 W 4, c 46.

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

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That notwithstanding any thing in the provisions of an Act made and passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled *An Act to extend the privilege of solemnizing Marriage to all Ministers or Teachers of the several Religious Congregations in this Province*, His Excellency the Lieutenant Governor or Administrator of the Government for the time being, shall have full power and authority, and he is hereby authorized and empowered to grant a licence to the Reverend Edward D. Very to solemnize Marriages in this Province, which shall have the like force and effect in all respects as if the said Edward D. Very had been a British born subject, any thing in the said recited Act to the contrary notwithstanding; the said Edward D. Very complying with all the other provisions of the said recited Act.

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

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 29th day of June, 1849, and published and declared in the Province the 1st day of August, 1849.]

CAP. LXXIII.

An Act for the adjustment of claims of certain purchasers of Crown Lands.

Passed 14th April 1849.

Preamble.

WHEREAS between the years one thousand eight hundred and thirty two and one thousand eight hundred and thirty eight, several tracts of vacant Crown Land in this Province were sold in parcels exceeding five hundred acres, to persons who made large payments on account of such purchases, but have not paid the balance due thereon: And Whereas it is highly desirable that a final settlement should be made with those several persons, upon just and equitable principles, and such relief should be granted to them respectively as their cases may appear to require;

Claims of quasi purchasers of Crown Lands between the years 1833 and 1838 to be examined on application, and grants of land to be issued to them in proportion to the money already paid.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all cases of sales of Crown Lands between the first day of January one thousand eight hundred and thirty two and the thirty first day of December one thousand eight hundred and thirty seven, to individuals, (in parcels exceeding five hundred acres,) upon which one or more instalments have been paid, and where the lands so sold and purchased have since been relinquished by the purchaser or purchasers, or parties interested; and where any such purchaser or purchasers, his or their assigns or legal representatives, may apply by petition for a compensation in lands for the amount of instalments actually paid at the original price agreed on for the same, it shall and may be lawful to and for the Lieutenant Governor or Administrator of the Government for the time being, to direct an inquiry to be made of the claims of each and every such petitioner or petitioners; and if it shall be made to appear that any of the said parties petitioning have an equitable claim to consideration, by reason of the amount actually paid on such purchase, then and in such case it shall and may be lawful to and for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, to order and direct a Grant of Crown Lands to issue to such individual or individuals, of so many acres as the instalments so paid as aforesaid would amount to at the original price bidden for the lands by them originally purchased as aforesaid; all costs of survey of the lands so to be granted, and all other expenses, to be first paid

Costs of survey, &c. to be first paid.

paid by the party to whom such Grants are directed to be issued ; such survey to be made under the direction of the Surveyor General ; provided always, that such Grants shall be made of portions of the land originally purchased, where the same shall be vacant, and where any part of such lands are not vacant, then of such lands as may be selected by the individual to whom such Grant is intended to be made ; and provided also, that all allowances for timber cut off the said lands, or otherwise, be first deducted from the amount for which such Grant shall be made.

Grants to be of land originally intended to be purchased.

Allowance to be made for Timber cut.

II. And be it enacted, That this Act shall not be in force until Her Majesty's Royal approbation be thereunto had and declared.

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

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 13th day of July, 1849, and published and declared in the Province the 8th day of August, 1849.]

CAP. LXXIV.

An Act further to facilitate the making of a Rail Road from Saint Andrews to Woodstock, with a Branch to Saint Stephen.

Passed 14th April 1849.

WHEREAS it is deemed advisable that further encouragement should be given to the Saint Andrews and Quebec Railway Company ;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That on the completion of a Rail Road from Saint Andrews, in the County of Charlotte, to Woodstock, in the County of Carleton, with a Branch to Saint Stephen, in the said County of Charlotte, together with all the station houses, engines, carriages, cars, and other furniture necessary to put the same in good working condition, it shall and may be lawful for the said Company, at their own proper costs and charges, and under the supervision of the Surveyor General of the Province, to survey and lay out all the Crown Lands contiguous to and within five miles on each side of said Rail Road ; which said quantity of land the said Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, shall and he is hereby empowered to grant in fee simple to the said Company, free from any charge save and except the expense and survey as aforesaid ; provided always nevertheless, that nothing in this Act contained shall extend or be construed to extend to prevent the Executive Government of this Province, if they shall see fit, from disposing of any of the land contiguous to the said contemplated line of Rail Road, for actual and immediate settlement, or of disposing of the timber and logs now growing and being thereon.

On completion of a Railway between specified points, and the procurement of the necessary cars, &c., the Company may survey and the Executive Government grant the Crown Lands contiguous to the line, to the extent of five miles on each side thereof.

II. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice aforesaid, on satisfactory assurance, under oath of the President and Secretary of the said Company, that ten thousand pounds have been actually paid and expended in the construction of the said Rail Road, to grant to the said Company in fee simple a portion of the said tract of land, not exceeding ten thousand acres, and so in like manner from time to time to grant a like quantity of land for every additional ten thousand pounds so paid and expended on the said Rail Road as aforesaid ; provided further, that the whole quantity of land granted shall not exceed the quantity of Crown Lands contained in the above mentioned tract, anything herein contained to the contrary thereof notwithstanding.

Executive Government authorized to grant not exceeding 10,000 acres, on proof of the expenditure by the Company of £10,000, &c.

III. And be it further enacted, That this Act shall be and continue in force for ten years from the passing thereof, and no longer.

Limitation of Act.

IV.

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

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

[*This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 18th day of July, 1849, and published and declared in the Province the 8th day of August, 1849.*]

CAP. LXXV.

An Act to incorporate the Saint John and Shediac Railway Company.

Passed 14th April 1849.

Preamble.

‘**W**HEREAS the construction of a Railway between the City of Saint John, on the Bay of Fundy, and Shediac, in the County of Westmorland, on the Gulf of Saint Lawrence, would be of great utility, and it is deemed advisable to grant every facility and encouragement to such enterprising persons as may be desirous and willing to make and maintain a Railway in the direction aforesaid, by granting to them an Act of Incorporation, with the privilege of establishing Steam Vessels in connexion with the said Railway, both on the Gulf of Saint Lawrence and the Bay of Fundy, as the Company may deem desirable;’

Company incorpo-
rated by the name
of The Saint
John and Shediac
Railway Company.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Honorable William Botsford, the Honorable William Crane, the Honorable Charles Simonds, the Honorable John Robertson, the Honorable Edward B. Chandler, the Honorable Robert L. Hazen, M.P.P., the Honorable John W. Weldon, M.P.P., the Honorable Daniel Hanington, M.P.P., the Honorable Amos E. Botsford, John Jordan, M.P.P., William Johnston Ritchie, M.P.P., William H. Scovil, Sylvester Z. Earle, M.P.P., John Duncan, Allen Otty, Stephen Wiggins, William Wilson, M.P.P., John Kerr, John V. Thurgar, Henry Chubb, Leveret H. DeVeber, John W. Holderness, John P. Ford, and Xenophon Cogle, and such other persons as shall from time to time become proprietors of shares in the Company hereby established, their successors and assigns, shall be and they are hereby declared, ordained and constituted to be a Corporation, Body Politic and Corporate, by the name of “The Saint John and Shediac Railway Company;” and shall by that name have perpetual succession and a Common Seal; and shall and may by the said name sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all Courts and places whatsoever; and shall also have power and authority to purchase, hold and enjoy lands, tenements and hereditaments for them and their successors and assigns, for making the said Railway, and for Settlers on the line of the said Railway, and generally for the purposes of carrying the provisions of this Act into effect; and also that they the said Company shall from time to time, and at all times, have full power and authority to constitute, make, ordain and establish such bye laws, regulations and ordinances as may be deemed necessary for the good rule and government of the said Company; provided that such bye laws, regulations and ordinances as may be deemed necessary, be not contradictory or repugnant to the Laws of this Province; and provided also, that no bye laws, regulations and ordinances made under and by virtue of the power and authority of this Act, shall be of any force or effect until one calendar month after a true copy of such bye laws, regulations and ordinances, certified under the hand of the President of the said Company, shall have been laid before the Lieutenant Governor or Administrator of the Government in this Province for the time being,

Power to sue
and be sued;

hold lands, and

make bye laws.

Bye Laws to be
submitted to the
Lieut. Governor
for approval.

for

for approval or disapproval, unless the Lieutenant Governor or Administrator of the Government, shall before such period signify his approbation thereof.

II. And be it enacted, That the capital stock of the Company hereby established, shall be five hundred thousand pounds, to be paid in current money of this Province, the whole amount of the said capital stock to be divided into one hundred thousand shares of five pounds each; and the said Corporation, if necessary, shall have power to extend the said capital stock to a sum or sums not exceeding one million of pounds of like current money, and shall have power to increase the number of shares accordingly, or to assess such increase upon the original number of shares, which original shares and increased stock shall be vested in the persons hereinbefore named, and such other persons as may take shares in the said Company, their successors or assigns; and upon taking such shares they shall deposit in such Bank or Banks in the British North American Colonies as the Directors of the said Company shall from time to time appoint for that purpose, the sum of ten shillings per share, current money aforesaid, and the remaining amount of such shares shall be called in as the work progresses, in such parts and amount per share as the Directors of the said Company may deem necessary; provided always, that twenty shillings per share shall be the greatest amount per share of any one call which the said Directors may make on the shareholders, and two months at the least shall be the interval between successive calls, and thirty days previous notice of payment being required for any one call shall be given in the Royal Gazette at Fredericton, and one or more of the newspapers published in the City of Saint John; and on demand of the holder of any share, the Company shall cause a receipt or certificate of the proprietorship of such share to be delivered to such shareholder, and the same may be according to the form in the Schedule A to this Act annexed, or to the like effect, or in such other form as the said Company may by their bye laws prescribe; and every of the said shares shall be deemed personal estate, and transferable as such, and shall not be deemed or taken to be of the nature of real property; and every such share shall entitle the holder thereof to a proportionate part of the profits and dividends of the said Company; provided also, that the money so to be raised as aforesaid, shall be laid out in the making, completing and maintaining the said Railway, and other the purposes therewith connected, mentioned in this Act, and in payment of the legal and other expenses incurred in and about the incorporating and establishing the said Company, and to no other use or purpose whatsoever.

III. And be it enacted, That so soon as one hundred thousand pounds of the capital stock of the said Company shall have been subscribed, and the deposit of ten shillings per share shall have been actually paid as aforesaid, and not before, it shall be lawful for the said Company, and they are hereby authorized and empowered by themselves, their deputies, agents, officers and workmen, to make, construct, and finally complete, alter and keep in repair, a Railway, with one or more sets of rails or tracks, with all suitable bridges, archways, turnouts, culverts, drains, and all other necessary appendages, and to erect such wharves, moles, jetties, piers, docks, harbours, landings, aboideaux, dikes, buildings, depots, and warehouses, either at the termini, or on the line of the said Railway, and to purchase and acquire such stationary or locomotive steam engines and carriages, wagons, floats, and other machinery and contrivances, and real or personal property, as may be necessary for the making and maintaining the said Railway, and for the transport of passengers and merchandize thereon, and for other purposes of this Act, and may hold and possess the land over which the said Railway is to pass, and such adjoining lands as may be required; which Railway is to run

Capital to be £500,000, divided into 100,000 shares, with power to increase.

Periods and amounts of payments.

Shares to be personal estate.

On subscription of £100,000, and deposit of 10s. per share, Company authorized to construct and maintain their Railway.

from some point or place on the shore of the Gulf of Saint Lawrence, within the limits hereinafter mentioned, that is to say, between the Western Shore of the Harbour of Shediac and the Eastern side of Tignish Head, and the City of Saint John, on such route as the Directors of the said Company, in the exercise of their best judgment and discretion, shall deem most favourable, and best calculated to promote the public convenience; provided always, that a Map or Plan of the route determined upon shall be deposited in the Office of the Secretary of the Province.

Plan of route to be deposited in the Provincial Secretary's Office.

Company empowered to make Branch Railways and own Steam Boats.

IV. And be it enacted, That the said Company shall and may (if they deem it expedient) make Branch Railways to every or any part of the Province, and manage such Branch Railways, and procure and own such Steam Boats or Vessels as may be necessary to ply in connexion with the said Railway in the waters of any part of the Gulf of Saint Lawrence, or in the Bay of Fundy, or in the waters contiguous to either of them; and for that purpose shall exercise and possess all the powers, privileges and authorities necessary for the management of the same in as full and ample a manner as they are hereby authorized to do with respect to the said Railway.

Interest on moneys called in may be paid till the Railway be completed.

V. And be it enacted, That it shall be lawful for the Directors of the said Company in their discretion, until the said Railway shall be completed and opened to the public, to pay interest at any rate not exceeding six pounds per centum per annum on all sums called up in respect of the shares from the respective days on which the same shall be paid, such interest to accrue and be paid at such times and places as the said Directors shall appoint for that purpose; provided always, that no interest shall accrue to the proprietor of any share upon which any call shall be in arrear in respect of such shares, or any other share to be holden by the same proprietor during the period while such call shall remain unpaid.

Evidence of property in a share.

VI. And be it enacted, That the certificate of the proprietorship of any share in the said Company shall be admitted in all Courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors or assigns, to the share therein specified; nevertheless the want of such certificate shall not prevent the holder of any share from disposing thereof.

No share to be transferred while in arrear.

VII. And be it enacted, That no shareholder shall be entitled to transfer any share after any call shall have been made in respect thereof, until he or she shall have paid all calls for the time being due on every share held by him or her.

Company not bound to see to the execution of trusts in respect of shares.

VIII. And be it enacted, That the said Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the said Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the Register of Shareholders, shall from time to time be a sufficient discharge to the said Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the said Company have had notice of such trusts; and the said Company shall not be bound to see to the application of the money paid upon such receipt.

Subscribers to the stock, and their representatives, to pay as appointed by the Directors.

IX. And be it enacted, That the several persons who have or shall hereafter subscribe any money towards the said undertaking, or their legal representatives respectively, shall pay the sums respectively so subscribed, or such portions thereof as shall from time to time be called for by the Directors of the said Company, at such times and places as shall be appointed by the said Directors; and

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

X. And be it enacted, That it shall be lawful for the Directors of the said Company from time to time to make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they shall deem necessary, provided that thirty days notice at the least be given of each call as aforesaid, and that no call exceed the prescribed amount aforesaid, and that successive calls be not made at less than the prescribed interval aforesaid; and every shareholder shall be liable to pay the amount of the call so made, in respect of the shares held by him, to the persons and at the times and places from time to time appointed by the said Company or the Directors thereof.

Power to make calls upon the shareholders for money.

XI. And be it enacted, That if before or on the day appointed for payment, any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same at the rate allowed by law, that is to say, six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment.

Interest to be paid on over-due calls.

XII. And be it enacted, That it shall be lawful for the said Company, if they think fit, to receive from any of the shareholders willing to advance the same, all or any part of the moneys due upon their respective shares, beyond the sums actually called for; and upon the principal moneys so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate not exceeding the legal rate of interest for the time being as the shareholder paying such sum in advance and the said Company may agree upon.

Power to receive advances from shareholders on interest.

XIII. And be it enacted, That if at the time appointed by the said Company, or the Directors thereof, for the payment of any call, any shareholder fail to pay the amount of such call, it shall be lawful for the said Company to sue such shareholder for the amount thereof in any Court of Law or Equity having competent jurisdiction, and to recover the same, with lawful interest from the day on which such call was payable.

Power to sue defaulting shareholders.

XIV. And be it enacted, That in any action or suit to be brought by the said Company against any shareholder, to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for said Company to declare that the defendant is the holder of one share or more in the said Company, stating the number of shares, and is indebted to the said Company in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the said Company by virtue of this Act.

Declaration in suits to recover money due on calls.

XV. And be it enacted, That on the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant at the time of making such call was the holder of one share or more in the said Company, and that such call was in fact made, and such notice thereof given as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever; and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon, unless it shall appear either that any such call exceeds the prescribed amount aforesaid, or that due notice of such call was not given, or that the prescribed interval between two successive calls had not elapsed as aforesaid.

Proof of call, and defendant having been a stockholder at the time, sufficient.

XVI.

Register of Share-
holders to be
prima facie
evidence.

Shares in arrear
may be declared
forfeited.

Notice to be given
of intention to
declare shares
forfeited.

Forfeiture of shares
to be confirmed at
a general meeting.

Forfeited shares
to be sold.

Evidence of pro-
prietorship in pur-
chased shares.

XVI. And be it enacted, That the production of the Register of Shareholders shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares.

XVII. And be it enacted, That if any shareholder fail to pay any call payable by him, together with the interest, if any, that shall have accrued thereon, the Directors of the said Company, at any time after the expiration of two months from the day appointed for payment of such call, may declare the share in respect of which such call was payable, forfeited, and that whether the said Company have sued for the amount of such call or not.

XVIII. And be it enacted, That before declaring any shares forfeited, the Directors of said Company shall cause notice of such intention to be left or transmitted by post to the usual or last place of abode of the person appearing by the Register of Shareholders to be the proprietor of such share; and if the holder of any such share be beyond the limits of this Province, or if his usual or last place of abode be not known to the said Directors, by reason of its being imperfectly described in the Shareholders' Address Book, or otherwise, or if the interest in any share shall be known by the said Directors to have become transmitted otherwise than by transfer, and so the address of the parties to whom the said share or shares may for the time being belong shall not be known to the said Directors, the said Directors shall give public notice of such intention in the Royal Gazette, at Fredericton, and also in one or more of the newspapers published in the City of Saint John; and the several notices aforesaid shall be given ninety days at least before the said Directors shall make such declaration of forfeiture.

XIX. And be it enacted, That the said declaration of forfeiture shall not take effect so as to authorize the sale or other disposition of any share until such declaration shall have been confirmed at the next general meeting of the said Company to be held after such notice of intention to make such declaration of forfeiture shall have been given; and it shall be lawful for the said Company to confirm such forfeiture at any such meeting, and by an order at such meeting, or at any subsequent general meeting, to direct the share or shares so forfeited to be sold or otherwise disposed of.

XX. And be it enacted, That after such confirmation as aforesaid it shall be lawful for the said Directors to sell the forfeited share by public auction; and if there be more than one forfeited share, then either separately or together, as to them shall seem fit; and any shareholder may purchase any forfeited share so sold as aforesaid.

XXI. And be it enacted, That an affidavit by some credible person not interested in the matter, sworn before any Justice or before any Commissioner for taking affidavits in the Supreme Court, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated; and such affidavit, and the receipt of the Treasurer of the said Company for the price of such share, shall constitute a good title to such share; and a certificate of proprietorship shall be delivered to such purchaser, and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

XXII. And be it enacted, That the said Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest and the expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited shares be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, with the proof thereof and certificate of proprietorship to the purchaser, the surplus shall, on demand, be paid to the defaulters.

No more shares to be sold than are sufficient to pay off arrears and expenses.

XXIII. And be it enacted, That if payment of such arrears of calls and interest and expenses be made before any share or shares so forfeited and vested in the said Company, shall have been sold by public auction as aforesaid, such share or shares shall revert to the party or parties to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

On payment of arrears before sale, shares to revert to the party.

XXIV. And be it enacted, That His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, be and he is hereby authorized and empowered to grant unto the said Company, and the said Company are hereby invested with the right, by their agents, servants and workmen, to enter and go in and upon the Crown Lands lying in the route or line of the contemplated Railway, for the purpose of making examinations, surveys and other necessary arrangements, and also for the construction and repair of the said Railway and the Branches connected with the said Railway, its several station houses and depots, and for fuel for the use of the engines, station houses and depots belonging thereto and the said Branches, to dig for, take, remove and use any earth, gravel, stone, timber, wood or other matter, under, on or from the Crown Land contiguous to the Railway, free from any duties or charges therefor.

Company, with the consent of the Executive Government, authorized to enter on Crown Lands for examination, and take materials for construction.

XXV. And be it enacted, That it shall and may be lawful for the said Lieutenant Governor or Administrator of the Government for the time being, by and with the consent aforesaid, and he is hereby fully authorized and empowered to grant unto the said Company, without pecuniary consideration, from the vacant Crown Lands, a belt or strip of such part of the Crown Lands as the said contemplated Railway and the said Branches may pass over and through, the said belt or strip to extend two hundred feet on both sides of the track of the Railway measured from the centre thereof, and also additional pieces or parcels of lands severally not exceeding five hundred feet in length and three hundred feet in breadth, measured along and at right angles to the line of the said belt or strip of land, at such points, and at distances from each other not less than five miles, as may be necessary, and the said Company may select and determine.

Executive Government authorized to grant lands for the route of the Railway.

XXVI. Provided always and be it enacted, That if the said contemplated Railway shall not be completed and in full operation within the space of ten years from the time this Act shall come into operation, all and every the said grants of land, and the rights and privileges conferred by this Act, shall be utterly null and void, and the land and privileges shall revert to and revest in Her Majesty, as fully as if no grant had been made or rights and privileges conferred.

If Railway be not completed within ten years, grants of land and privileges to revert to Her Majesty.

XXVII. And be it enacted, That the said Company shall be and are hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the intentions and objects of this Act; and for this purpose the said Company, their successors, deputies, agents and assistants, shall have

Company invested with all necessary powers, &c.

Power to enter on lands for survey.

Take lands and
 Materials.
 Extent limited.
 Company to pay
 for lands taken.
 In case of disagree-
 ment, damages to
 be assessed by
 Commissioners.
 Assessment to be
 laid before the next
 meeting of the
 Company, and
 amount paid.
 On default, may be
 levied with costs.

have the right to enter and go into and upon the lands and grounds of all and every description, lying in the said route and general direction as aforesaid, for the purpose of making surveys, examinations, or other necessary arrangements for fixing the site of the said Railway; and it shall and may be lawful for the said Company and their successors to take and hold so much of the land and other real estate as may be necessary for the laying out, making and constructing, and convenient operation of the said Railway, and shall also have the right to take, remove, and use for the necessary construction and repair of said Railway and appurtenances, any earth, gravel, stone, timber or other materials on or from the land so taken, without any previous agreement with the owner or owners, tenant or tenants of the land, and upon which such surveys, examinations or other arrangements may be made, or through which the said Railway may be explored, laid out, worked, made and constructed, or on which materials and other things shall be laid for the purposes of the said Railway; provided always, that the said land so taken shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment; and where the said Railway shall pass through any wood lands, or forests, the said Company shall have the right to fell or remove any trees standing thereon, to the distance of six rods from either side of the said Railway, which by their liabilities to be blown down, or from their natural falling, might obstruct or impair said Railway; provided always, that in all cases the said Company shall pay for such lands or estate so taken or used, (in case the owner thereof demand it,) such price as the said Company and the owner or respective owners thereof may mutually agree upon; and in case the said parties should not agree, then it shall be lawful for the said Company to apply to three or more of the Commissioners to be appointed in manner hereinafter provided, who shall examine the site of the said Railway, and in case the said Railway shall pass through or extend upon any improved lands, or shall occasion the removal of any buildings or fences, then and in all such cases the damages shall be ascertained and assessed by such Commissioners or a majority of them; provided always, that not less than three Commissioners shall concur in such assessment; provided nevertheless, that the said Commissioners in assessing the said damages are authorized and empowered, and shall take into consideration the indirect as well as direct advantages which may accrue to the owner or respective owners, as such owner or respective owners, by the construction of such Railway, as by the enhancement in value of the land by the passage of the Railway, in regard to the increased facilities of access to the different stations and termini of the said Railway, in diminution of the damages; and in all cases where the Commissioners shall assess damages to be paid to the owner or owners of any land over which the said Railway may be laid out, the Commissioners so assessing shall lay the said assessment before the next annual meeting of the said Company under the authority of this Act, who are hereby required to pay the amount set forth in the said assessment into the hands of the persons for whom such damages may have been assessed, within twenty one days next after such annual meeting of the said Company, together with the reasonable costs and charges of assessing such damages; and in default of such payment, it shall and may be lawful for the said Commissioners or either of them, (in case of the absence or death of the others,) at the instance of the said party or parties to whom such damages are payable, by warrant under the hands and seals of the said Commissioners, or one of them, (in case aforesaid,) to levy the same with costs, by distress and sale of the goods and chattels of the said Company; provided also, that nothing in this Act contained shall be construed

strued to affect the rights of the Crown in any ungranted lands within this Province, or to authorize the said Company to enter upon or take possession of any such lands without the previous permission of the Executive Government of the Province.

XXVIII. And be it enacted, That when and so soon as the same may be deemed necessary, the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, shall appoint not less than five persons to be Commissioners for ascertaining and settling all disputes or difficulties with reference to the payment for land or materials taken or used by the said Company under the twenty seventh, twenty ninth and thirtieth sections of this Act, or damages occasioned thereby; which said Commissioners shall be appointed during pleasure; and in case of vacancy by refusal to act, resignation, death, removal, incapacity, or absence from the Province, appointments shall be forthwith made as aforesaid for filling such vacancies; and said Commissioners shall be sworn to the faithful and impartial discharge of their duties before any Clerk of the Peace for any County in this Province, and the Clerk so administering such oath shall forthwith transmit a certificate of such oath having been duly administered to the Office of the Secretary of the Province.

Executive Government to appoint Commissioners to settle all disputes as to lands and materials taken, &c., under sec. 27, 29 and 30.

XXIX. And be it enacted, That when the said Company shall take any land or estate of any body corporate, aggregate or sole, guardians, committees, executors or administrators, or other trustees whatsoever, held for and on behalf of those whom they represent, whether corporations, infants, idiots, lunatics, feme covert, persons deceased or beyond seas, or other person or persons whatsoever, who are or shall be possessed of or interested in the said land or estate, the respective contracts, agreements and sales of the said Corporations, guardians, committees, executors, administrators, or other trustees whatsoever, shall be valid and effectual in law to all intents and purposes whatsoever, and their respective receipts shall be good and valid releases and discharges therefor; and it shall be lawful for them respectively to agree and settle with the said Company for damages, (if any) by reason of taking such land or estate aforesaid, and in case of disagreement, such damage to be ascertained and settled as provided by the twenty seventh section of this Act.

Agreements with and discharges by Corporations and Trustees for lands taken, to be valid.

XXX. And be it enacted, That the said Company, their superintendents, engineers, agents, and workmen, may enter upon the land adjoining the said Railway, and from thence take and carry away any timber, stone, gravel, sand and earth, or materials necessary for the construction of the said Railway; and in case of any slip happening, or being apprehended to any cutting, embankment, or other work belonging to the said Railway, the said agents and workmen shall at all times hereafter have full egress and regress into and upon such adjoining lands, for the purpose of repairing and preventing such accident, and to do such works as may be necessary for the purpose; provided always, that such works shall be as little injurious to the said adjoining land as the nature of the operations will admit of, and shall be executed with all possible despatch; in all which cases the damage incurred, if the parties cannot agree, shall be ascertained and paid in like manner in all respects as provided for in the twenty seventh section of this Act.

Power to enter on adjacent lands and take materials for the construction and repair of the Railway.

XXXI. And be it enacted, That the said Company at their own proper costs and charges shall erect and maintain on each side of the said Railway sufficient fences, wherever the same may be necessary, in order to protect the public, or wherever any cleared or cultivated land occurs on the line of the said Railway; and for neglect or failure to erect and maintain such necessary fences, the said Company

Fences to be maintained on each side of the Railway.

Company shall be liable to be indicted at any Court of Oyer and Terminer or General Sessions for the County where such fences shall be insufficient, and to be fined in such sum as shall be then and there adjudged; and such fine shall be expended for the erection or repair of said fences, and for compensation of individual damage, as the case may be; and it shall and may be lawful for the Justices of the said Court of Oyer and Terminer or General Sessions, to make such order for levying the said fine on the property of the said Company, or otherwise, as to them shall seem most proper to the exigencies of the case, which said fine shall be exclusive of any claim for damages which any party may sustain by any such neglect or failure as aforesaid.

Gates to be maintained across highways intersected by the Railway.

XXXII. And be it enacted, That whenever the said Railway or any of its Branches cross or shall hereafter cross any highways, turnpike road, statute labour or private road for carriages of any description, within this Province, the said Company shall make and maintain good and sufficient gates across each end of such highway, turnpike, or other road, which gates shall be constantly closed except during the time when horses, cattle, carts or carriages passing along such turnpike or other road shall have to cross such Railway; and such gates shall be of such dimensions and so constructed as, when closed across the ends of such turnpike or other road, to fence in the Railway, and prevent cattle or horses passing along the road from entering upon the Railway; provided always, that it shall be lawful (in case it shall be more conducive to the public safety) for the said Company, at their own expense, to carry such turnpike or other road over and under such Railway by means of a bridge or archway, in lieu of crossing the same on the level.

Proviso.

Company affairs to be managed by a Board of fifteen Directors.

XXXIII. And be it enacted, That the immediate government and management of the affairs of the said Company shall be vested in fifteen Directors, who shall be proprietors of at least fifty shares each, and who shall be chosen by the shareholders of the said Company in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places; that not less than five Directors shall constitute a Board for the transaction of business, of which the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose one of their number as Chairman in his stead; that the President shall vote at the Board as a Director, and in case of there being an equal number of votes for and against any question before them, the President shall have the casting vote.

Quorum.

Votes.

Number of votes to be given by shareholders ascertained.

XXXIV. And be it enacted, That the number of votes which each shareholder shall be entitled to on every occasion when in conformity to the provisions of this Act the votes of the shareholders are to be given, shall be in the following proportions, that is to say: For one share and not more than ten, one vote; for every five shares above ten and not exceeding twenty, one vote, making three votes for twenty shares; for every ten shares above twenty and not exceeding fifty, one vote, making six votes for fifty shares; for every fifteen shares above fifty and not exceeding ninety five, one vote, making nine votes for ninety five shares; and for every twenty shares above ninety five and not exceeding two hundred and fifteen, one vote, making fifteen votes for two hundred and fifteen shares; and for every fifty shares over two hundred, one vote: provided that no shareholder shall have a greater number than forty votes; and all shareholders may vote by proxy if they shall see fit, provided such proxy be a shareholder, and do produce from his constituent whom he shall represent, or for whom he shall vote, an appointment in the form set forth in the Schedule B to this Act annexed, or to the like effect; and whatever question of election of public officers, or other

Votes by proxy.

matters

matters or things shall be proposed, discussed or considered in any public meeting of the said Company under the authority of this Act, shall be determined and decided by the majority of votes and proxies then and there present; provided always, that the same person shall not vote as proxy for any number of persons who together shall be proprietors of more than two thousand shares.

XXXV. And be it enacted, That whenever one hundred thousand pounds of the said Capital Stock shall have been subscribed, and the deposits paid as aforesaid, the first general meeting of the shareholders shall take place at the City of Saint John, and such meeting shall be called by William J. Ritchie, or in case of his death, absence, neglect or refusal, by any two of the said Company, to be called by notice in the Royal Gazette at Fredericton, and in one or more of the newspapers published in Saint John, thirty days previous to such meeting, in order to organize the said Company, and to choose the Directors thereof, who shall continue in office until re-elected or others chosen and appointed in their stead, at any meeting to be held under the authority of this Act; that the shareholders present or appearing by proxy, shall choose the Directors of the said Company by a majority of votes, and the Directors so chosen shall choose out of their number one who shall be President of the said Company; and in case of the death, resignation, removal, disqualification by sale of stock, or incompetency of any Director, the remaining Directors, if they think proper so to do, may elect in his place some other shareholder duly qualified to be a Director, and the shareholder so elected to fill up any such vacancy, shall continue in office as a Director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office.

First meeting of the shareholders to be held in Saint John when £100,000 are subscribed.

XXXVI. And be it enacted, That the said Directors shall have the power of nominating and appointing all and every the Officers and Engineers and other persons connected with the said Railway, at such salaries or rates of remuneration as to the said Directors shall seem proper, subject to the bye laws, rules and regulations of the said Company; and the shareholders shall have the power from time to time to alter and amend, or to make such new rules, bye laws and regulations for the good government of the said Company, and of the said Railway, and of the works and property hereinbefore mentioned, and for the well governing of the engineers, workmen, and other persons employed by the said Company, as to the major part of the said shareholders shall seem meet; which said rules, bye laws and regulations being put into writing, under the Common Seal of the said Company, shall be published in the Royal Gazette at Fredericton, and also in one or more of the newspapers published in the City of Saint John, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law to justify all persons who shall act under the same.

Directors to appoint officers, engineers, &c.

Shareholders may make and amend bye laws.

XXXVII. And be it enacted, That the said shareholders shall meet annually at the City of Saint John on the first Tuesday in September in each year; at which meeting the Shareholders present, personally or by proxy, may either continue in office the Directors before appointed, or any number of them, or may elect a new body of Directors to supply the places of those not continued in office; provided always, that the omission to meet shall work no forfeiture, but the shareholders may be afterwards called together for that purpose by the Directors of the said Company for the time being.

Annual meeting.

Appointment of Directors.

XXXVIII. And be it enacted, That it shall be lawful for any number of shareholders, holding in the aggregate one thousand shares, by writing under their hands, at any time to require the said Directors to call an extraordinary meeting of the said Company, and such requisition shall fully express the object of the

Power to call extraordinary meetings of the Company.

meeting required to be called, and shall be left at the office of the said Company, or given to at least three Directors, or left at their last or usual place of abode; and forthwith upon the receipt of such requisition, the said Directors shall convene a meeting of the shareholders, and if for thirty days after such notice the Directors fail to call such meeting, the shareholders aforesaid, qualified as aforesaid, may call such meeting by giving thirty days public notice thereof in the Gazette and newspapers hereinbefore in this Act mentioned.

Thirty days notice by advertisement to be given of all meetings of the Company.

XXXIX. And be it enacted, That thirty days public notice at the least of all meetings, whether general or extraordinary, shall be given by advertisement in the Gazette and newspapers hereinbefore in this Act mentioned, which shall specify the place, the day and hour of meeting; and every notice of an extraordinary meeting shall specify the purpose for which the meeting is called.

Toll granted to the Company.

XL. And be it enacted, That a toll be and is hereby granted for the sole benefit of the said Company, on all passengers and property of all descriptions, which may be conveyed or transported upon such Railway, any of its Branches, or in the Steamboats or Vessels connected therewith as aforesaid, at such rates per mile as may be established from time to time by the Directors of the said Company; the transportation of persons and property, the construction of cars and carriages, the weight of loads, and all other matters and things in relation to the use of the said Railway and its Branches, shall be in conformity to such rules, regulations and provisions as the said Directors shall from time to time prescribe and direct; and such Railway and its Branches may be used by any person or persons who may comply with such rules and regulations; provided always, that if after the completing the said Railway, the rates, tolls or dues that may be established by the said Company, under and by virtue of this Act, shall be found excessive, it shall and may be lawful for the Legislature to reduce the said rates, tolls or dues, so as that the same shall not produce to the said Company a greater rate of clear annual profits, divisible upon the subscribed and paid up Capital Stock of the said Company, than fifteen pounds annually for every one hundred pounds of such capital; and in order that the true state of the said Company shall be known, it shall be the duty of the President and Directors thereof, to file in the Office of the Secretary of the Province, for the information of the Legislature, at the expiration of seven years after the said Railway shall have been completed as aforesaid, a just and true statement and account of the moneys by them disbursed and laid out in making and completing the said Railway, in manner aforesaid, and also of the amount of tolls and revenues of the said Railway, and of the annual expenditure and disbursements in maintaining and keeping up the same during the said seven years; the said several accounts and statements to be signed by the President and Treasurer of the said Company, and by such President and Treasurer attested to on oath before any one of Her Majesty's Justices of the Peace for any County in this Province; and provided also, that it shall be the duty of the said President and Directors of the said Company, once in each and every year after the expiration of the said seven years, to file in the said Office of the Secretary of the said Province, for the information of the Legislature, a like statement and account, verified on oath by the President and Treasurer as aforesaid.

The rates may be reduced by the Legislature if found to be excessive.

Statement of expenses and receipts to be filed in the Provincial Secretary's office, for the information of the Legislature.

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

XLI. And be it enacted, That whatever may be the rate of divisible profits on the said Railway, it shall be lawful for Her Majesty's Government, if it shall think fit, subject to the provisions hereinafter contained, at any time after the expiration of the term of twenty one years, to purchase the said Railway, with all its hereditaments, stock and appurtenances, in the name and on behalf of Her Majesty, upon

upon giving to the said Company three calendar months notice in writing of such intention, and upon payment of a sum equal to twenty five years purchase of the annual divisible profits, estimated on the average of the seven then next preceding years; provided that if the average rate of profits for the said seven years shall be less than the rate of fifteen pounds in the one hundred pounds, it shall be lawful for the Company, if they should be of opinion that the said rate of twenty five years purchase of the said average profits is an inadequate rate of purchase of such Railway, reference being had to the prospects thereof, to require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said Company; provided also, that such option of purchase shall not be exercised, except with the consent of the Company, while any such revised scale of tolls, fares and charges shall be in force.

XLII. And be it enacted, That it shall be lawful for the Postmaster General or his chief Deputy, or the duly authorized authorities with reference to the Post Office in this Province, by notice in writing under his hand, or under the hand of such Deputy or authorized authority as aforesaid, delivered to the said Company, to require that the Mails or Post Letter Bags shall from and after the day to be named in such notice (being not less than twenty eight days from the delivery thereof,) be conveyed and forwarded by the said Company on their Railway, either by the ordinary trains of carriages, or by special trains, as need may be, at such hours or times in the day or night as the Postmaster General or his said Deputy shall direct, together with the guards appointed and employed by the Postmaster General or his said Deputy, in charge thereof, and any other officers of the Post Office; and thereupon the said Company shall from and after the day to be named in such notice, at their own costs, provide sufficient carriages and engines on the said Railway for the conveyance of such Mails and Post Letter Bags, to the satisfaction of the Postmaster General or his said Deputy, and receive and take up, carry and convey by such ordinary or special train of carriages, or otherwise, as need may be, all such Mails or Post Letter Bags as shall for that purpose be tendered to them or any of their officers, servants or agents, by any officer of the Post Office, and also to receive, take up, carry and convey in and upon the carriage or carriages carrying such Mail or Post Letter Bags, the guards in charge thereof, and any other officer of the Post Office, and shall receive, take up, deliver and leave such Mails or Post Letter Bags, guards and officers, at such places in the line of such Railway, on such days and at such hours or times in the day or night, and subject to all such reasonable regulations and restrictions as to speed of travelling, places, times and durations of stoppages, and times of arrival, as the Postmaster General or his said Deputy shall in that behalf from time to time order or direct; provided always, that the rate of speed required shall in no case exceed the maximum rate of speed prescribed by the Directors of the said Company for the conveyance of passengers by their first class train, nor shall the Company be responsible for the safe custody or delivery of any Mail Bags so sent.

XLIII. And be it enacted, That the said Company shall be entitled to such reasonable remuneration, to be paid by the Postmaster General or his Deputy, for the conveyance of such Mails, Post Letter Bags, Mail Guards, and other officers of the Post Office, in manner required by such Postmaster General, his Deputy, or by such authorized authority of the Post Office as he shall in that behalf nominate as aforesaid, as shall (either prior to or after the commencement of such service) be fixed and agreed upon between the Postmaster General or such

Mails, guards, &c.
to be forwarded on
the Railway under
the direction of the
Postmaster General

Compensation to
be fixed by agree-
ment or arbitration.

such authorized authority, and the said Company; or in case of difference of opinion between them, the same shall be referred to the award of two persons, one to be named by the Postmaster General or his Deputy, or such authorized authority, and the other by the said Company; and if such two persons cannot agree on the amount of such remuneration or compensation, then to the umpirage of some third person to be appointed by such two first named persons, previously to their entering upon the inquiry; and the said award or umpirage, as the case may be, shall be binding and conclusive on the said parties and their respective successors and assigns.

Nomination of arbitrators and umpires.

XLIV. And be it enacted, That in all references to be made under the authority of this Act, the Postmaster General, his Deputy, or authorized authority, or the said Company, as the case may be, shall nominate his or their arbitrators within fourteen days after notice from the other party, or in default, it shall be lawful for the arbitrator appointed by the party giving notice, to name the other arbitrator, and such arbitrators shall proceed forthwith in the reference, and make their award therein within twenty eight days after their appointment, or otherwise the matter shall be left to be determined by the umpire; and if such umpire shall refuse or neglect to proceed and make his award for the space of twenty eight days after the matter shall have been referred to him, then a new umpire shall be appointed by the two first named arbitrators, who shall in like manner proceed and make his award within twenty eight days, or in default be superseded, and so *toties quoties*.

Her Majesty's Forces of the Line, &c., to be conveyed when required.

XLV. And be it enacted, That the Directors of the said Company shall be bound to provide such conveyance for the Officers and Soldiers of Her Majesty's Forces of the Line, Ordnance Corps, Marines, Militia, or Police Forces, at such time or times (whether the same shall be the usual hours of starting trains or not) as shall be required or appointed by any officer duly authorized for that purpose, and with the whole resources of the Company.

Rate of tolls may be altered, but not so as to prejudice particular parties.

XLVI. And be it enacted, That the Directors of the said Company shall be and they are hereby authorized from time to time to alter or vary the tolls to be taken upon the said Railway or its Branches, as they shall think fit; provided that all such tolls be at all times charged equally to all persons, and after the same rate, whether per ton, per mile, or otherwise, in respect to all passengers and of all goods, chattels or carriages of the same description, and conveyed or propelled by a like carriage or engine, passing only over the same portion of the line of Railway under the same circumstances; and no reduction or advance in any such toll shall be made, either directly or indirectly, in favour of or against any particular company or person travelling upon or using the Railway.

Obligation to permit a line of Electrical Telegraph to be laid down for and by Her Majesty's Government.

XLVII. And be it enacted, That the said Company, on being required so to do by Her Majesty's Government, shall be bound to allow any person or persons duly authorized by Her Majesty's Government, with servants and workmen, at all reasonable times, to enter into or upon the lands of the said Company, and to establish and lay down upon such lands adjoining the line of the said Railway, or any of its Branches, a line of Electrical Telegraph for Her Majesty's Service, and to give to him and them every reasonable facility for laying down the same, and for using the same for the purpose of receiving and sending Messages on Her Majesty's Service, subject to such reasonable remuneration to the Company as may be agreed upon between the Company and Her Majesty's Government; provided always, that subject to a prior right of use thereof for the purposes of Her Majesty, such Telegraph may be used by the Company for the purposes of the Railway, upon such terms as may be agreed upon between the parties, or in the event of differences, as may be settled by arbitration.

XLVIII.

XLVIII. And be it enacted, That the Directors of the said Company shall make yearly dividends of tolls, income and profits arising to the said Company, first deducting thereout the annual costs, charges and expenses of the said Company, as well of the repairs of the work belonging to them, as for the salaries and allowances of the several officers and servants, and for such other purposes connected with the said Company as may be deemed proper by the said Directors, consistent with the bye laws, rules and regulations of the said Company.

Yearly dividend of the profits to be made.

XLIX. And be it enacted, That if any money be payable from the said Company to any shareholder or other person being a minor, idiot or lunatic, the receipt of the guardian of such minor, or the receipt of the committee of such lunatic, shall be a sufficient discharge to the said Company for the same.

Receipts of guardians of minors, and committees of lunatics, to be good discharges.

L. And be it enacted, That before apportioning the profits to be divided among the shareholders, the said Directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing and improving the works connected with the said Railway or its Branches, or any part of the said undertaking, and may divide the balance only among the shareholders.

A portion of the profits may be reserved before declaring dividends.

LI. And be it enacted, That no dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable, shall have been paid.

No dividends to be paid on shares in arrear.

LII. And be it enacted, That the joint stock or property of the said Company shall alone be responsible for the debts and engagements of the said Company; and that no person or persons who shall or may have dealings with the said Company, shall on any pretence whatsoever, have recourse against the separate property of any of the individual shareholders of the said Company, or against their person or persons, further than may be necessary for the faithful application of the funds of the said Company; provided also, that no shareholder of the said Company shall be liable for or charged with the payment of any debt or demand due from the said Company, beyond the extent of his share in the capital of the said Company not then paid up.

Joint Stock to be alone responsible for the Company debts.

LIII. And be it enacted, That no suit or action at law or equity shall be brought or prosecuted by any person or persons for any act, matter or thing done under the authority of this Act, unless such suit or action shall be commenced within six months next after the offence shall have been committed, or cause of action accrued; and the defendant or defendants in such suit or action may plead the general issue, and give this Act and the special matter in evidence under the said plea, and that the same was done in pursuance and by the authority of this Act.

Time limited for bringing actions for any thing done under this Act.

LIV. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the undertaking, break, injure or destroy any of the works to be made by virtue of this Act, every such person or persons shall be adjudged guilty of felony; and every person so offending, and being thereof lawfully convicted, shall be liable to the punishment prescribed for felony in an Act made and passed in the first year of the Reign of His late Majesty William the Fourth, intituled *An Act for improving the administration of Justice in criminal cases*.

Punishment for malicious acts, destroying works, &c.

LV. And be it enacted, That the said Company, to entitle themselves to the privileges, benefits and advantages to them granted in this Act, shall and they are hereby required to make and complete the said Railway within ten years from the passing of this Act; and if the same shall not be so made and completed within the period before mentioned, so as to be used for the conveyance and carriage

Railway to be completed within ten years, or Act to be void.

carriage of passengers, goods, chattels, wares and merchandize thereon, then this Act, and every matter and thing therein contained, shall cease and be utterly null and void.

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

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

SCHEDULE A.

Form of Certificate of Share.

Certificate of Share.

The Saint John and Shediac Railway Company. Number .

This is to certify that A. B., of , is the Proprietor of the share (or shares) Number , of the Saint John and Shediac Railway Company, subject to the regulations of the said Company.—Given under the Common Seal of the said Company the day of , in the year of our Lord one thousand eight hundred and .

SCHEDULE B.

Form of Proxy.

Form of Proxy.

I, A. B., of , do hereby nominate, constitute and appoint C. D., of , to be my proxy, in my name and in my absence to vote or give any assent to or dissent from any business, matter or thing relative to the Saint John and Shediac Railway Company, in such manner as he the said C. D. shall think proper, and for the benefit of the said Company.—In witness whereof, I the said A. B. have hereunto set my hand, (or if a Corporation say the Common Seal of the Corporation,) the day of , one thousand eight hundred and .

A. B.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 18th day of July, 1849, and published and declared in the Province the 8th day of August, 1849.]

CAP. LXXVI.

An Act for the reduction of Judicial Salaries in this Province.

Passed 14th April 1849.

Salaries appointed for any future Chief Justice, Master of the Rolls, or Puisne Judge of the Supreme Court.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That whenever any person shall be hereafter appointed to the office of Chief Justice of the Supreme Court of this Province, he shall be entitled to and shall receive as and for his Salary, while in such office, the sum of seven hundred pounds currency per annum; and that whenever any person shall be hereafter appointed to the office of Master of the Rolls, or to the office of a Puisne Judge of the said Supreme Court, he shall be entitled to and shall receive as and for his Salary, in such office, the sum of six hundred pounds currency per annum; which said several Salaries shall be paid quarterly, as is hereinafter provided.

Allowance of £270 for the travelling expenses of the Judges on the Circuits, to be paid from the Civil List Fund.

II. And be it enacted, That the sum of two hundred and fifty pounds, as heretofore and at present allowed to defray the travelling charges and expenses of the Judges holding the Circuit Courts, be and the same is hereby continued and allowed, for the like purposes, and in addition to the Salaries above specified, and shall be paid out of the monies granted under and by virtue of the Act for the support of the Civil Government of this Province, and shall be drawn in the manner prescribed in and by the said Act.

III.

III. And be it enacted, That whenever any future appointment shall be made to any of the said Judicial Offices respectively, the Salary therefor shall be charged upon and paid out of the moneys granted under and by virtue of the Act of the General Assembly for the support of the Civil Government of this Province, and shall be drawn in the manner prescribed in and by the said Act.

The Salaries attached to the said Judicial Offices to be paid from the Civil List.

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

Act suspended till Her Majesty's approbation be declared.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 8th day of January, 1850, and published and declared in the Province the 30th day of January, 1850.]

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BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. I.

An Act relating to the Police Office established in the City of Saint John, and to provide for the relief of Debtors confined in the Gaol of the said City for small sums, and making provision for the levying and collecting of assessments in the said City, and other purposes.

Passed 18th March 1850.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Police Magistrate or other Magistrate sitting at the Police Office established in the City of Saint John by virtue of an Act passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act in further amendment of the Charter of the City of Saint John*, to hear and determine all offences committed against any bye law or ordinance of the Corporation of the said City; and that all fines, penalties and forfeitures, and sums of money, imposed and awarded in and by any of the said bye laws or ordinances now in force or which may be hereafter ordained and become in force, shall and may be sued for, prosecuted and recovered, with costs, before the said Police Magistrate or other Magistrate sitting at the said Police Office as aforesaid, and with the like effect as any other fine, penalty, forfeiture or sum of money may be sued for, prosecuted and recovered before the said Police Magistrate; and that in every case on the adjudication of any pecuniary penalty under any such bye law or ordinance, and non-payment thereof, it shall be lawful for the said Police Magistrate or sitting Magistrate to commit the offender to the Common Gaol or Provincial Penitentiary for the term directed and provided in and by such bye law or ordinance.

Police Magistrate authorised to try offences against the ordinances and bye laws of the City Corporation.

Power given to commit the offenders for non-payment.

II. And be it enacted, That all moneys received and collected by the said Police Magistrate in respect of any fines, penalties and forfeitures incurred and paid under the provisions of any such bye law or ordinance, shall be paid over by the said Police Magistrate, with an account thereof on oath, on the first day of every month, or if such first day of the month be Sunday then on the next preceding day, into the hands of the Chamberlain of the said City, for such uses and purposes as may be directed in and by such bye laws and ordinances respectively, and at the same time he shall pay all fees and costs received by him in collecting the same, into the hands of the said Chamberlain, to the use of the Watch and Police Funds.

Fines and penalties collected, to be paid over monthly to the Chamberlain for the use of the Watch and Police funds.

III.

CAN/NB
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Certified copy of
bye laws to be
prima facie
evidence of the
same.

III. And be it enacted, That a copy of any such bye law or ordinance purporting to be certified under the hand of the Common Clerk of the said City to be a true copy, and to have been confirmed by the Lieutenant Governor in Council, shall be *prima facie* evidence of such bye law or ordinance, and of the due confirmation thereof, in all Courts within this Province.

Police Magistrate
and Policemen to
be vigilant in
detecting offenders.

IV. And be it enacted, That it shall be the duty of the Police Magistrate and Policemen of the said City at all times to be vigilant and faithful in endeavouring to discover and detect all offences against the said bye laws and ordinances, and all other offences whatsoever against the law, and to be aiding and assisting the Mayor, Recorder and Aldermen of the said City in enforcing obedience thereto.

Indigent debtors
confined in gaol on
a *capias* issued by
a Justice of the
Peace, may apply
to the Mayor,
Recorder, Police
Magistrate, an
Alderman, or the
Common Clerk,
for a discharge.

V. And be it enacted, That any person confined for debt in the body of the Gaol in the City and County of Saint John, whether on *capias*, attachment or execution, in any suit brought before a Justice of the Peace of the said City and County, or in the City Court of Saint John, and being in indigent circumstances, may make application for his discharge to the Mayor, or the Recorder, or Police Magistrate, or an Alderman, or the Common Clerk of the said City; and the said Mayor, Recorder, Police Magistrate, Alderman, or Common Clerk, or any one of them, may grant an order, directed to the Sheriff of the said City and County, requiring him to bring up such confined debtor for examination at such time and place as may be thought fit; and the said Sheriff shall duly obey such order, and not be liable for any action for escape or other suit in consequence thereof.

Sheriff to bring up
the party for
examination.

Party to be exam-
ined, and if in
indigent circum-
stances to be
discharged, if cre-
ditor had notice of
the examination,

VI. And be it enacted, That in pursuance of such order the said confined debtor may be examined at the time and place specified in such order, on oath before the said Mayor, Recorder, Police Magistrate, Alderman, and Common Clerk, or any two of them, of whom the Police Magistrate, the Recorder, or Common Clerk, shall be one, and if on such examination it shall appear to their satisfaction that the said debtor is in really indigent circumstances and unable to pay the amount for which he is confined, or to support himself in gaol, the said Mayor, Recorder, Police Magistrate, Alderman, and Common Clerk, or such two of them as aforesaid, may make an order for the immediate discharge of the said debtor from custody in the said suit, and such debtor shall thereupon accordingly be immediately discharged from such custody, without payment of any gaol fees; provided nevertheless, that no such order for discharge shall be made in any suit unless it be made to appear to the satisfaction of the said Mayor, Recorder, Police Magistrate, Alderman, and Common Clerk, or such two of them as aforesaid, that at least twenty four hours notice of the time and place of the said examination had been previously given to the plaintiff or creditor in such suit, or his agent, or left for him at his present or last place of residence.

Witnesses may be
summoned or
compelled to attend
at the examination.

VII. And be it enacted, That the said Mayor, Recorder, Police Magistrate, Alderman, and Common Clerk, or any one of them, shall have power to summon witnesses to attend and give evidence at such examination, and shall and may have the same power and authority to issue a summons for the appearance of any person to be examined as a witness at such examination, and in case the same be not obeyed, to issue warrants for the apprehension and commitment of such persons, as are given to and vested in a Justice of the Peace on any information or complaint before him, in and by the sixth section of an Act passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to facilitate the performance of duties of Justices of the Peace out of Sessions within this Province with respect to summary convictions and orders.*

VIII. And be it enacted, That the twenty ninth section of an Act passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act in further amendment of the Charter of the City of Saint John*, be and the same is hereby repealed.

12 V. c. 68 s. 29, repealed.

IX. And be it enacted, That in case of the death, illness, absence, or refusal to act, or resignation of any Commissioners appointed under the twenty first section of the said last recited Act, another or others may be appointed by the Mayor, Recorder, and Sheriff, or any two of them, at any time previous to the election which such Commissioner may be appointed to hold; and in case of an election to supply any vacancy in the office of Alderman, Councillor or Constable, arising from the provisions of the said Act, the said election shall be held in the manner pointed out in the said twenty first section.

Other Commissioners to hold elections may be appointed in case of death, &c.

X. And be it enacted, That nothing in the twenty third section of the said recited Act contained shall be construed to disqualify any person from being elected or holding a seat as an Alderman or Councillor by reason only of his having or having had directly or indirectly by himself or his partners any share or interest in any lease, sale or purchase of Corporation lands, tenements or hereditaments, or any agreement for any such lease, sale or purchase, or for the loan of money.

Interest in a lease of Corporation lands, &c., not to disqualify for office of Alderman or Councillor.

XI. And be it enacted, That the Deputy Clerks of the several Markets in the City of Saint John, and the Master of the Steam Ferry Boat plying in the Harbour of Saint John, in order to the preservation of the peace and good order in the said Markets or Ferry Boats, shall (during the time they hold the said offices or places) be, and they are hereby severally vested (in addition to any power given by the Charter of the said City, or any bye law or ordinance of the Corporation of the said City) with all the powers and authorities vested in the Police-men of the said City by any law or statute now in force in this Province.

Deputy Clerks of Markets, and Master of Steam Ferry Boat plying in the Harbour, vested with the powers of Police-men.

XII. 'And whereas doubts have arisen as to the power of the Mayor's Court of the City of Saint John to appoint Commissioners to take Bail under the provisions of an Act made and passed in the sixtieth year of the Reign of His Majesty George the Third, intituled *An Act to authorize and empower the Inferior Court of Common Pleas in the respective Counties of this Province to appoint Commissioners to take Bail in the same Courts*;' Be it therefore declared and enacted, That the provisions of the said recited Act shall be deemed and taken to authorize and empower the Justices of the Inferior Court of Common Pleas for the City and County of Saint John, to appoint Commissioners in the said City, or elsewhere in the said City and County of Saint John, to take Bail in the said Court in the manner provided by the said recited Act.

Justices of the Inferior Court of Common Pleas empowered to appoint Commissioners to take Bail in that Court.

XIII. And be it enacted, That it shall and may be lawful for the said Police Magistrate, upon complaint of the party aggrieved, to hear and determine by himself alone, summarily, all prosecutions and complaints of common assaults and batteries, in the same manner, and under the same limitations and provisions, and with the same power and authority as is directed to be done by two Justices of the Peace, in respect of such complaints, in and by the seventy fourth, seventy fifth and seventy sixth sections of an Act passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to consolidate and improve the Laws relative to the administration of Criminal Justice*; and all fines, penalties, fees and costs received and collected by the said Police Magistrate in respect of such prosecutions, shall be accounted for and paid over by him to the said Chamberlain, in like manner as is directed in the second section of this Act, for the use of the said Watch and Police funds.

Police Magistrate empowered to hear and determine common assaults.

Fines, &c. to be paid over to the Chamberlain for the use of the Watch and Police funds.

Larcenies to the amount of 40s. may be tried summarily by the Police Magistrate and two Magistrates for the City and County.

XIV. And be it enacted, That when any person shall be charged with any larceny, or any offence of receiving stolen goods, whenever the value of the property stolen shall not exceed forty shillings, it shall be lawful for the said Police Magistrate, together with any two Magistrates for the City and County of Saint John, forthwith to hear and determine such offence, and on conviction either by confession or on the testimony of one or more credible witness or witnesses, the said Magistrates are hereby authorized and empowered to commit the offender to the Common Gaol or Provincial Penitentiary, in the discretion of the said Magistrates, for any term not exceeding six months.

A Policeman to be in daily attendance at the Mayor's office.

XV. And be it enacted, That the said Police Magistrate shall direct some one of the Policemen to be in constant daily attendance at the Mayor's office during office hours, whose duty it shall be to observe and obey all such orders and directions as may be given him by the Mayor or Recorder in respect of the public business of the City.

Corporation empowered to appoint Assessors and Collectors for the City.

XVI. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, and they are hereby authorized and empowered to appoint such and so many Assessors and Collectors as they in their discretion shall think fit, for the assessing, levying and collecting of all such rates, taxes and assessments, as shall from time to time be required to be levied and assessed upon the said City by virtue of any law for raising or assessing any sum or sums of money upon the said City.

The Assessors and Collectors to be subject to the same rules, &c. as others, in the Act 13 V. c 31.

XVII. And be it enacted, That the Assessors and Collectors appointed or so to be appointed in and for the said City, shall be and they are hereby made subject and liable to the same rules, regulations, restrictions, penalties and forfeitures, as the Assessors and Collectors of any Town or Parish in this Province are made liable to under and by the provisions contained in section second of an Act made and passed during the present Session of the Legislature, intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province.*

Certain sections of Act 7 W 4, c 7 declared to be in force as part of Act 11 V. c 12.

XVIII. And be it enacted, That the fifth, sixth, seventh and thirteenth sections of an Act made and passed in the seventh year of the Reign of His Majesty William the Fourth, intituled *An Act to provide for the collection of County and Parish Rates*, be and the same are hereby continued and declared to be in force, and incorporated with as part of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour of Saint John, and for lighting the same, as also for other purposes*, during the continuance of the said last recited Act.

Common Council may make bye laws for the government of the Assessors and Collectors.

XIX. And be it enacted, That it shall be lawful for the Common Council of the said City, by any bye laws or ordinances for such purpose to be passed, to make rules and regulations for the government of the said Assessors and Collectors, and thereby to order and direct the mode in which they shall execute and perform the various duties required of them by law, and to impose such fines and penalties for the better enforcing thereof as they may deem reasonable, not to exceed in any case the sum of ten pounds; provided that no such bye laws or ordinances shall be of any effect which are repugnant to the provisions of any Act of Assembly relating to the subject matter thereof.

Assessors to have liberty to search the County Records to ascertain the property owned by persons liable to assessment.

XX. And be it enacted, That the said Assessors shall for the purpose of enabling them to obtain information for making such assessments, have liberty to search at the Record Office of the City and County of Saint John, to ascertain the

the amount of property owned by any person liable to assessment, and the Registrar shall receive for all searches (from such Assessors) connected with any one individual's property, the sum of one shilling and no more, which sum so paid by the said Assessors shall be allowed and repaid them in addition to their commission; provided always, that such Assessors shall only be permitted to search under the authority of this Act between the time of their appointment and the making of the assessment in each and every year. Fee to Registrar.

XXI. And be it enacted, That a bye law or ordinance of the Corporation of the City of Saint John, made and passed on the twenty fifth day of February last, intituled *A Law to regulate the election of Aldermen, Councillors and Constables in the City of Saint John*, be and is hereby declared to be good, valid and effectual in the law, and that the same be and is to all intents and purposes hereby ratified and confirmed. A certain bye law of the Corporation for the election of Aldermen, Councillors and Constables, confirmed.

FREDERICTON, N. B.:

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



[NEW BRUNSWICK: LOCAL ACTS.]



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. II.

An Act to continue an Act, intituled *An Act for the punishment of persons who shall be guilty of the trespasses therein mentioned in the City of Saint John.* 5 W 4, c 9.

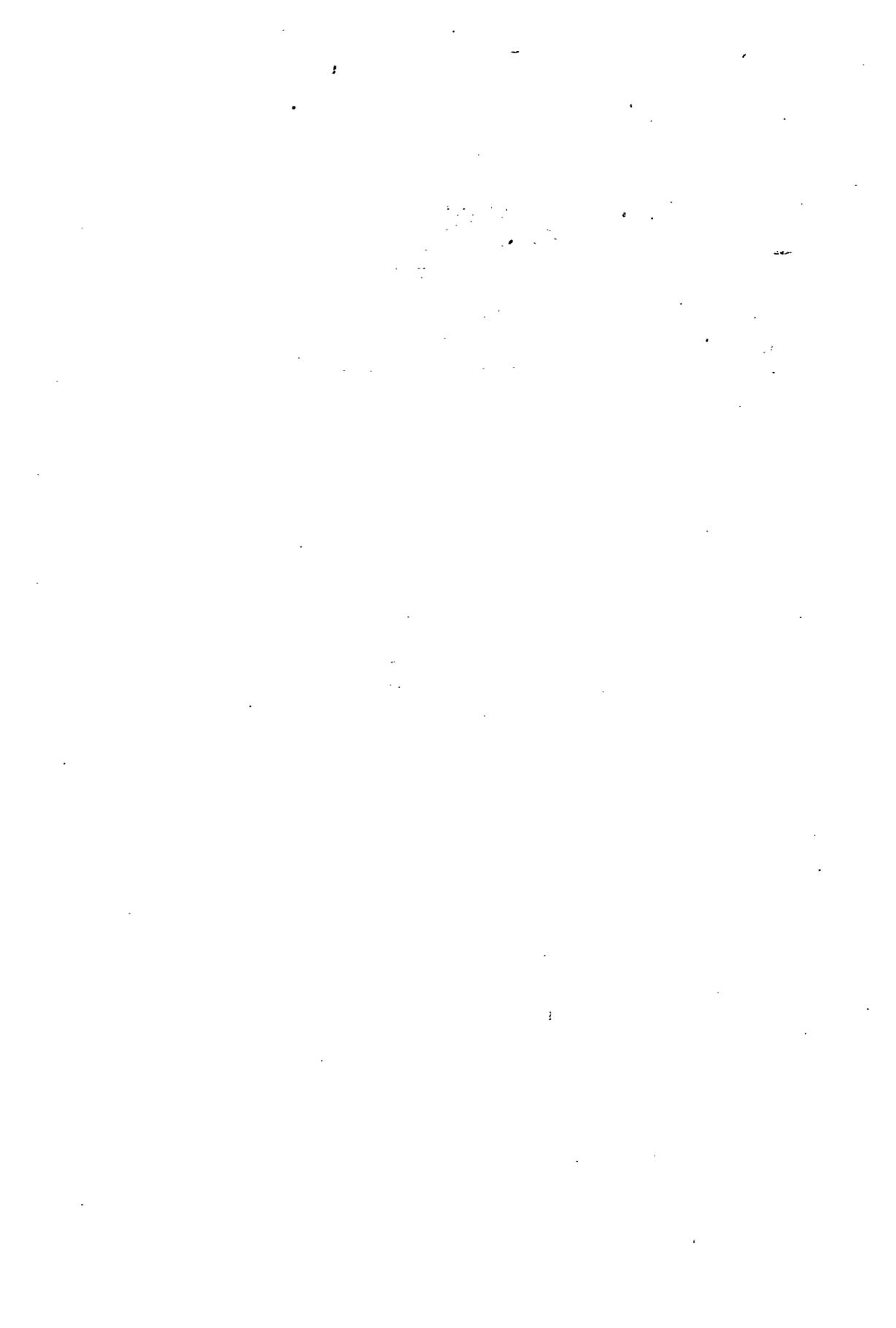
Passed 11th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the punishment of persons who shall be guilty of the trespasses therein mentioned in the City of Saint John*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five.

Act 5 W 4, c 9,
continued.

FREDERICTON, N. B.:

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



[NEW BRUNSWICK: LOCAL ACTS.]



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. III.

An Act to continue an Act, intituled *An Act to authorize the extension of the Gaol Limits in s w 4, c 13.*
the City and County of Saint John.

Passed 11th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly,
That an Act made and passed in the eighth year of the Reign of His late
Majesty King William the Fourth, intituled *An Act to authorize the extension of*
the Gaol Limits in the City and County of Saint John, be and the same is hereby Act 8 W 4, c 13,
continued and declared to be in force until the first day of May which will be in
the year of our Lord one thousand eight hundred and fifty five. continued.

FREDERICTON, N. B.:

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

[NEW BRUNSWICK: LOCAL ACTS.]



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. IV.

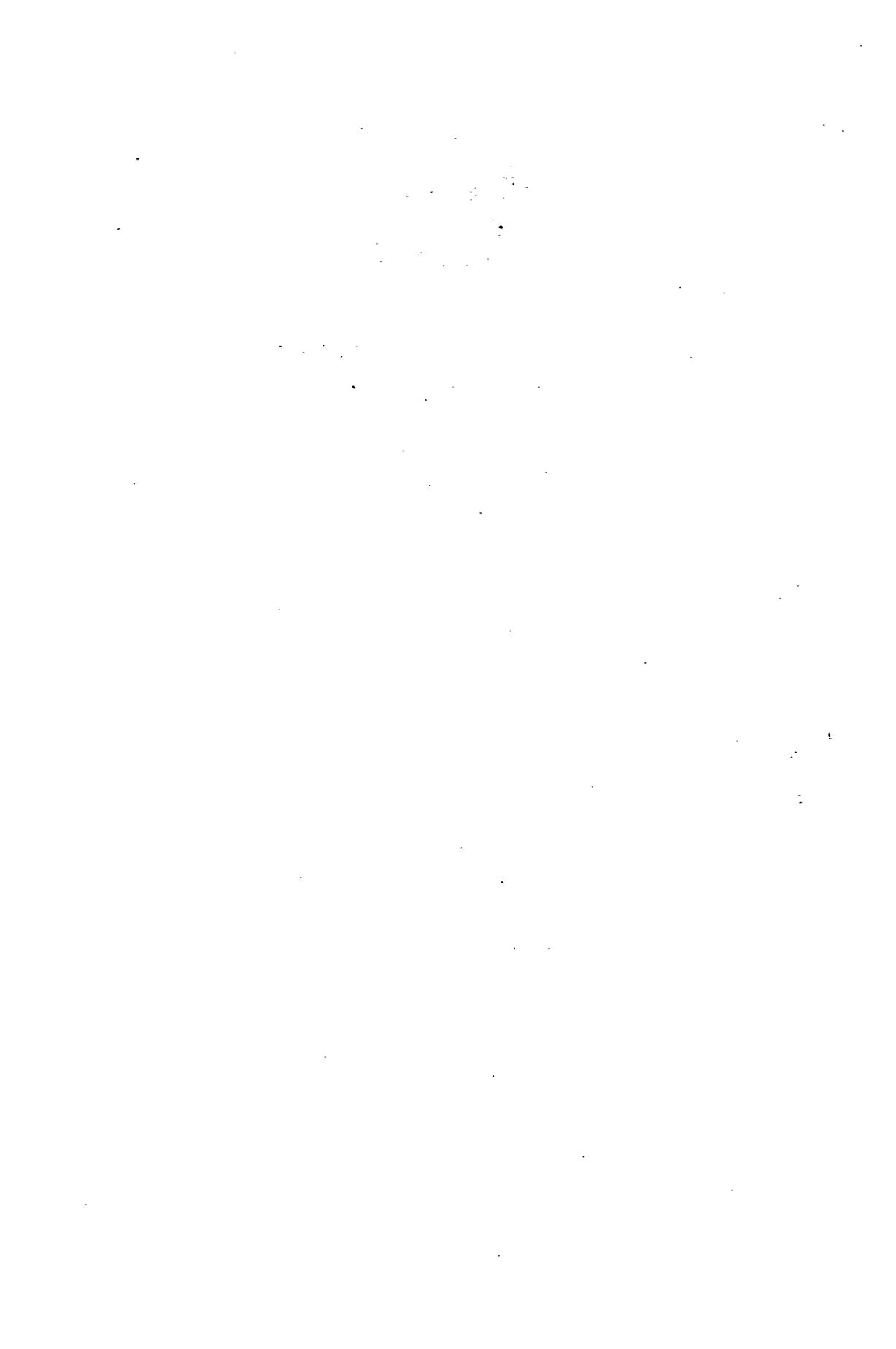
An Act to continue an Act, intituled *An Act to regulate Dockage, Wharfage and Cranage in the City of Saint John and in the Parish of Portland.* 5 V. c. 33.

Passed 11th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to regulate Dockage, Wharfage and Cranage in the City of Saint John and in the Parish of Portland*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five. Art 5 V. c 33, continued.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. V.

An Act for the better extinguishing of Fires which may happen in the City of Saint John.

Passed 11th April 1850.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifty second year of the Reign of His Majesty King George the Third, intituled *An Act authorizing the Mayor, Aldermen and Commonalty of the City of Saint John, to make regulations for the more effectual prevention of Fires within the said City*; and also an Act made and passed in the fifty ninth year of the same Reign, intituled *An Act in addition to and amendment of an Act, intituled 'An Act to revive and make perpetual an Act authorizing the Mayor, Aldermen and Commonalty of the City of Saint John, to make regulations for the more effectual prevention of Fires within the said City;*' and also an Act passed in the third year of Her present Majesty Queen Victoria, intituled *An Act for the better extinguishing of Fires which may happen in the City of Saint John, and to continue a certain Act relating to the same matter therein mentioned*; and also an Act passed in the eighth year of the same Reign, intituled *An Act in addition to an Act, intituled 'An Act for the better extinguishing of Fires which may happen in the City of Saint John, and to continue a certain Act relating to the same matter therein mentioned;*' be and the same are hereby repealed, except so far as the said Acts or any of them may repeal the whole or any part of any other Act not hereby repealed.

Repeal of
52 G. 3, c. 16.
59 G. 3, c. 5.
3 V. c. 89.
S V. c. 63.

II. And be it enacted, That it shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, by any bye laws or ordinances, orders, or otherwise, to establish a Fire Department in and for the said City, which said Fire Department shall consist of one Chief Engineer, and so many other Engineers, Firemen, Fire Policemen and Firewards as shall and may from time to time be elected, nominated and appointed by the said Common Council; provided that the number of Engineers and Firemen so to be elected, nominated and appointed, shall not exceed sixty for each and every Fire Engine belonging to the said City.

City Corporation authorized to establish a Fire Department, to consist of Engineers, Fire Policemen & Firewards.

III. And be it enacted, That the said Common Council shall and may, and they are hereby authorized and empowered to establish and organize the said Fire

Fire Department to be divided into companies and divisions.

Members may be displaced.

Engineers and Firemen entitled to certain exemptions—

Office of Constable, Militia service,

Statute Labour,

City or County rates or taxes.

Members of Fire Department to be registered. To be entitled to exemptions on production of Warrant of appointment and certificate of service.

Engineers and Firemen to be entitled to retire and retain their exemptions after a certain period of service, on vote of the Common Council.

City Corporation empowered to make bye laws with penalties for the organization and government of the members of the Fire Department, and the using of the engines, and otherwise.

Fire Department into such and so many Companies or Divisions, and in such manner as they shall think fit, and from time to time to remove and displace all or any of the members of the said Fire Department when and as often as they shall think fit, and others in the room and places of such as they shall remove or displace, to elect, nominate and appoint.

IV. And be it enacted, That each and every person to be elected, nominated or appointed a Chief Engineer, an Engineer, and a Fireman, from time to time during his continuance in such office, and no longer, shall be freed, exempted and privileged from serving the office of Constable or Surveyor of Highways, and from serving in the Militia, except in case of invasion or other imminent danger, and from serving upon any Jury in any Court to be held within the said City and County of Saint John, and from performing Statute Labour on Highways and Streets in the said City, and from paying the commutation money for such Statute Labour, and shall also be freed, exempted, relieved and discharged from the payment of any such City or County rates or taxes or any such portion or proportion thereof as the said Common Council may in their discretion at any time or times, by any bye law or ordinance, regulation or order, direct and appoint; and the names of such persons elected, nominated and appointed members of the said Fire Department from time to time, shall be registered and entered with the Clerk of the Peace for the said City and County; and if any such Engineer or Fireman shall be chosen, elected or appointed to any office or situation, or be required to perform any duties or make any payments from which he is hereby declared to be exempt and freed, then upon production of his Warrant of appointment, and a certificate under the hand of the Chief Engineer, of his then being and serving as such Engineer or Fireman, he shall be absolutely relieved and discharged from the same.

V. And be it enacted, That every person who shall have served as a Chief Engineer, or an Engineer or Fireman of the said Fire Department for the continued space of fourteen years in succession, and every Chief Engineer, Engineer or Fireman who before the passing of this Act may have faithfully served as such for an uninterrupted period of not less than fourteen years, shall, if the said Common Council, by a resolution in which not less than two thirds of the whole body shall agree, shall so direct, be relieved from further service in the said Fire Department, and such person so relieved shall retain, have, use and enjoy the same privileges and exemptions from serving as Constable or Surveyor of Highways, and in the Militia, and from Statute Labour, as are allowed to such Chief Engineer, and to Engineers and Firemen, by this Act.

VI. And be it enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, from time to time to enact, ordain, make and establish in such manner and terms as they shall think fit, any bye laws, ordinances, orders, rules, regulations and provisions, in respect to the organization, appointment, qualification, arrangement, government, conduct, duty and behaviour of the several members of the Fire Department, or any of them, and to the care, working, management, exercising, trying and using the Fire Engines of the said City, and the tools and other instruments and implements for extinguishing fires which may happen or break out in the said City, and for compelling the attendance of the members of the said Fire Department at any such fire, and to impose and establish such reasonable fines, penalties and forfeitures upon them or any of them, for default or neglect of the duties, business and services thereby, or by this Act enjoined or required of or from them, as may be thought fit, not exceeding for any one offence the sum of ten pounds.

VII.

VII. And be it enacted, That the said persons so to be elected, nominated and appointed to be members of the said Fire Department, are hereby required and enjoined always to be ready at a call by night and by day, to perform their several and respective duties in the extinguishing of fires that may happen to break out in the said City, and in the preservation of property thereat; and upon the breaking out of fire within the said City, the said Fire Policemen shall immediately repair to the place where the fire may be, and protect all property which may be either removed or being removed, to preserve the same from destruction or damage, and for that purpose shall and may have full power to enter any house, or on any lands and premises connected therewith, and prevent all depredation thereon, and arrest or remove and convey to the common gaol or any watch house or police station or other place of confinement, any person who may be found committing or attempting to commit any felony or any breach of the Peace, or any idle or disorderly person, or any person who shall intermeddle with any such property, or shall refuse when required to assist either in carrying water or obeying any other command of such Fire Policemen or other person having authority for the purpose of extinguishing the fire or preserving property; and any one or more of the said Fire Policemen taking with him or them a Justice of the Peace for the City and County of Saint John, may enter any dwelling house, store, out house, or erection of any kind, or any yard or other land or premises, and search the same for goods, chattels or articles of any description stolen or suspected to have been stolen at or during the continuance of the said fire, or missing in consequence of such fire; and the said goods, chattels or articles to convey or cause to be conveyed to some safe place of deposit, or to leave the same with the said Justice or any other Justice, to be dealt with according to law.

Members of the Fire Department to be ready at a call by day or by night.

Fire Policemen to repair to fires to protect property, and

arrest offenders,

and persons refusing to assist.

Fire Policemen accompanied by a Justice of the Peace may search houses, &c. for goods missing in consequence of a fire.

VIII. And be it enacted, That whenever it shall appear that any person has had in his possession any goods, chattels or articles of any description whatever, which may have been stolen, missing, lost or taken away at any fire or after any fire, and before the same has been restored to the owner, for the space of forty eight hours after the said fire shall cease, without giving notice to the owner thereof, or to a Justice of the Peace, or to a Fire Policeman, such possession without such notice shall be deemed and adjudged *prima facie* evidence that such person has been guilty of larceny, and on conviction thereof, shall suffer the punishment as in a case of larceny.

Possession for forty eight hours of stolen property, to be *prima facie* evidence of guilt.

IX. And be it enacted, That upon the breaking out of fire within the City aforesaid, the Sheriff and all under and Deputy Sheriffs, the High Constable and all Petty Constables and Marshals, upon notice thereof, shall immediately repair to the place where the fire shall happen, with their rods, staves and other badges of their authority, and shall be aiding and assisting in extinguishing the said fires, and causing the people to be orderly and obedient, and in removing and securing property, and in preventing goods from being stolen, and shall seize and apprehend all ill-disposed persons that may be found stealing or pilfering thereabouts, and all other suspicious, idle or disorderly persons.

On breaking out of fire, Sheriff, Deputy Sheriff, High Constable, Petty Constable and Marshals to repair to the place and exert their authority.

X. And be it enacted, That the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, shall have full power and authority from time to time to enact, ordain, make and establish, in such manner and terms as they shall think fit, any bye laws, ordinances, orders, rules, regulations and provisions to compel the attendance of the inhabitants or any other persons to assist at the extinguishing of fires, and to prescribe the duties of such inhabitants or other persons, and to remove or prevent the construction of any hearth,

City Corporation may enact bye laws with penalties to compel the assistance of inhabitants at fires;

The proper construction of fire places ;

To regulate the graving of ships, the transporting of fire and ignitable materials ;

The sweeping of chimneys ;
The pulling down of buildings ;
The carting of gunpowder, &c ;

Lights in stables ;

Supply of ladders to houses, and fire buckets ;

Erection of buildings :

Inspection of premises as to danger of fire.

City Corporation authorized to assess the inhabitants to the extent of £500 annually, to defray the necessary expenses connected with the Fire Department.

Continuation.

hearth, fire place or chimney, stove, oven or boiler, kettle, or any apparatus used in any manufacture or business which may be dangerous in causing or promoting fires ; and also to direct the construction of smoke houses, and also of deposits for ashes in safe and suitable places and of materials secure against fire ; and also to regulate the graving of ships ; and also the keeping, carting, conveying and transporting fire, fire brands, or live coals of fire ; and also hay, straw, hemp, flax, tow, cotton, wool, rushes, firewood, boards, shingles, shavings, or other materials easily ignited ; and to enforce the proper sweeping and cleaning of chimneys ; and to authorize and regulate the pulling down and demolishing of buildings adjacent to buildings on fire, and remunerating the owners thereof ; and also to regulate the keeping, carting, conveying or transporting of gunpowder, or any other combustible or dangerous material within the said City, and to provide for the forfeiture thereof if the same shall be kept, carted, conveyed or transported contrary to any bye laws, ordinance, order or regulation ; and also to regulate the use of light and candles in livery stables and other stables within the said City ; and also to direct the inhabitants or owners of houses within the said City to furnish and provide themselves with fire buckets, ladders, and any other such thing as may be necessary to be kept in, on or near to their respective houses or other premises, to be ready for being used in preventing and extinguishing fires ; and also to make rules, regulations and restrictions to be observed by all persons in the erection of buildings to be built within the populous parts of the said City ; and also to authorize such suitable officer or officers as they may think proper, at such reasonable time or times as they may direct and appoint, to enter into and examine all dwelling houses, lots, yards, enclosures and buildings of every description within the said City, to examine, inspect, survey and discover whether any danger of fire exists therein, and to give order and direction concerning the same, so as effectually to provide for the safety of the inhabitants and property in the neighbourhood thereof, and to impose and establish such reasonable fines, penalties and forfeitures for any breach of the said bye laws, ordinances, orders, rules, regulations and provisions, or any of them, as may be thought fit, not exceeding for any one offence the sum of ten pounds.

XI. And be it enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, to make an annual rate or assessment upon the said City not exceeding the sum of five hundred pounds in each and every year, besides the charges for assessing, levying and collecting the same, for the purpose of defraying the necessary expenses of keeping up the said Fire Department, and preserving the same in an efficient state ; the said annual assessments of sums of money to be assessed, levied and collected in such manner and form as by any Act or Acts of Assembly made or be made, is or may be appointed and directed for assessing, levying and collecting any public rates or County charges within the said City of Saint John, and when collected and received, shall from time to time be paid into the hands of the Chamberlain of the said City, to be appropriated by the said Common Council for the uses and purposes aforesaid, and no other uses or purposes whatever.

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

FREDERICTON, N. B. :

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



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. VI.

An Act to authorize the Corporation of the City of Saint John to become Shareholders in the additional Stock of the Saint John Water Company.

Passed 11th April 1850.

WHEREAS by an Act of Assembly made and passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to increase the Capital Stock of the Saint John Water Company, and to provide a more efficient supply of Water in the City of Saint John*, authority is given to the shareholders of the said Company to increase the capital stock to an amount not exceeding ten thousand pounds, such additional stock to be divided into shares of five pounds each: And Whereas it is deemed advisable to authorize the Mayor, Aldermen and Commonalty of the City of Saint John, to take up and subscribe for a portion of the said additional stock, and to raise money for that purpose by assessment in the manner hereinafter provided;

Preamble.
12 V c 51.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the City of Saint John, if they shall think fit so to do, from time to time to subscribe for and take up and become shareholders and proprietors of such and so many of the said additional shares of the said capital stock of the said Saint John Water Company, as the Common Council of the said City may from time to time determine, not exceeding in the whole nine hundred shares of the said additional stock.

City Corporation authorized to take up 900 of the additional shares in the Saint John Water Company.

II. And be it enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the City of Saint John, to borrow such sums of money as may from time to time be required for the payment of the said shares of the said additional stock so to be taken and held by them, not exceeding in the whole the sum of four thousand five hundred pounds, to be paid off and discharged in the manner hereinafter mentioned, the same to be taken in loans of not less than fifty pounds, and that Debentures in the following form, or to the like effect, shall be prepared and delivered to the persons from whom such loans may be obtained, namely:—

City Corporation authorized to borrow money for the payment of the said shares.

Form of
Debentures.

Number

These are to certify that _____ has lent and advanced to the Mayor, Aldermen and Commonalty of the City of Saint John, the sum of _____ pounds currency, which sum is payable to him (or her) together with lawful interest, pursuant to an Act of Assembly made and passed in the thirteenth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to authorize the Corporation of the City of Saint John to become shareholders in the additional stock of the Saint John Water Company.*—In witness whereof, the said Mayor, Aldermen and Commonalty of the City of Saint John, have caused their Common Seal to be hereunto affixed the _____ day of _____ A. D. 185

[L S]

A. B., Mayor.

By order of the Common Council.

C. D., Common Clerk.

Which said Debentures shall be signed by the Mayor for the time being of the said City, and shall be sealed with the Common Seal of the said Corporation, and shall also be countersigned by the Common Clerk for the time being of the said City, and shall be respectively numbered according to the time in which the same may be made and issued, and a memorandum thereof shall be duly entered by the Common Clerk in the Minutes of the Common Council.

Moneys borrowed to be paid to the Chamberlain, who is to render accounts on oath.

III. And be it enacted, That the moneys so authorized to be borrowed shall from time to time be paid to and received by the Chamberlain of the said City, and shall be paid out by him from time to time when required by order of the Common Council, in such sum or sums as may be required for the purposes of this Act; and the said Chamberlain shall whenever thereunto required by order of the Common Council, render a just and true account, and on oath if required, of the sums of money received and paid by him on this account, separate and distinct from his other accounts.

Debentures to draw interest, payable by the Chamberlain.

IV. And be it enacted, That the holders of the said Debentures shall be entitled to receive interest for the same half yearly, not exceeding six per cent. per annum, to be paid by the Chamberlain of the said City out of the assessments and other moneys hereinafter mentioned, upon the orders of the Common Council to be made in the manner hereinafter mentioned.

City Corporation authorized to make an annual assessment of £250 and expenses on the eastern side of the Harbour.

V. And be it enacted, That it shall and may be lawful for the Common Council of the said City, and they are hereby authorized and required to make a rate and assessment upon that part of the said City lying on the eastern side of the Harbour, of two hundred and fifty pounds in the present year, and a rate and assessment of a like sum in each and every succeeding year, besides the charges and expenses of assessing and collecting, for the purpose of paying for the said shares of stock so to be taken as aforesaid, and for discharging the principal and interest of the loans contracted for that purpose by virtue of this Act, until the same shall be paid off, the said several sums to be assessed, levied, collected and paid in such proportions and in the same manner as any other County rates for public charges can or may be assessed, levied, collected and paid under and by virtue of any Act or Acts, which at the time of making such assessments may be in force in the Province for assessing, levying and collecting of rates for public charges, and when collected shall be paid into the hands of the Chamberlain for the purposes of this Act.

Money assessed and accruing from the shares of stock to be applied in discharge of interest and principal of money borrowed.

VI. And be it enacted, That the moneys to be assessed as aforesaid, and also all moneys, dividends, interest and profits to arise or accrue or to be received in respect of the said shares of stock to be so taken as aforesaid, shall from time to

to time be applied, after discharging the half yearly interest due on the several principal sums mentioned in such Debentures, in payment of the said Debentures, in due order according to the number, beginning with the number one; and that the said Chamberlain shall, when and so often as he may be directed by the said Common Council, give one calendar month's public notice by advertisement in one of the newspapers published in the said City, for calling in such and so many of the said Debentures as the said Common Council are prepared to pay off, specifying the numbers in such advertisements, and the same, by and under such orders as aforesaid, shall pay off accordingly, and that from and after the expiration of such notice the interest on such Debentures shall cease.

Debentures to be called in by public notice.

VII. And be it enacted, That after the amount of the said loans and interest shall be wholly paid off and discharged, all the dividends, interest and profits to arise and accrue in respect of the said additional shares of stock shall be applied towards the support and maintenance of the Fire Department of the said City, and to no other use or purpose whatsoever.

After payment of the loans dividends to be applied to the Fire Department.

VIII. And be it enacted, That the said additional shares of stock so to be taken by the said Mayor, Aldermen and Commonalty of the City of Saint John, shall not, nor shall any of them be liable to be taken, seized, attached or sold for any debts of the Corporation of the said City on any pretence whatsoever.

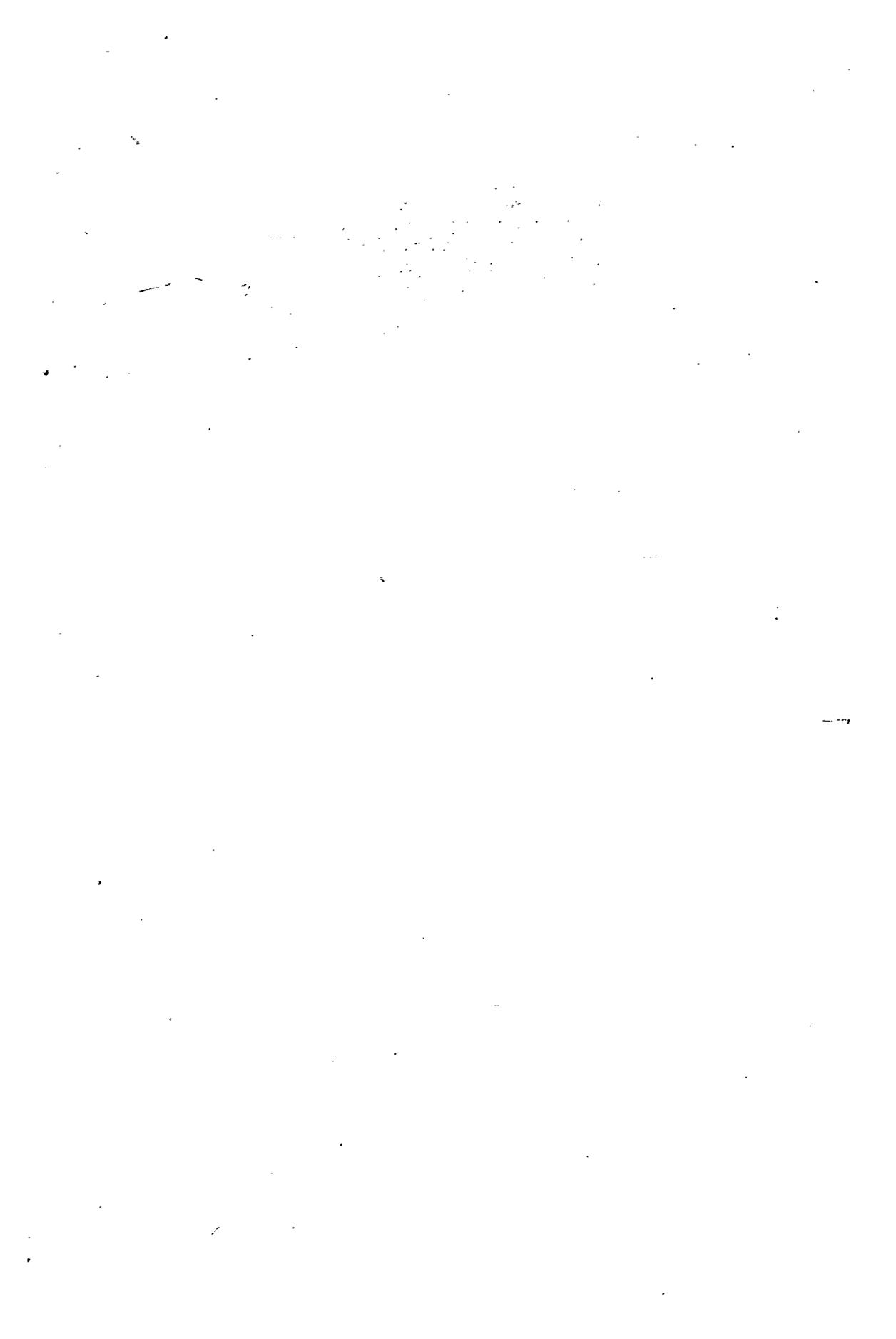
Shares of stock not to be liable to seizure for Corporation debts.

IX. And be it enacted, That nothing in the third section of an Act passed in the ninth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to the Public Debt of the Corporation of the City of Saint John*, shall be construed to affect the provisions of this Act, or prevent the full operation hereof.

Act 9 V. c. 29, s 3, not to affect this Act.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. VII.

An Act to amend an Act to increase the Capital Stock of the Saint John Water Company, and to provide a more efficient supply of Water in the City of Saint John.

Passed 11th April 1850.

WHEREAS in and by the third section of an Act made and passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to increase the Capital Stock of the Saint John Water Company, and to provide a more efficient supply of Water in the City of Saint John*, it was enacted that twelve and one half per cent. of the amount of each of such additional shares in the capital stock of the said Company should be paid to the Treasurer of the said Company within one year after the passing of the said Act, and that the residue of each of the said additional shares should be paid by instalments of twelve and one half per cent. to the Treasurer of the said Company at intervals of six months after the payment of the first instalment, until the whole amount of each of such additional shares should be fully paid up: And Whereas a part only of the additional shares in the capital stock of the said Company has as yet been subscribed, and it is expedient to extend the time for the payment of the first instalment of the twelve and one half per cent. upon such additional stock;

Preamble.

12 V. c. 51.

Act 12 V. c. 51, s. 3, repealed.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said recited section of the said Act shall be and the same is hereby repealed.

II. And be it enacted, That twelve and one half per cent. of the amount of each of such additional shares shall be paid to the Treasurer of the said Company within one year after the passing of this Act, at such time and in such place as the Directors of the said Company for the time being shall for that purpose appoint, of which thirty days public notice shall be given in two or more of the public newspapers published in the City of Saint John; which said instalment the Directors of the said Company for the time being are hereby empowered and required to call in; and that the residue of each of the said additional shares shall be paid by instalments of twelve and one half per cent. to the Treasurer of the said Company at intervals of one calendar month after payment of the first instalment, until the whole amount of each of such additional shares shall be fully paid up.

Twelve and one half per cent. of the additional shares to be paid within one year, and residue by instalments at intervals of one month.

FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. VIII.

An Act to alter and amend the Practice and Proceedings in the City Court of Saint John.

Passed 11th April 1850.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the City Court of Saint John shall be holden on Thursday in every week, provided that when Christmas Day or New Year's Day shall fall upon Thursday in any week, the said Court shall be holden on the Wednesday in such week, and not on Thursday; provided also, that the sitting of the said Court may be adjourned to the day next succeeding any Court day, if deemed expedient or necessary for the dispatch of any unfinished business.

City Court to be held weekly on Thursday:

On Wednesday, if Christmas or New Year's Day fall on Thursday.

Court may be adjourned.

II. And be it enacted, That the ordinary process in all suits in the said Court shall be a Summons issued by the Common Clerk of the said City, and may be according to the mode and form heretofore used and accustomed in the said Court, which Summons shall be served by a Marshal, and may be served at any time before the time of appearance mentioned therein, in the manner following, that is to say, 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; if the defendant shall not be found, 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, if he shall so require; and every Marshal serving a Summons shall return thereupon in writing the time and manner in which he executed the same, and if required by the Clerk or either of the parties, shall verify such return by oath before the Clerk or his Deputy.

Ordinary process to be a Summons.

Service.

Return.

III. And be it enacted, That the Clerk shall upon application issue an Attachment, when it is made to appear on oath, taken before him or his Deputy, or on affidavit to be taken in writing before an Alderman by the Plaintiff or his agent, that the defendant is justly indebted to the plaintiff in a sum to be specified, which shall not be less than five shillings, and that he doth verily believe that the defendant is about to depart from the said City; provided that no Attachment shall be issued against any person having privilege of the General Assembly or against any female.

Attachment may be issued on oath of belief of defendant's intention to depart from the City.

IV.

Form of attachment.

Service.

Bail for appearance may be taken.

Commitment to gaol if bail be not tendered.

Confinement limited to one day for each 2s. of debt, and to be counted if defendant subsequently taken in execution.

Protection of gaoler.

Defendant entitled to release before final judgment, on bail or deposit.

Bail to be for payment of debt and costs, or tender of body on execution after judgment.

Bail may require execution to be issued forthwith.

IV. And be it enacted, That every such Attachment may be according to the mode and form of Attachment heretofore used and accustomed in the said Court, and the same shall be served by a Marshal, by arresting the defendant, and at the same time delivering to him a copy of such Attachment, and also if he shall require it, reading the same to him or acquainting him with its contents.

V. And be it enacted, That the Marshal shall upon such arrest, take bail for the appearance of the defendant, if good and sufficient bail be tendered, which bail shall thereupon subscribe a memorandum to be endorsed on the Attachment, or subjoined at the foot thereof, to the effect that he or they become bail; but if such bail be not tendered, the Marshal shall carry and convey the defendant to the common gaol of the City and County of Saint John, and deliver him to the keeper of such gaol, together with the said Attachment, there to remain till discharged by due course of law, or until the debt and costs be paid; 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 Attachment; and if charged in Execution while so in custody on the Attachment, the time during which the defendant shall have been confined under the Attachment 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.

VI. And be it enacted, That a defendant so committed to gaol shall any time before final judgment be entitled to his release in either of the following cases: Firstly, If any one or more responsible person or persons resident within the said City and County be willing to become bail, and shall subscribe a memorandum to that effect, to be endorsed on the Attachment or subjoined thereto, and shall, unless allowed by the plaintiff, justify by affidavit before the Clerk or an Alderman, which affidavit shall state the place of residence and the 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, If the defendant shall make a deposit with the Clerk to the amount of the debt sworn to, together with ten shillings for costs, as security for the defendant's satisfying the plaintiff for the amount which he may recover in the suit: and upon such bail being put in and justified, or allowed as aforesaid, or such deposit being made, the Clerk 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.

VII. And be it enacted, That the bail for any defendant 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 Marshal 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 Marshal 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 all further liability; provided also, that the bail may require the plaintiff to take out execution forthwith after judgment, and may take and detain the

the defendant until such execution is prepared and delivered to a Marshal, and thereupon commit him to the custody of such Marshal upon such execution; and if the plaintiff shall upon such requisition refuse to take out execution, the bail shall be discharged; and any defendant before judgment, or any debtor having the benefit of the gaol limits, in any cause in the said Court, may render himself, or be rendered by his bail, in discharge of his bail, by an order for that purpose to be obtained from the Clerk, upon oath or affidavit of the circumstances, which order shall be lodged with the gaoler at the time of delivering the principal into custody, and the bail shall thereupon be discharged from all further liability.

VIII. And be it enacted, That every Marshal serving an Attachment shall return thereupon in writing the manner in which he executed the same.

Return of Attachment to state manner of execution.

IX. And be it enacted, That if any Summons or Attachment be returned not served, it may from time to time be renewed by the Clerk, who shall upon the application of the plaintiff issue an alias or pluries Summons or Attachment, provided that no more than one pluries writ shall be issued or allowed for in the taxation of costs.

Alias or pluries Summons or Attachment may be issued.

X. And be it enacted, That any plaintiff or defendant in a suit before the said Court, may appear and conduct his suit, either in person, or by attorney or agent, whose authority may be either written or oral; but on the trial, such attorney or agent shall not be a competent witness for the party for whom he appears.

Plaintiff or defendant may appear in person or by attorney.

XI. And be it enacted, That every person applying for a Summons or Attachment shall at or before the issuing of the same, deliver at the office of the Clerk as many copies of a statement of the particulars of his demand, or cause of action, as there are defendants, with an additional copy to file; and the Clerk shall annex one copy thereof to each copy of the process, to be served on the defendant with the process; and every defendant having a set-off, shall file with the Clerk, or deliver to the plaintiff, a particular of such set-off, at least one day before the day appointed for hearing the cause.

Statements of particulars to be delivered at the office of the Clerk, and attached to Summons.

Set-off to be filed.

XII. And be it enacted, That the Clerk shall at all reasonable times exhibit such particulars to the opposite party, and if required, deliver a copy of the same.

Exhibition of particulars to opposite party.

XIII. And be it enacted, That the parties shall at the trial of the cause be confined to their respective particulars, and shall not be allowed to go into evidence of any matter or demand not contained therein.

Parties to be confined to the particulars at the trial.

XIV. And be it enacted, That where the Summons has been served by leaving the same at the dwelling house, and it shall be made to appear to the Court on oath, or affidavit, that such defendant was absent from his dwelling house, and has not since returned thereto, or had notice of such Summons, the Court may at their discretion adjourn the hearing of the cause.

Case may be adjourned on affidavit when service of Summons not personal.

XV. And be it enacted, That a Subpœna issued by the Clerk for the attendance of witnesses to give evidence on any trial pending in the said Court, shall be valid to compel the attendance of a witness living in the City and County of Saint John, or in an adjoining County; and that the service of the Subpœna shall be effected in the mode, and the person subpœnaed shall be subject to the liability, prescribed and provided in those respects in and by the Act to regulate proceedings before Justices of the Peace in Civil Suits.

Subpœna for witness to extend to the City and County and adjoining County.

XVI. And be it enacted, That every cause shall be heard and determined before the said Court, at the return of the process, if the defendant shall have been duly served at least two clear days before the return day, otherwise the cause shall be heard and determined at the Court day next after the return of the process, if duly served, unless the same shall be adjourned on account of the absence of some material witness; provided always, that in cases where the

Cause to be tried at the return, if service made forty eight hours previously.

If not, on next Court day.

Proviso.

defendant

defendant shall be arrested under any Attachment, and be in actual custody thereunder, the hearing and determination of such cause shall, if the defendant desires it, be had in all cases at the return of such process, unless postponed by the order of the Court, on good cause shewn on affidavit.

Court to try unless
Jury be demanded.

XVII. And be it enacted, That upon the hearing of any cause, the Court (unless a Jury shall have been duly demanded) shall proceed to hear the proofs and allegations of the parties, and to determine as the very right of the case may appear.

Court to assess
debt or damages
if defendant do not
appear.

XVIII. And be it enacted, That if the defendant do not appear to make defence, and it shall appear that the process has been duly served two clear days before the return thereof, the Court shall proceed to assess the debt, or damages, as to them 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 Alderman or the Clerk, and remain on file in the Clerk's office; the Court 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 any Alderman, or the Clerk, or any Justice of the Peace, or any person authorized to take affidavits to be read in the Supreme Court.

Three Jurors to be
summoned from
the bystanders
on application of
either party.

XIX. And be it enacted, That on the application either of the plaintiff or defendant, before or at the time of calling on any cause for trial, the presiding Alderman and Common Clerk shall *viva voce* summon from among the bystanders, three disinterested persons duly qualified to sit as Jurors in Courts of Record, who shall be in no wise akin to either party, to make a Jury for the trial of the action, who being duly sworn, shall try the cause and give their verdict, and judgment shall be entered thereon; and the same regulations in regard to the Jury and the trial of the cause shall be kept and observed in all respects as are provided in that behalf in and by an Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate proceedings before Justices of the Peace in Civil Suits*, except as the same may be altered or other provisions made therefor by this Act; provided always, that if in the discretion of the said presiding Alderman and of the Common Clerk, three fit persons shall not be in attendance to make such Jury, the said presiding Alderman and Common Clerk may postpone the trial of such cause to the next sitting of such Court, and if need be and they shall think it expedient, may authorize the Clerk to issue a Venire to any Marshal disinterested between the parties, and not being the Marshal who shall have served the first process in such cause, commanding him to summon three disinterested persons duly qualified to sit as Jurors in Courts of Record, and who shall be in no wise akin to either party, to make a Jury on the trial of such action, who being duly sworn, shall try the cause as aforesaid.

Same regulations
to be observed in
regard to the Jury
and trial of the
cause, as are pre-
scribed in Act
1. W 4, c 45.

Cause may be post-
poned for want of
Jurymen at the
discretion of the
Court.

Execution against
the body or goods
may be issued
after judgment.

XX. And be it enacted, That upon any judgment being rendered by the said Court, the successful party may have Execution against the body or the goods of the adverse party, at his election, and on application therefor, the Clerk shall issue Execution, but no Execution shall be issued by the Clerk after the expiration of one year from the time of rendering judgment.

Date and return of
execution.

XXI. And be it enacted, That the Execution shall be dated on the day when it is actually issued, and shall be returnable at the second succeeding Court day, unless a longer time shall be requested by the party in whose behalf the same is issued, when the return day may be extended to any time not exceeding four weeks from the date, and every such Execution may be according to the form heretofore

heretofore used and accustomed in the said Court; and if any Execution be returned unsatisfied in whole or in part, a further Execution for the amount remaining due thereon may be issued.

XXII. And be it enacted, That the Marshal to whom an Execution against the goods shall be delivered, shall proceed forthwith to levy the same, and unless the debt or damages and costs be paid, he shall take sufficient goods and chattels of the party against whom the same is issued to satisfy the same, and shall proceed thereon in all respects as is provided for like cases in and by the said Act of Assembly for regulating the proceedings before Justices of the Peace in Civil Suits.

Marshal to proceed forthwith on delivery of execution against goods.

Proceedings to be regulated by 4 W 4, c 45.

XXIII. And be it enacted, That the Marshal to whom any execution against the body shall be delivered to be executed, shall in the cases authorized by law take the body of the person against whom the Execution is directed, and convey him to the common gaol of the said 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 Marshal so conveying any such person shall deliver to the keeper of such gaol the Execution by virtue of which the commitment is made; provided that no person so committed 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; provided also, that notwithstanding such discharge of the defendant, 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.

Marshal to take the body and commit to gaol on execution against the body.

Period of confinement limited to fifty days, or one day for every two shillings of debt.

XXIV. And be it enacted, That the jurisdiction and authority of the said City Court, and the practice, forms and modes of proceeding therein, (save and except as the same are herein altered, regulated and provided,) shall be and remain the same as heretofore established, used and allowed, and in addition thereto that the jurisdiction and authority of the said Court shall extend to actions against bail on any limit bond in a suit in the said Court, notwithstanding the penalty of the said bond may exceed five pounds.

Jurisdiction, practice, forms, &c. to be as heretofore;

And include actions against bail in the Court.

XXV. And be it enacted, That whenever in 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.

Construction of Act. Number and gender.

XXVI. And be it enacted, That the Fees in Actions in the said City Court for the Alderman, Common Clerk and Marshals, shall be taxed and allowed according to the following Table, and not otherwise, that is to say :—

Fees.

TABLE OF FEES.

To the Alderman.

Fees of Alderman :

Every Judgment, two shillings and six pence; every Oath out of Court, one shilling; every Order out of Court, one shilling and six pence.

To

Common Clerk;

To the Common Clerk.

Summons, eight pence; each copy, four pence; Attachment, eight pence; each copy, four pence; each Oath, six pence, not more than two to be taxed for Witnesses on a trial; Subpœna and Ticket, eight pence; each additional Ticket, four pence; Venire, eight pence; Execution, eight pence; each Certificate, one shilling; each Adjournment, one shilling; copies of Papers per folio of one hundred words, six pence; Return to an Order of Review, five shillings.

Marshal;

To the Marshal.

Executing a Summons, one shilling; an Attachment, one shilling and six pence; an Execution, two shillings and six pence; attending Court on trial or hearing, six pence.

Witnesses and Jurors.

Witnesses and Jurors.

The same Fees as are now allowed in civil actions before a Justice of the Peace; but no Witnesses' fees to be taxed for any party, unless it shall appear on oath that he has actually paid the same to such Witness.

Commencement of Act.

XXVII. And be it enacted, That this Act shall commence and take effect on the first day of June in the present year.

FREDERICTON, N. B.:

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

[NEW BRUNSWICK: LOCAL ACTS.]



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. X.

An Act to continue the several Acts for the repair of the Streets and Highways in part of the Parish of Woodstock, in the County of Carleton.

Passed 11th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, Acts 9 V. c 10,
and
10 V. c 15,
continued. That an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *An Act to provide for the repair of the Streets and Highways in part of the Parish of Woodstock*, and also an Act made and passed in the tenth year of the same Reign, intituled *An Act in addition to and in amendment of an Act, intituled 'An Act to provide for the repair of the Streets and Highways in part of the Parish of Woodstock,'* be and the same are hereby respectively continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and sixty five.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XI.

An Act to provide for more effectually repairing the Streets and Bridges in a part of the Parish of Richibucto.

Passed 11th April 1850.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all persons liable to perform labour on the Streets and Highways in that part of the Parish of Richibucto, in the County of Kent, which is included within the following limits, to-wit:—Commencing on the south side of Richibucto River, at the Creek called Childs' Creek, and extending to the Creek below George Bell's, commonly called Bell's Creek, and back to the Galloway Road; and on the north side of said River, the district commencing at Mooney's Creek, and extending to the upper line of David Wark, Esquire, including all the lands fronting on the Richibucto River within the limits described, shall in future, in lieu of such labour, annually pay the sum of one shilling and three pence for each and every day's labour such persons are respectively liable to perform.

Statute labour on the Streets and Highways in a part of Richibucto, commuted for a money rate.

II. And be it enacted, That the moneys required to be paid in virtue of this Act shall be levied and collected in the same manner as any Parish or County rates are levied and collected by virtue of any law now in force or which may hereafter be in force for that purpose in this Province; and when collected, such moneys shall be paid over to the Commissioners of Highways for the said Parish, to be by them expended on the Streets and Bridges within the above described limits, in the same manner as any moneys by them received in lieu of labour have been hitherto by law expended.

Money to be levied and collected like Parish or County rates,

And paid to the Commissioners of Highways.

FREDERICTON, N. B.:

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

[NEW BRUNSWICK: LOCAL ACTS.]



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XII.

An Act to authorize the Justices of the Peace for the County of Northumberland to levy an assessment to pay off a part of the County Debts.

Passed 11th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of Northumberland, at any General Sessions of the Peace to be hereafter holden, or at any Special Sessions to be for that purpose convened, be and they are hereby authorized and empowered to make such rate and assessment of any sum not exceeding nine hundred pounds, as they in their discretion may think necessary, for paying off a part of the debts due from the said County; the same to be assessed, levied, collected and paid agreeably to and under and by virtue of any Act or Acts which are now or hereafter may be in force in this Province for assessing, levying, collecting and paying the rates for public charges.

Assessment authorized to pay off a part of the County debts.

FREDERICTON, N. B.:

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

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[NEW BRUNSWICK: LOCAL ACTS.]



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XIII.

An Act to authorize Her Majesty's Justices of the Peace for the County of York to levy an assessment to pay off the County Debt, and contingent expenses of the County.

Passed 11th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Her Majesty's Justices of the Peace for the County of York, at any General Sessions of the Peace hereafter to be holden therein, or at any Special Sessions to be for that purpose called, be and they are hereby authorized and empowered to make such rate and assessment of any sum not exceeding five hundred pounds, as they may in their discretion think necessary, for the purpose of paying off the County debt and contingent expenses of the said County; the same to be assessed, levied, collected and paid agreeably to any Act now or hereafter to be in force for assessing, levying, collecting and paying of County Rates.

Assessment authorized to pay off the County debt and contingent expenses.

FREDERICTON, N. B.:

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

[NEW BRUNSWICK: LOCAL ACTS.]



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XIV.

An Act to authorize the Justices of the Peace of the County of Charlotte to levy an assessment to pay the County Debt and contingent expenses of the said County.

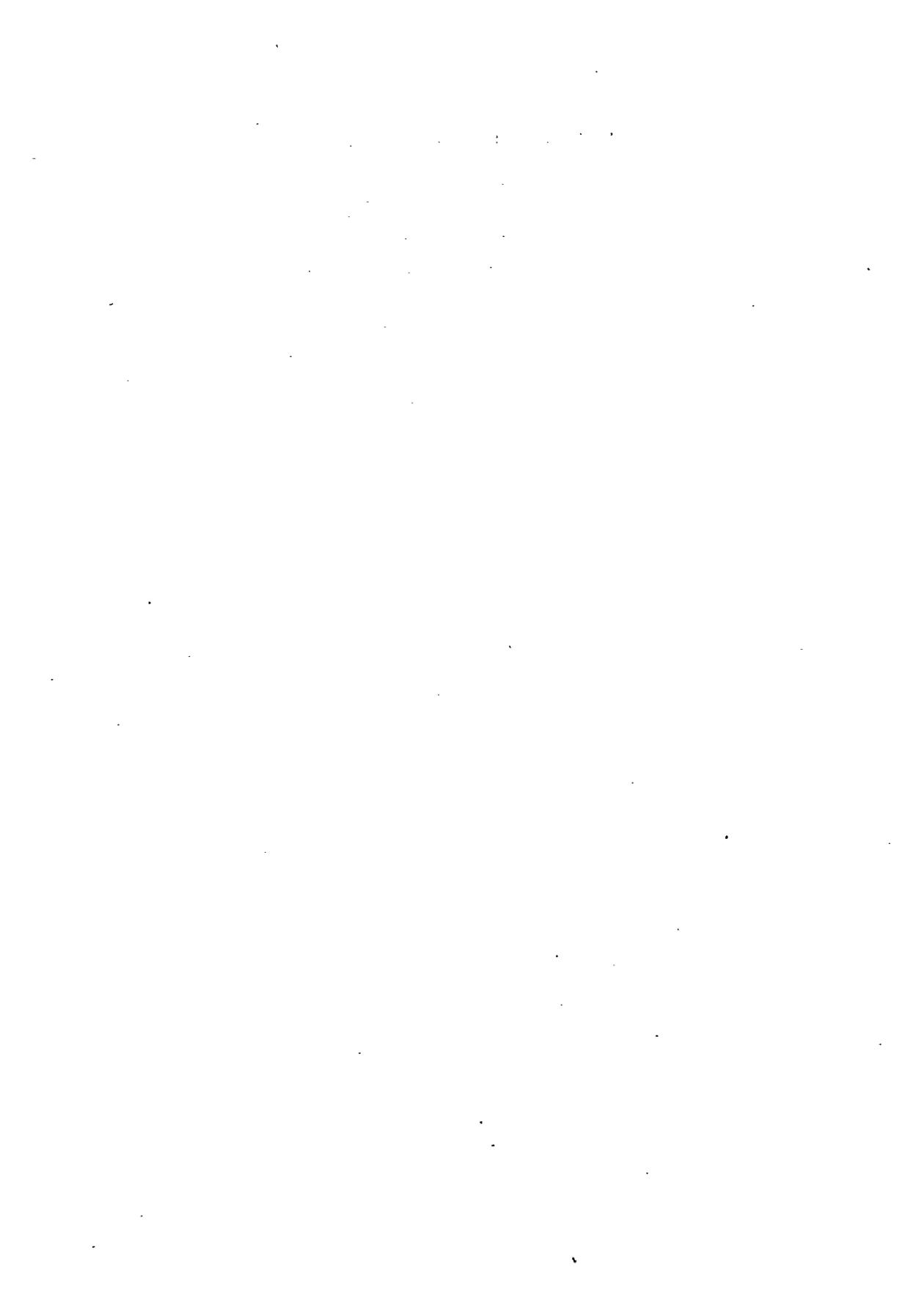
Passed 11th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace of the County of Charlotte, 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 hundred and seventy five pounds, as they in their discretion may think necessary, for the purpose of paying off the debt and the contingent expenses of the County; the same to be assessed, levied, collected and applied agreeably to any Acts now or hereafter to be in force for the assessing, collecting and levying of County Rates.

Assessment authorized to pay off the County debt and contingent expenses.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XV.

An Act further to alter and amend the Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John.

Passed 26th April 1850.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Commissioners of the Alms House and Work House for the City and County of Saint John, heretofore appointed or hereafter to be appointed under the provisions of an Act made and passed in the first year of the Reign of Her present Majesty, intituled *An Act to provide for the erection of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John*, shall be subject to the order and control of the General Sessions of the Peace for the City and County of Saint John, in the same manner and to the same extent as any Overseers of the Poor in any Parish in this Province now are subject to any order of the General Sessions of the County to which such Parish may belong; and that the provisions of the second section of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *An Act relating to County and Parish Officers in the City and County of Saint John*, shall be extended to and are hereby declared to apply to the said Commissioners of the said Alms House and Work House in the same manner as if the said Commissioners were Parish or County Officers appointed by the Justices of the Peace for the City and County of Saint John.

Commissioners of the Alms House and Work House to be subject to the control of the General Sessions of the Peace.
1 V. c 17.

Provisions of 9 V. c 30, s. 2, extended to the said Commissioners.

II. And be it enacted, That none of the said Commissioners shall receive any compensation or allowance directly or indirectly for his services as such, nor shall any of them be capable of holding any office, place or employment in, about or connected with the said Alms House and Work House, for or by means of which any salary, fee, emolument, compensation or perquisite can be derived, nor shall any Commissioner either by himself or his partner be engaged or interested in any way whatever, either as security or otherwise in any contract for or on account of the said Alms House and Work House, or in furnishing any supplies, goods, materials, provisions or articles whatever for the use thereof.

No Commissioner to receive compensation for services, nor hold any office or emolument nor be interested in any contract connected with the house.

III.

Magistrates of the
City and County
entitled to visit the
House and inspect
the details.

III. And be it enacted, That all the Magistrates in and for the City and County of Saint John shall have the right to visit the said Alms House and Work House for any purpose connected with the good management of the same, and shall have full power and authority to examine and inspect all the details of management and indoor economy of the same, and also into the character, conduct and employment of each and every of the inmates.

FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XVI.

An Act to continue an Act to provide for the more effectually repairing the Streets and Bridges in the Town Plat of Saint Andrews.

Passed 26th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, Act 11 V. c. 42, continued. That an Act made and passed in the eleventh year of the Reign of Her Majesty Queen Victoria, intituled *An Act to provide for the more effectually repairing the Streets and Bridges in the Town Plat of Saint Andrews*, be and the same is hereby continued and declared to be and remain in full force and effect until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty five.

FREDERICTON, N. B.:

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

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BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XVII.

An Act to enable the Justices of the Peace for the County of Northumberland for the time being to receive the title of and hold a piece of Land in the Town of Newcastle, for the use of a Grammar School in the said Town.

Passed 26th April 1850.

WHEREAS it is desirable that the title to the piece or parcel of Land Preamble.
'situate in the Town of Newcastle, in the County of Northumberland,
'hereinafter described, should be vested in the Justices of the Peace for the
'aforesaid County, in trust for the use of a Grammar School in the said Town;'

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the following piece of Land, being a parcel of the Public Lot on which the Court House and Gaol are built in the Parish of Newcastle, and distinguished in the Town Plat or Plan as the Lot number twenty in Block letter C, and abutted and bounded as described in the Plan on file in the Office of the Clerk of the Peace for the said County, the said Lot being of the width of one hundred and fourteen feet fronting on Duke Street, and eighty six feet on Regent Street, which said Lot, piece or parcel of Land was purchased by sundry inhabitants of the said Town for the use of a Grammar School, shall be and the same is hereby vested in the Justices of the Peace for the County of Northumberland, and their Successors, for and in trust for the use, benefit and advantage of a Grammar School in the Town of Newcastle, for the instruction of Youth; provided always, that the said Justices shall not appoint any Trustees or Teachers, or interfere in the management of the said School in any way. Herein described piece of land vested in the Justices of the Peace of the County of Northumberland in trust for a Grammar School in Newcastle.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XVIII.

An Act to prevent the spread of a disorder now existing in certain parts of the Counties of Gloucester and Northumberland.

Passed 26th April 1850.

WHEREAS a loathsome disease, supposed to be a species of Leprosy, Preamble.
' has been for several years slowly extending itself among the French
' population on that part of the coast of the County of Gloucester immediately
' adjoining the County of Northumberland, at Tracadie, and also in parts of the
' said County of Northumberland; and it is therefore deemed absolutely neces-
' sary that measures should be adopted to prevent the further spread of the said
' disease, and as far as possible to relieve the unfortunate individuals infected with
' the same;'

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the time limited for this Act to come into operation, it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, to appoint three or more persons to constitute a Board or Boards of Health, to have authority in the said Counties or in either of them, or in such Parish or Parishes, District or Districts of them or either of them as he may deem necessary, to be called the Board of Health of such County or Counties, Parish or Parishes, District or Districts for which such Boards of Health shall be respectively appointed, and to displace all or any such persons and appoint others in the place or stead of such displaced person or persons, and also to increase the number of the members of such Board or Boards of Health. Governor in Council authorized to appoint Boards of Health for the Counties of or Districts in Gloucester and Northumberland.

II. And be it enacted, That any Board of Health so to be appointed, shall have full power and authority, with the consent and approbation of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, to erect or procure a suitable building or buildings as and for and to be styled and called a Lazaretto, to be erected or procured at such place or places in the said Counties of Gloucester or Northumberland as His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice aforesaid, may direct and appoint; and to take possession of and have the control of any Lazaretto or Boards, with consent of the Governor in Council, authorized to erect or procure a Lazaretto.
And take possession of any Lazaretto already
Hospital

erected under Act
7 V. c 28.

Hospital already erected under the provisions of an Act passed in the seventh year of the Reign of Her present Majesty, under the same title of the present Act, and such Lazaretto shall be under the full and absolute control, management and direction of the Board of Health within whose district the same may be erected or procured, subject nevertheless to the rules and regulations hereinafter mentioned.

Members of the
Boards, collectively
and individually,
authorized to
examine persons
suspected to have
Leprosy, and
remove the diseased
to the Lazaretto.

III. And be it enacted, That each and every Board of Health to be appointed by virtue of this Act, and each and every member of any such Board in their respective Districts shall have full power and authority, collectively and individually, at all convenient times in the day time to visit, inspect and examine any person or persons suspected to be labouring under or infected with the disease hereinbefore mentioned, and for that purpose to enter into any house, building or enclosure in which it may be suspected that any such person or persons may be found, and to break open the same if necessary so to do in order to obtain entrance, and by order in writing under the hand of any member of such Board of Health, to cause to be removed to the Lazaretto all and every person or persons who upon such examination and inspection shall be found to be labouring under or infected with the said disease, there to be kept and detained subject to the rules and regulations made and ordained or to be made and ordained for the government of such Lazaretto.

Governor in Coun-
cil may establish
regulations for the
Lazaretto, with
penalties.

IV. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice aforesaid, from time to time to make, ordain and establish such bye laws, rules and regulations for the due care, government, management and support, medical, surgical and other superintendence, of any Lazaretto already erected under the provisions of any law now in force, or to be erected or procured under any of the provisions of this Act, as to His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice aforesaid, shall appear expedient and necessary, and to rescind, cancel and annul any such bye laws, rules and regulations, and in his discretion with the advice aforesaid, others in their place to make and ordain, and to enforce the same and every thereof by the imposition of such moderate and reasonable fines and penalties to be expressed in such bye laws and regulations, not exceeding for any one breach of the said bye laws or regulations, or of any one of them, the sum of five pounds, to be sued for, recovered and levied in like manner as the penalties imposed by the sixth section of this Act are directed to be sued for, recovered and levied; provided always, that no offender prosecuted and convicted for any penalties or forfeitures under this section shall for the want of goods and chattels whereon to levy the same, be committed to the common gaol, there to remain without bail or mainprize for a period of more than twenty days or less than five days; which fines or penalties when recovered, after the payment of expenses of prosecution, shall be paid over to the Secretary and Treasurer of the said Board of Health, and be applied towards defraying the expenses of the said Lazaretto.

Recovery of
penalties.

Application.

Magistrates and
others to be aiding
in carrying this
Act into effect.

V. And be it enacted, That it shall and may be lawful for any Board of Health to be appointed by virtue of this Act, and for each and every member of the same, to call upon any Magistrate, Constable, or other Peace officer, or any other person, to render aid and assistance in carrying into effect the provisions of this Act, or of any rule or regulation to be made under the authority of the same, or in exercising the powers and authority hereby given, and all such persons are hereby required to be aiding and assisting such Boards of Health, and the several members thereof respectively, when so called upon as aforesaid.

VI.

VI. And be it enacted, That if any person or persons shall directly or indirectly obstruct or resist any of the Boards of Health so to be appointed, or any member of the same, or any person or persons acting in aid of or under the authority, direction or requisition of such Board, or member thereof, in removing any person or persons infected, or reasonably suspected to be infected with the said disease, or shall conceal or secrete any diseased person, or shall assist any such diseased or suspected person in escaping, or secrete or conceal any such person or persons as shall or may escape from any Lazaretto erected or procured by virtue of this Act; every person or persons so offending shall forfeit and pay a penalty not less than five pounds nor more than twenty pounds, to be recovered on the oath of one or more credible witness or witnesses before any one of Her Majesty's Justices of the Peace of the County in which such offence may be committed, at the suit of any member of the Board of Health within whose district such offence may be committed, to be levied by Warrant under the hand and seal of such Justice, by distress and sale of the goods and chattels of such offender, and for want of sufficient goods and chattels, such offender shall be committed to the common gaol of such County, there to remain without bail or mainprize for a period of not more than forty nor less than twenty days; which penalty when recovered shall be applied as follows, namely, one half to the person prosecuting for the same, and the other half towards defraying the expenses of the Lazaretto.

Resisting authority of Boards in removing persons to the Lazaretto, aiding to escape, &c.

Penalty.

Recovery.

VII. And be it enacted, That all and every person and persons who shall or may be sued or prosecuted for any thing by him or them done or committed under the powers given or liabilities created by virtue of this Act, he or they shall be allowed to plead the general issue in such suit and give any special matter in evidence.

The general issue may be pleaded in prosecutions.

VIII. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice aforesaid, by Warrant under his hand, to direct and require the removal to such Lazaretto of any person or persons who upon examination and inspection shall be found to be labouring under or infected with such disease, and who may be found in any part of the Province to which the powers hereby given to the Board of Health to be constituted under this Act may not extend, there to be detained as provided by the third section of this Act.

Governor in Council may remove to the Lazaretto persons infected and without the limits of the Boards of Health.

IX. And be it enacted, That the Boards of Health already appointed and now in operation under the provisions of the said Act made and passed in the seventh year of Her said Majesty's Reign, under the same title of this Act, shall continue and remain in office in like manner as if appointed under this Act and until another Board or Boards of Health shall be appointed in their place under the provisions of this Act, any thing in this Act contained to the contrary notwithstanding.

Existing Boards to continue till others are appointed.

X. And be it enacted, That this Act shall not come into operation or take effect until the first day of May next, and the same shall from thence 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 two.

Commencement and limitation.

FREDERICTON, N. B.:

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

[NEW BRUNSWICK: LOCAL ACTS.]



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XIX.

An Act for the regulation of the South Bay Canal.

Passed 26th April 1850.

WHEREAS a Canal has been formed for the passage of Boats, Timber, Rafts, and other Craft and conveyances to and from the South Bay and River Saint John, and it becomes necessary to have the same kept open and clear of obstructions, that it may be more available for public use ;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Commissioners of Highways for the Parish of Lancaster appointed annually by the Court of General Quarter Sessions of the Peace for the City and County of Saint John, shall have and are hereby empowered to have the control, inspection and supervision of the said South Bay Canal, with authority to compel the removal of Timber, or any other thing that may impede the free use and passage of the said Canal, and of Mosquito Cove opposite thereto, in passing and repassing with Boats, Timber, Rafts, or other articles, as fully and amply and with the same powers and authority as they the said Commissioners might or could do, if the said Canal, and the embankments and appurtenances thereof, were a portion of a Great Road on the dry land in this Province, and the said Commissioners were Supervisors of the said Great Road.

Preamble.

Commissioners of Highways in Lancaster to have the control and supervision of the South Bay Canal as fully as if it were a great road, and they the Supervisors.

FREDERICTON, N. B. :

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



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BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XX.

An Act to enable the Commissioners of Highways to establish a Public Road two rods wide across the Great Marsh in the Parish of Hopewell, in the County of Albert.

Passed 26th April 1850.

6 WHEREAS it is deemed advisable to establish a Public and Common Preamble.
Highway from the Main Road in Hopewell to and across the Great Marsh in Hopewell to the Shepody River, along the private Road on the line between William A. Peck and the Estate of Eady Hoar, deceased, and a prolongation thereof to the said River; and to avoid the great expense of establishing such Road four rods wide,

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Commissioners of Highways for the said Parish be and they are hereby authorized to lay out such Highway two rods wide, but subject in all other respects to the conditions and provisions required by the Law now in force providing for the laying out and establishing Public Highways, and that the same be allowed as one of the Public Highways as fully as if it had been four rods wide, any law, usage or custom to the contrary notwithstanding, and that the Commissioners be and are hereby authorized to erect and establish a Gate near the mouth of the said Road, on the northerly end thereof. Commissioners of Highways authorized to lay out a public Road, two rods wide, across the Great Marsh in Hopewell.

FREDERICTON, N. B.:

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



The following table shows the results of the work done during the year 1950-1951. The work was carried out in accordance with the plan of work approved by the Council of the Institute in its meeting of 15th December 1949. The work was carried out in accordance with the plan of work approved by the Council of the Institute in its meeting of 15th December 1949.

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BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XXI.

An Act to provide for the establishment of a Grammar School in the County of Victoria.

Passed 26th April 1850.

WHEREAS in and by the seventh section of an Act, intituled *An Act for the endowment of King's College at Fredericton, in the Province of New Brunswick, and also to make new provisions for the establishment and support of Grammar Schools throughout the Province*, it is enacted—"That 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, be authorized and empowered to appoint during pleasure, and to remove as he shall see fit, three or more fit and proper persons in the several Counties in this Province, the Counties of York and Charlotte, and City and County of Saint John, excepted, to be Trustees and Directors of the Grammar Schools in each of the said Counties, except as aforesaid, and for which they shall be respectively appointed:" And Whereas also in and by the thirteenth section of the said Act it is further enacted—"That the sum of one hundred pounds annually shall be included in the estimate of the ordinary expenses of the Province for each of the following Counties, that is to say, the Counties of Northumberland, Sunbury, Westmorland, Gloucester, Kent, and Queen's and King's Counties; which said sum of one hundred pounds shall be granted annually for the payment of the Masters thereof respectively, the same to be drawn on the certificate of the Trustees and Directors in favour of the person or persons entitled thereto:" And Whereas it is expedient to extend the provisions of the said Sections to the new County of Victoria;

Preamble.
9 & 10 G 4, c 29,
s. 7.

9 & 10 G 4, c 29,
s 13.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the two said Sections of the aforesaid Act shall hereafter be construed to extend to the said County of Victoria, in like manner as if the same had been particularly mentioned therein, any thing in the said Sections to the contrary notwithstanding, subject nevertheless to all the provisions and limitations which the other Counties in this Province are liable by virtue of that Act.

Recited sections of
Act 9 & 10 G 4,
c 29, for the estab-
lishment of
Grammar Schools,
extended to the
County of Victoria.

FREDERICTON, N. B.:

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



THE UNIVERSITY OF CHICAGO
LIBRARY

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BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XXII.

An Act relating to the levying and collecting of Rates in the City of Fredericton.

Passed 25th April 1850.

6 WHEREAS doubts are entertained relative to the levying and collecting of Rates in the City of Fredericton, in consequence of the repealing of the various Acts now in force to provide for the assessing, levying and collecting County and Parish Rates in this Province, and it is advisable to provide therefor, and to make other provisions relating to the said City;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in addition to the power and authority conferred on the City Council of the City of Fredericton by an Act made and passed in the eleventh year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the City of Fredericton*, to assess for various purposes in the said City, the City Council of the City of Fredericton shall from time to time in the manner prescribed by the said Act to incorporate the said City, have full power and authority to levy and assess such sums of money as may from time to time be required for the support and relief of the Poor within the said City, for supporting the Fire Department, and for making and repairing the Streets and Roads in the said City; and that the Assessors appointed hereafter by the said City Council shall be possessed of such qualifications as the City Council shall prescribe, notwithstanding the provisions of any other Law in relation thereto.

City Council empowered to assess for the support of the Poor, the Fire Department, and making and repairing Streets and Roads.

11 V. c 61.

Qualification of Assessors.

II. And be enacted, That in the manner prescribed by the said Act to incorporate the City of Fredericton, the said City Council shall have full power and authority from time to time to make, enact and ordain such bye laws, rules and ordinances as they may deem necessary for levying, assessing and collecting such sums of money as the said City Council may determine to raise within the said City, and upon the inhabitants thereof; such rate or assessment to be assessed and levied on the real and personal property, or both, within the said City, and upon the owners and occupiers thereof in respect of such property, and upon the income of the inhabitants of the said City, derived from any trade, profession or calling in the Province, and upon the poll of the inhabitants of the City, and upon the sale of goods and chattels by public auction or otherwise within the said City, and upon the capital stock or other trading capital of any Bank, Insurance Com-

City Council empowered to enact bye laws touching the levying, assessing, and collecting of rates within the City.

pany,

pany, or other trading or Joint Stock Company or Corporation; provided that the property, real and personal, of any Charitable, Educational, Eleemosynary or Religious Corporation, Society or Institution of the Imperial or Provincial Government, shall be exempted from taxation under this Act.

Mayor or a Justice of the Peace may issue an Execution against defaulters upon oath made of demand, &c.

III. And be it enacted, That if any person assessed within the said City, or any assessed non-resident of the City who resides within the County of York, shall refuse or neglect to pay the amount of his assessment by the space of ten days after demand and service of notice thereof at the dwelling house or last place of abode of such person, either upon the wife or some adult member of his family, the Collector shall make application to the Mayor of the said City, or to a Justice of the Peace of the County of York, who is hereby authorized upon oath being first made by the said Collector that the amount assessed upon any person has not been paid after demand or notice as aforesaid, to issue an execution against the person or the goods and chattels of the person complained of, or both, in such form as the City Council by bye law may prescribe; and the Constable to whom such execution shall be delivered, shall forthwith proceed to levy the same in like manner as provided by several Acts regulating proceedings before Justices of the Peace in Civil Suits; and no person committed to gaol under such execution shall be detained more than one day for every two shillings of the amount assessed and costs required by such execution to be levied, or more than fifty days in the whole, if the amount exceed five pounds; and any person so committed shall be entitled to his discharge at the expiration of such time, but the said execution shall remain in full force and effect for the space of twelve months from the date thereof against the property of such person so discharged as aforesaid.

Constable to levy.

Confinement in gaol limited to one day for every two shillings of the amount assessed, and costs.

Collector may proceed against defaulting non-residents by action of debt, or after notice in the Royal Gazette by warrant obtained from the Mayor to sell their real estate.

IV. And be it enacted, That when any person assessed as a non-resident shall not reside within the County of York, the Collector may sue in his own name for the amount assessed, in an action of debt in any Court having jurisdiction to the amount thereof; and in such action, an extract from the assessment containing the rate or assessment of the person so sued, certified by the City Clerk, shall be conclusive evidence of such assessment; or the said Collector may proceed to obtain payment of the said assessment of such non-resident as follows, namely: The Collector shall as soon as may be cause public notice to be given of such assessment in the Royal Gazette for the space of three months, and if the assessment be not then paid, with the expense of such notice, the Mayor is hereby authorized, on the application of such Collector, by Warrant under his hand and seal, to order the Sheriff or Coroner in the County of York to sell at public auction to the highest bidder, first giving thirty days notice of such sale in the manner before mentioned, so much of the said real property as may in his judgment be sufficient to pay such assessment, with all the costs and charges attending the recovery of the same, retaining the overplus, if any, for the use of such owner; and the said Sheriff or Coroner is hereby empowered and directed to execute a Deed to the purchaser of such property, his heirs and assigns, and to deliver seizin and possession thereof to such purchaser.

Persons otherwise qualified, who have paid 20s. City rates twenty days before an election of City Councillors, to be entitled to vote.

V. And be it enacted, That in any future election for City Councillors, every person being in other respects qualified to vote according to the provisions of the Act to incorporate the City of Fredericton, or the Act in amendment thereof, who shall have paid twenty days at least before such election, all the City rates to the amount of twenty shillings at least in the whole, for the year previous, which are then due and payable in respect of any assessment made in the said City by the City Council, shall be entitled to vote at such election; and proof of such payment,

ment, to entitle the person to vote, shall be made in such manner as the said Council may by bye law prescribe, and which amount of rates shall not include Dog Tax.

VI. And be it enacted, That all fines, penalties and forfeitures imposed for the breach of the provision of any law or ordinance relating to Tavern Keepers and Retailers, or of any bye law of the said City, shall be paid to the Treasurer of the said City for the use and purposes of the said City.

Fines, &c. for breaches of any bye laws of the City to be paid to the Treasurer for the use of the City.

VII. And be it enacted, That the City Council of the said City shall have full power and authority to make bye laws, rules and ordinances for the sale or destruction of any lumber, chattel or thing lying on or encumbering any Street or Landing in the said City.

City Council empowered to make bye laws for the destruction of encumbrances on the streets.

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

Limitation.

FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XXIII.

An Act to regulate the Fisheries in the Bay, Harbour and River Miramichi, and its Branches.

Passed 26th April 1850.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the Fisheries in the Bay, Harbour and River Miramichi, and its Branches, shall be regulated in the manner hereinafter mentioned, that is to say:—No net whatever to be set off any Island, Middle-ground or Shoal in the said Bay, Harbour, River and Branches, excepting as is hereinafter permitted: No net to be set from Point Escuminac to the western extremity of Huckleberry Island to extend into the Bay more than one hundred fathoms from low water, and no net to be set in the said space but by the inhabitants of Lower Bay du Vin: From thence to the Lot formerly owned by Thomas Ian, now owned by the Estate of Joseph Cunard, no net to be set along the south shore in the said space to extend into the Bay more than two hundred fathoms from three feet water at low water: A base line to run from the said Lot to the upper line of that part of the Lot formerly owned by the late James Horton, Esquire, deceased, in Bay du Vin, presently in the occupation of Abraham Lacy, no net to extend into the Bay more than two hundred fathoms from the said line: From the said lower line of the Lacey Lot to the eastern line of the Lot lately owned by John Mark Crank Delesdernier at the mouth of Black River, no net to extend into the Bay more than two hundred fathoms: From thence to Point Aux Car, no net to extend into the Bay more than two hundred fathoms: From Point Aux Car to the Lot owned by Alexander M'Donald, no net to extend into the Bay more than three hundred fathoms from low water: A base line to run from the said Alexander M'Donald's Lot to Point Cheval, no net to extend into the Bay more than three hundred fathoms from the said line: From Point Cheval to the upper extremity of the Sand Beach in Napan Bay, no net to extend into the Bay more than two hundred and fifty fathoms from low water: No net to be set off either side of Bay du Vin Island to extend into the Bay more than sixty eight fathoms from low water: A base line to run from the upper extremity of the said Sand Beach in Napan Bay to a Point commonly called Green Point, on the west side of a small Creek at the end of George Murdock's Marsh, no net to extend into the Bay more than two hundred fathoms.

Distances to which nets may be extended in the Bay and River Miramichi and its Branches, specified.

fathoms from the said line; and no net set from the said line to be nearer than one hundred fathoms to the said Green Point: From the said Green Point to within forty rods of the site of the fish shed formerly occupied by James Anderson, and now owned by Murdock, no net to be set to extend into the Bay more than one hundred and fifty fathoms from low water: From thence to the lower extremity of East Point, no net to be set to extend into the River more than eighty fathoms from low water: No net to be set off East Point to extend into the River more than fifty fathoms from low water: No net to be set off Sheldrake Island to extend into the River or Bay more than sixty fathoms from low water: No net to be set off Hay Island, opposite Neguac, to extend into the Bay more than two hundred fathoms from low water: From thence to Lot number eighty one, formerly owned by the late James Fraser, Esquire, deceased, inclusive, no net to extend into the Bay more than three hundred fathoms from low water; and no net to be set in the said space to be more than two hundred fathoms in length: From thence to the Lot number seventy six, formerly owned by the late James Thorn, deceased, inclusive, no net to extend into the Bay more than two hundred and eight fathoms from low water: A base line to run from low water on Lot number seventy six to the first point above the house owned by the late John English, deceased, opposite to the lower end of Sheldrake Island, no net to extend into the Bay more than two hundred and fifty fathoms from the said line: From thence to the lower line of Lot number seventy one, no net to extend into the Bay more than two hundred fathoms from low water: No net to be set in front of Lot number seventy one to extend into the River more than seventy fathoms from low water: A base line to commence at the upper line of Lot number seventy one, or Moody's Point at low water mark and end at low water mark on Lot number sixty nine, from thence to continue to low water mark on Lot number sixty six, no net to extend into the River more than sixty five fathoms from the said line: No net to be set in front of the Lots number sixty five and sixty six to extend into the River more than sixty five fathoms from low water: No net to be set in front of the Lots number sixty four and sixty three to extend into the River more than seventy fathoms from low water: No net to be set in front of Lot number sixty two to extend into the River more than sixty five fathoms from low water: No net to be set in front of Lot number sixty one to extend into the River more than forty five fathoms from low water: From Lot number sixty one to Lot number fifty nine, inclusive, no net to extend into the River more than sixty five fathoms from low water: No net to be set in front of the Lots number fifty eight, number fifty seven, number fifty six, number fifty five, and number fifty four, to be longer than sixty five fathoms, beyond forty fathoms from low water: No net to be set in front of the Lots number fifty three, number fifty two, and number fifty one, to be longer than sixty five fathoms beyond fifty fathoms from low water: No net to be set in front of Lot number fifty to extend into the River more than sixty five fathoms from low water: From thence to Lot number thirty nine inclusive no net to be set to extend into the River more than thirty seven fathoms from low water: No net to be set in front of Lot number thirty eight to extend into the River more than fifty fathoms from low water: No nets to be set in front of Lots number thirty seven, number thirty six, number thirty five, and number thirty four, to extend into the River more than sixty eight fathoms from low water: From thence to the Brook on the upper side of Gilmour, Rankin and Company's Wharf, Douglstown, inclusive, no net to extend into the River more than seventy fathoms from low water: From thence to Lot number fourteen inclusive

no net to extend into the River more than fifty fathoms from low water : From thence to Lot number five inclusive no net to extend into the River more than forty two fathoms from low water : From thence to Lot number one inclusive no net to extend into the River more than fifty five fathoms from low water : From thence along the north shore to Oxford's Cove on the North West Branch, no net to extend more than thirty fathoms from low water : From thence to the Saw Mill Cove inclusive no net to be set to extend into the River more than thirty five fathoms from low water, excepting in front of the Lots formerly occupied by James Oxford, Duncan MacIntire, and George Hubbard, where the nets shall not extend into the River more than twenty fathoms from one foot water at low water ; and Lots number one and number four, where the nets shall not extend into the River more than forty fathoms from one foot water at low water : From the said Saw Mill Cove to the Cove below Barrs' Point, no net to extend into the River more than sixty fathoms from low water : From thence to the upper Bass Fishery, no net to extend into the River more than thirty fathoms from low water : From thence to the upper line of the Lot occupied by William Matchett, nearly opposite the mouth of the Little South West River, no net to extend into the River more than twenty five fathoms from low water, excepting in front of the Lots formerly occupied by George Urquhart and Thomas Wright, where no net shall extend into the River more than sixty fathoms from low water : From William Matchett's said upper line to the upper line of the Lot presently occupied by John Ryan, no net to be set to extend into the River more than twenty fathoms from low water : No net to be set on either side of the North West Branch, or any of its Branches, from the said John Ryan's said upper line upwards, to extend more than one third part across the said Branch or any of its Branches : No net to be set off the Lot occupied by James Johnstone on the south side, to extend into the River more than twenty five fathoms from low water : No net whatever to be set off the south side from the lower line of the James Johnstone Lot to the mouth of the Little South West River : No net to be set on either side of the Little South West to extend more than one third part across the said River and its Branches ; and from the mouth of the Little South West, down along the south or western shore, to the lower line of the Lot formerly occupied by the late Andrew M'Grath, deceased, no net to be set to extend into the River more than twenty five fathoms from low water : From thence to the upper line of the Lot occupied by John Goodfellow, no net to be set to extend into the River more than thirty fathoms from low water : No net to be set in front of the Lot occupied by John Goodfellow to extend into the River more than forty fathoms from one foot water at low water : From John Goodfellow's lower line to the lower line of the Lot lately occupied by Samuel Robinson, no net to be set to extend into the River more than thirty five fathoms from low water, excepting in front of the Lots occupied by Charles Stewart, Jared Tozer and Elson Tozer, where the nets shall not extend into the River more than twenty five fathoms from one foot water at low water : From the lower line of the Samuel Robinson Lot downwards to Beaubear's Point inclusive, no net to be set to extend into the River more than forty fathoms from low water : No net whatever to be set off Martin's Island, or off or to any other Island, Middle-ground or Shoal in the said North West Branch (of the River Miramichi) and its Branches : A base line to run from East Point to West Point, no net to extend into the River more than fifty fathoms from the said line : From low water mark at West Point, a base line to run to low water mark at the lower point of Lot number nine, no net to extend into the River more than sixty five fathoms from

from the said line : From the said point of Lot number nine to Terril's Point no net to extend into the River more than sixty five fathoms from low water, excepting in front of Lots number eighteen and number nineteen, where the nets are to extend sixty five fathoms beyond twenty fathoms at low water : No net to be set off Terril's Point to extend into the River more than forty fathoms from low water : A base line to run from Terril's Point to the lower end of Middle Island, no net to be set to extend into the River more than forty eight fathoms from the said line : No net to be set from Middle Island towards the north shore to extend into the River more than fifty fathoms from low water : No net whatever to be set from Middle Island towards the south shore : No net to be set from the south shore opposite to the upper end of Middle Island to the lower line of the Lot number fifty, being the property lately occupied by Theophilus DesBrisay, Esquire, to extend into the River more than fifty two fathoms from low water, excepting in front of the Lots number twenty eight and number twenty nine, which shall not exceed sixty fathoms from low water ; and in front of Lot number thirty two no net to extend into the River more than thirty eight fathoms from low water ; and no net to be set in front of Lot number thirty three to extend into the River more than fifty five fathoms from low water : No net to be set in front of the Lots number fifty, number fifty one, number fifty two, number fifty three and number fifty four inclusive, to extend into the River more than sixty fathoms from low water : No net to be set in front of the Lots number fifty nine, number sixty, and number sixty one, to extend into the River more than fifty fathoms from low water : From thence to the Lot number forty one, in the Grant to the late William Davidson, Esquire, no net to extend into the River more than forty fathoms from low water : No net to be set in front of the Lot now occupied by Peter Foley to extend into the River more than seventy fathoms from low water : No net to be set from Beaubear's Island to extend into the River more than thirty fathoms from low water : No net whatever to be set in the Tickle between Beaubear's Island and Beaubear's Point : No net whatever to be set in front of the Burying Ground on Beaubear's Point : No net to be set from either side of the South West Branch from Beaubear's Point on the western shore, and Peter Foley's Lot on the eastern shore, to the lower extremity of Barnaby's Island, to extend into the River more than forty fathoms from low water : No net whatever to be set from Barnaby's Island towards the south shore : No net to be set on either side of the said River from the lower extremity of Barnaby's Island to the upper line of the Lot presently occupied by James M'Intosh, to extend into the River more than thirty fathoms from low water : From thence, on both sides of the River, to the mouth of Indian Town Brook, no net to be set from either side to extend into the River more than twenty five fathoms from low water : No net to be set off the Lots on the north shore opposite Brown's Bar, or opposite the Bar at the Elm tree, to extend into the River more than fifteen fathoms from low water : No net to be set on either side of the said South West Branch, or any of its Branches, from the mouth of Indian Town Brook to the Head of the Miramichi River, and its Branches, to extend more than one third part across the said River or its Branches : No net whatever to be set off or to any Island, Middle-ground or Shoal in the said South West Branch (of the River Miramichi) and its Branches : Provided always, and it is hereby declared, that no net to be set in any of the Branches of the River Miramichi by virtue of this Act, or in any other Rivers of the County of Northumberland not hereinbefore provided for, shall extend more than one third part across the said Branch or River, anything hereinbefore contained to the contrary notwithstanding ;

withstanding; and provided always, that where one third part shall include or take in more than one half of the main channel in any of the said Branches or other Rivers as aforesaid, no net whatever shall be set on the channel side of the River: And be it enacted, that no nets whatever shall be set inside of any base lines allowed in the Bay, Harbour, River or Branches of the Miramichi, excepting in front of the Lot formerly owned by Robert England, deceased, in Napan Bay, where the net may extend into the Bay in front of the said Lot two hundred fathoms from low water; and in front of the Lot formerly owned by Richard Home, deceased, where the net may extend two hundred fathoms from low water; provided always, that no part of the said quantity of net is set outside of the said line: And be it enacted, that no nets shall be placed within less than fifty fathoms of each other, measured upon a straight line running parallel as near as may be with the shore in any of the said Rivers or Branches in this section mentioned, under the penalty of not less than five pounds nor more than ten pounds for each and every of the offences against any of the provisions of this section; and that no net shall be set, the meshes of which shall be of a less size than five inches and one half of an inch, under the penalty of not less than three pounds nor more than ten pounds for each and every offence; provided always, that this shall not extend to or affect Herring or Gaspereaux Nets.

No net to be set within fifty fathoms of another,

Nor be of less than five and a half inch meshes.

II. And be it enacted, That the Justices of the Peace in the said County of Northumberland, in their General Sessions, may and are hereby required to appoint one or more fit person or persons to be Overseers of the Fisheries for each Town, Parish or District, who shall be sworn to the faithful discharge of their duty, and shall have power to remove any net, hedge, wear, fishgarth, seine, or other incumbrance that shall be found in any River, Cove or Creek, contrary to the provisions of this Act; provided always, that every Overseer of the Fisheries now appointed under the provisions of any of the said hereinbefore recited Acts shall continue in office, and have full power and authority to act under the provisions of this Act, until some other person be appointed in his place.

General Session-empowered to appoint Overseers of the Fisheries.

III. And be it enacted, That if any net, hedge, wear, fishgarth, or other incumbrance, or any drift net shall be found in any River, Cove or Creek, contrary to the provisions of this Act, it shall and may be lawful for such Overseers of the Fisheries, and they and each of them are hereby required respectively forthwith to seize the same; and if no owner shall appear to claim the same within six days, such net, seine or fishgarth, shall, together with the fish, if any found therein, be forfeited and sold by the said Overseers to satisfy the respective penalties in this Act mentioned and inflicted, and the overplus, if any, shall be paid to the County Treasurer of the said County of Northumberland.

Overseers empowered to seize illegal nets and sell them. &c.

IV. And be it enacted, That the said Overseers of the Fisheries shall be entitled to demand and receive one shilling, and no more, for each set of nets to be set in the District to which they shall be respectively appointed, from the proprietors of such nets, as a compensation for their trouble.

Fees of Overseers.

V. And be it enacted, That if any such Overseer of the Fisheries shall at any time wilfully and knowingly delay, neglect or refuse to perform the duty in and by this Act enjoined, such offender shall forfeit and pay for every offence the sum of five pounds, to be sued for, recovered and applied in the manner hereinafter mentioned.

Penalty on Overseers for neglect of duty.

VI. And be it enacted, That if any Overseer shall so neglect to perform the duty in and by this Act enjoined, it shall and may be lawful for any person or persons to apply to the Inspector or Inspectors hereafter to be appointed, or any of them, or to the Sheriff, his Deputy, or any Constable, who are hereby authorized

On neglect of duty by Overseers, the Sheriff, Deputy Sheriff, &c. may be applied to.

rized and required to take up and remove any such incumbrance forthwith ; and if no person or persons appear to claim the same within six days, the said net or nets so taken up and removed as aforesaid, shall be considered, the one moiety as the property of the person or persons so complaining, and the other moiety as the property of the Inspector, Sheriff, his Deputy, or any Constable who may take up and remove the same.

No salmon to be taken or purchased nor net set at certain places between specified periods.

VII. And be it enacted, That no salmon shall be taken or killed in any manner whatever in the Bay, Harbour or River Miramichi, below Beaubear's Island, from the fifteenth day of August, or above Beaubear's Island in both Branches, or in the Bartibogue, Tabusintack, Bay du Vin, Napan, or Black Rivers, from the thirty first day of August to the first day of April in every year ; nor shall any person purchase any fish so killed or taken under the penalty of not less than five shillings nor more than twenty shillings for each fish so killed, taken or purchased ; and that no net shall be set or allowed to remain on any pickets in the said River or its Branches after the times hereinbefore limited and appointed for fishing, under the penalty of not less than three pounds nor more than five pounds for each and every offence, to be paid by the owner or owners of the said nets, or the person or persons last using the same.

No brush or wooden wears or traps to take gaspereaux, &c. to be set.

VIII. And be it enacted, That no person or persons shall after the passing of this Act, under any pretence whatsoever, erect, build, make or set up, or make use of in the said Bay, Harbour and River Miramichi, or any of its Branches, or in any other River in the County of Northumberland, any brush or wooden wear or wears, trap or traps, for the purpose of taking gaspereaux, shad, salmon, bass or other fish, under a penalty of not less than five pounds or more than thirty pounds for each and every such offence.

Authority given to pull down such wears or traps.

IX. And be it enacted, That in all cases when any fish wear or wears, trap or traps, shall be erected contrary to the provisions of the eighth section of this Act, it shall be the duty of the Overseers of the Fisheries of the Parish or District in which such wear or wears, trap or traps, shall be so erected, and all other person and persons are hereby fully authorized and empowered immediately or any time thereafter, to pull down, remove and destroy such wear or wears, trap or traps.

Drifting or sweeping for salmon, or spearing salmon or grilse, unlawful.

X. And be it enacted, That it shall not be lawful for any person or persons to drift or sweep for salmon with nets or seines, nor for any person or persons to spear salmon or grilse in any part of the Bay, Harbour, River, or Branches of the Miramichi, or in any other River in the County of Northumberland.

Penalty for drifting, sweeping with or setting up nets fitted to catch grilse.

XI. And be it enacted, That if any person or persons shall set, drift or sweep with any net or seine the meshes of which shall be of a size to catch grilse, and not salmon, and shall with such net or seine catch grilse in drifting or sweeping, or by setting such net or seine, he or they shall be liable to the penalties of this Act in the same manner as if he or they should be found drifting with salmon nets, and to be recovered in the same manner.

Penalty for setting seines or nets, or sweeping or spearing contrary to this Act, or allowing nets to remain set between Saturday night and Monday morning.

XII. And be it enacted, That if any person or persons from and after the passing of this Act shall set or place any seine or seines, net or nets in the said Bay, Harbour, River, or Branches of the Miramichi, or in any other River in the County of Northumberland, except as is hereinbefore provided, or shall drift, sweep or spear for salmon or grilse contrary to the provisions of this Act, or shall set, or allow any net to remain set in any part of the said Bay, Harbour, River, or Branches, between sunset on Saturday night and sunrise on Monday morning, contrary to the provisions of this Act, such person or persons so offending shall for each and every of the offences above enumerated forfeit and pay a sum not less than five pounds nor more than ten pounds.

XIII.

XIII. And be it enacted, That from and after the passing of this Act, no person or persons under any pretence whatsoever, shall sweep or drift for fish with any net whatever, in any part of the Branches of the River Miramichi above or beyond the tide-way, or in any part of the Little South West, Bartibogue, Tabusintack, Bay du Vin, Napan, or Black Rivers, under the penalty of not less than five pounds nor more than ten pounds for each and every offence, and that no net or seine used for sweeping or catching bass shall be of a less size of mesh than five inches from knot to knot, under a penalty of not less than three pounds nor more than ten pounds.

Penalties for sweeping or drifting in specified places, or using nets for bass of less than a specified size of mesh.

XIV. And be it enacted, 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, or in any other River in the County of Northumberland, after the first day of July in each and every year, under the penalty of ten pounds for each and every offence against the provisions of this section.

Penalty for taking gaspereaux after first July in each year.

XV. And be it enacted, That from and after the passing of this Act, no bass shall be taken or killed in the Bay, Harbour or River of Miramichi, or its Branches, or in any other River in the County of Northumberland, through the ice, or after such Bay, Harbour, River or Branch shall respectively be frozen over in each and every year, nor shall any person purchase any bass so killed or taken under the penalty of not less than five shillings nor more than twenty shillings for each bass so killed, taken or purchased.

Penalty for taking or purchasing bass killed through the ice, &c.

XVI. And be it enacted, That no fish of any description caught in the Bay, Harbour or River Miramichi, or any of its Branches, or any other River in the County of Northumberland, shall be applied for the purposes of manure under the penalty of not less than forty shillings nor more than five pounds for each and every offence.

Penalty for applying fish as a manure

XVII. And be it enacted, That from and after the passing of this Act, if any person or persons who may be the owner or owners of any mill or mills already erected or that may hereafter be erected on or near the River Miramichi, between Beaubear's Point and Sheldrake Island (except as hereinafter mentioned) for the manufacturing of lumber of any description, or any persons who may be engaged in the manufacturing of lumber in any such mill or mills, shall suffer or permit any slabs, rinds, log ends, bark or rubbish of that description, made or cut at any such mill or mills, to fall, roll, float or be thrown into any part of the River Miramichi, or in any Creek or Stream falling into the said River within the limits above mentioned, every such owner or owners of such mill or mills, or other person or persons manufacturing lumber at any such mill or mills, shall forfeit and be liable to pay as a fine for every such offence, a sum not more than twenty pounds nor less than five pounds; provided always, that the saw mill now standing on French Fort Cove within the limits above mentioned shall not be liable to the provisions of this section.

Penalty for permitting slabs, bark, &c. to fall into the water from mills between Beaubear's Point and Sheldrake Island.

XVIII. And be it enacted, That the Justices of the Peace for the County of Northumberland in their General Sessions, shall and may make such rules and regulations for the salmon, bass, gaspereaux and shad fisheries in the said Bay, Harbour or River of Miramichi, and its Branches, and in all other Rivers, Coves and Creeks within the said County, and also to enforce the rules and regulations so to be made by such fines and penalties so to be imposed, not exceeding for any one offence the sum of five pounds, to be recovered and applied as hereinafter mentioned; provided the said rules and regulations so to be made, be not contrary to or inconsistent with the provisions hereinbefore contained; and the Overseers of the Fisheries to be appointed in pursuance of this Act are hereby required

General Sessions empowered to make regulations for the salmon, bass, gaspereaux and shad fisheries throughout the County, with penalties.

Overseers of Fisheries to see to their enforcement.

required to see that such rules and regulations so to be made are observed and enforced in the same manner as any of the rules and regulations in this Act are required to be observed and enforced.

Recovery of fines
and penalties.

XIX. And be it enacted, That all the fines and penalties imposed by this Act shall be recovered with costs upon conviction upon the oath of one or more credible witness or witnesses, before any two of Her Majesty's Justices of the Peace in and for the County of Northumberland, notwithstanding such offence or offences shall be committed in any of the said Rivers or their Branches without the limits of the said County, and levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, after deducting the costs and charges, to such offender; and for want of sufficient goods and chattels whereon to levy any such fine, costs and charges, such offender or offenders shall be imprisoned without bail or mainprize for a term not exceeding one day for every two shillings of the fine imposed and costs of prosecution, and not exceeding in the whole sixty days; one half of which fine shall when recovered be paid to the informer or person prosecuting for the same, and the other half to the Treasurer of the said County of Northumberland, when the person or persons prosecuting or informing shall not be the Inspector or Overseer, and that whenever any Inspector or Overseer to be appointed under this Act shall be the informer or person prosecuting, then the whole of such fine shall be paid to the County Treasurer; and it shall be the duty of the said Treasurer to keep the statement and account of all such sums as shall be paid to him for such fines and penalties in a distinct and separate account, and shall pay out of such fines as far as they shall extend, the amounts ordered by the said Justices to be paid to the said Inspectors respectively, before applying any other of the funds of the said County to the payment of such Inspectors; and it shall further be the duty of the said Treasurer to prepare and exhibit to the Justices at their General Sessions a true and correct statement and account of the same, verified by the oath of the said Treasurer.

Warrant of
Distress.

Imprisonment.

Application of fines.

Accounts.

Act 13 V. c 39, not
to authorize Jus-
tices to make
regulations con-
trary to this Act.

XX. Provided always, and be it enacted, That nothing in the Act made and passed the present Session of the Legislature, intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province*, contained, shall authorize or be construed to authorize the Justices of the Peace for the County of Northumberland, at any Court of General or Special Sessions, to make any rules or regulations thereunder contrary to the provisions or any of the provisions of this Act during the time this Act shall remain in force, any thing in the said recited Act contained to the contrary notwithstanding

Limitation.

XXI. 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 two.

FREDERICTON, N. B.:

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

Ex. S. M.
13/22/16

Chapter 9 missing

CCAP/12
Laws, Statutes, etc. Session Laws
[NEW BRUNSWICK PRIVATE OR PERSONAL ACTS.]



5293

BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. I.

An Act relating to the Saint Andrews and Quebec Rail Road.

Passed 26th April 1850.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the fourth, fifth, sixth, seventh, eighth and ninth sections of an Act made and passed in the sixth year of the Reign of King William the Fourth, intituled *An Act to incorporate the Saint Andrews and Quebec Rail Road Company*, be and the same are hereby repealed; and in lieu thereof,

6 W. 4, c. 31, in part repealed.

II. Be it enacted, That the said Company shall be and are hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the intentions and objects of this Act; and for this purpose the said Company, their successors, deputies, agents, and assistants, shall have the right to enter and go into and upon the lands and grounds of all and every description lying in the said route and general direction of the said Rail Road, for the purpose of making surveys, examinations, or other necessary arrangements for fixing the site of the said Rail Road; and it shall and may be lawful for the said Company and their successors to take and hold so much of the land and other real estate as may be necessary for the laying out, making and constructing and convenient operation of the said Rail Road; and shall also have the right to take, remove and use for the necessary construction and repair of the said Rail Road and appurtenances, any earth, gravel, stone, timber, or other materials on or from the land so taken, without any previous agreement with the owner or owners, tenant or tenants of the land, and upon which such surveys, examinations or other arrangements may be made, or through which the said Rail Road may be explored, laid out, worked, made and constructed, or on which materials or other things shall be laid for the purposes of the said Rail Road; provided also, that the said land so taken shall not exceed six rods in width, except where greater width is necessary for the purposes of excavation or embankment; and where the said Rail Road shall pass through any wood lands or forests, the said Company shall have the right to fell or remove any trees standing thereon to the distance of four rods from either side of the said Rail Road, which by their liabilities to be blown down, or from their natural falling, might obstruct or impair the said Rail Road; provided always, that in all cases the said Company shall pay for such land or estate so taken and used, (in case the owner thereof demand it)

Company invested with powers to carry out this Act.

Take and hold lands;

And materials for construction or repair, without previous agreement.

Extent of land limited.

Fell trees.

Compensation to be made to the owners.

CAN/NB
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In case of disagreement, damages to be assessed by a Jury.

it) such price as the said Company and the owner or respective owners thereof may mutually agree on; and in case the said parties should not agree, then it shall be lawful for the said Company to apply to two of Her Majesty's Justices of the Peace in the County wherein the said lands may be situate, for a Warrant, which Warrant shall be in the form set forth in the Schedule (A) to this Act annexed, and shall be directed to the High Sheriff, his Deputy, or any Constable within the said County, commanding such High Sheriff, Deputy, or Constable, to summon a jury of five disinterested freeholders or occupiers of land in the said County, who shall be sworn to examine the site of the said Rail Road; and in case the said Rail Road shall pass through or extend upon any improved lands, or shall occasion the removal of any buildings or fences, then and in all such cases the damages shall be ascertained and assessed by such jury; provided nevertheless, that the said jury in assessing the said damages, are authorized and empowered, and shall take into consideration the enhancement in value of the land by the passage of the Rail Road, in regard to the increased facilities of access to the different stations and termini of the said Rail Road, in diminution of the damages; and in all cases where the Jury shall assess damages to be paid to the owner or owners of any land over which the said Rail Road may be laid out, the Justices who issued the Warrant shall lay the said assessments before the next annual meeting of the said Company, who are hereby required to pay the amount set forth in the said assessment into the hands of the person for whom such damages may have been assessed, within twenty one days next after such annual meeting of the said Company, together with the costs and charges of assessing such damages, which shall be agreeable to a scale in Schedule (B) of this Act, and in default of such payment, it shall and may be lawful for the said Justices or either of them, (in case of the death or absence of the other) at the instance of the said party or parties to whom such damages are payable, by Warrant under the hands and seals of the said Justices, or of one of them, (in case aforesaid) to levy the same, with costs, by distress and sale of the goods and chattels of the said Company; provided also, that nothing in this Act contained shall be construed to affect the rights of the Crown in any ungranted lands within this Province, or to authorize the said Company to enter upon or take possession of any such land without the previous permission of the Executive Government of the Province.

Discharges by a Corporation, Committee, &c., to be valid.

III. And be it enacted, That when the said Company shall take any lands or estate of any body corporate, aggregate or sole, guardians, committees, executors or administrators, or other trustees whatsoever, held for and on behalf of those whom they represent, whether Corporations, infants, idiots, lunatics, feme covert, persons deceased or beyond seas, or other person or persons whatsoever, who are or shall be possessed of or interested in the said land or estate, the respective contracts, agreements, and sales of the said Corporations, guardians, committees, executors, administrators, or other trustees whatsoever, shall be valid and effectual in law to all intents and purposes whatsoever, and their respective receipts shall be good and valid releases and discharges therefor; and it shall be lawful for them respectively to agree and settle with the said Company for damages, (if any) by reason of taking such land or estate as aforesaid; and in case of disagreement, such damage to be ascertained and settled as provided by the second section of this Act.

Company may take materials for construction or repair

IV. And be it enacted, That the said Company, their superintendents, engineers, agents, and workmen, may enter upon the land adjoining the said Rail Road;

Road, and from thence take and carry away any timber, stone, gravel, sand and earth, or any material necessary for the construction of the said Rail Road; and in case of any slip happening or being apprehended to any cutting, embankment or other work belonging to the said Rail Road, the said agents and workmen shall at all times hereafter have full egress and regress into and upon such adjoining lands, for the purpose of repairing and preventing such accident, and to do such works as may be necessary for the purpose; provided always, that such works shall be as little injurious to the said adjoining land as the nature of the operations will admit of, and shall be executed with all possible dispatch; in all which cases the damage incurred, if the parties cannot agree, shall be ascertained and paid in like manner in all respects as provided for in the second section of this Act.

of Rail Road from adjoining lands and have egress and regress.

V. And whereas it is expedient to enable the Saint Andrews and Quebec Rail Road Company to make further arrangements respecting their Class A Shares; Be it therefore enacted, That the second and fourth sections of the Act passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act in further amendment of the Acts relating to the incorporation of the Saint Andrews and Quebec Rail Road Company*, are so far, but so far only as is necessary to give full effect to the provisions of this Act, hereby repealed, but without prejudice to any act or thing already made or done under or by virtue of the same sections or either of them.

12 V. c. 60, s. 2 & 4, repealed.

VI. And be it enacted, That at every annual general meeting of the Company the shareholders present and appearing by proxy may choose, by a majority of votes, thirteen Directors, who shall be distinguished as "The Directors of the Company," being holders of at least ten shares each, and resident in this Province, and who shall continue in office for one year, or until others be chosen in their place; and the third section of the last mentioned Act shall apply to "The Directors of the Company," and except as otherwise provided by this Act, all the powers and duties conferred and imposed upon any Board of Directors mentioned in the Act incorporating the Company, or any Act in addition to or in amendment of such Act, shall be enjoyed, executed and fulfilled by "The Directors of the Company."

Thirteen Directors to be chosen at the annual meetings, to be designated "The Directors of the Company."

VII. And be it enacted, That the holders of Class A Shares may from time to time choose from among themselves seven Directors, who shall be distinguished as "The Directors for Class A Shareholders," and make such regulations concerning "The Directors for Class A Shareholders" as such holders think fit.

Class A Shareholders to choose seven Directors, to be styled "The Directors for Class A Shareholders."

VIII. And be it enacted, That "The Directors of the Company," with the consent of "The Directors for Class A Shareholders," may from time to time by Deed enter into such covenants, conditions and stipulations with respect to the conduct and management of the affairs of the Company, and delegate to the holders of Class A Shares and "The Directors of Class A Shareholders" respectively, such powers and authorities with reference to the conduct and management of such of the affairs of the Company in any way affecting or likely to affect the interests of the holders of Class A Shares, as may from time to time be agreed on between "The Directors of the Company" and the holders of Class A Shares, or "The Directors of Class A Shareholders."

Covenants may be made between the two directing bodies as to the management of the Company affairs.

IX. And be it enacted, That the Common Seal of the Company, or a duplicate thereof, may from time to time be used by "The Directors of Class A Shareholders," for such purposes and in such manner as may from time to time be agreed on between "The Directors of the Company" and "The Directors of Class A Shareholders."

The Common Seal may be used by the Directors of Class A Shareholders.

X.

The Directors of the Company may grant special advantages to the holders of Class A Shares.

X. And be it enacted, That "The Directors of the Company" may from time to time, by Deed, grant and assure in such manner as they think fit, unto the holders of Class A Shares, not only the whole or any part of any guarantee of interest, grant of money or lands, or other benefit, profit or advantage already or to be hereafter granted, conceded or allowed to the Company by Act of Assembly, or otherwise howsoever; but also such preferential interest or dividend, and such preferential, exclusive or other profits, privileges and advantages whatsoever, and on such terms and conditions whatsoever as "The Directors of the Company" from time to time think proper.

XI. And be it enacted, That "The Directors of the Company" may from time to time by Deed subject and charge in such manner as they think fit the present and future lands, goods and other property and effects, tolls, income and profits whatsoever of the Company, or such parts thereof as "The Directors of the Company" think fit, to and with the payment or other satisfaction, to the holders of Class A Shares, of such interest or dividend, profits, privileges and advantages.

Deeds executed in accordance with the 8th, 9th and 10th sections, to be under the Common Seal, and binding.

XII. And be it enacted, That every Deed executed by "The Directors of the Company," in accordance with the eighth, ninth and tenth sections respectively of this Act, shall be under the Common Seal of the Company, (which "The Directors of the Company" are hereby authorized to affix to every such Deed,) and under the respective hands and seals of any three or more of "The Directors of the Company;" and every Deed so executed shall have as full effect and be as binding and conclusive on the Company, and "The Directors of the Company," and "The Directors of Class A Shareholders," and the several shareholders and classes of shareholders respectively of the Company, as if the terms and provisions of such Deed were by this Act expressly enacted and made binding and conclusive accordingly.

Act of Incorporation, and Acts in amendment, so far as repugnant to this Act, repealed.

XIII. And be it enacted, That the Act incorporating the Company, and the several Acts in addition to and in amendment of such Act respectively, so far as the provisions thereof respectively are repugnant to or inconsistent with any of the provisions or purposes of this Act, are hereby repealed, but in all other respects such Acts respectively, so far as the same respectively are now unrepealed and in force, shall subject and without prejudice to the provisions and purposes of this Act be and remain in full force.

Faith of Province pledged to Class A Shareholders, that privileges conceded by this Act shall not be repealed except on consent.

XIV. And be it enacted, That the faith of this Province shall stand pledged, and the same is hereby pledged to the holders of Class A Shares, that this Act or any of the provisions thereof, or any of the rights, authorities, privileges, profits or advantages by this Act granted or secured, or authorized to be granted or secured to or for the benefit of the holders of Class A Shares, or any of them, shall not directly or indirectly be taken away, lessened, or in any way prejudicially affected by any Act of Assembly or facility Act, without or otherwise than in accordance with the previous consent of the holders of Class A Shares, to be testified by some Petition under the hands of three or more of "The Directors for Class A Shareholders," to the Assembly of this Province.

A. D. 1850.

13^o VICTORIÆ.

C. 1.

SCHEDULE A.

Form of Warrant to Summon Jury.

To the Sheriff, Deputy Sheriff, or any Constable of the County of

You are hereby commanded to summon a Jury of five disinterested Freeholders of your County on the day of , at of the clock in the noon, and then and there to assess the damages (if any) which A. B. alleges he has sustained by reason of the works and operations of the Saint Andrews and Quebec Rail Road Company through and upon his lands. Warrant to Summon a Jury.

Given under our hands and seals the day of , A. D. one thousand eight hundred and

SCHEDULE B.

Scale of Fees in proceedings before Justices upon assessing damages under the foregoing Act:— Fees.

To the Justices.

- Warrant to Summon Jury, two shillings and six pence. To Justices.
- For every Subpœna, six pence.
- For every Copy thereof, three pence.
- Every adjournment made at the instance of the party, one shilling.
- Trial and Judgment, two shillings and six pence.
- Swearing each Witness and Constable, three pence.
- Swearing Jury, one shilling.
- Execution or Distress Warrant, one shilling and six pence.

To the Sheriff or Constable.

- Summoning Jury, five shillings. Sheriff or Constable.
- Attendance on Jury, one shilling.
- For all other services same as fixed by Law in Civil Cases before Justices of the Peace.

To Witnesses.

- Attendance and Travel same as in Civil Cases before Justices of the Peace. Witnesses.

To Jurors.

- Each Juror sworn on Inquiry, two shillings. Jurors.

FREDERICTON, N. B.:

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

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BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. II.

An Act to settle certain doubts raised under the last Will and Testament of Mark Varley, late of the City of Saint John, Brick Maker, but now deceased.

Passed 26th April 1850.

WHEREAS Mark Varley, late of the City of Saint John, in the City and County of Saint John, Brick Maker, did on the fourth day of October one thousand eight hundred and forty nine, make and publish his last Will and Testament, whereby, *inter alia*, he did devise and bequeath in the words or to the effect following, that is to say:—

“I give, devise and bequeath all my share and interest in the vessel called the ‘El-Dorado,’ owned by Michael Thompson and myself, to the Trustees of the Wesleyan Methodist Church in the City of Saint John, for the establishment and maintenance of a Day School: A School House to be built out of the monies arising from my share, but not to exceed in the cost of the erection thereof the sum of two thousand pounds currency, unless such additional cost be raised by contributions from other parties, or by other means: The said School House to be built of brick or stone: The remainder of the moneys arising from my said share in the said vessel to go to the support of the School Establishment, and the payment of the Teachers: The said Establishment and School House to be built and maintained in the City of Saint John. It is my wish, however, that the said vessel shall be run until it suits the said Michael Thompson’s convenience that she be sold: He accounting and paying over to the Trustees of the said School Establishment hereby created, and their successors, the proceeds of my share of the said vessel, as earned, to be by them invested in undoubted security on Lands, or Government Stocks, bearing six per cent. interest, and added to the funds arising from the sale of my said share, when sold. It is my wish, however, that the erection of the School House, and the establishment of the School, should be commenced as soon as sufficient funds are in hand; but until sufficient are in hand, to be invested as aforesaid. And it is also my wish that similar investment should be adopted for all moneys hereby bequeathed by me for the purpose aforesaid, after paying for the erection of the said School House, and the necessary expenses attendant upon carrying out the objects of this bequest.

Recital of the last Will and Testament of Mark Varley.

“My

“ My lot of land and premises in Dock Street, in the City of Saint John, I hereby devise and bequeath to the said Trustees of the Wesleyan Methodist Church, and their successors, to and for the School Establishment above created, subject nevertheless to the payment of the rents arising therefrom to my Brother, John Varley, residing in Hull, Yorkshire, England, during his natural life. It is my Will and Testament, that in case there should be any incompetency in the parties hereinbefore named as Trustees, to accept and carry out the trust for the said School hereby created, then I devise and bequeath the several properties and estates, both real and personal, hereinbefore devised and bequeathed for the purpose aforesaid, to such body or bodies belonging to the Wesleyan Methodist Church in the City of Saint John, and their successors, heirs or assigns, as will be competent to accept and carry out such trust ; and that in case any question thereabout should arise, then and until the same should be determined, it is my wish that my executors hereinafter named should receive, collect, and invest the funds herein for that purpose devised, in the manner before provided, and pay over the same, with all accumulation thereof, to the party or parties entitled to receive the same, and for the purpose aforesaid. I do give, devise and bequeath my lot of land and freehold property in Lower Cove, in the City of Saint John, together with the buildings and improvements thereon, to the Trustees of the School Fund hereinbefore created, to and for the purposes of the said School, and subject to the trusts for the same created :”

‘ And did nominate and appoint Thomas Parks, of the City of Saint John, Merchant, and William F. Smith, of the same place, Mason, executors of his said Will : And whereas the said Mark Varley has departed this life : And whereas the said Will was duly executed according to the Laws of this Province for passing real and personal estate, and the same has been duly proved, and is now on file in the Office of the Registrar of Probates for the City and County of Saint John : And whereas the executors of the said estate are anxious to carry out the provisions of the said Will, but doubts have been raised as to the identity of the Trustees named in the Will, and those actually in existence in the City of Saint John, and of the ability of such Trustees and their successors to take said property, without the intervention and aid of the Court of Chancery or the Legislature : And whereas it is expedient that such doubts should be disposed of, and the said trust estate saved from the expenses of a suit in equity, and the charitable intentions of the testator carried into effect with as little delay as possible : And whereas Gilbert T. Ray, George A. Lockhart, George Whittaker, John B. Gaynor, Edward E. Lockhart, David Collins, Richard Whiteside, Senior, Henry Whiteside, Edward T. Knowles, James Smith, Richard W. Thorne, Edward Lloyd, Daniel J. M’Laughlin, William Till, Aaron Eaton, George P. Sancton, William A. Robertson, John Gardner, Michael Thompson, Colin E. Cross, Robert Salter, Isaac Olive, James Olive, William Beattie, G. B. Vaughan, J. J. Clarke, Zachariah Adams, Benjamin Tibbits, William O. Theal, Thomas Thompson, and John Jordan, now are the Trustees of the Wesleyan Methodist Church in the City of Saint John, in connexion with the British Conference, and the Trustees contemplated and intended, by the said testator, Mark Varley, in his said last Will and Testament, and they have been duly appointed under the provisions of the respective Deeds of Trust of the several Wesleyan Chapels in the said City ;’

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said Gilbert T. Ray, George A. Lockhart, George Whittaker, John B. Gaynor, Edward E. Lockhart, David Collins, Richard Whiteside, Senior, Henry Whiteside, Edward T. Knowles, James Smith, Richard W. Thorne, Edward Lloyd, Daniel J. M'Laughlin, William Till, Aaron Eaton, George P. Sancton, William A. Robertson, John Gardner, Michael Thompson, Colin E. Cross, Robert Salter, Isaac Olive, James Olive, William Beattie, G. B. Vaughan, J. J. Clarke, Zachariah Adams, Benjamin Tibbits, William O. Theal, Thomas Thompson, and John Jordan, now being the Trustees of the said Wesleyan Methodist Church in the City of Saint John, in connexion with the British Conference, appointed as hereinbefore recited, and their successors being in like manner duly appointed, are hereby declared to be vested with the said property, real and personal, so hereinbefore recited to have been devised upon the Trusts, and subject to the provisions, stipulations and conditions in said Will contained, and the same shall be so held by them so long as they shall so continue to be such Trustees, and their successors to be duly appointed as hereinbefore recited, for ever; saving, nevertheless, the rights of Her Majesty, and of all persons, heirs, executors, devisees, legatees, creditors, bodies corporate, and others, of in and to the said property hereinbefore mentioned to have been devised and bequeathed.

Parties herein named and their successors declared vested with the devised property, subject to the conditions of the Will.

II. And be it further enacted, That the said Gilbert T. Ray, George A. Lockhart, George Whittaker, John B. Gaynor, Edward E. Lockhart, David Collins, Richard Whiteside, Senior, Henry Whiteside, Edward T. Knowles, James Smith, Richard W. Thorne, Edward Lloyd, Daniel J. M'Laughlin, William Till, Aaron Eaton, George P. Sancton, William A. Robertson, John Gardner, Michael Thompson, Colin E. Cross, Robert Salter, Isaac Olive, James Olive, William Beattie, G. B. Vaughan, J. J. Clarke, Zachariah Adams, Benjamin Tibbits, William O. Theal, Thomas Thompson, and John Jordan, so long as they shall continue to be such Trustees, and their successors, are hereby declared to be the Trustees under the said Will, and as such, vested with the said trust property, real and personal, and all accumulations thereof, and all and every other property, real and personal, that may at any time or times hereafter be given, devised or granted to them or purchased by them, or which may or ought in any way come to their hands to be applied in aid of or in addition to such Trust Fund; and the said executors of the said estate are hereby authorized and empowered to hand over to the said Trustees as aforesaid, all the property, real and personal, bequeathed and devised under the said Will, as hereinbefore recited; and the said trust property and funds, and all accumulations thereof, and additions thereto, as aforesaid, whether real or personal, shall by operation of law vest in the said Trustees, and their successors, upon the trusts, and for the uses and purposes in said Will contained; and the said Trustees, and their successors to be appointed as aforesaid, shall at all times hereafter, with reference to the management and control of the said trust property, and the accumulations thereof, or additions thereto, both real and personal, be known as the Trustees of the Wesleyan Methodist Church in the City of Saint John; and with reference to all matters connected with such trust property or fund, or growing thereout, may sue and be sued, implead and be impleaded in all Courts of Justice, by and under the name of "The Trustees of the Wesleyan Methodist Church in the City of Saint John."

Said parties declared to be the Trustees under the said Will, and vested with the said property and all accumulations.

Executors of the estate, authorized to hand over to the said Trustees, all the property devised under the said Will, who are henceforth to be known as the Trustees of the Wesleyan Methodist Church in the City of Saint John.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIAE REGINAE.

CAP. III.

An Act to incorporate the Fredericton Gas Light Company.

Passed 26th April 1850.

WHEREAS the establishment of a Company for the purpose of erecting Gas Works in the City of Fredericton, in order to furnish the means of lighting the said City in a superior manner, would be an object of public utility; Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That John Simpson, Lemuel A. Wilmot, Charles Fisher, Frederick W. Hatheway, George J. Dibblee, James Robb, Charles M'Pherson, John A. Street, William Watts, Junior, Spafford Barker, John S. Coy, Robert Jardine, Benjamin Wolhaupter, Abraham T. Coburn, Stephen Foster, and Asa Coy, their associates, successors and assigns, shall be and they are hereby erected into a Body Politic and Corporate, by the name of "The Fredericton Gas Light Company," and shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of lighting the City of Fredericton with Gas, and for all necessary works therewith connected. Company incorporated.

II. And be it enacted, That the Capital Stock of the said Corporation shall be five thousand pounds current money of New Brunswick, and shall be divided into five hundred shares, of ten pounds each, to be paid in at such times and in such instalments as the business of the said Company shall require; provided that fifteen per centum of the said capital stock, amounting to seven hundred and fifty pounds, shall be actually paid in and invested in the business of the said Corporation in four years from the passing of this Act; and provided also, that the said Corporation shall, when necessary, have leave to extend the said capital stock to the sum of ten thousand pounds of like current money, and shall have power to increase the number of shares accordingly, or to assess such increase upon the original number of shares; and provided also, that the said Corporation shall not be entitled to purchase any property, real or personal, or to incur any debts until the said fifteen per centum of the capital stock as aforesaid shall be paid in. Capital to be £5000 with power to increase it.

III. And be it enacted, That the first meeting of the said Corporation shall be held in the said City of Fredericton, and shall be called by John Simpson, Esquire, or in case of his death, neglect or refusal, by any two of the said Company, by giving notice in one or more of the public newspapers printed in Fredericton, at least ten days previous to such meeting, for the purpose of establishing bye laws and choosing Directors. First meeting of the Corporation for establishing bye laws and choosing Directors.

Directors

Directors for the management of the affairs of the said Company, which Directors so chosen shall serve until the first annual meeting or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter made and provided.

Annual meeting for choosing Directors to be held on the first Tuesday in May.

IV. And be it enacted, That a general meeting of stockholders of the said Corporation shall be held in Fredericton on the first Tuesday in May in each and every year, for the purpose of choosing five Directors for the management of the affairs of the said Corporation, which Directors so chosen shall remain in office one year or until others are chosen in their stead, and shall at the first meeting after their election, choose one of their number President of the said Company; provided always, that not less than three Directors do form a quorum for the transaction of business, and in case of the absence of the President, the Directors shall have power to appoint one of their number chairman for the occasion.

Qualification of Directors.

V. And be it enacted; That no person shall be eligible as a Director unless such person is a stockholder, and holds not less than ten shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

Votes of stockholders regulated and limited.

VI. And be it enacted, That the number of votes to which each stockholder shall be entitled on any occasion when according to the provisions of this Act the votes of the stockholders are to be given, shall be for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every eight shares above thirty and not exceeding seventy, one vote, making fifteen votes for seventy shares; for every twelve shares above seventy and not exceeding one hundred and thirty, one vote, making twenty votes for one hundred and thirty shares; which said number of twenty votes shall be the greatest any stockholder shall be entitled to have; and that all stockholders may vote by proxy, such proxy being a stockholder, and producing sufficient authority in writing from his constituent.

Shares to be assignable.

VII. And be it enacted, That the shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid or effectual unless the same shall be entered and registered in a book to be kept for that purpose; that in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable; that whenever any stockholder shall transfer in manner aforesaid all his stock and shares in the said Company, he shall cease to be a member in the said Corporation.

Vacant Directorships to be filled up by the stockholders.

VIII. And be it enacted, That in case of any vacancy among the Directors by death, resignation, or disqualification by sale or transfer of stock, then and in either of such cases the said Directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the Directors shall serve until another is chosen in his room.

Liability of the stockholders to pay up the stock.

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

Liability for the debts and engagements of the Company.

X. And be it enacted, That the joint stock or property of the said Corporation shall alone in the first instance be responsible for the debts and engagements of the Corporation,

Corporation; and that no creditor or person or persons having any demands against the said Corporation, for or on account of any dealings with the said Corporation, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or where the joint stock of the said Corporation shall fall short of or not be equal to the payment of any debt, due or demand against the same, that then and in such case the goods and chattels, lands and tenements of each shareholder shall and may be levied upon and seized respectively to satisfy such debt or demand, to the extent of double the amount of the share or shares, or interest of such shareholder in the joint stock of the said Corporation, but no more, and that such double amount, or so much as may be necessary to satisfy such debt, due or demand, shall and may be levied and seized by process of execution in the same suit in which such debts, due or demand may be recovered against said Corporation.

XI. And be it enacted, That the said Company shall have power to levy and collect assessments upon the shares, from time to time, of such sums of money as may be deemed necessary for carrying on the business of the said Company; and whenever any assessment may be made by the said Company, it shall be the duty of the Treasurer to give notice thereof in one or more of the newspapers published in Fredericton, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale; and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling, the residue, if any, shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser; provided always, that the Directors, or a majority of them, shall have power at any time, upon giving thirty days public notice in any newspaper published in Fredericton, to call in an assessment upon the stock of the said Corporation of ten per cent. of the whole capital subscribed, so that such call made by the vote of the said Directors shall not be made oftener than once in two months from any preceding call.

Shares may be assessed on a vote of the stockholders.

Delinquent shares may be sold by public auction.

XII. And be it enacted, That all meetings of the said Company shall be called by public notice thereof in one or more newspapers published as aforesaid, ten days at least before the time of such meeting, and that all special meetings may be called by the Secretary, under the authority of the Directors or by shareholders representing not less than one hundred shares of stock, upon giving the like notice.

Mode and power of calling meetings.

XIII. And be it enacted, That it shall and may be lawful for the said Company at a proper and convenient depth under each and every of the Streets and Roads leading into and through the said City and its vicinity, to lay down, set and place such and so many pipes, leaders and other apparatus for the said Gas, as they shall find to be necessary for conveying the same to any or every building or lamp post in the said City or its vicinity; and from time to time, as often as the said Company shall think proper, to lay down such pipes, leaders and other apparatus, or shall have occasion to alter, amend or repair the same, it shall also be lawful for said Company to break up and open any part whatsoever of the said Roads and Streets, or of the covering, pavement, or side walks thereof, and the same to keep open and uncovered during the time necessary for said purposes; provided always, that before the said Company shall break up or open any such Road, Street, covering, pavement

Authority given to lay down the necessary pipes and apparatus under the Streets and Roads, with the consent of the City Council.

or

or sidewalks, they shall give previous notice of their intention so to do to the City Council of the said City, and shall receive their permission in writing therefor, and not otherwise; and provided also, that the said Company shall and do at their own proper costs and charges, and to the satisfaction of the said City Council, and without unnecessary delay, repair and amend the said Roads, Streets, coverings, pavements or sidewalks, in every part where they shall be so broken up and opened as aforesaid, to the condition in which they were before breaking up or opening the same.

City Council may repair the Streets broken up, when not done by the Company to their satisfaction.

XIV. And be it enacted, That if the said Company shall not repair the said Streets, Roads, covering, pavement or sidewalk, or any of them so broken up, to the satisfaction of the said City Council, it shall be lawful for the said City Council to cause the same to be repaired, and to sue for and recover the expense incurred therein from the said Company, in the Supreme Court of the Province, at the suit of the City of Fredericton.

Company to provide leaders and apparatus for the public lamps.

XV. And be it enacted, That the said Company do and shall in every Street or Road through which their said pipes shall be laid, make and provide proper leaders and apparatus for supplying the public lamps in the several Streets with Gas, and shall make and provide such apparatus, and at such distances from each other, as the City Council of the City of Fredericton shall from time to time direct and appoint, under the penalty of forfeiting the privileges and immunities granted in and by this Act; Provided always, that the said City Council shall pay any additional expense as may be incurred by the making such leaders and apparatus for supplying Gas.

Noxious refuse of coal tar, &c., not to be thrown into the River.

XVI. And be it enacted, That from and after the passing of this Act, the said Company or any person or persons who may in any way be employed by them, shall not throw, or cause, suffer or permit any person or persons to throw into any part of the River Saint John, or into any Cove, Creek or Stream falling into the said River, any refuse of coal tar or other noxious substance that may arise from said Gas works, under the penalty of ten pounds for each and every offence.

Act to be void if certificate of £750 of capital being paid up be not filed in the Secretary's Office within four years.

XVII. Provided always, and be it enacted, That unless seven hundred and fifty pounds of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment, signed and verified on oath by said Directors, or a majority of them, which oath any Justice of the Peace is hereby authorized to administer, shall be filed in the office of the Secretary of the Province before the expiration of four years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation shall be terminated at the expiration of the said four years.

City Council may control the Acts of the Company so far as these affect the health, &c., of the inhabitants.

XVIII. And be it enacted, That the City Council of the City of Fredericton shall at all times have power to regulate, restrict and control the acts and doings of the said Gas Company, which may in any manner affect the health, safety or comfort of the inhabitants of the said City of Fredericton, and to pass such bye laws relative thereto from time to time as the circumstances of the case may require, and to enforce obedience to the same by such penalties as they may deem necessary, not exceeding the sum of twenty pounds for any one offence.

FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. IV.

An Act to incorporate the New Brunswick Iron Company.

Passed 18th March 1850.

6 WHEREAS the efficient opening and working of Mines in the Province of New Brunswick will be highly advantageous to the Province: And Whereas the amount of capital necessary to be invested in such an undertaking renders it essential that the Company engaged therein should be incorporated;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That William Stevens, Senior, and William Stevens, Junior, their associates, successors and assigns, shall be and they are hereby erected into a Company, and declared to be a Body Politic and Corporate by the name of "The New Brunswick Iron Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of opening and working of Iron Mines in the Province of New Brunswick, and establishing all necessary works therewith connected, and for the convenient carrying on and managing the same.

Company incorporated.

II. And be it enacted, That the first meeting of the said Corporation shall be held at Woodstock, in the County of Carleton, and Province of New Brunswick, and shall be called by any one member of the said Company by giving at least twenty days notice in the Royal Gazette published in this Province previous to such meeting.

First meeting to be held at Woodstock.

III. And be it enacted, That the Capital Stock of the said Corporation shall consist of the sum of thirty thousand pounds, to be paid in such money as shall at the time of the several payments hereinafter expressed be a legal tender in this Province, fifteen per centum of the said capital stock to be paid in before the said Corporation shall be entitled to purchase any property, real or personal, or incur any debts, and the remainder of the said stock to be paid at such time and times and in such parts or portions as the business of the Company shall from time to time require, the whole amount of such capital stock to be divided into twelve hundred shares of twenty five pounds each.

Capital to be £30,000.

Fifteen per cent. to be paid in before any debts be incurred.

IV. And be it enacted, That the joint stock and property of the Company shall alone in the first instance be responsible for the debts and engagements of the said Company, and that no creditors or person or persons having any demand against the said Company for or on account of any dealings with the said Company shall have

Company Stock to be responsible for the debts, and in case of deficiency, the shareholders to double the amount of their shares.

have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or where the joint stock of the said Company shall fall short of or not be equal to the payment of any debt, due or demand against the same, that then and in such case the goods and chattels, lands and tenements of each shareholder shall and may be levied upon and seized respectively, to satisfy such debt or demand, to the extent of double the amount of the share or shares or interest of such shareholder in the joint stock of the said Company, but no more; and that such double amount, or so much as may be necessary to satisfy such debt, due or demand, shall and may be levied and seized by process of execution in the same suit in which such debt, due or demand may be recovered against the said Company.

Shareholders to be liable for assessments made on the Stock.

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

Capital Stock may be increased.

VI. And be it enacted, That so soon as the said capital stock shall have been paid in and expended for the purposes of this Corporation, it shall and may be lawful for the said stockholders, at any general meeting to be for that purpose called, to increase the said capital stock from time to time in such sums as they may deem expedient, to a sum not exceeding one hundred thousand pounds, and they shall have power from time to time to increase the number of shares accordingly, or from time to time to assess such increase upon the original number of shares, or to increase the capital by both assessments upon and increase of shares.

Company may assess shares for carrying on the business.

VII. And be it enacted, That the said Company shall have power to levy and collect assessments upon the shares from time to time of such sums of money as may be deemed necessary for carrying on the business of the said Company; and whenever any assessment shall be made by the stockholders of the Company, it shall be the duty of the Treasurer to give notice thereof in a newspaper printed and published in this Province and also in the Royal Gazette, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale; and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of such assessment and interest due on each share, and the expenses of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser; provided always, that no assessment shall be made except by a vote of the stockholders and a majority of all the shares.

Delinquent shares may be sold.

Act to be void unless certificate of payment of fifteen per cent. of the capital stock be filed in the Provincial Secretary's office.

VIII. And be it enacted, That unless fifteen pounds per centum of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment made and verified on oath by the Directors of the said Corporation, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer,) shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this

this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

IX. 'And whereas also it may be necessary for the said Corporation to purchase or obtain a right of way or road over the lands of other persons from their Mines to the place where their smelting operations are to be carried on; Be it therefore enacted, That in any case where the said Corporation cannot amicably agree with any person or persons as to the value of or damage done to his or their lands by the making of any necessary road by the said Corporation from their said Mines to the place of their smelting operations, then it shall and may be lawful for the said Corporation to obtain from two Justices of the Peace for the County wherein the said lands may lie, an appointment in writing under their hands of five disinterested freeholders of the said County, who shall under oath, to be administered by either of the said Justices, appraise the fair value of the land so to be appropriated for the said road, or the damages thereof, to the said party or parties over whose land the same may pass; and upon the payment by the said Corporation of the amount of such value or damages to the said party or parties, or upon a legal tender of the same by the said Corporation or their Attorney for that purpose appointed, it shall and may be lawful for the said Corporation, by their servants, agents, or hired men, without further notice, to pass and repass over the said required road at all times, and with such things and in such manner as they may think fit.

Company may obtain a right of way from their Mines to smelting place by private agreement, or on payment of the value or damages appraised by freeholders in case of disagreement.

FREDERICTON, N. B.:

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



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[NEW BRUNSWICK PRIVATE OR PERSONAL ACTS.]



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. V.

An Act to incorporate the Newcastle and Douglastown Mechanics' Institution.

Passed 11th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Newcastle and Douglastown Mechanics' Institution now established in the Parish of Newcastle, in the County of Northumberland, for the purpose of instructing mechanics and others in physics, literature, and the different branches of science, be incorporated, and that the Honorable Alexander Rankin, Thomas C. Allan, David Johnston, Daniel Witherell, Alexander Jessamine, William Loch, Edward Williston, the Reverend William Henderson, William A. Black, Richard Hutchison, James Murray, John Sievwright, Oliver Willard, Robert T. Miller, Alexander M'Killop, John Wyse, William Parker, Charles Marshall, and John Begnal, and such other persons as are or may become members of the said Institute, shall be and they are hereby constituted a Body Corporate for that and no other purpose, by the name aforesaid, with all the general powers and privileges incident to Corporations by Act of Assembly of this Province; provided always, that the real estate which the said Corporation may at any time hold shall not exceed eight hundred pounds.

Newcastle and
Douglastown
Mechanics' Institu-
tion incorporated.

Real estate to be
held, limited.

FREDERICTON, N. B.:

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



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BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIAE REGINAE.

CAP. VI

An Act for the purpose of winding up the affairs of the Saint John Mechanics' Whale Fishing Company.

Passed 26th April 1850.

6 WHEREAS it has been found that the business of the Saint John Mechanics' Whale Fishing Company cannot be carried on without great loss to the stockholders thereof: And Whereas at a general meeting of the said stockholders it was resolved, that the business of the said Company should be closed, and a large majority of the stockholders have, by an instrument in writing, expressed their desire in confirmation of such resolution, that such business should be closed: And Whereas application has been made in behalf of the said Company to enable the Directors for the time being to sell and dispose of the property, estate and effects of the said Company, and to distribute the proceeds thereof, after payment of the just debts of the said Company, among the stockholders thereof;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Directors of the said Company for the time being, and they are hereby required to sell and dispose of the personal property, goods, chattels, estate and effects of the Saint John Mechanics' Whale Fishing Company at public auction, in one lot or in several parcels, for the best prices that can be reasonably obtained therefor, one month's notice of the time and place of such sale having been previously given, by advertisement thereof in some newspaper published in the City of Saint John; and also with all convenient despatch to realize, collect and get in all the outstanding debts and effects of the said Company.

The Directors to sell their property at auction.

II. And be it enacted, That it shall and may be lawful for the said Directors, and they are hereby required to appoint such meeting or meetings of the stockholders, and all other parties interested, to be held at such times and places as they may think fit, whereof due notice shall be given by the President, by advertisement thereof in some newspaper published in the City of Saint John, at least one month before the time appointed for such meeting, for the purpose of ascertaining, proving and adjusting all such legal and equitable claims and demands, of every nature and kind, as shall be outstanding against the said Company.

To appoint meetings of the stockholders and others interested, for the adjustment of claims against the Company.

III.

Claims to be made
in writing and
submitted to the
stockholders.

III. And be it enacted, That the President, or in case of his absence, one of the Directors, shall preside at such meeting, and that all such legal and equitable claims and demands shall respectively be reduced into writing and submitted to the stockholders of the said Company, present at such meeting; and if any objection shall be made to any of the said claims and demands, such claim or demand shall be submitted to the decision of the stockholders present at such meeting, or at any further meeting to be called as aforesaid, and shall be allowed, reduced, or rejected, according to the decision of the stockholders then present, by a majority of shares, the chairman being also allowed to vote according to the number of his shares.

In case any claim
be reduced or
rejected, claimant
may apply to a
Judge of the
Supreme Court.

IV. And be it enacted, That in case any such claim or demand shall be reduced or rejected, it shall and may be lawful for the claimant, within one month after such meeting, to make application to a Judge of the Supreme Court by affidavit, setting forth the nature and full particulars of such claim; and such Judge is hereby authorized and empowered to make an order calling upon the said Saint John Mechanics' Whale Fishing Company to appear, by their attorney, at such time and place as the said order shall appoint, and to answer such claim; and the said Judge is hereby authorized and empowered to require either party to produce further affidavits, and to hear and determine the said claim, upon affidavit, as fully and effectually to all intents and purposes as any Court of law or equity might hear and determine the same if properly brought before such Court, and to make such order thereupon, and as to the costs of such application as may be deemed reasonable and equitable, or to reserve the same for the hearing and decision of the Supreme Court, which Court is hereby authorized and empowered to hear and determine the same in manner aforesaid; and in case the said Court shall deem it advisable to take the opinion of a Jury upon any matter of fact, or upon any question of damages, they are hereby authorized and empowered to direct an issue to be tried in like manner as other issues are tried by the order of the said Court, and upon the trial of the said issue to make such order thereupon and as to the costs of the said issue and application as shall be deemed meet.

Directors to pay
the adjusted claims
from the assets of
the Company.

V. And be it enacted, That when and so soon as the amount of outstanding claims and demands against the said Company shall have been ascertained and adjusted, it shall and may be lawful for the Directors of the said Company for the time being, and they are hereby required, out of the assets of the said Company, to pay and satisfy such claims and demands; and in case of a deficiency of assets for such purpose, making a rateable deduction from such claims and demands as aforesaid, in proportion to the respective amounts thereof; and in case there shall be any surplus, after the payment of such debts, claims and demands, so ascertained and adjusted, and the necessary costs, charges and expenses which shall be incurred by the Directors of the said Company in carrying out the provisions of this Act, then and in such case a further meeting of the stockholders of the said Company shall be held, such meeting to be called in manner aforesaid, at which meeting a full and detailed statement shall be submitted by the Directors of the assets of the said Company, and of the manner in which the same shall have been expended, as well in the payment and liquidation of such debts, claims and demands, as in the ordinary expenses of the said Company, and in the costs, charges and expenses necessarily incurred in carrying out the provisions of this Act, and of the surplus remaining in hand, and such account shall be finally settled and adjusted by the said stockholders, by a majority of shares then present; and such overplus shall be distributed among the stockholders of the said Company, in proportion to the amount of stock respectively

respectively held by them; provided always, that no stockholder shall be entitled to vote at any of the said meetings, or to claim or receive any part of such surplus, unless such stockholder shall have, at or before the first meeting so to be called as aforesaid, fully paid up and satisfied to the said Company the full amount of his stock therein, and of all calls and assessments which from time to time shall have been made thereon.

VI. And be it enacted, That a meeting of the stockholders of the said Company shall be called within six calendar months after the passing of this Act, for the purpose of this Act.

A meeting of the stockholders to be called within six months.

VII. And be it enacted, That it shall be lawful for the stockholders of the said Company, or a majority thereof, at any meeting of the said Company, called for the purposes of this Act, or any other purpose, to appoint a Committee of the said stockholders, consisting of such and so many stockholders of the said Company as they may select therefor, to examine into and report upon the accounts and affairs of the said Company, to whose inquiries the Directors and all other officers of the said Company are required to give the fullest satisfaction and information; and the said Committee shall present and make their report of the state of the accounts and affairs of the said Company at some further meeting thereof, to be for that purpose holden; and it shall be lawful for the stockholders, or a majority thereof, to take such action and make such order therein as they may deem most advisable and promotive of the interests of the said Company, preparatory to or connected with the winding up and closing the whole affairs and business of the said Company.

Stockholders may appoint a Committee to examine and report upon the accounts and affairs of the Company.

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

Company to be deemed dissolved on payment of claims and distribution of surplus.

FREDERICTON, N. B. :

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





BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. VII.

An Act to incorporate the Trustees of the Reformed Presbyterian Church in the City of Saint John, in connexion with the Reformed Presbyterian Synod of Ireland.

Passed 26th April 1850.

WHEREAS it appears to be the desire of the members of the Reformed Presbyterian Church in the City of Saint John, in connexion with the Reformed Presbyterian Synod of Ireland, that the Trustees, in whom certain property is invested for the use of the said Church, shall become incorporated, in order that they may more effectually hold the same for the purposes for which the same was originally designed;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the following persons, namely, George Russell, George Cothers, David Johnston, John M'Intyre, together with the present Elders of the said Church, namely, John Armstrong, James Agnew, and Robert Ewing, be and they are hereby declared to be Trustees for the said Church, until the election and appointment of not more than seven other Trustees, as hereinafter directed; and that the above named Trustees (and the said Trustees and their successors, to be chosen and appointed in manner hereinafter mentioned,) shall be a Body Politic and Corporate in deed and in name, and have succession forever by the name of "The Trustees of the Reformed Presbyterian Church in the City of Saint John, in connexion with the Reformed Presbyterian Synod of Ireland," and by that name shall be enabled to use a Common Seal, to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places whatsoever within this Province, and shall have full power and capacity to purchase, receive, take, hold, and enjoy, for the exclusive use and benefit of the said Church, as well goods and chattels as lands, tenements and hereditaments, and improve and use the same for the benefit of the said Church; as also to sell, dispose of and exchange the same according to their best discretion, for the like benefit; and also to hold the same according to the true intent and meaning of the donors, when such property shall be given, devised or bequeathed to the said Trustees to the use and benefit of the said Church; provided always, that the amount of annual rents, profits and receipts of such property shall not exceed the sum of five hundred pounds, any law, custom or usage to the contrary thereof notwithstanding.

Trustees of the Reformed Presbyterian Church in the City of Saint John, in connexion with the Reformed Presbyterian Synod of Ireland, incorporated.

Empowered to sue and be sued.

Hold lands and chattels.

Annual rents limited.

II. And be it enacted, That all estate, real and personal, of what nature or kind soever, at present vested in the present Trustees of the said Church, shall be on the passing

Property transferred to Corporation.

passing of this Act fully and absolutely vested and remain in the Trustees hereinbefore named, and their successors forever, for the exclusive use, trust and benefit aforesaid, saving the rights of such present Trustees and of Her Majesty, and other persons, bodies corporate and politic, or other claims or rights whatsoever.

An annual meeting
to be held for the
election of Trustees

III. And be it enacted, That on the first Wednesday in May in each and every year forever hereafter, a meeting of the male communicants of the said Church may on that day be holden in the said Church, if deemed expedient, or in some other convenient place, at which meeting an election shall be made by ballot, to be determined by a majority of such communicants, of any number of persons (not exceeding seven, who shall likewise be communicants,) to be Trustees of the said Church, who shall forthwith, on the completion of such election, enter upon the duties of their office, and continue in the same until other fit persons shall be elected in manner aforesaid.

Trustees of present
and future
Churches in the
same connexion,
incorporated.

IV. And be it enacted, That the Trustees in the several and respective Churches already erected within this Province, and also of all Churches which may be hereafter erected, in connexion with the Reformed Presbyterian Church of the City of Saint John, (the Trustees of which are hereby incorporated,) shall, when elected in manner and form as directed by this Act, be Bodies Politic and Corporate in deed and in name, and have succession forever by the name of the Trustees of the several and respective Churches to which they belong, and then this Act, and every direction and authority therein contained, shall extend and be in force in all such Churches in the same manner as if the same direction and authority were particularly re-enacted and applied to such Churches respectively.

FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. VIII.

An Act to amend the Act relating to the sale of certain Lands by the Trustees of Saint Stephen's Church in the City of Saint John.

Passed 26th April 1850.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the five Commissioners authorized to be appointed under and by virtue of an Act made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to authorize the Trustees of Saint Stephen's Church in the City of Saint John to sell and dispose of certain Lands in the said City, and to re-invest the proceeds thereof*, shall be appointed from among the proprietors of pews in the said Church at the time of the sale thereof, or their assignees, and shall be members of a Church in said City in connexion with the Established Church of Scotland, residing or having their places of business in the said City.

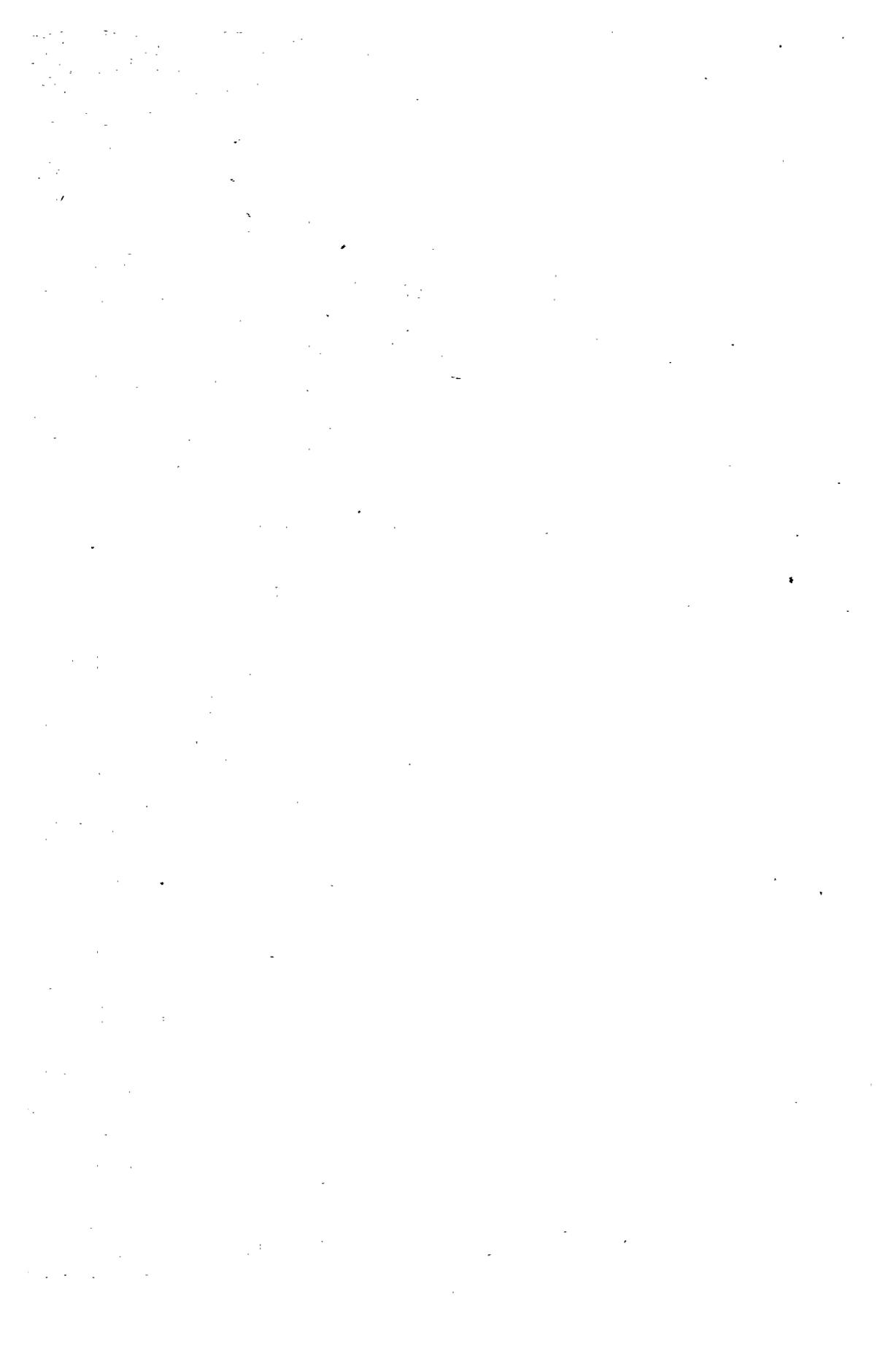
Who may be appointed Commissioners under the Act 10 V. c 70.

II. And be it further enacted, That the Commissioners appointed under the preceding section of this Act shall have full power and authority to manage certain Lands granted to the Trustees of said Saint Stephen's Church, in terms of the grant thereof, in as full and ample a manner as the said Trustees of Saint Stephen's Church could or might have done.

Commissioners appointed to have power to manage the lands granted to Saint Stephen's Church.

FREDERICTON, N. B..

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





BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. IX.

An Act further to amend and continue the Act to incorporate the Nashwaak Boom Company.

Passed 26th April 1850.

WHEREAS the Act to incorporate the Nashwaak Boom Company, made and passed in the eighth year of the Reign of Her Majesty Queen Victoria, and the Act to amend the Act to incorporate the Nashwaak Boom Company, made and passed in the eleventh year of the same Reign, severally require to be amended and continued;

Preamble.
8 V c 55.
11 V c 52.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That notwithstanding the provisions of the sixth section of the Act to incorporate the Nashwaak Boom Company, or of the third section of the Act to amend the Act to incorporate the Nashwaak Boom Company, the said Company shall not be compelled to keep their Boom open to receive Timber, Logs and other Lumber floating down the River Nashwaak in any year that the said Company may determine not to operate, the determination and resolution of the Company in that respect in each year to be published in two newspapers published in Fredericton, and at or near the Nashwaak Mills, on or before the first day of March in each and every year hereafter.

Company not compelled to keep their Boom open in any year, on publication of notice of intention to that effect.

II. And be it enacted, That nothing in the said recited Act or in this Act contained shall extend or be construed to extend to prevent the owner or owners of any Timber, Logs or Lumber to collect together and raft the same anywhere below the lower Mills on the Nashwaak River, if they see fit so to do.

Act not to prevent owners of Logs rafting the same.

III. And be it enacted, That in the rafting Timber, Logs and other Lumber within said Boom, it shall be the duty of said Company to raft the Timber, Logs and other Lumber of the several owners separately, according to the marks furnished to them for the purpose.

Company to raft each owner's Logs, &c., separately.

IV. And be it enacted, That this Act, together with the Act made and passed in the eighth year of the Reign of Her Majesty Queen Victoria, intituled, *An Act to incorporate the Nashwaak Boom Company*; and also another Act made and passed in the eleventh year of the same Reign, intituled *An Act to amend the Act to incorporate the Nashwaak Boom Company*; except so far as hereby altered and amended, be and the same are severally continued until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.

8 V c 55.
and
11 V c 52,
together with this Act, continued.

FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. X.

An Act for the purpose of winding up the affairs of the Portland and Lancaster Steam Ferry Company.

Passed 11th April 1850.

WHEREAS it has been found that the business of the Portland and Lancaster Steam Ferry Company cannot be carried on without great loss to the stockholders thereof: And Whereas at a general meeting of the said stockholders it was resolved, that the business of the said Company should be closed, and a large majority of the stockholders have by an instrument in writing expressed their desire in confirmation of such resolution, that such business should be closed: And Whereas application has been made on behalf of the said Company to enable the Directors for the time being to sell and dispose of the property, estate and effects of the said Company, and to distribute the proceeds thereof, after payment of the just debts of the said Company, among the stockholders thereof;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Directors of the said Company for the time being, and they are hereby required to sell and dispose of the Steam Ferry Boat, and all other the goods, chattels, estate and effects of the Portland and Lancaster Steam Ferry Company, at public auction, in one lot or in separate parcels, for the best prices that can be reasonably obtained therefor, one month's notice of the time and place of such sale having been previously given, by advertisement thereof in some newspaper published in the City of Saint John, and also with all convenient despatch to realize, collect and get in all the outstanding debts and effects of the said Company.

II. And be it enacted, That it shall and may be lawful for the said Directors, and they are hereby required to appoint such meeting or meetings of the stockholders, and all other parties interested, to be held at such times and places as they may think fit, whereof due notice shall be given by the President, by advertisement thereof in some newspaper published in the City of Saint John, at least one month before the time appointed for such meeting, for the purpose of ascertaining, proving and adjusting all such legal and equitable claims and demands of every nature and kind as shall be outstanding against the said Company.

III. And be it enacted, That the President, or in case of his absence, one of the Directors shall preside at such meeting, and that all such legal and equitable claims and

Preamble.

Directors to sell the Ferry Boat and other effects of the Company, and collect outstanding debts.

Directors to call a meeting of the stockholders and others for the adjustment of outstanding claims.

Claims to be made in writing and submitted to the stockholders for decision.



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. X.

An Act for the purpose of winding up the affairs of the Portland and Lancaster Steam Ferry Company.

Passed 11th April 1850.

WHEREAS it has been found that the business of the Portland and Lancaster Steam Ferry Company cannot be carried on without great loss to the stockholders thereof: And Whereas at a general meeting of the said stockholders it was resolved, that the business of the said Company should be closed, and a large majority of the stockholders have by an instrument in writing expressed their desire in confirmation of such resolution, that such business should be closed: And Whereas application has been made on behalf of the said Company to enable the Directors for the time being to sell and dispose of the property, estate and effects of the said Company, and to distribute the proceeds thereof, after payment of the just debts of the said Company, among the stockholders thereof;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Directors of the said Company for the time being, and they are hereby required to sell and dispose of the Steam Ferry Boat, and all other the goods, chattels, estate and effects of the Portland and Lancaster Steam Ferry Company, at public auction, in one lot or in separate parcels, for the best prices that can be reasonably obtained therefor, one month's notice of the time and place of such sale having been previously given, by advertisement thereof in some newspaper published in the City of Saint John, and also with all convenient despatch to realize, collect and get in all the outstanding debts and effects of the said Company.

Directors to sell the Ferry Boat and other effects of the Company, and collect outstanding debts.

II. And be it enacted, That it shall and may be lawful for the said Directors, and they are hereby required to appoint such meeting or meetings of the stockholders, and all other parties interested, to be held at such times and places as they may think fit, whereof due notice shall be given by the President, by advertisement thereof in some newspaper published in the City of Saint John, at least one month before the time appointed for such meeting, for the purpose of ascertaining, proving and adjusting all such legal and equitable claims and demands of every nature and kind as shall be outstanding against the said Company.

Directors to call a meeting of the stockholders and others for the adjustment of outstanding claims.

III. And be it enacted, That the President, or in case of his absence, one of the Directors shall preside at such meeting, and that all such legal and equitable claims

and

Claims to be made in writing and submitted to the stockholders for decision.

and demands shall respectively be reduced into writing and submitted to the stockholders of the said Company present at such meeting; and if any objection shall be made to any of the said claims and demands, such claim or demand shall be submitted to the decision of the stockholders present at such meeting, or at any further meeting to be called as aforesaid, and shall be allowed, reduced or rejected according to the decision of the stockholders then present, by a majority of shares, the chairman being also allowed to vote according to the number of his shares.

If a claim be reduced or rejected, claimant may apply to a Judge of the Supreme Court, who may inquire, &c.

IV. And be it enacted, That in case any such claim or demand shall be reduced or rejected, it shall and may be lawful for the claimant, within one month after such meeting, to make application to a Judge of the Supreme Court by affidavit, setting forth the nature and full particulars of such claim; and such Judge is hereby authorized and empowered to make an order, calling upon the said Portland and Lancaster Steam Ferry Company to appear by their attorney, at such time and place as the said order shall appoint, and to answer such claim; and the said Judge is hereby authorized and empowered to require either party to produce further affidavits, and to hear and determine the said claim, upon affidavit, as fully and effectually to all intents and purposes as any Court of law or equity might hear and determine the same if properly brought before such Court, and to make such order thereupon, and as to the costs of such application, as may be deemed reasonable and equitable, or to reserve the same for the hearing and decision of the Supreme Court, which Court is hereby authorized and empowered to hear and determine the same in manner aforesaid; and in case the said Court shall deem it advisable to take the opinion of a Jury upon any matter of fact, or upon any question of damages, they are hereby authorized and empowered to direct an issue to be tried in like manner as other issues are tried by the order of the said Court, and upon the trial of the said issue to make such order thereupon, and as to the costs of such issue and application, as shall be deemed meet.

The adjusted claims to be paid out of the assets.

In case of deficiency, proportionate deductions to be made.

In case of surplus, same to be divided among the stockholders after full statement submitted.

V. And be it enacted, That when and so soon as the amount of outstanding claims and demands against the said Company shall have been ascertained and adjusted, it shall and may be lawful for the Directors of the said Company for the time being, and they are hereby required, out of the assets of the said Company, to pay and satisfy such claims and demands; and in case of a deficiency of assets for such purpose, making a rateable deduction from such claims and demands as aforesaid, in proportion to the respective amounts thereof; and in case there shall be any surplus, after the payment of such debts, claims and demands, so ascertained and adjusted, and the necessary costs, charges and expenses which shall be incurred by the Directors of the said Company in carrying out the provisions of this Act, then and in such case a further meeting of the stockholders of the said Company shall be held, such meeting to be called in manner aforesaid, at which meeting a full and detailed statement shall be submitted by the Directors of the assets of the said Company, and of the manner in which the same shall have been expended, commencing from and after the time when the accounts of the said Directors of the said Company have been last audited, adjusted and allowed at a general meeting of the stockholders, as well in the payment and liquidation of such debts, claims and demands, as in the ordinary expenses of the said Company, and in the costs, charges and expenses necessarily incurred in carrying out the provisions of this Act, and of the surplus remaining in hand, and such account shall be finally settled and adjusted by the said stockholders, by a majority of shares then present; and such overplus shall be distributed among the stockholders of the said Company, in proportion to the amount of stock respectively

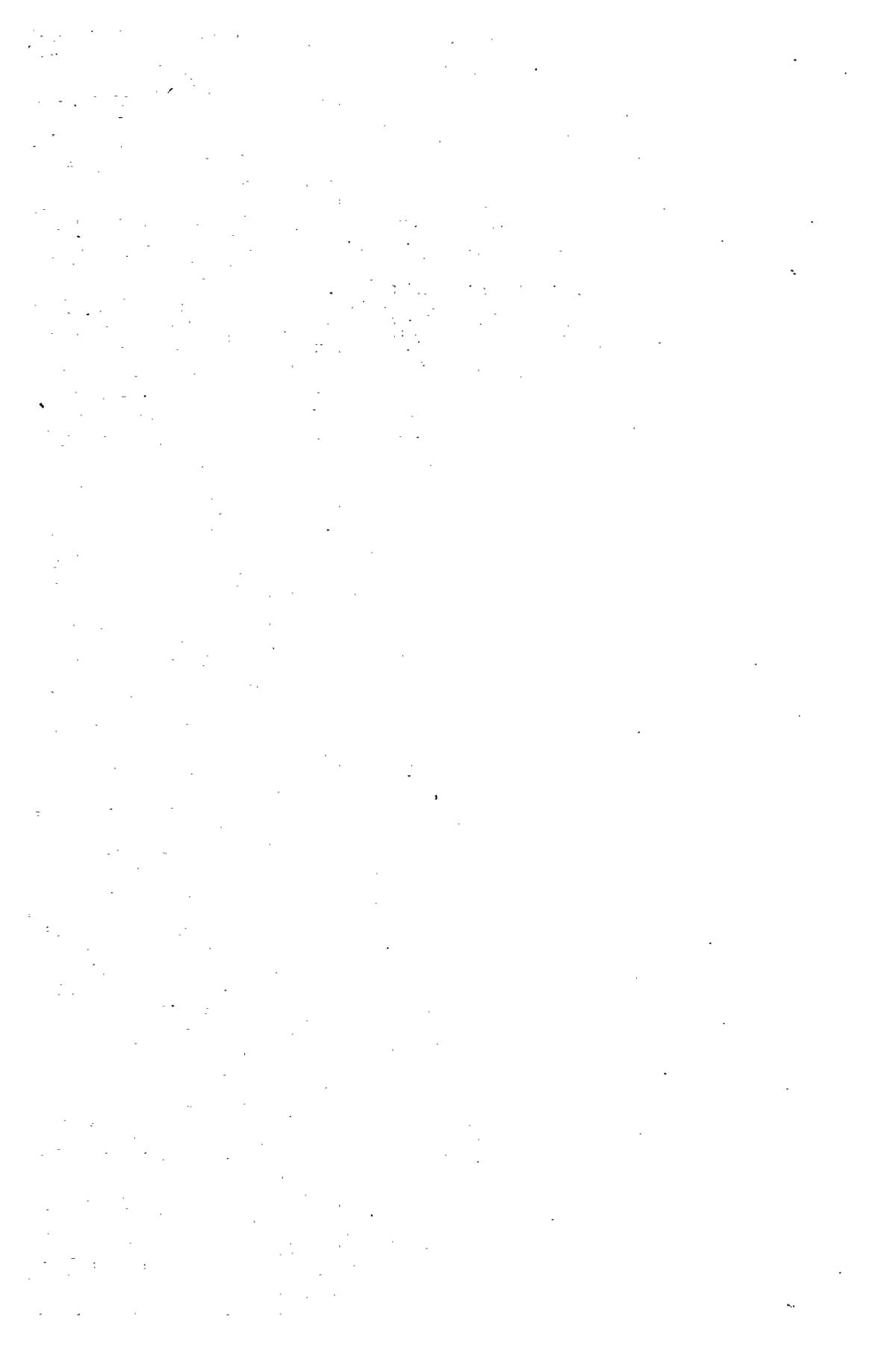
respectively held by them; provided always, that no stockholder shall be entitled to vote at any of the said meetings, or to claim or receive any part of such surplus, unless such stockholder shall have, at or before the first meeting so to be called as aforesaid, fully paid up and satisfied to the said Company the full amount of his stock therein, and of all calls and assessments which from time to time shall have been made thereon.

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

Company to be deemed dissolved after payment of claims and division of surplus, except as to collection of any further assets.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XI.

An Act to incorporate the Fredericton and Saint John Electric Telegraph Company.

Passed 26th April 1850.

WHEREAS the construction of a Line of Electro-Telegraphic Communication between the Cities of Saint John and Fredericton, in this Province, would be of great advantage, and it is deemed advisable to extend encouragement to such persons as may erect and maintain such line, by granting them an Act of Incorporation; Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Robert Jardine, John Duncan, Lemuel A. Wilmot, Charles Fisher, Spafford J. Barker, Frederick W. Hatheway, Charles Macpherson, and William H. Robinson, and such other persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby ordained, constituted and declared to be a Corporation, and a Body Politic and Corporate, by the name of "The Fredericton and Saint John Electric Telegraph Company," and by that name shall have all the powers made incident to a Corporation by the Acts of Assembly in this Province, for the purpose of constructing such line of Electro-Telegraphic Communication, as hereinafter more particularly set forth. Company incorporated.

II. And be it enacted, That the capital stock of the said Corporation shall be one thousand five hundred pounds, with power to the said Company to increase the same to two thousand pounds if the same shall become desirable in carrying out the purposes of the Company; the whole amount of the said capital stock to be divided into shares of five pounds each, which shares shall be vested in the several persons hereinbefore named, and such other persons as may take shares in the said Corporation, their successors and assigns, in proportion to their respective shares and interest; which said shares shall be paid at such times and places and in such proportions as the Directors of the Company shall appoint; provided always, that the money so to be raised as aforesaid is hereby directed and required to be laid out for and towards the making, completing and maintaining the said Electric Telegraph, and other purposes therewith connected, and to no other use or purpose whatsoever. Capital to be £1500 with power to increase.

III. And be it enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, by themselves, their deputies, agents, officers, and workmen, to make and complete a single or double line of Electric Telegraph, Company authorized to make a double or single line of Electric Telegraph between
communicating

Fredericton and
Saint John, via
Nerepis Road, with
branches.

communicating from and between the Cities of Fredericton and Saint John, by the way of the Nerepis Road, with power to establish such branch lines in connexion therewith as the increase of business, the establishment of rail roads, or other circumstances may make advisable, and for the purposes of the said main line and the several branches thereof to make such erections as may be necessary, and to purchase and acquire such machinery and contrivances, and real or moveable property, as may be or become necessary for the making, maintaining and working the said Electro-Telegraphic Communication, and may use, hold and possess the land over which the said Electric Telegraph is to pass, in the manner and under the provisions hereinafter set forth.

Authority given to
enter on the sides of
public roads,
bridges, &c., and
erect their works;

IV. And be it enacted, That it shall and may be lawful for the said Company, and their servants and aforesaid, to enter upon the side or sides of any or all of the public roads, bridges, streets or highways in this Province through, along, across or by which the said Electro-Telegraphic Line, or any of its branches, shall pass or be required to pass, and on the same to set up, erect and construct such and so many posts or other works as they in their discretion may deem necessary for making, using and maintaining the said Electric Telegraph, and from time to time, as often as the said Company or their servants shall think proper, to break up and open any part whatsoever of the said road, streets, or highways, not interfering with that part of the same appropriated for the use of carriages, wagons, or horses, and to keep the same open during the time necessary for the setting up, erecting and constructing of such posts or other works; provided always, that nothing herein shall be construed to extend to permit the setting up, erecting or constructing of any post or work which may in any way obstruct any of the said public roads, streets, bridges, or highways; and provided always, that the said Company and their servants shall and do at their proper costs and charges, and without any unnecessary delay, repair and amend the said public roads, streets and highways, in any part where they shall be so broken up and opened as aforesaid, to the like condition in which they were before breaking up the same.

but so as not to ob-
struct the use of
any of the roads, &c.

Company to re-
place the parts
broken up.

Company autho-
rized to enter on
private property
when necessary for
the erection of their
works.

V. And be it enacted, That if it shall at any time be deemed necessary by the said Company or their servants to carry any part of the said main or branch lines of the said Electro-Telegraphic Communication through or over any estates, lands, or grounds, being private property, it shall be lawful for the said Company, by their agents or servants, to enter into and upon the lands of any person, bodies politic or corporate, as they shall think necessary, for the making, completing, maintaining or repairing the said line or lines, and on such lands to set up, construct or build such posts, buildings or other erections as may be necessary for such line or the branches thereof, and do all other matters and things which they the said Company shall think convenient and necessary for the making, extending and easy using of the said Electric Telegraph, or its branches, or the works connected therewith; they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and agreeing with the owner or owners, occupier or occupiers of such private property as to the amount of compensation to be paid to such owners or occupiers respectively; and in case of disagreement as to the amount of damages or compensation to be paid by the said Company, then the amount of such damages or compensation shall be ascertained and determined by three arbitrators, one to be chosen by the said Corporation or their servant, and one by the owners or occupiers of the private or corporate property in question, which two arbitrators so chosen shall choose a third arbitrator; and in case the two first mentioned

Compensation to be
made according to
private agreement,
or as fixed by arbi-
trators appointed as
herein directed.

mentioned arbitrators shall not agree in the choice of a third arbitrator, then and in such case it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, upon application of the said Corporation, to appoint a third arbitrator, and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such private or corporate property shall decline making any such agreement or appointing such arbitrators, then and in every such case the said Corporation shall make application to the Supreme Court of this Province, or to any one of the Judges thereof, stating the grounds of such application; and such Court or Judge is hereby empowered and required from time to time, upon such application, to issue a Writ or Warrant, directed to the Sheriff of the County or City and County in which such lands lie, or in case of his being a party interested, then to any Coroner of such County, and in case of the said Sheriff and the said Coroner being both interested, then to some person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons disinterested, as the case may be, to summon and empannel a Jury of twelve freeholders within the said County, who may be altogether disinterested; which Jury, upon their oath, (which oath, as well the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such Jury is and are hereby empowered to administer,) shall inquire, ascertain and assess the distinct sum or sums of money or annual rent to be paid, as the amount of compensation and satisfaction for the damages which may and shall be sustained by such owner or owners, occupier or occupiers of such private or corporate property as aforesaid, and the award, inquisition or verdict of such Jury shall be returned and filed in the Office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties; which amount so assessed as aforesaid, and the costs and expenses of such proceedings, when taxed and allowed by the said Supreme Court, or one of the Judges thereof, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award or verdict shall be filed as aforesaid.

VI. And be it enacted, That so soon as the main line of communication by the said Electric Telegraph, or any part thereof, or any of its branches, shall be completed and opened, it shall be lawful for the said Corporation at all times thereafter to ask, demand, take, sue for and recover to and for their own proper use, such rates, tolls or dues for the transmission and writing out of any and every message or communication of any kind soever transmitted and conveyed at the cost and charge of the said Company by or upon the said Electric Telegraph and such sum or sums of money as the said Company may think just and reasonable.

Company authorized to make and recover charges for the transmission of communications. &c.

VII. And be it enacted, That it shall be lawful for the Lieutenant Governor or Administrator of the Government of this Province for the time being, to have and enjoy at all reasonable and proper times, and in preference to all others whomsoever, the right and privilege of using the said line of Electric Telegraph, and branches, for the transmission of messages relating to the public service only, whether Imperial or Provincial, from or to any stations with which the said line or any of its branches shall connect, and that the rates of charge therefor shall not in any one case or at any one time exceed the ordinary rates of charge made to private individuals and others for the transmission of like messages; provided always, that such messages are strictly and solely of a public nature.

A preference in the use of the Electric Telegraph secured to the Lieutenant Governor.

First meeting of the stockholders, when Directors are to be chosen, &c.

VIII. And be it enacted, That when and so soon as one half of the shares of the said capital stock shall have been subscribed for, a meeting of the stockholders shall and may be called by any of the corporators hereinbefore named, and that such meeting shall be held at Fredericton, after fourteen days' notice in the public newspapers, or some of them, in Fredericton and Saint John; and that at such meeting, or some adjournment thereof, Directors shall be chosen, bye laws made, and the Corporation organized, pursuant to the usual powers and usages of Corporations.

Joint stock to be alone responsible for the debts in the first instance; after exhaustion the property of the stockholders to double the amount of shares.

IX. And be it enacted, That the joint stock and property of the said Company shall alone in the first instance be responsible for the debts and engagements of the same, and that no creditor or person having any demand against the said Company for or on account of any dealing with the said Company, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or when the joint stock of the said Company shall fall short of or not be equal to the payment of any debt due by the said Company, or upon *nulla bona* being returned in any execution issued against the goods and chattels of the said Company, then and in either of such cases the goods and chattels, lands and tenements of each shareholder shall and may be levied upon and seized respectively, to satisfy such debt or demand, to the extent of double the amount of the share or shares or interest of such shareholder in the joint stock or capital of the said Company, but no more; and that such double amount, or so much thereof as may be necessary to satisfy such debt or demand, shall and may be levied and seized by process of execution in the same suit in which such debt or demand may be recovered against the said Company.

FREDERICTON, N. B.:

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

[NEW BRUNSWICK: PRIVATE OR PERSONAL ACTS.]



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XII.

An Act to continue the several Acts relating to the Maduxnikik Boom Company.

Passed 11th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the eighth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the Maduxnikik Boom Company*; and also another Act made and passed in the tenth year of the Reign of Her said Majesty, intituled *An Act to amend the Act to incorporate the Maduxnikik Boom Company*, be and the same are hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.

Act 8 V. c. 12.

10 V. c. 39.
continued.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XIII.

An Act to incorporate the King's County Union Agricultural Society.

Passed 11th April 1850.

WHEREAS James Peters, President, Walter B. Scovil and James Dann, Vice-Presidents, Nathan Ganong, James Perkins, Jeremiah Mabee, Senior, and Seth Eeb, Directors, and other Inhabitants and Landowners in the Parishes of Springfield and Kingston, have formed themselves into a Society for the promotion and improvement of Agriculture in said Parishes; and it would be more beneficial to the interests of said Society, and enable them more effectually to carry out the intention and promote the object thereof, if the said Society were incorporated; Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That James Peters, and the Directors, and all such other persons who are now or who may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a Body Corporate, under the name and style of "The King's County Union Agricultural Society," for the purpose of promoting and encouraging Agriculture, and rural and domestic economy and industry, within the said Parishes, and for these purposes shall have and enjoy all general powers made incident to Corporations by Act of Assembly of this Province. Society incorporated.

II. And be it enacted, That there shall be a general meeting of the members of said Corporation, to be held annually, at or near Mr. Moses Dru's, in the said County, on the second Tuesday in October; at which annual meeting there shall be chosen thirteen Directors; which said Directors, when so elected, shall choose from their body one President, two Vice-Presidents, and shall also appoint a Secretary and Treasurer from among the members of said Society; which said officers, when so chosen and appointed, shall continue in office for one year, or until others are chosen and appointed in their room; in the choice of which Directors each member shall have one vote for each Director, and every member may vote by proxy, provided such proxy be a member, and personally produce a sufficient authority in writing from his constituent. Annual general meeting to be held on second Tuesday in October for choice of officers.
Votes.

FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XIV.

An Act to authorize the Rector, Church Wardens and Vestry of Saint Mary's Church, in the Parish of Richibucto, to sell certain Lands granted to the said Corporation, and vest the proceeds in other Lands.

Passed 11th April 1850.

WHEREAS the Rector, Church Wardens and Vestry of Saint Mary's Church, in the Parish of Richibucto, in the County of Kent, are represented to be seized and possessed of certain Lands in the Parish of Richibucto, in the said County of Kent, situate on the south side of the Richibucto River, which are unproductive; and it is deemed desirable to sell and dispose of the same, and to vest the proceeds arising from such sale in other Lands for the said Corporation;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Rector, Church Wardens and Vestry of Saint Mary's Church, in the Parish of Richibucto, by and with the approbation of the Lord Bishop of the Diocese, be and they are hereby authorized and empowered to sell and dispose of, at public auction or private sale, all their right, title and interest to the following described piece of Land, situated on the south side of Richibucto River, in the County of Kent: Beginning at the south east bank or shore of the Richibucto River, at the northerly angle of Lot number five, granted to William Atkinson; and thence running south, forty five degrees east by the magnet, twenty six chains of four poles each; thence north, forty five degrees east, forty five chains to the westerly boundary line of Lot number seven, granted to Lewis Powell; thence along the said line north, fifty one chains, to the bank or shore of the Richibucto River above mentioned; and thence along the said bank or shore, up stream, to the place of beginning; and containing two hundred and sixty two acres, more or less, and described as Lot number six; and to vest the sum so received in other Lands, for the purpose of a Glebe for the Rector of the said Parish.

Church Corporation, with the approbation of the Bishop, authorized to sell herein described piece of land, and vest the proceeds in other lands.

FREDERICTON, N. B.:

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

[NEW BRUNSWICK: PRIVATE OR PERSONAL ACTS.]



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XV.

An Act to continue an Act relating to the Parish Church of Saint Andrews.

Passed 26th March, 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, Act 2 W 4, c 16, continued. That an Act made and passed in the second year of the Reign of His late Majesty King William the Fourth, intituled *An Act to amend an Act, intituled 'An Act to repeal an Act passed in the fiftieth year of the Reign of His Majesty King George the Third, intituled "An Act to declare the qualifications of Church Wardens and Vestrymen in the several Parishes in this Province, and of the persons having voices in their election, and to make other and more effectual enactments in lieu thereof," so far as the same relates to the Parish Church of Saint Andrews,* be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XVI.

An Act to incorporate the Shediac Grindstone Manufacturing and Mining Company.

Passed 26th April, 1850.

WHEREAS a Company has lately been formed for the purpose of erecting a Mill Manufactory and Works for making Grindstones, Paint, and for other manufacturing purposes, and for opening and working of Mines, and other business connected therewith, on the Scadouk River, in the County of Westmorland, and at or near the Ports or Harbours and Rivers of Shediac and Cocagne, in this Province: And Whereas the expenditure of capital and the employment of labour in such works and operations would be a benefit to the Province, it hath been deemed expedient to afford protection and encouragement to the said Company, and to facilitate their operations by an Act of Incorporation:

Preamble.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That William James Gilbert, Clark Perlee Smith, George Sims Fitch, Abner Gilbert, Junior, J. L. Bevier, Isaac Woodward, M.P.P., Robert Duncan Wilmot, M.P.P., Robert Keech Gilbert, William Henry Scovil, James Whitney, and such other persons as shall from time to time become proprietors of shares in the Company hereby established, their successors and assigns, shall be and they are hereby erected into a Body Politic and Corporate, by the name of "The Shediac Grindstone Manufacturing and Mining Company," and by that name shall have a Common Seal, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places whatsoever, and shall have power and authority to purchase, hold and enjoy lands, tenements and hereditaments, for them and their successors and assigns, and all other the powers and privileges now incident to a Corporation by Act of Assembly of this Province, for the purpose of erecting a Mill Manufactory and Works for making Grindstones, Paint, and for manufacturing Lumber, Cotton and Woollen Goods, Flour and Meal, and for opening and working of Mines, and other business connected therewith, on the Scadouk River aforesaid, and at or near the Ports or Harbours and Rivers of Shediac and Cocagne, in this Province as aforesaid, and for the carrying on and managing the same; and also that they the said Company, or a majority of them, shall from time to time and at all times have full power and authority to constitute, ordain, make and establish such bye laws and ordinances as may be deemed necessary for the good rule and government of the said Corporation, provided that such bye laws and ordinances

Company incorporated, with powers incident to Corporations.

be

be not contradictory or repugnant to the laws and statutes in this Province, and those in force within the same.

Capital to be
£50,000.

II. And be it enacted, That the capital stock of the said Corporation shall be fifty thousand pounds of current money of the Province of New Brunswick, and shall be divided into four thousand shares, of twelve pounds ten shillings each, to be paid in at such times and in such instalments as the business of the said Company shall require.

First meeting for
choosing Directors
and making bye
laws.

III. And be it enacted, That the first meeting of the said Corporation shall be held at Shediac aforesaid, and shall be called by Robert Keech Gilbert, Esquire, or in case of his death, neglect, or refusal, by any two of the said Company, by giving notice in one or more of the public newspapers printed in the City of Saint John, in this Province, at least thirty days previous to such meeting, in order to organize the said Company, and for the purpose of establishing bye laws, choosing Directors, and such other officers as may be necessary; which Directors and officers so chosen shall continue in office until the first annual meeting, or until re-elected, or others are chosen in their stead; and that the members of the said Company, or shareholders present or appearing by proxy, shall organize the said Company, establish bye laws, and choose the Directors of the said Company, by a majority of votes.

Votes.

Future annual
meeting for election
of Directors.

IV. And be it enacted, That the shareholders shall meet annually at such time and place as may be appointed and regulated in and by the bye laws of the said Company, at which meeting the shareholders present or by proxy may either continue in office the Directors before appointed, or any number of them, or may elect a new body of Directors, to supply the place of those not continued in office; provided always, that the omission to meet shall work no forfeiture, but the shareholders may be afterwards called together for that purpose by one or more of the Directors of the said Company for the time being, or by any three of the shareholders.

Power to manage
the concerns of the
Corporation.

V. And be it enacted, That the Directors and officers of the said Company for the time being shall have full power and authority to manage the concerns of the said Corporation, subject to the bye laws of the said Corporation, and the regulations herein contained; and that no person shall be eligible as a Director unless such person is a stockholder, and holds not less than eight shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

Qualification of
Directors.

Stockholders to
receive a certificate
of their shares,
which are to be
assignable.

VI. And be it enacted, That all the shares in the said Company shall be numbered in progressive order, and every member of the said Company shall have a certificate under the Seal of the said Corporation, and signed by the President and Secretary thereof, certifying his property in such shares as shall be expressed in the certificate; and that the shares of the said Corporation shall be assignable, and such assignee shall thereupon become a member and stockholder in the said Company; and whenever any stockholder or shareholders shall assign or transfer his stock or shares in the said Company, he shall cease to be a member of the said Corporation; and the number of votes to which each stockholder shall be entitled; when the votes of the stockholders are to be given, shall be in proportion of one to each share; and that absent stockholders may vote by proxy, provided such proxy produce sufficient authority in writing.

Votes by proxy.

Liability for debts.

VII. And be it enacted, That the joint stock and Company shall alone be responsible for the debts and engagements of the same.

Act to be void if
certificate of pay-
ment of ten per
cent. of capital be
not lodged with the
Secretary of the
Province within
three years.

VIII. Provided always, and be it enacted, That unless ten per cent., of the capital stock shall be paid in for the purposes of the Corporation, and a certificate of such payment, signed and verified on oath by the said Directors, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer,) shall be

filed

filed in the Office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operations of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

FREDERICTON, N. B.:

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



[NEW BRUNSWICK: PRIVATE OR PERSONAL ACTS.]



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XVII.

An Act to incorporate the Agricultural Society of Sunbury.

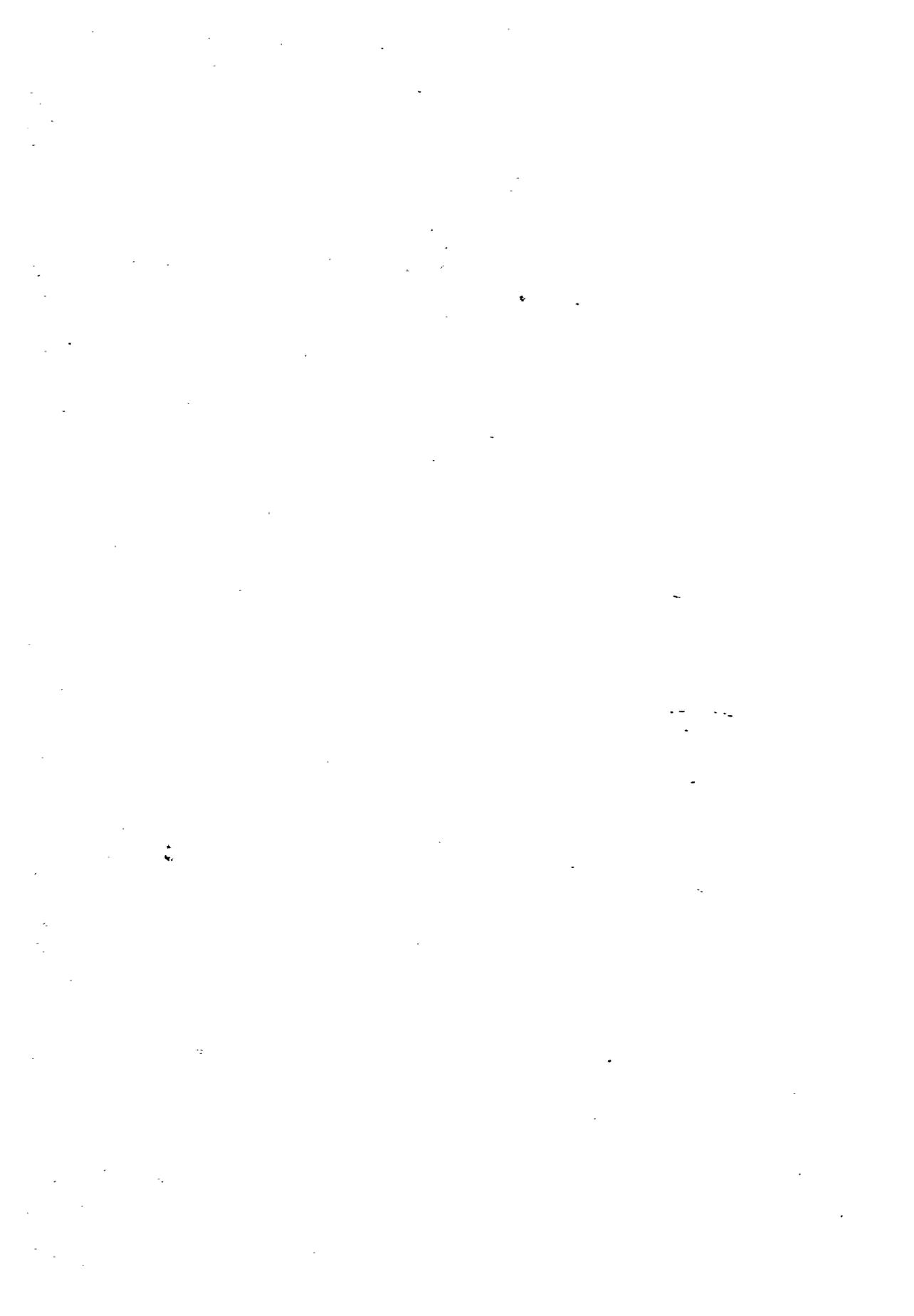
Passed 26th April 1850.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That there shall be established and located in the County of Sunbury an Association, by the name of "The Agricultural Society of Sunbury," for the purpose of encouraging Agriculture, and that George Hayward, Thomas O. Miles, Honorable Charles Harrison, Calvin L. Hatheway, William Burpe, Thomas Harrison, Isaac Burpe, Nathaniel Hubbard, John Hazen, Charles H. Clowes, John L. Wilmot, John Glazier, George H. N. Harding, Thomas Hartt, Charles Hazen, and William E. Perley, and such other persons as are or may become members of the said Society, shall be and they are hereby constituted a Body Corporate, by the name aforesaid, with all the general powers and privileges incident to Corporations by Act of Assembly in this Province.

Company
incorporated, with
the powers incident
to Corporations.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XVIII.

An Act to authorize the Trustees of the Church of Scotland, in the Town of Saint Andrews, to sell certain Lands, and vest the proceeds in other Lands.

Passed 26th April 1850.

WHEREAS under the authority of the Act of Assembly made and passed ^{Presamble.} in the second year of the Reign of His late Majesty King William the Fourth, intituled *An Act to repeal all the Laws now in force relating to Saint Andrews Church, in the City of Saint John, and for incorporating certain persons* ^{2 W 4, c 15.} *Pewholders of the said Church, and of the several Churches erected or to be erected in this Province in connexion with the Church of Scotland, the Trustees of Greenock Church, in the Parish of Saint Andrews, in the County of Charlotte, in connexion with the Established Church of Scotland, became incorporated, and assumed the name of "The Trustees of the Church of Scotland, in the Town of Saint Andrews:"* And Whereas previous to the passing of the said Act of Assembly they the said Trustees had, under the style of the Trustees of Greenock Church, in the Parish of Saint Andrews, in connexion with the Established Church of Scotland, applied for a Grant of the Land hereinafter described, and their application was complied with, and a Grant under the Great Seal was duly issued in the name of the Trustees of Greenock Church, in the Parish of Saint Andrews, in connexion with the Established Church of Scotland, notwithstanding the assumption in the interim by the said Trustees of their present corporate name: And Whereas the said Trustees of the Church of Scotland, in the Town of Saint Andrews, are desirous of selling the Lands granted as aforesaid, and to invest the proceeds in other Lands;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said Trustees of the Church of Scotland, in the Town of Saint Andrews, be and they are hereby authorized to sell and dispose of, at public auction or private sale, the two tracts of Land granted to the Trustees of Greenock Church, in the Parish of Saint Andrews, in connexion with the Established Church of Scotland, situate in the Parish of Saint James, in the said County of Charlotte, and bounded as follows, to-wit: The first tract beginning on the eastern bank or shore of Canoos-River, and distant on a course by the magnet south, thirty five degrees west, nineteen chains of four poles each, from the Dam erected on the said River at the head of Scot's Rapids; thence east, forty four chains and seventy five links, to a marked Spruce; thence north, sixty three chains and seventy five links, to the south eastern bank

Author is given to sell the herein described tracts of land.

bank or shore of Canoose River aforesaid; and thence following the various courses of the same westerly and southerly, down stream, to the place of beginning; containing two hundred and fifty acres, more or less; distinguished as Lot A, and being for the use of the Minister of the said Church: The second tract, beginning on the north western bank or shore of Canoose River aforesaid, at its intersection with the northerly prolongation of the easterly boundary line as described in the first tract; thence north, six chains, to a Black Ash stake; thence west, seventy chains and seventy five links, to a marked Beech; thence south, sixty six chains, to the north western bank or shore of Canoose River aforesaid; and thence following the various courses of the same easterly, northerly and easterly, up stream, to the place of beginning; containing two hundred and fifty acres, more or less; distinguished as Lot B, and being for the use of the said Church.

Proceeds to be invested in other lands for the use of the Minister and Church.

II. Provided always, and be it enacted, That the said Trustees of the Church of Scotland, in the Town of Saint Andrews, shall invest the proceeds of the first hereinbefore described tract of Land in other Lands for the use of the Minister of the said Church, of which they are Trustees, being Greenock Church aforesaid; and that the said Trustees of the Church of Scotland, in the Town of Saint Andrews, shall invest the proceeds of the secondly hereinbefore described tract of Land in other Lands for the use of the said Church, of which they are Trustees, being Greenock Church as aforesaid.

Validity of the Deed executed.

III. And be it enacted, That a Deed duly executed under the Corporate Seal of the said Trustees of the Church of Scotland, in the Town of Saint Andrews, shall be sufficient to pass all the right, title and interest conveyed to them under the name of the Trustees of Greenock Church, in the Parish of Saint Andrews, in the County of Charlotte, in connexion with the Established Church of Scotland, in the said two tracts of Land, and the same shall be good, valid and effectual for the purpose aforesaid; saving always the right of Her Majesty, and all persons claiming an interest in the said Lands.

FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XIX.

An Act to incorporate the Pirate Brook River Driving Company.

Passed 26th April 1850.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, Company incorporated. That William Porter, Daniel Hill, Ninian Lindsay, George Christie, Junior, James Porter, and George M. Porter, their associates and successors, shall be and they are hereby constituted a Body Corporate, by the name of "The Pirate Brook River Driving Company," and shall have all the powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of clearing and improving the said River to facilitate the driving of logs and timber thereon.

II. And be it enacted, That the said Company shall have power and authority, Authority given to enter on public lands. by themselves or their superintendents and workmen, to enter in and upon and occupy for that purpose such and so much of the public lands as shall be necessary for constructing sluices, erecting dams, and making such other improvements on the said River as may be required to facilitate the driving of logs and timber thereon.

III. And be it enacted, That the said Company, or such person or persons as they shall from time to time appoint as toll collectors, are hereby authorized to demand and receive toll of and from the person having charge of any timber, saw logs or other lumber passing along the portion of the said River so improved, which toll shall be regulated and established by the said Company, and confirmed by the Justices of the Peace for the County of Charlotte in General Session assembled; and the toll collectors shall be and they are hereby authorized not to permit the passage of any timber, saw logs or other lumber until the tolls fixed by the Company, and so confirmed as aforesaid, are first paid. Authority given to demand toll.

IV. And be it enacted, That the capital stock of the said Corporation shall be Capital to be £50, payable as herein specified. five hundred pounds of the current money of the Province of New Brunswick, and shall be divided into forty shares of twelve pounds ten shillings each, to be paid in at such times and in such instalments as the business of the said Company shall require; provided that twenty five per centum of the capital stock of the said Company, amounting to one hundred and twenty five pounds, shall be actually paid in and invested in the business of the said Corporation within two years after the passing of this Act; and provided also, that the said Corporation shall not be entitled to purchase any property, real or personal, or to incur any debts until the said twenty five per centum of the said capital stock shall have been paid in.

V.

First meeting for establishing bye laws and choosing Directors.

V. And be it enacted, That the first meeting of the said Corporation shall be held at Saint Stephen, and shall be called by William Porter, or in case of his death, neglect, or refusal, by any two of the said Company, by giving notice in any paper printed in the County of Charlotte, or in the Royal Gazette, at least twenty days previous to such meeting, for the purpose of establishing bye laws, choosing five Directors, and such other officers as may be necessary for the management of the affairs of the said Company; which Directors and officers so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter provided; provided always and be it further enacted, that so soon as the said capital stock of five hundred pounds shall have been paid in, and expended for the purposes of this Act provided, it shall and may be lawful for the said stockholders, at any general meeting to be called for that purpose, to increase the said capital stock from time to time in such sum or sums as they may deem expedient, to a sum not exceeding five thousand pounds, which additional capital stock shall be divided into shares of twelve pounds ten shillings each.

Capital may be increased.

An annual general meeting to be held for choosing Directors, &c.

VI. And be it enacted, That a general meeting of the stockholders of the said Corporation shall be held on the first Monday of April in each and every year, for the purpose of choosing five Directors, and such other officers of the said Corporation as may be deemed necessary for their affairs; which Directors so chosen shall remain in office for one year, or until others are chosen in their place, and shall at their first meeting, after due election, choose one of their number President of the said Company; provided always, that not less than three Directors do form a quorum for the transaction of business; and in case of the absence of the President, the Directors shall have power to appoint one of their number chairman for the occasion.

Quorum of Directors for business.

Qualification of Directors.

VII. And be it enacted, That no person shall be eligible as a Director unless such person is a stockholder, and holds not less than four shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

One vote assigned to each share.

VIII. And be it enacted, That the number of votes to which each stockholder shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in proportion of one vote for each share of the stock, and that absent stockholders may vote by proxy, provided such proxy be a stockholder, and produce sufficient authority in writing.

Shares to be assignable.

IX. And be it enacted, That the shares in the said Corporation shall be assignable and transferable, according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid or effectual unless entered or registered in a book to be kept by the Directors for that purpose; that in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable; that when any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

On failure to elect Directors at the annual meeting, they may be chosen at another meeting called on notice.

X. And be it enacted, That if it should happen that the said Directors or other officers should not be chosen on the said first Monday of April in any year as aforesaid, it shall and may be lawful to choose them on any other day, between the hours of ten in the forenoon and six in the afternoon of such day, on giving twenty days notice of such meeting by personal notice, or by notice in writing sent by mail, or by publication in any newspaper printed in the County of Charlotte; and in case any Director shall be removed by the stockholders for misconduct, neglect, or maladministration,

administration, his place shall be filled by the stockholders, twenty days notice of the time and place of meeting for such purpose being first given as last aforesaid; and in case of any vacancy among the Directors by death, resignation, absence, or disqualification by sale or transfer of stock, then and in either such case the said Directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the stockholders or Directors shall serve until another is chosen in their stead.

Supply of vacant
Directorships.

XI. And be it enacted, That the joint stock and property of the Company shall alone in the first instance be responsible for the debts and engagements of the said Company, and that no creditors, or person or persons having any demand against the said Company, for or on account of any dealings with the said Company, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or when the joint stock of the said Company shall fall short of or not be equal to the payment of any debt, due or demand against the same, or upon *nulla bona* being returned on any execution issued against the goods and chattels of the said Company, that then and in either such cases the goods and chattels, lands and tenements of each shareholder shall and may be levied upon and seized respectively to satisfy such debt or demand, to the extent of double the amount of the share or shares or interest of such shareholder in the joint stock of the said Company, but no more; and that such double amount, or so much as may be necessary to satisfy such debt, due or demand, shall and may be levied and seized by process of execution in the same suit in which such debt, due or demand may be recovered against the said Company.

Liability for the
debts of the
Company.

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

Shareholders to be
liable for calls of
stock, not exceed-
ing amount
subscribed.

XIII. And be it enacted, That all the shares in the said Company shall be numbered in progressive order, beginning at number one; and every member of the said Company shall have a certificate under the seal of the said Corporation, and signed by the President and Secretary thereof, certifying his property in such shares as shall be expressed in the certificate.

Shares to be num-
bered and certificate
granted.

XIV. And be it enacted, That the said Company shall have power to levy and collect upon the shares from time to time such sum or sums of money as shall be judged by such Corporation necessary for the payment of any debts of the said Corporation, and for the purchase of such real estate and personal property, and the erecting and building dams, sluices, and other things as may be deemed necessary and requisite for carrying on the business of the said Corporation; and whenever any assessment shall be made by the stockholders of the said Company, it shall be the duty of the Secretary or Agent thereof to give notice of such assessment in some newspaper printed in the County of Charlotte, or in the Royal Gazette, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the Secretary or Agent the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Secretary or Agent to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale; and all shares upon which the assessment

Authority given to
collect money for
the business of the
Company.

Shares of defaulters
may be sold.

is

is not then paid, with interest from the time when such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on the same, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold be made out and delivered to the purchaser or purchasers; provided always, that such assessment or assessments shall not in the whole exceed the amount of the capital stock appointed by this Act, or the capital stock to be increased as is hereinbefore directed; and also provided, that no assessment shall be made except by a vote of the stockholders, and a majority of all the shares.

Special meetings of the Company may be called.

XV. And be it enacted, That a special meeting of the said Company may be called by the Secretary or Agent, under the authority of the Directors, or of the stockholders representing not less than fifteen shares, thirty days notice at least of the time and place of such meeting being given in some newspaper published in the said County of Charlotte, or by personal notice, or by notice by mail as aforesaid.

Act to be void if a certain payment of capital be not made and certificate filed.

XVI. Provided always, and be it enacted, That unless twenty five per centum of the said capital stock shall be paid in for the purpose of this Corporation, and a certificate of such payment, signed and verified on oath by the said Directors, or a majority of them, before any Justice of the Peace, shall be filed in the Office of the Secretary of the Province before the expiration of three years next after the passing of this Act, the operation of this Act shall cease, and the existence of this Corporation be terminated at the end of the said three years.

Limitation.

XVII. And be it enacted, That this Act shall continue and be in force until the first day of December which shall be in the year one thousand eight hundred and sixty five.

FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO TERTIO VICTORIÆ REGINÆ.

CAP. XX.

An Act to alter and amend the Act incorporating the Carleton County Agricultural Society.

Passed 26th April, 1850.

WHEREAS in and by the Act of the General Assembly, eleventh Victoria, chapter fifty four, incorporating the Carleton County Agricultural Society, it is provided by the second section of the said Act that the general meeting of the members of the said Corporation, for the election of Officers, be held on the Monday next before the last Tuesday in September in each and every year, which period is found to be inconvenient: And Whereas it is deemed advisable that such election should be held at a later period of the year, to enable the Board of Officers to close the business of such Society for the past year before others are appointed in their stead;

Preamble.
11 V c. 54.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the general meeting of the members of said Corporation for the election of Officers, as provided by the second section of the said Act, shall be held on the second Tuesday in December in each and every year.

General meeting of the Corporation to be held on second Tuesday in December.

II. And whereas at a general meeting of the members of said Corporation held at Woodstock on the Monday next before the last Tuesday in September last, one President, two Vice-Presidents, a Treasurer and Secretary, were elected by the votes of the said members for the current year; Be it enacted, That the said Officers so elected as aforesaid shall continue in office until the second Tuesday in December next, or until others are chosen in their stead, any thing in the said Act to the contrary notwithstanding.

Officers elected to continue in office till others are appointed.

FREDERICTON, N. B.:

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

*Ex. S. M.
3/27/16*

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13^o VICTORIÆ. A. D. 1850.

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