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ACTS

OF

THE GENERAL ASSEMBLY

OF

HER MAJESTY'S PROVINCE

OF

NEW BRUNSWICK,

PASSED IN

MARCH AND APRIL 1862.



FREDERICTON.

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

1862.

TITLES OF THE ACTS.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

CAP.	PAGE
1. An Act to revive and continue an Act intituled <i>An Act to provide for the expenses of the Legislature,</i>	9
2. An Act to continue Chapters 26, 27, 28, and 29, Title III, of the Revised Statutes, 'Of the Public Revenue,'	9
3. An Act to provide for payment of the expenses incurred by the Corporation of the City of Saint John in providing shelter for the Troops, and for the repairing the City Court Room,	10
4. An Act to authorize an Assessment in the City of Saint John, to meet the expenses incurred by the Corporation for the Prince of Wales' Celebration,	10
5. An Act to provide for the payment for a Sewer laid down near the Hay Market Lot in the City of Saint John,	11
6. An Act to revive and make perpetual certain Acts of the Assembly for the better extinguishment of Fires which may happen in the City of Saint John,	11
7. An Act to revive and make perpetual an Act intituled <i>An Act to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of Rates of Pilotage, beyond the limits now prescribed by Charter,</i>	12
8. An Act to divide the Parish of Shediac, in the County of Westmorland, and to erect a separate Parish for Ecclesiastical purposes,	12
9. An Act in addition to and in amendment of the Acts imposing Duties for raising a Revenue, and in amendment of an Act passed in the nineteenth year of Her present Majesty's Reign, intituled <i>An Act to levy an Impost for Railway purposes,</i>	15
10. An Act to amend the Law relating to offences against the Person,	16
11. An Act to amend the Revised Statutes, Title xxxvii, Chapter 137, 'Of the jurisdiction of Justices in Civil Suits,'	18
12. An Act to explain an Act passed at the present Session, intituled <i>An Act in addition to and in amendment of the Acts imposing Duties for raising a Revenue, and in amendment of an Act passed in the nineteenth year of Her Majesty's Reign, intituled 'An Act to levy an Impost for Railway purposes,'</i>	20

CAP.	PAGE
13. An Act to provide for defraying certain expenses of the Civil Government of the Province,	20
14. An Act in addition to an Act relating to the Savings Banks and other Provincial liabilities,	21
15. An Act to provide for the repair and improvement of Roads and Bridges, and other Public Works and Services,	22
16. An Act in amendment and consolidation of the Laws relating to Highways,	25
17. An Act in amendment of and in addition to certain Chapters of Title VIII of the Revised Statutes, 'Of the local government of Counties, Towns, and Parishes,'	42
18. An Act to amend Chapter 96 of the Revised Statutes, 'Of the survey and exportation of Lumber,'	45
19. An Act in addition to Chapter 93, Title XVII, of the Revised Statutes, 'Of the measurement of Firewood and Bark,'	46
20. An Act relating to the Militia,	46
21. An Act for taking away the punishment of Death in certain cases, and substituting other punishments in lieu thereof,	68
22. An Act to authorize investigation in cases of Fire in the several Counties of this Province,	72
23. An Act for the encouragement of Agriculture,	73
24. An Act further to amend Chapter 133, Title XXXIV, of the Revised Statutes, 'Of trespasses on lands, private property, and lumber,'	82
25. An Act in amendment of the Law relating to Judgments, Executions, and proceedings thereon,	83
26. An Act in addition to Chapter 101, Title XXII, of the Revised Statutes, 'Of the Sea and River Fisheries,'	83
27. An Act relating to lands, tenements and hereditaments held for public uses by the Justices of the Peace of the several Counties in this Province,	84
28. An Act relating to Corporations,	86
29. An Act to explain and amend Chapter 67, Title x, of the Revised Statutes, 'Of Sewers,'	90
30. An Act to amend the Revised Statutes, Chapter 53, 'Of Rates and Taxes,'	93
31. An Act to amend an Act intituled <i>An Act to authorize the appointment of Commissioners in the United Kingdom and other parts of Her Majesty's Dominions, and in the United States of America, to take Affidavits and acknowledgments of Deeds and other Instruments relating to matters in this Province,</i>	100
32. An Act to explain an Act intituled <i>An Act relating to the Boundary Line between the Provinces of New Brunswick and Nova Scotia,</i>	101
33. An Act to repeal part of Chapter 163 of the Revised Statutes, 'Of Fees,' so far as the same relates to Fees on Patents, and to make other provisions in lieu thereof,	102

CAP.	PAGE
34. An Act to explain an Act intituled <i>An Act to impose a Tax on unimproved granted Lands, to provide a Fund for opening of Roads and building Bridges in the Parishes in which the Lands lie,</i>	102
35. An Act relating to the University of New Brunswick,	102
36. An Act relating to Gold Mines,	103
37. An Act relating to Judgments in Actions not Summary,	103
38. An Act to amend Chapter 45, Title VI, of the Revised Statutes, 'Of Municipalities,' as relates to the Council and its Officers,	104
39. An Act to continue an Act intituled <i>An Act to encourage the destruction of Wolves in this Province,</i>	105
40. An Act further to amend an Act to regulate the qualifications of Practitioners in Medicine and Surgery, and to provide a Medical Council of Health in the Province of New Brunswick,	105
41. An Act to amend an Act intituled <i>An Act to amend Chapter 19, Title III, of the Revised Statutes, 'Of Buoys and Beacons,'</i> so far as the same relates to the County of Charlotte,	106
42. An Act in addition to and in amendment of an Act intituled <i>An Act establishing and maintaining a General Public Hospital in the City or County of Saint John,</i>	107
43. An Act in further amendment of the Law relating to Water Supply and Sewerage in the City of Saint John, and part of the Parish of Portland in the County of Saint John,	110
44. An Act to enable the Justices of the Peace for the County of Charlotte to sell certain Lands and invest the proceeds in other securities,	112
45. An Act to authorize the Trustees of Saint Andrews Church, Chatham, in connexion with the Church of Scotland, to sell and dispose of certain real estate in the County of Northumberland, devised in Trust by the last Will of William Kirkpatrick, deceased, and to reinvest the proceeds for the purposes in such Will mentioned,	115
46. An Act to alter the Boundary Line between the Parishes of Grand Falls and Saint Leonard, in the County of Victoria,	117
47. An Act to alter the Division Line of the Parishes of Dundas and Wellington, in the County of Kent,	117
48. An Act to alter the Division Line between the Parishes of Northampton and Brighton, in the County of Carleton,	118
49. An Act relating to the supply of Carleton, in the City of Saint John, with Water,	119
50. An Act to abolish the Fishery Draft on the Western side of the Harbour in the City of Saint John, and to make other provisions for the disposal of the said Fisheries, and to apply the annual proceeds thereof towards the erection of a Public Hall in Carleton, and in payment of Interest on the Carleton Water Debentures,	121

CAP.	PAGE
51. An Act to provide for the erection of a City Hall in the City of Saint John,	124
52. An Act relating to the Police Office of the City of Saint John,	128
53. An Act to provide for the drainage and protection of the Great Marsh in the City of Saint John, and the Parishes of Portland and Simonds in the City and County of Saint John, and the maintenance of an Aboideau across the Marsh Creek near the City of Saint John,	129
54. An Act to enable the Governor and Trustees of the Madras School in New Brunswick to raise Money upon mortgage of certain lots of Land situate on the north side of King Square in the City of Saint John,	136
55. An Act for establishing and maintaining a Police Force in the Town of Newcastle, in the County of Northumberland,	137
56. An Act to authorize the Justices of the Peace for the County of Northumberland to make rules and regulations for the protection and management of Booms for Lumber,	142
57. An Act to explain an Act intituled <i>An Act to authorize and empower the Justices of the Peace in and for King's County to sell and convey certain School Lands in the Parish of Springfield, and invest the proceeds in other lands or other valuable securities more advantageous to the inhabitants of the said Parish,</i>	144
58. An Act to change the present Polling place in the Parish of Cambridge, in Queen's County, and to establish another Polling place in said Parish in lieu thereof,	145
59. An Act to establish an additional Polling place in the Parish of Grand Manan, in the County of Charlotte,	145
60. An Act to change the Polling place in the Parish of Saint Leonard, in the County of Victoria,	146
61. An Act relating to the Polling place in the Parish of Mau-gerville, in the County of Sunbury,	146
62. An Act relating to the Polling places in the Parishes of West Isles and Campo Bello, in the County of Charlotte,	147
63. An Act to establish additional Polling places in the County of York,	148
64. An Act to incorporate the North West Boom Company,	149
65. An Act to continue the several Acts relating to the South West Boom Company,	154
66. An Act to incorporate the Union Iron Works Company,	154
67. An Act to incorporate the Alma Copper Mining Company,	158
68. An Act to incorporate the Elgin Gold Quartz Mining Company,	160
69. An Act to repeal an Act to incorporate the Town of Monc-ton,	162

CAP.	PAGE
70. An Act to incorporate the Congregational Union of Nova Scotia and New Brunswick,	163
71. An Act to incorporate the Williams Mining Company,	165
72. An Act to incorporate the Baltimore Coal and Mining Company,	166
73. An Act in amendment of an Act intituled <i>An Act for the incorporation of the Saint John Rural Cemetery Company,</i>	167
74. An Act to incorporate the Cain's River Boom Company,	168
75. An Act to incorporate the Roman Catholic Bishop of Saint John,	174
76. An Act to incorporate the Roman Catholic Bishop of Chatham,	177
77. An Act for the alteration and amendment of the local government of the Parish of Portland, in the County of Saint John,	181
78. An Act to continue an Act intituled <i>An Act to prevent the spread of a disorder now existing in certain parts of the Counties of Gloucester and Northumberland,</i>	185
79. An Act to continue an Act to incorporate the Courtney Bay Bridge Company,	185

ANNO VICESIMO QUARTO VICTORIÆ REGINÆ.

54. An Act relating to the Naturalization of Aliens,	186
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ANNO REGNI VICTORIÆ BRITANNIARUM REGINÆ VICESIMO QUINTO.

AT the General Assembly of the Province of New Brunswick begun and holden at Fredericton on the twelfth day of February, *Anno Domini* One thousand eight hundred and sixty two, in the Twenty fifth Year of the Reign of Our Sovereign Lady VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, being the First Session of the Nineteenth General Assembly convened in the said Province.

ACTS
OF
THE GENERAL ASSEMBLY.

25° VICTORIÆ, A. D. 1862.

CAP. I.

An Act to revive and continue an Act intituled *An Act to provide for the expenses of the Legislature.*

Act 18 V. c. 4, revived and continued.

Passed 29th March 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to provide for the expenses of the Legislature*, be and the same is hereby revived and continued in force during the continuance of this present General Assembly, and no longer.

CAP. II.

An Act to continue Chapters 26, 27, 28, and 29, Title iii, of the Revised Statutes, 'Of the Public Revenue.'

Chapters 26, 27, 28, and 29, of the Revised Statutes, continued.

Passed 29th March 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That Chapters 26, 27, 28, and 29, Title iii, of the Revised Statutes, 'Of the Public Revenue,' be and they are hereby severally continued to be in force and effect until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy.

CAP. III.

An Act to provide for payment of the expenses incurred by the Corporation of the City of Saint John in providing shelter for the Troops, and for the repairing the City Court Room.

Section.

1. Corporation authorized to assess.

Section.

2. Assessment, how applied.

Passed 29th March 1862.

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

1. The Mayor, Aldermen and Commonalty of the City of Saint John are hereby authorized to order an assessment on the City of Saint John, and the inhabitants thereof, for the sum of one thousand eight hundred dollars, besides the costs and charges of assessing and collecting, for the purpose of defraying the expenses incurred by them in providing for the accommodation of Troops in the said City; to be assessed, levied and collected in the same manner as any assessment made under "The Saint John City Assessment Act of 1859."

2. That the sum of six hundred dollars shall be added to, and assessed, levied and collected in like manner with the amount ordered to be levied for the Contingent Assessment for the City and County of Saint John for the present year; the said sum of six hundred dollars to be applied by the General Sessions in altering, repairing and improving the Room in the Court House now occupied by the City Court.

CAP. IV.

An Act to authorize an Assessment in the City of Saint John, to meet the expenses incurred by the Corporation for the Prince of Wales' Celebration.

Corporation authorized to assess.

Passed 29th March 1862.

WHEREAS the Mayor, Aldermen and Commonalty of the City of Saint John have incurred considerable expense for the recent reception in that City of His Royal Highness the Prince of Wales;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the said Mayor, Aldermen and Commonalty of the City of Saint John be and they

are hereby authorized to order an assessment on the City of Saint John, and the inhabitants thereof, of the sum of three thousand two hundred dollars, together with the expenses of assessing and collecting; which said sums, together with all interest paid, due, or which may become due, up to the time of the payment thereof, shall be assessed, levied and collected in the same manner as any assessment made under the provisions of "The Saint John City Assessment Act of 1859:" Provided nevertheless, that the assessment under this Act shall not be levied or assessed upon any person whose whole assessment for the said City in the year one thousand eight hundred and sixty one did not amount to twelve dollars, and they are hereby exempted from the operation of this Act.

CAP. V.

An Act to provide for the payment for a Sewer laid down near the Hay Market Lot in the City of Saint John.

Corporation authorized to assess.

Passed 29th March 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Mayor, Aldermen and Commonalty of the City of Saint John shall be and they are hereby authorized to order an assessment on the said City, on the eastern side of the Harbour, and the inhabitants thereof, for the sum of fifteen hundred and twenty dollars, besides the costs, charges and expenses of assessing and collecting, to enable the said Mayor, Aldermen and Commonalty to defray the expense recently incurred by them in laying down a Sewer on the northerly side and in the Street on the westerly side of the Hay Market Lot, so called, in the City of Saint John; to be assessed, levied and collected in the same manner as any assessment made under "The Saint John City Assessment Act of 1859."

CAP. VI.

An Act to revive and make perpetual certain Acts of the Assembly for the better extinguishment of Fires which may happen in the City of Saint John.

13 V. c. 5, and 15 V. c. 10, revived and made perpetual.

Passed 29th March 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act for the better extinguishing of Fires which may happen in the City of Saint John*, except so far as the same is amended and repealed by an Act made and passed in the fifteenth year of the same Reign, intituled *An Act to continue and amend an Act intituled 'An Act for the better extinguishing of Fires that may happen in the City of Saint John,'* as also the last mentioned Act, except so far as the same is repealed, be and the same are hereby revived and made perpetual.

CAP. VII.

An Act to revive and make perpetual an Act intituled *An Act to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of Rates of Pilotage, beyond the limits now prescribed by Charter.*

3 V. c. 70, revived and made perpetual.

Passed 29th March 1862.

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 extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of Rates of Pilotage, beyond the limits now prescribed by Charter,* be and the same is hereby revived and made perpetual.

CAP. VIII.

An Act to divide the Parish of Shediak, in the County of Westmorland, and to erect a separate Parish for Ecclesiastical purposes.

Section.

1. Separate Parish established.
2. Appointment of Church Wardens and Vestry.

Section.

3. Continuance in office; mode and time of election.
4. Free seats; qualification of voters.

Passed 29th March 1862.

WHEREAS the Church Wardens, Vestrymen and other inhabitants of the said Parish of Shediak, belonging to the Church

of England, have petitioned that a certain part of the said Parish, including the Settlements at Point du Chene, the Railway Station, and Scadouc, should, for all Ecclesiastical purposes, be set off, constituted and established a separate and distinct Parish, by the name of 'Point du Chene,' in order that a separate Rectory or Mission may be there appointed and established: And whereas it is expedient and necessary that the same should be so divided and set off, and that the sittings in the Church to be erected in the said Parish should be free and open to all persons, without any price or rent being paid therefor, and are so intended to be;—

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

1. That from and after the fifteenth day of April next, all that part of the Parish of Shediac comprehended and included within the following bounds and descriptions, that is to say: Commencing at Shediac Harbour at the mouth of Milne's Creek, thence following the southerly branch of said Creek to the Road, thence westerly one mile, thence south parallel to the Post Road to meet Johnston's Creek, (so called,) thence easterly following Johnston's Creek to Scadouc River, thence following the said River southerly to Bevier's Mills, thence easterly a sufficient distance to intersect a line running southerly from Stephen Legere's in the Barrachois, thence northerly along said line to the Gulf Shore at Stephen Legere's, thence following the Gulf Shore to Shediac Bay and the shores of Shediac Harbour to the place of beginning at Milne's Creek, shall and the same is hereby declared to be a separate and distinct Parish within the said Parish of Shediac, for all matters and purposes Ecclesiastical or relative to the Church of England, by the name of 'The Parish of Point du Chene,' in the Parish of Shediac, in the County of Westmorland.

2. That Edward J. Smith and Thomas B. Hanington shall be and are hereby declared to be the Church Wardens; and Peter Schurman, John Elliott, Thomas W. Carritt, William Hamilton, J. Howsham, William Jackson, George Harshman, Richard C. Scovil, George Atkinson, Anthony Simpson, and Charles S. Theal, the Vestrymen of the said Parish; and they are hereby constituted a body politic and corporate, and shall, together with the Rector for the time being, by the name of

‘The Rector, Church Wardens and Vestry of Saint Andrew’s Church,’ in deed and in name, be a body politic and corporate, and shall have succession for ever, by the name of The Rector, Church Wardens and Vestry of Saint Andrew’s Church, in the Parish of Point du Chene, in the Parish of Shediac, in the County of Westmorland, and shall have a common Seal, and shall have power to purchase, lease, receive, hold, and take land, for the purpose of building a Church thereon, and to build a Parish Church in the said Parish of Point du Chene; and they are hereby invested with all the rights, powers, privileges and incidents which in and by Chapter 107 of the Revised Statutes of this Province, made and passed in the seventeenth year of the Reign of Her present Majesty, are given to the Rector, Church Wardens and Vestries of Parish Churches.

3. The Church Wardens and Vestrymen before named shall continue in office until they have erected a Parish Church as aforesaid, and until others shall be elected in their stead, as herein provided; two Church Wardens and not more than twelve Vestrymen shall be elected and chosen by ballot on the first Easter Monday after the erection and consecration of said Church, and on the same period in each and every year thereafter, who shall continue in office until others are elected in their stead.

4. All seats or sittings in the said Church shall be free and open to all persons, without any price or rent being paid therefor; and all male persons of the age of twenty one years or upwards, residing in the said Parish or any adjoining Parish, who shall have subscribed and paid the year previous to such election, the sum of four dollars or more, in aid of the funds of said Parish Church, shall be entitled to vote in the choice of, and shall also be qualified to be chosen and elected Church Wardens and Vestrymen; provided that no person shall be so entitled or eligible, unless he shall before the day of election have actually paid his subscription for the preceding year; provided also, that no persons shall be eligible to be elected said Church Wardens and Vestrymen, unless he be a Member of the Church of England, or shall have been at least six months previous a stated hearer and attendant at the public worship of the same.

CAP. IX.

An Act in addition to and in amendment of the Acts imposing Duties for raising a Revenue, and in amendment of an Act passed in the nineteenth year of Her present Majesty's Reign, intituled *An Act to levy an Impost for Railway purposes.*

Section.

1. Repeals certain parts of former Revenue Acts.
2. Table of Duties.
3. Duties, how to be collected.

Section.

4. Increases Railway Impost to three per cent. except on Agricultural Implements.

Passed 11th April 1862.

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

1. Such parts of the Act passed in the twenty second year of Her present Majesty's Reign, intituled *An Act imposing Duties for raising a Revenue*, and of the Act passed in the twenty third year of the same Reign, in addition to and in amendment thereof, as impose Duties upon the articles named in the following Table, are hereby repealed.

2. From and after the passing of this Act, there shall be collected and paid unto the Queen, for the use of the Province, upon the articles named in the subjoined "Table of Duties," the several Duties set forth in the said Table, according to the value, number, or quantity thereof, viz:—

TABLE OF DUTIES.

Alcohol, per gallon,	-	-	-	-	35 cents.
Rum, per gallon,	-	-	-	-	35 cents.
Gin and Whiskey, per gallon,	-	-	-	-	60 cents.
Wines, viz: Hock, Constantia, Malmsey, Tokay, Champagne, Burgundy, Hermitage, Sautern, Claret, and all Wines costing two dollars per gallon and upwards, per gallon,	-	-	-	-	90 cents.
Madeira, Port and Sherry Wines, of which the first cost is one dollar and upwards per gallon, and not exceeding two dollars,	-	-	-	-	80 cents per gallon.
All other Wines,	-	-	-	-	30 cents per gallon.
And on every hundred dollars of the true and real value of all Wines, in addition, \$12.50.					
Gunpowder, Hyson, Young Hyson, Twankay, and other Green Teas, per pound,	-	-	-	-	8 cents.
Sugar, Brown or Muscovado or Clayed, and any other kind of Sugar not refined, per pound,	-	-	-	-	1½ cents.
Molasses and Treacle, per gallon,	-	-	-	-	2 cents.

3. The said Duties shall be collected, received and paid in all respects in the manner prescribed in the said first recited Act, and subject to all the provisions and penalties therein contained, and shall be in addition to any Duty imposed by an Act passed in the nineteenth year of Her present Majesty's Reign, intituled *An Act to levy an Impost for Railway purposes*.

4. That the amount to be paid under the provisions of the first Section of an Act passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act to levy an Impost for Railway purposes*, shall be three dollars on every one hundred dollars, instead of two pounds ten shillings on every hundred pounds, as therein provided: Provided always, that as relates to Agricultural Implements, and all parts thereof, Duties shall be collected as if this Act had not passed.

CAP. X.

An Act to amend the Law relating to offences against the Person.

Section.

1. Penalty for using fire arms with intent to injure the person.
2. Fire arms, when deemed loaded.
3. Penalty for administering poison, &c. with intent to kill.
4. Penalty for administering poison, &c. with intent to injure.

Section.

5. Person tried for administering poison &c. with intent to kill, Jury may convict of intention to injure.
6. Penalty to persons getting unlawful possession of any child under fourteen years.
7. Definition of term "imprisoned."

Passed 23rd April 1862.

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

1. Whoever shall unlawfully and maliciously, by any means whatsoever, wound or cause any bodily harm to any person, or shoot at any person, or by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, with intent in any of the cases aforesaid to maim, disfigure, or disable any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

2. Any gun, pistol or other arms which shall be loaded with gunpowder or any other explosive substance, and with ball, shot, slug, or other destructive material, shall be deemed

to be loaded arms within the meaning of this Act, although the attempt to discharge the same may fail for want of proper priming or from any other cause.

3. Whoever shall unlawfully and maliciously administer to, or cause to be administered to or taken by any other person, any poison or other destructive or noxious thing, so as thereby to endanger the life of such person, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

4. Whoever shall unlawfully and maliciously administer to, or cause to be administered to or taken by any other person, any poison or other destructive or noxious thing, with intent to injure, aggrieve, or annoy such person, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years.

5. If upon the trial of any person for any felony in the last but one preceding Section mentioned, the Jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any misdemeanor in the last preceding Section mentioned, then and in every such case, the Jury may acquit the accused of such felony, and find him guilty of such misdemeanor, and thereupon he shall be liable to be punished in the same manner as if convicted upon an indictment for such misdemeanor.

6. Whoever shall unlawfully, either by force or fraud, lead or take away, or decoy or entice away, or detain any child under the age of fourteen years, with intent to deprive any parent, guardian, or other person having the lawful care or charge of such child, of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong; and whosoever shall, with any such intent, receive or harbour any such child, knowing the same to have been by force or fraud led, taken, decoyed, enticed away, or detained, as in this Section before mentioned, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years; provided that no person who shall have any right to the possession of such child, or shall be the mother, or shall be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting posses-

sion of such child, or taking such child out of the possession of the person having the lawful charge thereof.

7. The term "imprisoned" in this Act shall mean and include imprisonment with or without hard labour, either in the Provincial Penitentiary or in the common gaol of the County where the offender may be tried, at the discretion of the Court before which the trial may be had.

CAP. XI.

An Act to amend the Revised Statutes, Title xxxvii, Chapter 137, 'Of the jurisdiction of Justices in Civil Suits.'

Section.

1. Payment by defendant into Court, if sufficient, bars further costs.
2. Defendant in custody may be brought before Justice; Sheriff not liable if he escape.
3. Defendant on Bail may render himself, or be rendered in certain cases.

Section.

4. When suit against Bail may be discontinued.
5. Where process (except a Subpœna) cannot be served.
6. Fees to Justice, Sheriff, or Gaoler.

Passed 23rd April 1862.

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

1. The defendant in a suit in a Justice's Court may pay to the Justice, at any time before the trial, a sum of money as compensation for the debt or damages claimed, which the plaintiff may accept in full, and may take judgment and issue execution for the costs incurred up to the time of such payment. If the plaintiff proceeds with the suit after notice of such payment, and does not recover a greater sum than the amount so paid, he shall not be entitled to any costs incurred after such notice; but such subsequent costs shall be paid by the plaintiff, and shall be deducted by the Justice out of such money, or out of the costs payable to the plaintiff.

2. Any defendant imprisoned for want of bail on a *capias* issued by a Justice, may be brought before the Justice to attend the trial in the said suit by an Order (A), and after the trial may be recommitted to prison; and no Sheriff or Gaoler acting in obedience to such order shall be liable to an action for an escape.

3. A defendant arrested, and having given bail, may render himself or be rendered in discharge of his bail to the gaol of the County where he may be, by an Order (B) of any Justice of the County, which order shall be delivered to the gaoler,

who shall thereupon give a Certificate (C); the certificate shall be forthwith filed with the Justice who issued the *capias*, and he shall thereupon mark a discharge (D) upon the memorandum of bail, and the bail shall thereupon be discharged from liability, except in the case hereinafter provided.

4. If a suit shall have been commenced against the bail, before such order of render obtained and certificate filed, the Justice shall discontinue the same on the filing such certificate and payment of the costs up to that time.

5. No process (except a *subpœna*) issued by a Justice of the Peace, shall run into or be served within any City or Town in which a local Court for the trial of causes under ten pounds is established.

6. Every Justice shall be entitled to the following Fees:—
Order for render, or for bringing up a defendant in custody, six pence.

And every Sheriff or Gaoler shall be entitled to a fee of two shillings and six pence, and three pence per mile travel, for bringing up a defendant and returning him to prison.

For certificate of render, six pence.

SCHEDULE OF FORMS.

(A)

Between A. B. Plaintiff, and C. D. Defendant.

The Gaoler of the County of _____ is hereby authorized to bring the above named defendant before me at my Office in _____ on _____ the _____ day of _____ at _____ o'clock, to attend the trial of this cause.—Dated the _____ day of _____ 186 .

E. F., *Justice of the Peace.*

(B)

Between A. B. Plaintiff, and C. D. Defendant.

On the application of the above defendant, (or on application of E. F. and G. H. bail for the above defendant) I order that the above defendant be rendered in discharge of his bail in this suit, to the gaol of the County of _____ .—Dated the _____ day of _____ 186 .

E. F., *Justice of the Peace.*

(C)

Justice's Court.

I certify that C. D. was this day rendered in discharge of his bail, at the suit of A. B., and is now confined in the gaol of the County of _____, in such suit.—Dated the day of _____ 186 .

_____, Gaoler of _____ County.

(D)

The within Bail are discharged.—Dated the _____ day of _____ 186 .

E. F., *Justice of the Peace.*

CAP. XII.

An Act to explain an Act passed at the present Session, intituled *An Act in addition to and in amendment of the Acts imposing Duties for raising a Revenue, and in amendment of an Act passed in the nineteenth year of Her Majesty's Reign, intituled 'An Act to levy an Impost for Railway purposes.'*

Definition of the terms "first cost" and "costing."

Passed 23rd April 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the words "first cost" and "costing," used in the said above recited Act passed at the present Session, shall mean the cost or value of the articles at the Port or place from which the same are imported.

CAP. XIII.

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

Section.

1. Moneys granted.

Section.

2. Paid by Warrant on Treasury.

Passed 23rd April 1862.

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

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

A sum not exceeding twenty three thousand eight hundred and thirty dollars to provide for the Officers and Contingent expenses of the Legislature, including the Library and Printing.

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

A sum not exceeding twenty nine thousand two hundred and five dollars to defray the expenses of the Collection and Protection of the Revenue, and of the Controller of Customs' Department.

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

A sum not exceeding twelve thousand three hundred and ninety dollars to provide for certain Educational purposes.

A sum not exceeding three hundred and twenty dollars for the protection of the Fisheries.

A sum not exceeding six thousand dollars for the expenses of the Provincial Penitentiary.

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

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

A sum not exceeding one thousand two hundred dollars for the relief of Indians.

A sum not exceeding ten thousand dollars to meet the expenses of the Militia and Military.

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

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

CAP. XIV.

An Act in addition to an Act relating to the Savings Banks and other Provincial liabilities.

Section.

1. Amount of Loan.

Section.

2. Appropriation of Loan.

Passed 23rd April 1862.

WHEREAS it has been deemed expedient to increase the amount for which a loan is authorized to be effected by the Governor in Council in and by an Act passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act relating to the Savings Banks and other Provincial liabilities*;—

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

1. The amount for which a loan is authorized to be effected by the Governor in Council in and by the first Section of the said recited Act, is hereby increased to the sum of five hundred thousand dollars.

2. The whole of the money so to be loaned shall be raised and appropriated as directed in and by the said recited Act, and shall be subject to all the provisions thereof.

CAP. XV.

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

Section.

1. Moneys granted.
2. By whom and how to be expended and accounted for.
3. Accounts by Municipal Commissioners.
4. Money how to be drawn.
5. Compensation to Commissioners.

Section.

6. Money when to be expended; and
7. On what roads.
8. Bonds to be given.
9. If Commissioner a defaulter, Governor in Council may appoint.
10. Vacancy, how to be filled.

Passed 23rd April 1862.

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

1. There shall be granted to His Excellency the Lieutenant Governor, the sum of money hereinafter mentioned, to provide for the improvement of the Roads and Bridges, and other Public Works and Services:—

A sum not exceeding one hundred and sixteen thousand dollars to provide for the repairs of the Great and Bye Roads of the Province, and for Bridges thereon, for the repairs and extension of the Public Buildings, and for Steam Navigation.

2. The said sum of money, and every part thereof, shall be expended under the direction of the Board of Works, and of such Supervisors and Commissioners as the Governor in

Council may appoint, and shall be paid to the several and respective persons who shall actually work and labour in making, completing and repairing the several Roads, Bridges, and Works, or in furnishing materials therefor, at the most reasonable rate that such labour and materials can be provided, where such sums are expended on Roads, Bridges, or Works; and every Commissioner so to be appointed shall, as early in the season as may be, carefully examine the part of the Road where any sums of money are to be expended, and shall lay out and mark off such allotment or allotments as may conveniently be contracted for, in order that the making and repairing of the same may be let by auction to the lowest bidder; and in all such cases such Commissioners respectively are hereby required to put a sufficient number of notices, not less than ten days previous to such sale, in three or more of the public places in the neighbourhood where the work is to be done, which notices shall specify and describe the work to be performed, and also the place, day and hour when and where the same will be let by auction as aforesaid; and it shall further be the duty of such Commissioners respectively, to attend personally at the time and place so appointed, and there to let out to the lowest bidder such allotment or allotments, and at the same time to enter into written contracts for the faithful performance of the work in the time and manner set forth in such contracts; and in cases where the work required to be performed cannot be conveniently let at auction, it shall be the duty of the Commissioners to agree with fit and proper persons to perform the same by 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 for such payment, and render an account thereof, in duplicate, upon oath—which oath any one of the Justices of the Peace in the several Counties is hereby authorized to administer; one copy of which, with vouchers, to be transmitted to the Secretary's Office on or before the first day of December next, to be laid before the General Assembly at the next Session, and the other copy to be filed in the office of the Clerk of the Peace in their respective Counties for public information.

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

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

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

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

7. None of the beforementioned sums of money, or any part thereof, shall be laid out or expended on the making or improving any alteration that may be made in any of the said Roads, unless such alterations shall have been first laid out and recorded.¹

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

9. Notwithstanding the provisions of any law in force for the election of Commissioners of Bye Roads, or otherwise, no person shall be appointed to expend any of the aforesaid

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

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

CAP. XVI.

An Act in amendment and consolidation of the Laws relating to Highways.

Section.

1. Acts 18 V. c. 18, 21 V. c. 30, 22 V. c. 14, and 23 V. c. 45, repealed.
2. Division of Parishes into Districts; Commissioners and Surveyors assigned to each.
3. Commissioners to lay out Highways; alteration and extension, how made.
4. Unless owner consent, damages to be paid before road opened.
5. Consent to be filed with return.
6. Alteration of roads. Jury to value old road in diminution of damages.
7. Private roads, how laid out.
8. Public roads, width of.
9. Roads on which public money expended,—public highways.
10. When Commissioners may direct old roads to be stopped up after alteration.
11. Roads to be marked out with stakes, and return made to and recorded by Clerk of the Peace; penalty for neglect.
12. Penalty for obstructing, &c. any public road; application of same, and mode of recovery.
13. Fees to Justices, Jurors, &c., how paid; assessment, how disposed of.
14. General Sessions to issue Warrant of Assessment; mode of assessment and payment.
15. Scale of statute labour, how performed and by whom, and who exempted.
16. Estates of females and minors, how assessed and paid.
17. Assessment upon females and minors not paid, how recovered.
18. Assessment list to be published. Sub-districts and number of Surveyors.
19. Money may be paid in lieu of labour, and expended on Roads and Bridges.

Section.

20. Mode of summoning inhabitants to perform statute labour. Carts, ploughs, horses, &c. to be furnished.
21. Surveyor shall make return on oath of persons liable to work, and of delinquents.
22. Names of persons liable to perform statute labour, when required, shall be given by the parties with whom they reside or are employed; penalty for neglect, and recovery.
23. Proceedings against delinquents, and application of proceeds.
24. Waggon and teams to be furnished when required; penalty.
25. Obstructions, removal of, by inhabitants, and repairing Roads and Bridges during interval; penalty for non-attendance, and recovery.
26. Inhabitants to be summoned after snow storm to cut bushes and mark ways; penalty for refusing.
27. Ways to be marked with green bushes four rods apart; teams to be furnished; penalty for refusing.
28. Destroying bushes, penalty and application.
29. Persons liable to statute labour to be summoned to break roads with teams in addition to statute labour; penalty for not attending.
30. Statute labour may be applied to secure River bank in certain parts of Sunbury and Queen's.
31. To be performed when most practicable, and returns made.
32. Powers of Commissioners under this Act to extend to Great Roads, but not to alterations.
33. Commissioners to make returns with vouchers, and pay balances; not accounting, proceedings to be taken by County Treasurer.

- | Section. | Section. |
|---|---|
| 31. Bells to be attached to horse sleds and sleighs. | 42. Penalty for neglect of duty of Commissioners and Surveyor. |
| 35. Commissioners to file annually list of inhabitants liable to statute labour, to be read at Parish meeting. | 43. Proceedings on Commissioner's neglect to render his account. |
| 36. Commissioners & Surveyors exempt from statute labour. | 44. General Sessions to pay fees of Constables and other officers. |
| 37. Commissioners' returns shall be under oath. | 45. Prosecutions against delinquents shall be on complaint and in name of Commissioners. |
| 38. Commissioners to enforce the performance of all duties required by this Act, and recover fines and penalties. | 46. Party may be held to bail. |
| 39. Form of Return to Clerk of Peace. | 47. Prosecutions for forfeitures to be commenced within six months. |
| 40. Any person over-rated may appeal to General Sessions. | 48. Not to interfere with Local Laws now in force. |
| 41. Conditions of appeal. | 49. In incorporated Counties, Council may make Bye Laws to effect the object of this Act. |
| | 50. Forms of proceedings under this Act. |

Passed 23rd April 1862.

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

1. That an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act relating to Highways*; also an Act made and passed in the twenty first year of the same Reign, intituled *An Act to alter and amend an Act intituled 'An Act relating to Highways'*; also an Act made and passed in the twenty second year of the same Reign, intituled *An Act to amend an Act intituled 'An Act relating to Highways'*; and also an Act made and passed in the twenty third year of the same Reign, intituled *An Act further to amend the Law relating to Highways*, be and the same are hereby severally repealed.

2. The Justices in their General Sessions are authorized, if they shall see fit, to divide each Parish into three Districts, and to assign one of the Commissioners and a sufficient number of Surveyors to each district; the Commissioner and Surveyors to enforce and superintend the performance of the statute labour for such district only, and to make due return thereof.

3. When application shall be made to the Commissioners in writing, by three or more freeholders, to lay out, alter or extend any public highway over any lands, and if the owner or owners of such lands shall not consent thereto, such Commissioners shall apply to a Justice of the Peace for a Warrant, who is hereby required to grant the same, directed to the Sheriff, Deputy Sheriff, or any Constable within the County, commanding the same to summon five disinterested freeholders of the County, not resident in the Parish where the proposed

road is situate, at a certain time to be named in such warrant, to examine the proposed road, alteration, or extension, so applied for, the said Commissioners, or any two of them, to be present at the same time; and if the said Jury, who are to be sworn by any Justice of the Peace, find that such road, alteration or extension is necessary, the said Commissioners, or any two of them, if they approve of such finding, shall lay out the same immediately, after which the Jury shall be duly sworn to assess the damages, and shall forthwith proceed to assess the same; and the said Jury, in their assessment of damages, shall take into consideration the benefit, if any, to the owner of such lands by the laying out such roads.

4. No such road shall be open for public use until the damages assessed be paid to the owner or owners of the land, unless the said owner or owners thereof shall consent in writing to the opening of the same.

5. When any two of the Commissioners shall deem it necessary to lay out any highway over any lands, and the owner or owners consent in writing that such highway may be laid out and opened, the Commissioners may proceed to lay out and open the same, and such consent in writing shall be filed by the said Commissioners with the return of such highway.

6. If in any such alteration a new road be opened, and the old road or any part of it be shut up and revert to the owner of the land on which said new road may pass, the Jury shall take into consideration the value of such old road or any part thereof so shut up, in diminution of the damages: Where roads are laid out, altered or extended under any Law relating to highways, and the damages, if any, paid as aforesaid, the Commissioners or Surveyors may enter on and open such roads, and remove therefrom any obstructions.

7. The Commissioners, upon application for a private road, shall view the same, and upon the written consent of the owner of the land, may lay out the road; if the owner object, a Jury shall be summoned as hereinbefore directed, at the instance of the Commissioners, or party or parties interested, which Jury shall determine as to the necessity of the road, and if deemed necessary, and the parties disagree as to damages, they shall proceed to assess the same; and when assessed, the amount shall be paid the owner or owners of the land through which

the road passes, before such road be opened for use, unless such owner consent in writing to open the same; the expenses of laying out the road, as provided by the fifteenth Section of this Act, shall in the first place be paid by the applicant, and no such private road shall be laid out more than two rods wide, against the consent of the owner of the land through which it passes; provided that no buildings shall be erected within two rods of the centre of the said road so laid out.

8. Public roads shall not be more than six nor less than four rods wide.

9. All roads not recorded, upon which public money has been expended, are hereby declared public roads or highways.

10. On any alteration being made in any road, pursuant to this Act, and the parts between the points of such alteration shall not be settled by the erection of dwelling houses, or when the same shall not cut off any proprietor from the road so altered, the Commissioners shall direct that the portions intended to be discontinued shall be stopped up and enclosed by the proprietor of the land between such points, after which the old road or such part thereof shall not be considered public, but the Commissioners shall not so direct until the new road be good and passable.

11. The Commissioners for each Parish shall carefully mark out all the roads laid out, altered or extended under their direction by the provisions of this Act, designating their width either by a line of stakes on each side, or by one line of stakes in the centre of the same, clearly marking out the place of beginning and the place of ending, and shall set forth in writing the width, marks, bounds and lines of all such roads as have been laid out, altered, extended, or shut up, and within three months thereafter make return thereof to the Clerk of the Peace, who shall enter the same in a book to be kept for that purpose: any Commissioner or Clerk of the Peace neglecting this duty required of him, shall for each neglect pay twelve dollars.

12. Whoever shall alter, encroach on, or obstruct any public road, or fill up or obstruct any ditch or water course in any highway, shall for each offence forfeit eight dollars; and if the offender do not remove such encroachment or obstruction within three days thereafter, he shall again forfeit the like sum

of eight dollars; and so on in like manner until such obstruction be removed: should the offender not be known, the Commissioner or Surveyor, if the encumbrance be saleable, shall, unless sooner claimed, after three days public notice, sell the same, and apply the proceeds to repairing such road; if not saleable, they shall cause the same to be removed, and the person employed by them shall be allowed therefor, according to the time he is employed, a deduction of his statute labour; the penalties imposed by this Section, and the costs of conviction, may be recovered before any Justice of the Peace of the County where the offence may be committed, and levied by warrant of distress and sale of the offender's goods and chattels, or by warrant of commitment against the person of such offender on failure of finding sufficient distress, or by warrant of commitment in the first instance, at the discretion of the Justice imposing such penalty; and in case of commitment, the said Justice shall define the number of days in the warrant, in no case to exceed twenty days for any one offence; and such penalty, when recovered, shall be applied to the repairing of the roads in the district in which the offender resides: the mode of proceeding for the recovery of all penalties under this Act, except such as are referred to by the forty fifth Section of this Act, shall be regulated by any Act now or hereafter in force relating to Summary Convictions before Justices of the Peace.

13. Any Justice of the Peace for issuing a Summons, and presiding at an investigation by a Jury, shall receive two dollars; each Juror summoned and attending shall receive fifty cents; and the officer for summoning shall receive one dollar: the sum necessary to meet such expenses shall be paid by the parties applying for the road to the Commissioners previous to the issuing of the warrant; the Commissioners shall pay the Justice, Officer, Jurors, and Witnesses, the before named fees; and in every case of investigation of a public road, if the Jury find such road necessary, all such expenses, with the amount of the assessment for damages as aforesaid, shall be laid by the said Commissioners before the next General Sessions for the County.

14. The General Sessions, when such assessment of damages shall be laid before them, shall, during such Session, make an order that the amount thereof, together with such expenses, shall be assessed upon the Parish in which such road is situate,

and issue their Warrant therefor, to be assessed, levied and collected as County Rates, and paid by order of the Sessions to the parties entitled thereto.

15. All the public roads, streets and bridges in each County, shall be cleared, maintained and repaired by the male inhabitants thereof, being twenty one years of age and upwards, except Ministers of the Gospel, and licensed School Masters, employed as such, not having property liable to assessment, and emigrants from Great Britain and Ireland arriving within the year the assessment is made; who shall work either in person or by sufficient substitutes in such year, with such implements as the Surveyors shall direct, the number of days, eight hours actual labour to each day, as follows, namely, all persons of twenty one years of age and above, three days; and for any real or personal estate he may possess, not exceeding four hundred dollars, one day; exceeding four hundred and not exceeding twelve hundred, two days; exceeding twelve hundred and not exceeding two thousand dollars, three days; and so on in like manner for every eight hundred dollars, one day additional for any real or personal estate he may possess, not in the whole to exceed thirty days in any one year; and for every eight hundred dollars of real or personal estate over and above such sum, as will together with the three days poll rate make thirty days, the owner of such property shall be taxed at the rate of fifty cents for every eight hundred dollars, which shall be paid in money. Two Justices, on the application on oath of any infirm or indigent person or persons of the age of sixty years, may remit in whole or in part his statute labour for the year in which such application is made; provided that the real estate referred to in this Section shall be situate in the Parish in which the owner thereof resides; nothing however herein contained, to exempt the real or personal estate of such infirm or indigent persons from taxation.

16. All divided or undivided estates of females and minors shall be assessed in the same ratio as the estates of residents; any assessment on the property of females and minors may be paid for in labour by substitutes.

17. The assessment upon females and minors under the preceding Section, when not paid in labour or otherwise, shall

be recovered in the manner following, that is to say:—The Commissioners of Highways for the Parish in which the estate is situate, shall give notice of such assessment in any Newspaper published in the County, and if there be none, then in the Royal Gazette, for three months; if the same be not then paid, with the expense of such notice, any two Justices of the Peace, on the application of such Commissioners, shall issue their Warrant in form A, and in case of non-payment and on deficiency of personal property, so much of the real estate assessed as shall be necessary to pay the said assessment and the expenses of advertising and sale, shall be advertised and sold by the Sheriff of the County to the highest bidder, and he shall execute a deed thereof to the purchaser, which deed, when duly executed, shall be deemed and taken to be prima facie evidence that the proceedings, previous to the execution of such deed, were rightly had and done; and such money, when collected, shall be paid to the said Commissioners, to be by them applied in repairing the public roads or streets in the Parish in which the lands lie.

18. The Commissioners of Roads in each Parish shall, by the first day of May in each year, make a list of the inhabitants of such Parish, and assess the number of days to be performed by them respectively, according to the best of their judgment, and shall advertise the same in the most public place of said Parish, and divide said Parish into as many sub-districts as they shall think necessary, and make a return to the Town Clerk of the number and description of such sub-districts,—and no greater number of Surveyors shall be elected or appointed in any Parish than there are sub-districts, being one for each sub-district,—and shall furnish the Surveyors in the respective sub-district, and the number of day's work to be done by each; and shall, within fifteen days, instruct the Surveyors where the labour shall be performed, and the Surveyors to direct the work; the Commissioners of Roads shall add to their lists the names of the persons that may come to reside in their respective Parishes after the said first day of May, except as before excepted, and assess the number of day's work to be performed by each, unless they produce certificates of the performance of or liability to do statute labour in some other Parish; in

the cases where the Parish has previously been divided into three districts, under the provisions of the second Section of this Act, each Commissioner of Roads shall divide his district into as many sub-districts as he shall think necessary, and make a return to the Town Clerk of the number and description of such sub-districts, and no greater number of Surveyors shall be elected or appointed in any such district than there are sub-districts, and shall furnish the said Surveyors each with a list of the inhabitants liable to work in such sub-district, and the number of day's work to be done by each, and shall within fifteen days direct the Surveyors where the labour shall be performed, and to oversee and direct the performance thereof.

19. The Commissioners of any Parish or District may, previous to the commencement of the labour, receive from any person assessed to perform such labour, the sum of fifty cents for each day's labour required, in lieu of the labour; and the moneys so paid, as well as the forfeitures under this Act, shall be laid out by such Commissioner or Commissioners on the roads and bridges, between the first day of May and the first day of September in each year, first giving six days public notice by advertisement within the Parish or District, of the time and place intended to expend the same, and shall let out the work by public auction to the lowest bidder.

20. The Surveyor when directed by the Commissioner shall, at the most suitable time between the first day of May and the first day of August in each year, summon the inhabitants, giving at least six day's notice to each person liable to work, either by personal service or by leaving the notice at his place of residence, or by publishing the same in writing in three of the most public places in the district, which shall contain the names, the number of days' work to be done by each respectively, and the implements to be used by each; the labour shall be expended in making or improving the roads and bridges in the best manner, subject to the orders of the Commissioner, and the Surveyor may call on any person in his district having any waggon, cart, truck, plough or harrow, oxen or horses, to furnish the same, with a competent driver, and shall allow one day's work of two oxen or two horses, with cart, plough or harrow, and driver, to be equal to three days of one man.

21. Every Surveyor shall, on oath, before the first day of September in each year, deliver to the Commissioner a return of the names of the persons in his district liable to perform statute labour, the number of days' work performed by each, and the delinquency.

22. Every person when required by any Commissioner of Roads shall, within twenty four hours, give him a statement in writing of all persons residing in his house, or in his employ, liable to perform statute labour; and any person neglecting to give such statement, or giving a false one, shall pay a sum not exceeding forty dollars, to be recovered in the name of one of the Commissioners of the Parish or District; when recovered to be paid to the Commissioners, and applied to making and repairing the roads.

23. Every Surveyor, within six days after the neglect of any person duly notified to appear and labour, or pay the commutation money, or appearing and refusing to work to the satisfaction of such Surveyor, and being dismissed therefor, shall report the same to the Commissioner, who shall forthwith make complaint to a Justice of the Peace against such delinquent, who, on judgment obtained, shall for each day's neglect adjudge him to pay eighty cents, with costs of suit; the penalty, when received, to be applied by said Commissioner in repairing the roads in the Surveyor's district where the offence is committed; the delinquent shall not suffer more than six days' imprisonment in any case, and the proceedings shall be before the Justice as in Civil Suits.

24. If any person keeping any waggon, cart, truck, plough, harrow, two oxen, or two horses, when duly required to furnish the same, with a competent driver, shall neglect to do so, the Surveyor shall forthwith make complaint to the Commissioner, who shall immediately proceed against him in the manner directed by the last preceding Section; the offender shall be adjudged to pay two dollars and forty cents for every day's neglect, to be applied as provided by the twenty third Section of this Act, or be liable to be imprisoned not exceeding six days.

25. During the interval between the performing of statute labour the Commissioners may, as occasion requires, direct the Surveyors to summon so many of the inhabitants as may be

necessary to remove all trees or windfalls out of the roads, and to repair all bridges and such parts of roads as may require it, and to furnish the materials therefor, and call upon persons keeping any vehicle or team to attend with the same, the work then performed to be deducted from the number of days each person may be obliged to work on the roads; any person not attending or refusing to work, shall forfeit one dollar and sixty cents for each day's neglect or refusal, and three dollars and twenty five cents for neglecting to furnish the vehicle or team as aforesaid, to be recovered and applied as directed by the twenty third Section of this Act.

26. The Commissioners, after the first snow, and when the rivers and marshes are safe for the passing of cattle on the ice, shall direct the Surveyors to summon forthwith as many inhabitants as they shall think necessary, to perform such work as the Surveyors shall direct, in cutting, carrying and erecting bushes, and making ways; any person not attending or refusing to work as directed, shall forfeit one dollar and sixty cents for each day's neglect, to be recovered and applied as aforesaid; the rivers and the several parts thereof when frozen, shall be considered as part of the Town or Parish to which they are respectively opposite, and the Commissioners for the Towns or Parishes opposite to each other shall determine the distance upon the river which is to be worked upon by the inhabitants of the respective Parishes.

27. The said ways shall be marked as directed by the Commissioners, with green bushes five feet high, erected lengthwise alongside of the path, not more than four rods from each other, and shall be replaced in the same manner when necessary: When the road is on the bank the path shall be marked on the river; and every person keeping a team, on being summoned by the Surveyor, shall forthwith send such team with a competent driver to work as directed, and neglecting to do so shall forfeit three dollars and twenty cents, to be recovered and applied for the purpose of this Section.

28. Any person who shall wilfully cut and take down or destroy any bushes so erected, shall pay four dollars, one half to be applied for the use of the roads in the Parish where the offence is committed, the other to the informer; the offender shall not be imprisoned for want of goods whereon to levy, more than six days.

29. The Surveyors in their districts during the winter season when necessary, shall summon so many of the inhabitants liable to do statute labour as they may think fit, to attend with shovels, and under the directions of such Surveyors to haul or shovel snow, and assist to break the roads; and so many of the inhabitants having horses or teams as they think necessary, to attend on the roads, and break the same in the snow with such horses or teams, not exceeding four days in each winter, nor more than three miles from their own dwelling, such work not to be deducted from their statute labour for the current year; any person not attending either in person or by a good and sufficient substitute, or refusing to work, shall pay one dollar for each day's neglect, and two dollars per day for not attending or refusing to work with his horse and team as aforesaid, to be recovered as prescribed in the twenty third Section of this Act, and applied by the Commissioners to breaking or repairing the roads; the Surveyors, in performing the duty imposed by this Section, shall be subject to the orders of the Commissioners.

30. The Commissioners of the roads in the Parishes of Maugerville, Sheffield, and Lincoln, in the County of Sunbury, and of Canning, Cambridge, and Gagetown, in Queen's County, may apply such parts of the statute labour of the inhabitants, as proprietors of land in said Parishes respectively, as they deem necessary, to secure and defend the road on the banks of the River Saint John therein, and to procure materials necessary for that purpose.

31. That part of the statute labour in Sunbury and Queen's so employed where the public road runs, may be performed at the times in each year when most practicable, under the direction of the Commissioners; the Surveyors and Commissioners shall make return thereof in time to be submitted to the June Sessions of the Counties respectively.

32. The powers of the Commissioners and Surveyors of Roads appointed under this Act shall, in their respective Parishes, Districts, and Sub-districts, extend to the parts of the great roads of communication passing through the same; and the necessary repairs, the clearing out of obstructions, and the breaking down and shovelling of the snow, shall be done under their authority, subject to the same conditions, liabilities,

penalties and forfeitures that are in this Act hereinbefore particularly set forth ; provided that no such Commissioners or Surveyors shall have power to alter any great road.

33. The Commissioners of Roads, on or before the fifteenth day of December in each year, shall deliver to the Clerks of the Peace of their respective Counties, returns with vouchers, to be by the said Clerks filed in their offices, which returns shall be according to the form hereinafter set forth : If any balance remain in the hands of any Commissioner, he shall pay the same to the County Treasurer, to be disposed of by the Sessions for the benefit of the roads and bridges in the Parish where such money was collected ; and further provided, that whenever any Commissioner, or other County or Parish officer, shall not account for or pay over any moneys which have come into his hands as such officer, and which by law he is required to account for or pay over, all such proceedings may be taken against such officer, or his estate in case of death, by order of any General or Special Sessions, and by and in the name of the County Treasurer of the County of *(as the case may be,)* as are now used in any Court of Law or Equity in this Province, in case of any creditor against any debtor.

34. Every horse-sled or sleigh drawn on any road, shall have fastened to it or the harness thereof, two or more bells, so as to be distinctly heard, under the penalty of one dollar for each offence, to be recovered from the owner or driver by any person who shall sue for the same, as provided by the twenty third Section of this Act.

35. The Commissioners of Roads for the respective Parishes shall annually file a copy of the list of the inhabitants liable to the performance of statute labour, in the office of the Clerk of the Peace, within ten days after the publication thereof ; and shall also lay before the Parish Meeting annually appointed for the election of Parish Officers, a copy of the return previously made to the Clerk of the Peace, as directed by the thirty third Section of this Act ; the said return to be publicly read in such meeting for the information of the inhabitants of such Parish.

36. All Commissioners and Surveyors of Roads shall be exempted from the performance of statute labour.

37. The annual returns required to be made by the Com-

missioners of Roads shall be made by them respectively, under oath, as hereinafter mentioned.

38. It shall be the duty of all the Commissioners of Roads, whether for undivided Parishes or separate Districts, to enforce in their several Parishes and Districts respectively, the performance of all the duties and services by this Act required, and to prosecute for and recover all the fines and penalties thereby imposed.

39. The return to be delivered to the Clerk of the Peace aforesaid, as required by the thirty third Section of this Act, shall be in the following form :—

The undersigned Commissioners (or Commissioner, *as the case may be,*) of Roads for the Parish of _____, (or District of the Parish of _____,) certify (or certifies) that all persons assessed to work in the said Parish (or District) have either worked, paid the commutation or fine, or been prosecuted as the Law directs, except the persons excused.

[*Here insert an account of the receipts and expenditures, shewing the balance of money, if any, on hand, thus*—

Statement of moneys expended,

Statement of moneys received,

List of persons from whom fines not received,

List of persons excused and the cause of excuse,

} *Specify
the items.*

A. B.)

C. D.)

E. F.)

} *Commissioners
of Roads.*

or A. B., *Commissioner of Roads.*

Sworn to before me, G. H., *Justice of the Peace.*

40. Any person thinking himself overrated or assessed too high by the Commissioners of Roads, may, after notice in writing to Commissioners, appeal to the next General Sessions for the County ; if the appeal be sustained, the Sessions may relieve him by deducting the surplus from the amount of statute labour to be performed by him the next year.

41. No appeal shall be allowed unless the appellant, within one month after notice of assessment or summons to work, leave a memorandum with the Clerk of the Peace, or with a Commissioner of Roads to be transmitted to him, which memorandum shall be accompanied with an affidavit to the following effect :—I, A. B., of _____, do make oath that the whole of the property, real and personal, held by me, or by any

person in trust for me, does not exceed _____, and that my whole yearly income does not exceed _____

A. B.

Sworn before me, C. D., *J. Peace.*

42. Every Commissioner and Surveyor of Roads, for any neglect of duties imposed upon him by this Act, shall be liable for every offence to a penalty of not less than eight dollars nor more than twenty dollars, to be recovered on the complaint of any freeholder; one half to be paid to the person suing for and recovering the same, and the other half to be applied for the improvement of the roads in the district where the offence was committed.

43. If any Commissioner of Roads shall neglect or refuse to render his account for all moneys received by him and work done under his direction, or shall retain in his hands any moneys contrary to the provisions of this Act, or not properly expend the same, any General Sessions may order him to be brought before them, and the officer receiving such order shall execute the same according to the exigency thereof: The Sessions, on such Commissioner being brought before them, may, if they see fit, commit him to gaol until he make due satisfaction, unless on cause shewn they deem it proper to discharge him.

44. The General Sessions of the Peace in the several Counties shall pay to Constables and other officers, their reasonable fees for services performed under this Act, not otherwise provided for.

45. Prosecutions and proceedings against delinquents for any neglect to pay the commutation money, or to perform work as required by the twenty third, twenty fourth, twenty fifth, twenty sixth, twenty seventh, and twenty ninth Sections of this Act, shall be on complaint of the Commissioners, and in their name of office, and the proceedings shall be regulated as nearly as may be by the law in force relating to Actions before Justices of the Peace in Civil Suits; and no such proceedings shall cease by reason of any change of Commissioners, but may be continued by succeeding Commissioners.

46. In all actions for the recovery of fines or penalties, or other moneys under this Act, the party may be held to bail on the oath of any Commissioner of Roads.

47. Every prosecution for any of the forfeitures mentioned in this Act, shall be commenced within six months after the offence.

48. Nothing contained in this Act shall interfere with any special or local laws now in force, relating to the applications of the statute labour in any City, Town, or Parish: In any Parish in which any local law may be in force regarding highways, this Act to be in full force when it does not interfere with the provisions of said local Act.

49. In incorporated Counties, the County Council may in the manner provided by any law relating to Municipal authorities, make such bye laws as they deem necessary to carry into effect the objects contemplated by this Act, and generally to provide for the repairing, cleaning, improving and maintaining the roads in the County or any part thereof, and provide therefor either by an assessment on the poll, property and income of the inhabitants, by a statute labour impost, or otherwise, or raise such sum as they require for that purpose, in such amounts as they deem necessary, and in the manner provided by any laws in force for levying, assessing and collecting County or Parish rates, and may enforce the observance of any laws by such penalties as they may prescribe.

The following, or words to the like effect, may be among the forms of proceedings:—

Precept to Collector.

To any Constable of the Parish of

You are hereby required to collect from the several delinquents named in the annexed Schedule of Assessment for road work, the sums set against their names respectively, and to pay the same when collected to the Commissioners of Roads for the said Parish.—Dated the day of 186..

A. B. }
C. D. } *Commissioners.*
E. F. }

Names of Delinquents.

L. M.	-	-	-	-	-	\$1 60
N. O.	-	-	-	-	-	2 40
P. Q.	-	-	-	-	-	4 80
R. S.	-	-	-	-	-	4 80

Notice by Collector in Newspaper.

The undermentioned persons, assessed for road work in the Parish of _____, in the County of _____, are required to pay to the Subscriber their respective assessments, with the costs of advertising, otherwise legal proceedings will be taken against their real estate, situate in the said Parish, for payment of the same, at the end of three months.—Dated the _____ day of _____ 186 .

Names.		Amount.
N. O.	- - - - -	\$2 40
R. S.	- - - - -	4 80

Form of Summons.

County of _____, ss.

To any Constable of the Parish of _____

Summon N. O. to appear before me at my office in said Parish, on the _____ day of _____ at the hour of _____ to answer the complaint of the Commissioners of Roads for said Parish, for _____ dollars and _____ cents, for neglect to perform road work, and make return hereof forthwith, as by law directed.—Dated the _____ day of _____ 186 .

G. H., *Justice of the Peace.*

Form of Capias.

County of _____, ss.

To any Constable of the Parish of _____

You are hereby required to take the body of N. O., and him safely keep, till he shall give good bail, to answer the complaint of the Commissioner of Roads for said Parish, for _____ dollars and _____ cents for neglect to perform road work, and notify the defendant that the cause will be heard before me at my office on the _____ day of _____ at the hour of _____; in default of bail being given, you are required to bring the said defendant before me, that he may be dealt with as the law directs.—Dated the _____ day of _____ 186 .

G. H., *Justice of the Peace.*

Oath for _____ dollars and _____ cents.

Form of Execution.

County of ss.

To any Constable of the Parish of

Levy of the goods and chattels of N. O. in your Parish dollars and cents, which the Commissioners of Roads for said Parish recovered against him in the Court before me, and dollars and cents for costs, for neglect to perform road work, besides your costs of levying this Execution, and pay over such money to the said Commissioners: For want of goods and chattels whereon to levy, take the body of N. O. and deliver him to the keeper of the gaol of the said County, to be by him kept in confinement for days, unless the said several sums and your costs be sooner paid.—Given under my hand this day of 186 .

G. H., *Justice of the Peace.*

A

Warrant to sell Property.

to wit.

To the Sheriff of

A. B. of the Parish of , in the County of , having been assessed in the Parish of , [*as the case may be,*] in the sum of for Highway rate; and due notice according to law having been given, and the same not having been paid, and C. D. and E. F., Commissioners of Roads for the said Parish, having applied to us, we do order and command you to levy on the personal estate of the said A. B. for said amount, together with for the expenses, besides your costs and charges; and on no personal property being found, to sell at public auction to the highest bidder, first giving thirty days notice of such sale, so much of the real estate of the said A. B., situate in the said Parish, as in your judgment shall be sufficient to pay the said assessment, together with the expenses, costs and charges aforesaid, and make return hereof forthwith to us.—Dated the day of A. D. 186 .

L. M., *J. Peace.*N. O., *J. Peace.*

CAP. XVII.

An Act in amendment of and in addition to certain Chapters of Title viii, of the Revised Statutes, 'Of the local government of Counties, Towns, and Parishes.'

Section.

1. Justice to swear in Officers, and to give notice to Clerk of Peace.
2. Bond to be given, and forfeiture for neglect of duty.
3. Notice by Clerk of Peace for Special Sessions.
4. Reputed father, after arrest, may be released by Justice, upon satisfactory security.

Section.

5. Full release of reputed father, how obtained.
6. Judgment, when entered, security for further damages.
7. Clerk of Peace to make out commitment to Sheriff or other officer.
8. Not to affect Commissioners under Act 1 V. c. 17.
9. Insulting language, &c., penalty; exemptions.

Passed 23rd April 1862.

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

1. All County Officers appointed under and by virtue of Chapter 52, of Title viii, of the Revised Statutes, 'Of the local government of Counties, Towns, and Parishes,' shall be sworn into their respective offices on receiving their respective appointments, by any Justice of the Peace for the County for which they may be appointed, who shall thereupon give notice thereof to the Clerk of the Peace of such County; and any County officer refusing or neglecting to make the necessary oath, or perform any of the duties of the office, shall for each offence forfeit the sum of forty shillings.

2. Every County, Town or Parish officer who may be required, under any provision of the fifty second and fifty third Chapters of the said Title, to give a bond or security for the due performance of the duties of his office, and who shall neglect or refuse so to do, shall forfeit such office; and the Court, or any two Justices of the Peace for such County, in vacation, shall forthwith appoint a substitute for the same, who shall give the like bond, and on the like neglect or refusal there shall be the like forfeiture, and so on as often as the said appointment may be necessary from the like cause, and as a bond or security may not be given thereupon according to this Section.

3. Whenever the Clerk of the Peace may be required to call a Special Sessions, as directed by the sixteenth Section of Chapter 52, of the said Title, the notice thereof may be transmitted to the respective Justices through the Post Office, or left at their last place of abode; but no notice shall be neces-

sary for holding any Special Sessions for any specific matters of business, when the same shall be ordered at any previous General Sessions.

4. If on any order of bastardy made by virtue of Chapter 57, of the said Title, the reputed father be committed to gaol for neglecting to perform such order, or to enter into the recognizance required by the said order, and afterwards he may be prepared to do so, any Justice of the Peace may order him to be discharged from gaol, on his paying to the Commissioners of the Alms House, or Overseers of the Poor, as the case may be, all moneys under said order, and entering into the like recognizance before such Justice as taken upon the order of affiliation referred to in the said Chapter by the Letter (M), and such Justice for that purpose may order him to be brought before him, and the Sheriff shall obey such order; the order of affiliation to remain in force until fully discharged, by payment of the remaining sums ordered; any Justice shall have like power to release any person committed in any bastardy case, for want of sureties or otherwise, before hearing, on his giving the necessary recognizance to indemnify the Parish or County, or to appear at the Court to answer the charge.

5. If any person charged with being the father of a bastard child, or of a child likely to be born bastard, and chargeable or likely to become chargeable to the Parish, or against whom an order of affiliation has been made, or against whom any proceeding in bastardy or arising out of bastardy, may be pending, or any judgment shall have been had, shall pay into the hands of the Commissioners, or of the Overseers of the Poor, as the case may be, the sum of twenty five pounds, together with all costs, charges and expenses legally incurred in such proceeding up to the time of such payment; such payment shall be a full release in the law, of the party charged, of and from that complaint, order of affiliation, proceeding, and judgment, and of any recognizance entered into in that case, and the said recognizance shall be cancelled; and if the principal should happen to be in custody by virtue of any process or proceeding arising from that complaint, he shall be forthwith discharged.

6. When a judgment shall be entered by order of the Sessions for forfeiture of any bastardy recognizance, the same

shall stand as a security for any further damages which may from time to time become due thereon; and upon notice to the party against whom the judgment may be obtained, to be personally served or left at his last place of abode, and proof thereof, and of the amount of such damages by affidavit, the Sessions may order subsequent executions (P) as referred to in said Chapter, to issue thereon as from time to time may be necessary, but such damages not to exceed in the whole the necessary maintenance of the child for such term of seven years, exclusive of the costs on the judgment and subsequent proceedings: the judgment shall be entered for the amount of damages and costs, and execution issue accordingly.

7. On the Sessions ordering any person to be committed to gaol under the twelfth Section of the said Chapter 57, the Clerk of the Peace shall make out and deliver to the Sheriff or his Deputy, or in case of the absence of both, to any Constable in attendance on the Court, the commitment in the Schedule herewith marked (Q), which shall charge the Sheriff with the custody of such party.

8. Nothing in Section 12 of Chapter 52 of the Revised Statutes, 'Of Parish and County Officers,' shall apply or be construed to apply to the Commissioners appointed or to be appointed under Act of Assembly 1st Victoria, Chapter 17.

9. The Sessions may, by regulations, impose a penalty not exceeding eight dollars, upon any person who shall by insulting or abusive language or behaviour, taunting epithets, or threatening gestures, attempt to provoke another person to commit a breach of the peace in any public street, thoroughfare, alley, road, or bye road, or in any building, or whereby a breach of the peace may be occasioned; and any Justice or Justices having jurisdiction shall have the power of fining to the extent so imposed, or below, at his discretion: such fines for offences committed within the Police Districts of Chatham and Newcastle, shall be paid and applied as directed by the Laws passed for establishing and maintaining the Police in the said Towns; provided that nothing in this Section shall extend to the City of Saint John, or Parish of Portland in the City and County of Saint John.

CAP. XIX.

An Act in addition to Chapter 93, Title xvii, of the Revised Statutes, 'Of the measurement of Firewood and Bark.'

Section.

1. Mode of measuring Firewood & Bark.
2. Regulation of vehicles for carriage of.

Section.

3. Penalties.

Passed 23rd April 1862.

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

1. That every vehicle used for the measurement and carriage of Wood and Bark, in addition to the requirements of Chapter 93, Title xvii, of the Revised Statutes, 'Of the measurement of Firewood and Bark,' shall be furnished with a straight cross-bar of wood or iron, which said cross-bar shall be attached to two of the stakes of said vehicle, one on each side, by a hasp of iron at each end of the said cross-bar, fitting over a staple on each of the said stakes, and secured by an iron bolt passing through each of the said staples over the said hasps, in such a manner that the bottom of the said cross-bar shall be firmly fixed parallel with the floor of the said vehicle, and at a distance of three feet three inches therefrom, under a penalty of twenty shillings for each and every violation of this Act.

2. No load of wood on any of the said vehicles shall be piled higher than to touch the bottom of the said cross-bar, and the said cross-bar shall be fastened down and secured in its proper place on the top of each load as hereinbefore described, before the said vehicle shall leave the side of the boat or vessel from which the said vehicle has received its load, under a penalty not exceeding twenty shillings for each and every offence.

3. The penalties imposed by this Act shall be applied in the same way and manner and for the same purpose as provided by the third Section of the Act of which this is an amendment.

CAP. XX.

An Act relating to the Militia.

Section.

1. Provincial Militia divided into two classes, Active and Sedentary.

ACTIVE MILITIA.

2. What composed of.
3. To be divided into three classes.
4. Strength and distribution of Companies.

Section.

5. Commander in Chief to appoint Staff Officers.
6. Empowered to constitute local Regiments, appoint Lieut. Colonel and Officers; Lieut. Colonel to appoint Staff Sergeants.
7. Formation of Sea Fencible Companies, and rank of officers therein.

Section.

8. Drilling and arming same.
9. An Engineer Company may be formed in each District.
10. Volunteer Companies now in existence may be continued; exceptions.
11. Uniform of the several Companies.
12. Arms and accoutrements shall be of the best kind, and remain Provincial property.
13. To be kept in armories; otherwise Captain responsible.
14. No Corps or Militiaman shall appear armed except on duty.
15. Officers to furnish their own arms and accoutrements.
16. Drill of the Active Militia, how regulated.
17. Adjutant General to draw up a code of instructions; each officer to be furnished with a copy.
18. Any Company of Class A may assemble for drill, or be ordered out by officer commanding; regulations not inconsistent with this Act shall be enforced.
19. Ammunition to be supplied for drill and ball practice.
20. Commander in Chief to appoint Drill Instructors.
21. Officers and men of Volunteer Corps exempt from statute labour, and serving as Jurors or Constables.
22. No person belonging to any Company of Class A shall leave without two month's notice, unless legally discharged; period of engagement.
23. Volunteer Corps to be inspected.
24. Men of Class B and C to be enrolled, and assemble for muster one day in each year.
25. Commander in Chief may dispense with annual general muster.

SEDENTARY MILITIA.

26. How composed.
27. To be enrolled, but no service required in time of peace.

EXEMPTS.

28. Such exemption not to prevent any person from serving if he desire it. Exemption claimed, proof on claimant.

DISTRICTS AND DIVISIONS.

29. Province to be divided into Military Districts.
30. Districts into Regimental Divisions; Regimental Divisions into Battalion Divisions.
31. Battalion and Regimental Divisions, how formed.
32. Inspecting Officer appointed to every Military District, also Battalion and Regimental Officers.
33. Lieut. Colonel may divide Battalion Division into Company Divisions.
34. Militia Divisions heretofore existing to remain in force until altered.

Section.

35. Regulates Company and non-commissioned Officers.
36. Appoints Surgeons.

ENROLMENT

37. Of the Sedentary and Class B and C of the Active Militia, how made.
 38. Each man liable to enrolment to give name, &c. in writing to officer commanding; penalty.
 39. Certified copy of Roll of Companies in Sedentary and Class B and C Active Militia, shall be transmitted to Adjutant General.
 40. Company Rolls, how corrected.
- ENROLLING OFFICER, ST. JOHN,
41. Appointed for Eastern side of the Harbour; his duties.
 42. Shall keep a General Muster Roll; Captains to furnish lists.
 43. Persons enrolled shall be appointed to Companies.
 44. Unattached persons to be formed into additional Companies.
 45. Disputes, how determined.
 46. Persons not enrolling to be fined.
 47. Sums recovered to be paid to commanding officer for expenses of enrolment.

GENERAL PROVISIONS.

48. Non-commissioned officers, how appointed.
49. Militia officers must be British subjects, or have taken the oath of allegiance.
50. Existing Commissions to remain in force. No person bound to serve in a lower grade than he once held; exceptions.
51. Contraventions of this Act, how punishable.
52. When Commander in Chief may call out the Militia.
53. When Lieut. Colonel may call out any portion of his command.
54. Orders of Colonel to be immediately obeyed.
55. When local division called out, Volunteers in such division to be included.
56. When whole Militia called out, all Volunteers to be included.
57. When Sedentary Militia and Class B and C Active Militia called out, they shall attend with Provincial arms, &c.
58. Emergency not requiring the whole, Commander in Chief to regulate who shall serve; Volunteers to be first taken.
59. Further regulations as to same.
60. No drafted Militiaman exempt under penalty of \$40, or providing an approved substitute.
61. No man unfit for duty shall be taken.
62. Deficiency of men in Class B, how supplied.

Section.

63. Militia to be embodied into Companies and Battalions, and qualified officers appointed.
64. Volunteer Companies may be embodied into Battalions.
65. Regulates service of Militiamen taken or drafted.
66. May be marched to any part of the Province, or conterminous therewith.
67. Subject to the Articles of War, Mutiny Act, &c.; exceptions.
68. How commanded. Officers of Regular Army senior to Militia Officers of same rank.
69. Arms and accoutrements, except of Volunteers, where to be kept;
70. Shall be delivered to Militia when called into actual service.

OFFENCES AND PENALTIES.

71. Obtaining money from men under false pretences, a misdemeanor; penalty.
72. Making false affidavits, &c., perjury.
73. Penalty for refusing to transmit Roll, or making false statement therein.
74. Penalty for neglecting drill, or refusing to obey lawful orders.
75. Hindering Militia at drill, penalty therefor.
76. Unlawfully disposing of arms and accoutrements, penalty; not to prevent offender being indicted.
77. Penalty for disobeying orders of superior officer, and for disorderly conduct at drill;
78. For not keeping arms, &c. in proper order;
79. For any contravention of this Act not otherwise provided for.
80. Penalties, recovery of; who shall be competent witnesses.
81. Prosecutions for same, by whom brought;
82. To whom paid, and how applied; but not applicable to St. John.
83. No prosecution shall be commenced after six months; exception.

Section.

84. Orders not necessary to be in writing;
85. Publication of, in Royal Gazette, sufficient notice.
86. Divisional Orders, how notified.
87. Proof of Commission, &c.
88. Bond to the Crown under authority of this Act, valid.
89. Regulates debts due the Crown, and how recoverable.
90. Actions and prosecutions, how to be conducted.
91. Further regulates actions.
92. Detailed account of moneys expended, to be laid before Legislature.
93. Definition of the word "Corps."
94. Commander in Chief to make certain Rules and Regulations,
95. And appoint Staff Officers, and prescribe their duties.
96. Militia officers undergo examination before appointment or promotion.
97. Regulates the pay of Militia when called into actual service;
98. And a bonus of \$6 per month from Provincial Treasury.
99. Commander in Chief may direct the building of boats for transports.
100. Officer in command may impress men, horses, boats, &c. when necessary.
101. May compel persons belonging to Merchant service to do duty in case of emergency, also service of Artillery, Sea Fencibles, &c.
102. Quarter Master to give Bonds.
103. Militia and Sea Fencibles shall proceed in boats if required by commanding officer of district.
104. Province shall provide for disabled persons during disability.
105. No non-commissioned officer or private shall be arrested while on duty; exceptions.
106. Penalty for enticing Militiaman to desert when on service.
107. Caps. 73, 74, 75, 76, 78, 79, 80, 81, 82, and 83, Title xi, Rev. Stat. and 19 V. c. 39, and 23 V. c. 43, repealed.
108. Limitation of Act.

Passed 23rd April 1862.

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

1. The Provincial Militia shall be divided into two classes, Active and Sedentary.

ACTIVE MILITIA.

2. The Active Militia shall consist of all the male inhabitants of the Province of the age of eighteen years and under forty five, not exempt or disqualified by law, and being British born or naturalized subjects.

3. The Active Militia shall be divided into three classes, to be called respectively Class A, Class B, and Class C. Class A shall consist of Volunteer Troops of Cavalry, Field Batteries, Foot Companies of Artillery, and Companies of Infantry armed as Riflemen, to be formed at places to be designated by the Commander in Chief; Class B shall consist of unmarried men and widowers without children; and Class C shall consist of married men and widowers with children.

4. Each Volunteer Troop of Cavalry, Company of Foot Artillery, or Company of Riflemen, shall consist of a Captain, a Lieutenant, a Cornet, second Lieutenant or Ensign, three Sergeants, three Corporals, a Trumpeter or Bugler, and not exceeding forty three Privates; except in Companies of Riflemen, wherein the number of privates shall not be less than forty, nor exceeding seventy five; and each Field Battery of Artillery shall consist of a Captain, two first Lieutenants, a second Lieutenant, a Sergeant Major, three Sergeants, three Corporals, three Bombardiers, a Trumpeter, a Farrier, fifty nine Gunners and Drivers,—including Wheelers, Collar Maker and Shoeing Smith, fifty six horses, exclusive of Officers' horses, and of four spare horses when the Battery is called into actual service.

5. The Commander in Chief shall have full power to appoint Staff Officers of the Active Militia, with such rank as he shall, from time to time, think requisite or necessary for the efficiency of the Militia Service; and any such Staff Officers shall have such rank and authority in the Militia as are held relatively in Her Majesty's Service, and their duties shall be the same for the Militia as prescribed for the Army by the Queen's Regulations.

6. The Commander in Chief shall have full power to constitute any number of Rifle Companies of the Active Militia at any one locality, or within any one district, not being less than six or more than ten Companies, into a Regiment or Battalion, and to assign or appoint thereto by Commission, a Lieutenant Colonel, two Majors, one Adjutant, one Paymaster, one Quarter Master, one Surgeon, one Assistant Surgeon, whose rank and authority therein shall be the same as in the relative positions in Her Majesty's Service; and such Regiment or Battalion shall be subject, in so far as the same are not in-

consistent with the Militia Laws of this Province, to the Queen's Regulations for the Army published by authority; and any such Lieutenant Colonel shall have authority to appoint Staff Sergeants for any Battalion.

7. One or more Volunteer Companies, as Sea Fencibles, may be formed in any County, City, or District, as the Commander in Chief may determine; each Company to consist of a Captain, a Lieutenant, and fifty men, and an Officer may be appointed to command the whole, and to rank as Lieutenant Colonel of Militia; Captains in the Sea Fencibles shall rank as Majors in the Militia, and Lieutenants as Captains in the same.

8. The said Sea Fencibles shall be armed in such manner as the Commander in Chief directs, and shall be trained and drilled as well to the use of small arms, as in the management of Gunboats and Vessels, and the working of great guns on board Vessels.

9. In each Military District there may be formed a Volunteer Company of Engineers, to consist of a Captain, a Lieutenant, second Lieutenant, and such number of men not exceeding seventy five, as the Commander in Chief may direct, but such Companies shall not be subject to drill or service in time of peace.

10. Any Volunteer Company now in existence, who may desire to continue as such, and who shall signify their willingness to that effect through their commanding officer, in writing, to the Commander in Chief, may, for the purpose of being brought within the provisions of this Act, be continued by authority of the Commander in Chief, in such manner as may in his opinion best tend to further the purposes of this Act and the public good.

11. Except in cases of Companies to be exempted from the operation of this Section by the special order of the Commander in Chief, the uniform of the several field batteries, of the several troops of cavalry, and of the several rifle companies continued or organized under this Act, shall be of such one and similar color, pattern and design as may be ordered by the Commander in Chief; provided that but one and that a similar color, pattern and design, shall be approved for each of them respectively—the field batteries, troop of cavalry,

rifle companies, and companies of foot artillery; and each of such corps shall conform in all particulars to the order of the Commander in Chief in such respect; but the several Companies in existence at the passing of this Act may continue to wear their then clothing until the same requires to be replaced; and it shall be the duty of the superior officer of the said corps respectively, to see that the same are, upon any such replacing of clothing, uniformed according to the order of the Commander in Chief in such respect.

12. The arms and accoutrements of the non-commissioned officers and men of the several Volunteer Companies, shall be such as the Commander in Chief from time to time directs, but of the best and most serviceable kind, without unnecessary ornament, but they shall always remain Provincial property, and the parties receiving them shall be accountable for them; and the Commander in Chief may direct such security as he thinks proper to be taken for the safe keeping or good order of such arms and accoutrements, and the re-delivery thereof to such officer as may be appointed to receive them, whenever the Commander in Chief, for any purpose, directs such re-delivery.

13. The arms and accoutrements of non-commissioned officers and men of the Active Militia shall be kept in public armories wherever there are such, and where there are no such public armories, then the Captain of each Volunteer Company shall be personally responsible for the arms and accoutrements of the non-commissioned officers and men of his Company, and shall himself actually keep the same, and may be allowed annually a sum not exceeding forty dollars for so doing and for taking care of the arms and accoutrements. Nothing herein shall be construed to relieve the officers or men of the Volunteers or Active Force of any liability in respect to the arms and accoutrements thereof, delivered to the custody, care or possession of any of them, or in any other respect.

14. No corps of Active Militia, and no non-commissioned officer or private thereof, shall at any time appear armed or accoutred, except when bona fide at drill or at target practice, or at reviews, or on field days or inspections, or for receiving distinguished persons, or rendering funeral honors to deceased comrades, nor shall the arms or accoutrements be taken out of this Province.

15. Commissioned officers of the said Companies shall furnish their own arms and accoutrements.

16. The Companies of Class A of the Active Militia, (to the number of ten hundred men at least) shall be drilled and exercised at such times in each year, and at such places as the Commander in Chief may from time to time appoint, and for such number of days not exceeding six in each year for the respective corps, as the Commander in Chief may order: Should the number of men in Class A fall short of the above number of ten hundred men, the Commander in Chief may direct that such further number as may be required to make up such deficiency shall be drawn by lot from Class B, at such places and in such manner as he may deem proper,—which men so drawn from Class B shall, for the purposes of such drill and exercise, be removed into Class A, and be subject to the like drill and exercise as herein prescribed for Class A.

17. The Adjutant General or the Deputy Adjutant General shall draw up, under the direction of the Commander in Chief, a code of instructions, drill and exercise for the said Active Militia, based on that in use in Her Majesty's Regular Army, and each commissioned officer of a Company shall be furnished with a copy, and shall be governed by the said code in drilling and exercising the corps to which he belongs.

18. Nothing herein contained shall be construed to prevent any Company of Class A from assembling, or being ordered out by the officer commanding it, for drill or exercise, according to any articles of engagement or regulations of such Company, previously approved by the Commander in Chief; and any such articles, in so far as they are not inconsistent with this Act, shall be enforced, and the penalties which may thereby be imposed shall, whenever they may be incurred, be recoverable in the manner hereinafter mentioned, by the person or officer designated for that purpose in such articles, to such uses as may be therein directed.

19. Sufficient ammunition for practice at drill and ball practice shall be supplied to the Volunteer Companies, at the expense of the Province, in such manner as the Commander in Chief may direct.

20. The Commander in Chief shall from time to time appoint competent persons, not less than six, to instruct and drill the

Active Militia under such regulations as he may be pleased from time to time to issue; which persons shall receive such remuneration as the Governor in Council may prescribe.

21. The officers, non-commissioned officers and men of Volunteer Corps shall, while they continue such, and the men of Class B who may be compelled to perform drill and exercise under provision of Section 16 of this Act, during the continuance of such service respectively, be exempt from serving as jurors or constables, and from the performance of statute labour; and a certificate under the hand of the commanding officer of any such corps shall be sufficient evidence of the service in his corps of any officer, non-commissioned officer, or man, for the then current year.

22. No officer, non-commissioned officer or man of any Company in Class A shall, in any case, unless legally discharged, leave the same without giving at least two month's notice in writing to the commanding officer thereof, of his intention so to do; nor shall he at any time leave the same contrary to the engagement contained in any articles of engagement he has signed, and the term of engagement shall not be less than two years.

23. The several Volunteer Corps shall be subject to inspection from time to time, by such person or persons as shall be appointed by the Commander in Chief for such inspection.

24. The men of Class B and Class C of the Active Militia shall be carefully enrolled, and shall, when not exempted from muster, assemble for muster upon one day in each year, at such place and hour, in such manner and for such purpose as the commanding officer of each Battalion may direct, with respect to each Company therein, interfering as little as possible with seed time and harvest; but no person shall be required to travel more than twelve miles from his usual place of residence to attend such muster.

25. The Commander in Chief may, by any Militia General Order, dispense with the annual general muster of the Active Militia, or any part thereof, either in any particular year, or until further order, and may in like manner again direct such muster to be held if he sees fit; and any such order shall have the force of law according to the terms thereof.

SEDENTARY MILITIA.

26. The Sedentary Militia shall consist of all the male inhabitants of the Province of the age of forty five years and under the age of sixty years, not exempted or disqualified by law.

27. In time of peace no actual service or drill shall be required of the Sedentary Militia, but they shall be carefully enrolled from time to time.

EXEMPTS.

28. The following persons only between the age of eighteen years and sixty years, shall be exempt from enrolment and from actual service in any case :—

The Judges of the Supreme Court of Law or Equity in this Province;

The Judge of the Court of Vice Admiralty;

The Clergy and Ministers of all religious denominations;

The Professors of any College or University recognized by Law;

The Keepers and Guards of the Provincial Penitentiary;

And the following persons, although enrolled, shall be exempt from attending muster, and from actual muster at any time, except in case of war, invasion, or insurrection, viz :—

The Sedentary Militia;

The Members of the Executive and Legislative Councils;

The Members of the House of Assembly;

The Provincial Secretary and Assistant Secretaries;

All Civil Officers appointed to any civil office in this Province under the Great Seal;

All persons lawfully authorized to practice Physic or Surgery;

Half pay and retired Officers of Her Majesty's Army and Navy;

Postmasters and Mail Carriers;

Ferry-men;

One Miller for each run of stones in every grist mill;

The engine drivers, conductors and switchmen connected with Railways actually in use in this Province;

All persons disabled by bodily infirmity :

Any person professing to be a Quaker, producing to the commanding officer of the Battalion where he resides, a certificate to that effect, signed by two persons of that persuasion, shall be exempt from being enrolled :

Members of fire companies and of hook and ladder companies, in any City or Town, shall be exempt from duty beyond the limits of the same respectively :

But such exemption shall not prevent any person from serving or holding a Commission in the Militia if he desires it, and is not disabled by bodily infirmity; and whenever exemption is claimed, whether on the ground of age or otherwise, the burden of proof shall always be upon the claimant.

DISTRICTS AND DIVISIONS.

29. The Commander in Chief may, from time to time, by any Militia General Order, divide the Province into such number of Military Districts as he deems expedient, and to be designated as he sees fit; and he may, from time to time, by any Militia General Order, alter such division of the Province into Military Districts, and increase or diminish the number thereof.

30. The Commander in Chief may, from time to time, by any Militia General Order, divide the Military Districts respectively, into Regimental Divisions, and Regimental Divisions into Battalion Divisions, and may designate such divisions by such names or numbers as he sees fit.

31. The Militia resident in each Battalion Division shall form a Battalion of the Regiment of the Regimental Division in which it lies, and all the Battalions in any Regimental Division shall form the Regiment thereof.

32. In every Military District there shall be an Inspecting Officer, whose duty it shall be to inspect and report upon the efficiency of theseveral Regiments, Battalions, and Companies, within his District; and to each Battalion a Lieutenant Colonel, and such number of Majors and Regimental Officers shall be appointed as may be deemed necessary.

33. Each Lieutenant Colonel may, by any order made with the approval of the Inspecting Officer of the Military District, from time to time divide his Battalion Division into Company Divisions; and the Militia resident within each Company Division shall form a Company of the Battalion.

34. All Militia Divisions existing before the passing of this Act shall remain in force until altered as aforesaid, and such of them as are allowed to remain unaltered, shall be held to

have been made by the proper authority under this Act, and for the purposes thereof.

35. To each Company of Militia there shall be appointed, of Commissioned Officers, a Captain, a Lieutenant, and an Ensign; and of Non-Commissioned Officers, three Sergeants and three Corporals.

36. The Commander in Chief may appoint to all Militia Regiments or Corps, the proper number of Surgeons, Assistant Surgeons, and Veterinary Surgeons.

ENROLMENT.

37. The enrolment of the Sedentary Militia Men, and of the Men of Class B and Class C of the Active Militia, except on the eastern side of the Harbour of Saint John, shall be made in each Company Division by the Captain thereof, with the assistance of the officers and non-commissioned officers of the Company; and it shall be the duty of the Captain, and under his orders, of the other officers and non-commissioned officers of the Company, by actual inquiry at each house in the Company Division, and by every other means in their power, to keep at all times a correct Roll of the Company, in such form as may be directed by the Adjutant General.

38. Each man liable to be enrolled under this Act in any Company, and not so enrolled, shall give in his name, age, and place of residence, in writing, to the Captain or officer commanding such Company, within twenty days after he becomes so liable, whether by the alteration of any Militia Division, change of residence, or otherwise howsoever, under a penalty of five dollars.

39. The Officer commanding a Sedentary Company, or Company of Class B or C of the Active Militia, shall on or before the first day of October in each year, make out a corrected Roll thereof and transmit a certified copy thereof to the officer commanding the Battalion, who within twenty days after the receipt of the same, shall forward a correct return of the Battalion to the Colonel commanding the same, who shall transmit the same to the Adjutant General at Head Quarters.

40. Each Company Roll shall be corrected, from time to time, as changes occur which affect it; and every householder and resident in the Company Division, and every Assessor, Town Clerk, or other Municipal officer, shall be at all times

bound to give to the commanding officer or any officer or non-commissioned officer of the Company, such information as may be required to make such corrections, and to answer all such questions as any of them may pertinently put to him, for the purpose of obtaining such information; and every Militiaman shall be bound to inform the officer commanding the Company, in writing, of any change of residence or other circumstances affecting such Militiaman, by which the Roll of the Company is affected, whether such Militiaman comes into or leaves the Company Division for which the Roll is made.

ENROLLING OFFICER AT SAINT JOHN.

41. The Commander in Chief shall appoint a Regimental Enrolling Officer for the eastern side of the Harbour of the City of Saint John; the said officer, with the approbation of the officer commanding the Militia on said eastern side, shall appoint a time for taking the enrolment of all persons (not Volunteers) liable to do Militia duty; he shall put up printed notices thereof in the most public places of the City five days before the time appointed, requiring all such persons liable and not enrolled to come and enroll themselves, or send a written notice of their names, ages, and places of abode.

42. The said enrolling officer shall keep a General Muster Roll of all persons so liable to do duty in the said City Militia, in order to which the several Captains or officers commanding Companies in said Militia (not being Volunteers) shall furnish him with lists of the persons belonging to such Companies.

43. The persons so from time to time enrolled and unattached, shall be appointed to such Companies in the said eastern side as the enrolling officer, with the approval of the commanding officer, may direct.

44. A General Order may be issued, forming such unattached persons, or any of them, into regular Companies, as additional Companies of the City Battalions, or to either of them.

45. If any dispute arises as to which Company any man belongs, the officer commanding the Battalion shall determine, and his decision shall be final.

46. Any person on the said eastern side not enrolled, and liable as aforesaid to do Militia duty, neglecting to enroll or to send a written notice of his name, age and residence to

the enrolling officer, after public notice being given for that purpose as aforesaid, shall pay a fine of four dollars, which shall be recovered with costs before the Police Magistrate of said City, on complaint of the said enrolling officer.

47. All sums of money recovered under the last preceding Section, shall be paid over to the commanding officer of the Battalions on the said eastern side, for the purposes thereof; which shall include payment of a reasonable sum, to be estimated by such commanding officer, for the services of the said enrolling officer, and necessary expenses actually incurred by him.

GENERAL PROVISIONS.

48. All non-commissioned officers in the Provincial Militia shall be appointed by the officer commanding the Battalion to which they belong, except in Volunteer Companies, when they shall be appointed by the Captain thereof, and shall in either case hold their rank during pleasure.

49. No person shall be an officer of Militia, unless he is one of Her Majesty's subjects by birth or naturalization; nor if he is such subject by naturalization only, unless he has taken the oath of allegiance.

50. Commissions in the Provincial Militia, and appointments of non-commissioned officers existing immediately before the passing of this Act, shall remain in force, such Commissions being subject to be cancelled by the Commander in Chief, and such appointments by the officer commanding the Battalion; but no person shall be bound to serve in the Provincial Militia in a lower grade than he has once held, unless he has resigned his Commission, or is reduced by sentence or order of some lawful Court or authority; nor shall any person who has been a non-commissioned officer in Her Majesty's Army, be bound to serve in the Militia in a lower grade than he held in the Army, unless he has been reduced as aforesaid.

51. All contraventions of this Act, and of regulations or orders lawfully made or given under it, when the Militia or that portion thereof to which the offender belongs, is not called out for actual service, shall be punishable by penalties to be imposed by one or more Justices of the Peace, and in a summary manner as hereinafter provided, and in such cases Courts Martial shall not be held.

52. The Commander in Chief may call out the Militia or any part thereof, whenever it is in his opinion advisable so to do, by reason of war, invasion, or insurrection, or imminent danger of any of them.

53. The Lieutenant Colonel commanding any Battalion Division, may upon any sudden emergency of invasion or insurrection, or imminent danger of either, call out the whole or any part of the Militia within his command, until the pleasure of the Commander in Chief is known.

54. The Militia so called out by their Lieutenant Colonel, shall immediately obey all such orders as he may give, and march to such place within or without the division, as he may direct.

55. When the Militia of any local division are called out in case of war, insurrection, or invasion, or imminent danger thereof, all Companies of Volunteers in such division shall be included in the order, and shall obey the officer issuing it.

56. When the whole Militia of the Province are called out, all the Volunteer Companies shall be included.

57. Each Sedentary Militiaman, and men of Class B and C of the Active Militia, called out for actual service, shall attend at such time and place as may be directed by the officer commanding him, with any arms and accoutrements he has received from the Province, and with such provisions as such officer may direct.

58. When the Commander in Chief calls out the Militia, and the emergency is not such as to require that the whole of the Militiamen in any Militia Division, or of any Class of Militiamen therein, be taken for actual service, he may from time to time direct the number of men to be furnished from the Militia of the whole Province, or of any Militia Division thereof, over and above the Volunteer Companies therein, which shall always be the first taken for actual service.

59. The number of men to be so furnished shall, in the first instance, be taken from Class B of the Active Militiamen in the several Company Divisions in that part of the Province to which the order applies, and in proportion as nearly as may be to the number of such men in each: Volunteers shall be first taken from each Company, but if the number of volunteers be not sufficient, then such further number as may be required

shall be drawn by lot under the superintendence of the commanding officer of the Company, whose certificate that any man has so been drafted, or volunteered, or consented to serve as substitute for a drafted man, shall be evidence of the fact.

60. No Militiaman drafted for actual service shall be exempt from serving, unless he forthwith pays a penalty of forty dollars, which shall be given to any approved man of the same class who is not himself drafted for service, and will serve in the place of the Militiaman paying such penalty; or such Militiaman may provide an approved substitute of the same class and not drafted, to serve in his place; and any volunteer or substitute, by his consent to serve as such, shall become liable in all respects as if drafted.

61. No man drafted, and unfit from bodily infirmity to perform his duty, shall be taken for service.

62. If a greater number of men are required than the whole number of men in Class B of the Active Militia, then the requisite number shall be taken from Class C of the Active Militiamen, in like manner; if a greater number be still required than the whole number of Class C, then the requisite number shall be taken from the Sedentary Militia in like manner.

63. The said Militiamen so respectively taken or drafted for actual service shall, by such officers as may be detailed for that purpose by the Lieutenant Colonel of the Battalion from which they are taken, be marched to such place within the Province as the Commander in Chief may appoint, and shall there be embodied into Companies and Battalions, in such manner as the Commander in Chief may direct, and being so embodied, shall be commanded by such officers as from their qualifications and fitness he thinks proper to appoint.

64. Any Volunteer Companies so called out for actual service, may be embodied into Battalions, if the Commander in Chief thinks fit so to order.

65. The Militiamen so taken or drafted for actual service from Class B and C of the Active Militia, shall serve during one year, unless sooner disbanded, and may then be replaced by others taken as aforesaid, and shall not be liable to be again taken until all others of the same class be taken: But the men in Volunteer Militia Companies shall serve for the time for

which they have engaged to serve, which time shall not be less than two years, subject however to be determined on two months notice as hereinbefore mentioned; provided that no volunteer shall leave the service, either with or without notice, at any time when the Militia are called out, unless he is regularly discharged or has served out the time for which he engaged.

66. The Militia so called out may be marched to any part of the Province, or to any place without the Province but contiguous therewith, where the enemy is, and from which an attack on this Province is apprehended.

67. The Militia so called out, and every officer or man belonging to it, shall from the time he has been ordered, taken or drafted for actual service, be subject to the Articles of War and to the Act for punishing Mutiny and Desertion, and all other Laws then applicable to Her Majesty's Troops in this Province, and not inconsistent with this Act; except that no Militiaman shall be subject to any corporal punishment except death or imprisonment, for any contravention of such laws; and except also that the Commander in Chief may direct that any provision of the said Laws shall not apply to the Militia.

68. Any body of Militia so called out shall be commanded by the officer highest in rank then present, or the senior of two or more officers of equal rank; Officers of Her Majesty's Regular Army shall always be reckoned senior to all Militia Officers of the same rank, whatever be the dates of their respective Commissions.

69. The arms and accoutrements for the Militia (except those in actual use by Volunteers) shall, when such Militia is not called out for actual service, be kept in Armories at Saint John and Fredericton, and at such other places as the Governor in Council may from time to time direct.

70. The arms in such Armories respectively shall be delivered out to the Militia when called into actual service, in such way as the Commander in Chief shall appoint.

OFFENCES AND PENALTIES.

71. Any officer or non-commissioned officer of Militia of this Province, appointed or to be appointed to the Active Force, or to the Sedentary Militia, who obtains under false pretences,

or who retains or keeps in his own possession, with intent to apply to his own use or benefit, any of the pay or moneys belonging to any non-commissioned officer or private of any corps, shall be guilty of a misdemeanor, and shall be dismissed from the said Militia Force.

72. Any person making an affidavit or declaration required in and by this Act, and swearing or declaring falsely therein, shall be guilty of perjury.

73. Any officer of Militia refusing or neglecting to make or transmit, as herein prescribed, any roll or return, or copy thereof, required by this Act or by any lawful authority, or wilfully making any false statement in any such roll or return, or copy, shall thereby incur a penalty not exceeding forty dollars for each offence.

74. Any Militia officer or man, not exempt from attending drill and exercise, who neglects or refuses to attend the same, at the place and hour appointed therefor, or refuses or neglects to obey any lawful order at or concerning such drill and exercise, shall thereby incur a penalty of not more than twenty dollars for each offence.

75. Any person who intercepts or hinders any Militia at drill, or trespasses on the bounds set out by the proper officer for such drill, shall thereby incur a penalty of five dollars for each offence, and may be taken into custody and detained by any person, by the order of the commanding officer, until such drill be over for the day.

76. Any person who unlawfully disposes of, or removes any arms or accoutrements, or other articles belonging to the Crown, or refuses to deliver up the same when lawfully required, or has the same in his possession except for lawful cause, (the proof of which shall lie upon him), shall thereby incur a penalty of twenty dollars for each offence; but this shall not prevent such offender from being indicted and punished for any greater offence, if the facts amount to such, instead of being subject to the penalty aforesaid; and any person charged with any act subjecting him to the penalty imposed by this Section, may be arrested by order of the Magistrate before whom the complaint is made, upon affidavit shewing that there is reason to believe that such person is about to leave the Province, carrying any such arms, accoutrements or articles with him.

77. Any officer, non-commissioned officer, or militiaman, disobeying any lawful order of his superior officer, or guilty of any insolent or disorderly behaviour towards such officer, shall thereby incur a penalty of not exceeding twenty dollars for each offence; and every person who shall not, during the hours of drill and exercise, or of his being under arms, or wearing the arms or accoutrements of the corps, and going to any place of exercise or assembly of the corps, conduct himself in a decent and orderly manner, or shall not obey the lawful commands of the officer or officers commanding, may be ordered by such officer into the custody of any person or persons belonging to such corps, for the time during which such corps shall then remain under arms.

78. Any officer, non-commissioned officer, or militiaman, who fails to keep any arms or accoutrements delivered or intrusted to him in proper order, or who appears at drill, parade, or any other occasion, with his arms or accoutrements out of proper order, or unserviceable, or deficient in any respect, shall incur a penalty of four dollars for each such offence.

79. Any person who wilfully contravenes any enactment of this Act, when no other penalty is imposed for such contravention, shall thereby incur a penalty not exceeding twenty dollars for each offence, but this shall not prevent his being indicted and punished for any greater offence, if the facts amount to such.

80. All penalties incurred under this Act, or any regulations, orders, or articles of engagement lawfully made or entered into under it, where no other mode is herein prescribed for the recovery thereof, shall be recoverable, with costs, on the evidence of one credible witness, on complaint or information before one Justice of the Peace, if the amount do not exceed twenty dollars, and before two Justices of the Peace if the amount exceeds that sum; and to the recovery of such penalties all the provisions of any law then in force relative to the performance of the duties of the Justices of the Peace out of Sessions, with respect to summary convictions and orders, shall apply in so far as may not be inconsistent with this Act; and any officer, non-commissioned officer, or private of any Volunteer Militia Company, shall be a competent witness in any such case, although the penalty is applicable to the purposes of such Company.

81. No prosecution against any officer of Militia for any penalty under this Act shall be brought except on the complaint of the Adjutant General; and no such prosecution against any non-commissioned officer or private of the Sedentary Militia, or of Class B and C of the Active Militia, shall be brought except on the complaint of the commanding officer, or Adjutant of the Battalion, or Captain of the Company to which such non-commissioned officer or private belongs; and no such prosecution against any private or non-commissioned officer of a Volunteer Company shall be brought except on complaint of the Captain or commanding officer thereof; but the Adjutant General may authorize any officer of Militia to make such complaint in his name, and the authority of any such officer alleging himself to have been so authorized to make any complaint, shall not be controverted or called in question except by the Adjutant General.

82. The penalty when recovered shall, if the offender belongs to the Active or Volunteer Militia, be paid over to the officer commanding the Company, for the purposes thereof, and shall be applied by him to such purposes, and accounted for by him to the Adjutant General; and if the offender belongs to the Sedentary Militia, then the same shall be paid over to the Receiver General for the public uses of the Province, and it shall make part of the public revenue; provided that nothing herein contained shall apply to the recovery of the penalties or fines of the enrolling officers on the eastern side of the Harbour of the City of Saint John, as hereinbefore provided.

83. No such prosecution shall be commenced after the expiration of six months from the commission of the offence charged, unless it be unlawfully buying, selling, or having in possession arms or accoutrements delivered to the Militia.

84. It shall not be necessary that any order or notice under this Act be in writing, unless it is herein required that it shall be so, provided it be communicated to the person who is to obey or be bound by it in person, either directly by the officer or person making or giving it, or by some other by his order.

85. All General Orders of Militia, or other Militia Orders, issued through or by the Adjutant General, shall be held to be sufficiently notified to all persons whom they may concern, by their insertion in the Royal Gazette, and a copy of the said

Gazette, purporting to contain them, shall be *prima facie* evidence of such orders.

86. All Orders made by the commanding officer of a Militia, Regimental, or Battalion Division, shall be held to be sufficiently notified to all persons whom it may concern, by their insertion in some Newspaper published in such Division, or if there be none, then in some neighbouring Division, and by posting a copy thereof on the door of any Church, or of some Court House, Mill, or other public place in each Company Division in such Regimental or Battalion Division.

87. The production of a Commission or appointment, warrant or order, in writing, purporting to be granted or made according to the provisions of this Act, shall be *prima facie* evidence of such Commission or appointment, warrant or order, without proving the signature or seal thereto, or the authority of the person granting or making such Commission, warrant or order.

88. Every bond to the Crown, entered into by any person under the authority of this Act, or according to any general order or regulations made under it, or for the purpose of securing the payment of any sum of money, or the performance of any duty or act hereby required or authorized before any Judge or Justice of the Peace, or officer therein authorized to take the same, shall be valid, and may be estreated or enforced accordingly.

89. Every sum of money which any person or Corporation is, under this Act, liable to pay or repay to the Crown, or which is equivalent to the damages done to any arms or other property of the Crown used for Militia purposes, shall be a debt due to the Crown, and may be recovered in any manner in which such debts may be recovered.

90. Every action and prosecution against any officer or person, for any thing done in pursuance of this Act, shall be laid and tried in the County where the act complained of was done, and shall not be commenced after the end of six months from the doing of such act, nor until one month's notice in writing of the action, and of the cause thereof, has been given to the defendant; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at the trial; and no plaintiff

shall recover in any such action, if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has been paid into Court by the defendant after the action was brought.

91. If a verdict passes for the defendant in any action referred to in the next preceding Section, or the plaintiff becomes non-suit or discontinues the action after issue joined, or if on demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and shall have the same remedy therefor as any defendant hath in other cases; and though a verdict is given for the plaintiff, he shall not have costs against the defendant, unless the Judge before whom the trial has been had, certifies his approbation of the action and the verdict therein.

92. A detailed account of all moneys advanced or expended under this Act, shall be laid before each branch of the Provincial Legislature within fifteen days after the opening the then next Session thereof.

93. The word 'Corps' shall, for the purposes of this Act, include any Field Battery, Troop of Cavalry, Foot Company of Artillery, or Rifle Company, or any Battalion or Regiment.

94. The Commander in Chief shall have power from time to time, in his discretion, to make Rules and Regulations for Artillery and Rifle practice in the Active Militia, and for awarding prizes; for enforcing due discipline in every branch of the Militia; and for defining the details of Regiments, Battalions, Companies, Troops, and Batteries.

95. The Commander in Chief may appoint such number of efficient Staff Officers for the Head Quarters Staff, District Staff, Regimental Staff, and Battalion Division Staff, as he may from time to time deem necessary for the public service, and prescribe by regulations their respective duties.

96. Before any person shall be appointed to any Commission, or promoted as an officer in the Militia, he shall undergo such examination as to his education and fitness, as the Commander in Chief in his discretion may, by any general or special order, require.

97. When the Militia or any part thereof are called out into actual service, they shall be entitled to the same pay,

according to their respective ranks, as Her Majesty's regular troops respectively, to be reckoned from the day of march from rendezvous for actual service until dismissed by the Commander in Chief, each man to receive one day's pay for every fifteen miles travel to his usual place of residence.

98. Each non-commissioned officer, drummer, fifer, bugler, and private, shall, in addition to the pay prescribed by the last preceding Section, receive from the Provincial Treasury six dollars per month for every month they shall respectively have remained on actual service, not exceeding twenty dollars for each time they shall have been called into actual service, to be paid out of the Treasury.

99. In case of invasion, actual or threatened, the Commander in Chief may direct the building of such a number of boats for transporting the Militia as he may deem necessary, the expense of building not to exceed four hundred pounds.

100. The commanding officer of any Regiment, Battalion, detachment, or party, when the Militia or any part thereof are called into actual service, may impress boats, men, horses, or teams, as the service may require.

101. The commanding officer of the Militia, when it shall be necessary by any attack made or threatened suddenly in any sea-port Town, or any place where merchant vessels may be lying, may compel the persons belonging thereto to do duty on shore with the Militia Artillery, or in any boat or vessel, or with any part of the Militia; and in case of great emergency, the commanding officer of any Regiment or Battalion to which an Artillery Company is attached, may demand the service of the whole or any part of such Company, or any Company of Sea Fencibles, or any of the Flank Companies.

102. The Quarter Master of every Battalion, before commencing his duties as required under this Title, shall give a Bond to the Queen, with two sufficient sureties, in the sum of eight hundred dollars, conditioned for the faithful discharge of his duties, and his duly accounting for and applying all moneys received by him as such.

103. Whenever the commanding officer in any County or District where boats are provided, shall find it necessary to order such or any other boats or vessels he may obtain, to proceed in repelling the enemy, or the assistance of any neigh-

bouring district or place, or be stationed as a watch for the defence thereof, the Militia, and particularly the Sea Fencibles, shall, on the order of such commanding officer, proceed in such boats accordingly.

104. If any person be wounded or disabled when on actual service, he shall be provided for at the expense of the Province during his disability.

105. No non-commissioned officer or private shall be arrested upon any process, except criminal, while attending any training of his Battalion, Division, or Company, or on actual service, or marching to or returning from the place appointed for such training or duty, except the original sum due for which he may be arrested shall amount to eighty dollars.

106. Any person who shall entice or encourage a Militiaman when on service, to desert, or aid, assist, or harbour any deserter, knowing him to be such, shall for each offence pay a fine of forty dollars; and on failure of payment shall be committed to gaol, there to remain for three months, or until the fine be paid.

107. Chapters 73, 74, 75, 76, 78, 79, 80, 81, 82, and 83, Title xi, of the Revised Statutes, 'Of the Militia;' and also an Act made and passed in the nineteenth year of Her present Majesty's Reign, intituled *An Act relating to the Militia*; and also an Act made and passed in the twenty third year of Her present Majesty's Reign, intituled *An Act relating to the Militia Law*, are hereby repealed.

108. This Act shall continue and remain in force for three years from the passing thereof.

CAP. XXI.

An Act for taking away the punishment of Death in certain cases, and substituting other punishments in lieu thereof.

Section.

1. Intent to kill by setting fire to ships.
2. Rape, and carnal knowledge of girl under ten years.
3. Buggery.
4. Arson.

Section.

5. Burglarious entry, &c., with intent to kill.
6. Robbery, with grievous bodily harm.
7. Endangering vessels by false lights.
8. When to come into operation.

Passed 23rd April 1862.

WHEREAS it is expedient to alter and amend various Statutes now in force in this Province relative to certain offences

by the said Statutes now punishable with death : And whereas in and by Chapter 149, Title xxxix, of the Revised Statutes, 'Of Homicide and other offences against the person,' it was, amongst other things, enacted—That whosoever should maliciously set fire to, cast away, or in any wise destroy any ship or vessel, with intent to kill any person, or whereby the life of any person should be put in danger, should be guilty of felony, and suffer death : And whereas it is expedient that the said offence should be no longer punishable with death ;—

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

1. That from and after the commencement of this Act, if any person shall be convicted of the said offence hereinbefore specified, such person shall not be subject to any sentence, judgment, or punishment of death, but shall, instead of the sentence or judgment in and by the said Chapter hereinbefore recited, ordered to be given or awarded against persons convicted of the said offence, be liable, at the discretion of the Court, to be imprisoned with hard labour in the Provincial Penitentiary for the term of the natural life of such person, or for any term not less than ten years.

2. And whereas also in and by said Chapter 149, Title xxxix, of the Revised Statutes, it was further enacted—That whoever should carnally know and abuse any woman against her will and by force, or whilst she was insensible, should be guilty of rape, and should suffer death as a felon ; and that whoever should carnally know and abuse any girl under the age of ten years, should be guilty of felony, and should suffer death as a felon : And whereas it is expedient that the said several offences hereinbefore last specified should no longer be punishable with death ;—Be it therefore enacted, That from and after the commencement of this Act, if any person shall be convicted of any of the said offences hereinbefore last specified, such person shall not be subject to any sentence, judgment, or punishment of death ; but shall, instead of the sentence or judgment in and by the said Chapter hereinbefore last recited, ordered to be given or awarded against persons convicted of the said last mentioned offences, or any of them respectively, be liable to be imprisoned with hard labour in the Provincial Penitentiary for the term of the natural life of such person.

3. And whereas also in and by the said Chapter 149, Title xxxix, of the Revised Statutes, it was further enacted—That whoever should commit the crime of buggery, either with mankind or with a brute animal, should be guilty of felony, and should suffer death as a felon: And whereas it is expedient that the said offence hereinbefore last specified should no longer be punishable with death;—Be it therefore enacted, That from and after the commencement of this Act, if any person shall be convicted of the said offence hereinbefore last specified, such person shall not be subject to any sentence, judgment, or punishment of death; but shall, instead of the sentence or judgment in and by the said Chapter ordered to be given or awarded against persons convicted of the said last mentioned offence, be liable, at the discretion of the Court, to be imprisoned with hard labour in the Provincial Penitentiary for the term of the natural life of such person, or for any term not less than ten years.

4. And whereas also in and by Chapter 150, Title xxxix, of the Revised Statutes, 'Of offences against the habitation,' it was, amongst other things, enacted—That whoever should maliciously set fire to any dwelling house, any person being therein, should be guilty of felony, and should suffer death: And whereas it is expedient that the said offence hereinbefore last specified should no longer be punishable with death;—Be it therefore enacted, That from and after the commencement of this Act, if any person shall be convicted of the said offence hereinbefore last specified, such person shall not be subject to any sentence, judgment, or punishment of death; but shall, instead of the sentence or judgment in and by the said Chapter hereinbefore last recited, ordered to be given or awarded against persons convicted of the said last mentioned offence, be liable, at the discretion of the Court, to be imprisoned with hard labour in the Provincial Penitentiary for the term of the natural life of such person, or for any term not less than ten years.

5. And whereas also in and by said Chapter 150, Title xxxix, of the Revised Statutes, it was further enacted—That whoever should burglariously break and enter into any dwelling house, or any inner part thereof, and, with intent to kill, should assault any person being therein, or should cause any bodily

harm, or do any violence to such person, should be guilty of felony, and should suffer death: And whereas it is expedient that the said offence hereinbefore last specified should no longer be punishable with death;—Be it therefore enacted, That from and after the commencement of this Act, if any person shall be convicted of the said offence hereinbefore last specified, such person shall not be subject to any sentence, judgment, or punishment of death; but shall, instead of the sentence or judgment in and by the said Chapter hereinbefore last recited, ordered to be given or awarded against persons convicted of the said last mentioned offence, be liable, at the discretion of the Court, to be imprisoned with hard labour in the Provincial Penitentiary for the term of the natural life of such person, or for any term not less than ten years.

6. And whereas also in and by Chapter 151, Title xxxix, of the Revised Statutes, 'Of fraudulent appropriations,' it was, amongst other things, enacted—That whoever should rob any person, and at the time of, or immediately before or after such robbery, should cause any grievous bodily harm to any person, should be guilty of felony, and should suffer death: And whereas it is expedient that the said offence hereinbefore last specified should no longer be punishable with death;—Be it therefore enacted, That from and after the commencement of this Act, if any person shall be convicted of the said offence hereinbefore last specified, such person shall not be subject to any sentence, judgment, or punishment of death; but shall, instead of the sentence or judgment in and by the said last named Chapter ordered to be given or awarded against persons convicted of the said last mentioned offence, be liable, at the discretion of the Court, to be imprisoned with hard labour in the Provincial Penitentiary for the term of the natural life of such person, or for any term not less than seven years.

7. And whereas also in and by Chapter 153, Title xxxix, of the Revised Statutes, 'Of malicious injuries to property,' it was, amongst other things, enacted—That whoever should maliciously exhibit any false light or signal, with intent to endanger any ship or vessel, or should maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, should be guilty of felony, and should suffer death: And whereas it is expedient that the said offence here-

inbefore last specified should no longer be punishable with death;—Be it therefore enacted, That from and after the commencement of this Act, if any person shall be convicted of the said offence hereinbefore last specified, such person shall not be subject to any sentence, judgment, or punishment of death; but shall, instead of the sentence or judgment in and by the said last named Chapter ordered to be given or awarded against persons convicted of the said last mentioned offence, be liable, at the discretion of the Court, to be imprisoned with hard labour in the Provincial Penitentiary for the term of the natural life of such person, or for any term not less than seven years.

8. This Act shall commence and take effect on the first day of May in the year of our Lord one thousand eight hundred and sixty two.

CAP. XXII.

An Act to authorize investigation in cases of Fire in the several Counties of this Province.

Section.

1. Authority of Justice to make inquiry.
2. Justice to inquire into origin of fire.

Section.

3. Justices empowered to compel persons to appear and give evidence.
4. Perjury.

Passed 23rd April 1862.

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

1. It shall be the duty of any Justice of the Peace in and for the several Counties in this Province, when any fire shall occur whereby any house or building, structure or property in any such County, shall be wholly or in part consumed, upon application to him made for that purpose, to institute an inquiry into the cause or origin of such fire, and for that purpose the said Justices respectively are hereby authorized and required to summon and bring before him, all persons who he may deem capable of giving information or evidence touching or concerning such fires, and to examine such persons under oath, which oath the said Justices respectively are authorized to administer, and to reduce their examination to writing, and file the same in the office of the Clerk of the Peace for the County where the investigation is made.

2. Such Justice shall inquire into the cause or origin of the fire, and whether the same was kindled by design, or was the result of accident or of negligence.

3. If any person summoned to appear before the said Justice by virtue of this Act, and having his fees, agreeably to Title xli, Chapter 163, of the Revised Statutes, paid or tendered to him, shall neglect or refuse to appear at the time and place specified in the summons, or if any person appearing in obedience to any such summons, shall refuse to be examined or to answer any lawful questions that may be put to him in the course of his examination, it shall be lawful for such Justice to enforce the attendance of such person, or to compel such person to answer as the case may require, by the same means as are used by Justices of the Peace for such purposes in other cases.

4. Any person guilty of false swearing under this Act shall be guilty of perjury, and subject to all the pains and penalties therefor.

CAP. XXIII.

An Act for the encouragement of Agriculture.

Section.	Section.
1. Cap. 38 Rev. Stat. Title 3, 17 V. c. 7, 18 V. c. 33, 22 V. c. 10, and 23 V. c. 46, repealed, with certain exceptions.	10. Societies empowered to fix bounds for shows, &c. ; penalty for intrusion.
2. Incorporation of local Societies.	11. Continues Provincial Board of Agriculture as a corporate body.
3. Object of such Societies.	12. Provincial Board, how composed, and mode of elections.
4. Amount to be received by each Society annually.	13. Vacancies, how filled up.
5. Society shall elect officers and make bye laws, &c.	14. Empowers Provincial Board to hold triennial Exhibitions, and make rules and regulations for conducting the same.
6. Disposal of stock and other articles imported by Society, and terms of sale.	15. Meetings of Prov. Board, powers of, defined ; expenses limited.
7. Duties of Treasurer and Secretary as to accounts and audit.	16. Annual Report to be made to Legislature.
8. Restrains premiums and salaries paid by Societies.	17. What may be deemed evidence of legal existence of any Society and of the Provincial Board.
9. Local Societies subject to control of Provincial Board.	Schedules A, B, C.

Passed 23rd April 1862.

WHEREAS it is expedient to consolidate and amend the Laws relating to Agriculture, Agricultural Societies, and the Provincial Board of Agriculture ;—

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

1. That the thirty eighth Chapter of the Revised Statutes, Title the third, 'Of the encouragement of Agriculture;' and also an Act made and passed in the seventeenth year of the Reign of Her present Majesty, intituled *An Act for the encouragement of Agriculture*; and also an Act made and passed in the eighteenth year of the same Reign, intituled *An Act to amend an Act intituled 'An Act for the encouragement of Agriculture;'* and also an Act made and passed in the twenty second year of the same Reign, intituled *An Act to amend the Act for the encouragement of Agriculture, and to provide for the establishment of a Provincial Board*; and also an Act made and passed in the twenty third year of the same Reign, intituled *An Act relating to Agriculture*; be and the same are hereby repealed, saving always their effect in regard to any act or deed done or granted prior to the date of this Act coming into operation; and the Provincial Board of Agriculture, and all Agricultural Societies established under the said Act, or either of them, shall subsist and continue, notwithstanding the repeal of the said Act; and the said Provincial Board and the said Societies shall be subject to and may avail themselves of the provisions by this Act, as fully and effectually to all intents and purposes as if they had been incorporated under this Act.

2. Whenever forty persons or more, in any of the Counties of this Province, shall associate themselves together as an Agricultural Society, and shall subscribe and pay, in sums of not less than five shillings each, the gross amount however not to be less than fifteen pounds, to be applied for the improvement of agriculture and domestic manufactures, and shall subscribe the Declaration, letter A in the Schedule of this Act contained, and shall cause a copy of the same to be filed in the office of the Secretary of the Province, they shall thereupon become a body corporate by such name as they shall designate, with all the privileges and obligations incident to Corporations by law; but such privileges shall continue to each Society respectively so long only as it shall consist of forty members or more, and which members shall annually subscribe or raise and pay in as aforesaid, the sum of at least five shillings each in furtherance of the objects of the Society, as hereinafter set forth; provided nevertheless, that not more than four such

Societies shall be entitled to the benefits and privileges of this Act in any one County, and that no Society shall go into operation under the provisions of this section without the previous sanction of the Provincial Board of Agriculture.

3. The object of such Societies shall be to encourage the production, cultivation and improvement of seeds, vegetables, and fruits; to promote the introduction of improved stock, implements of husbandry, better system of culture, management of bees, improvements in farm buildings, farm arrangements, and domestic manufactures; to hold shows, ploughing matches, and exhibitions; to award premiums for excellence; to collect and diffuse information on all subjects connected with agricultural, horticultural, and floral pursuits; to solicit and receive donations; and generally by every legitimate means to elevate the agricultural character of their respective districts.

4. The Agricultural Societies already established, as also any other Societies hereafter to be organized under the provisions and requirements of this Act, shall be respectively entitled to receive annually in the manner hereinafter provided, as a bounty, treble the amount of the subscription by them severally so made, raised, and paid in; but no County shall be entitled to receive a greater sum in the aggregate than two hundred pounds in any one year, and the aggregate sum which any County may be entitled to receive, shall be apportioned among the several Societies within the same, where there are more than one, in just proportion according to the amount of the subscription made, raised and paid in by such Societies respectively; but the annual sum to be drawn for each County, where there is but one County Society, shall not exceed one hundred and fifty pounds.

5. Every Agricultural Society shall elect such and so many officers, and in case of death, absence, or refusal to serve, elect others in their stead, and make and ordain such bye laws for its government, and the establishment and regulation of its several meetings, and the times and places at which such meetings shall be held, as it may deem expedient for conducting the business of the Society, and for the maintenance of order and the promotion of the objects of the Society, as set forth in the third section of this Act; a copy of which bye laws shall be forthwith transmitted by the President of the Society

making the same, to the Secretary of the Provincial Board of Agriculture hereinafter mentioned, and the said Provincial Board of Agriculture may, within twelve calendar months thereafter, disallow such bye laws, or any of them.

6. In the disposal of seeds, stock, implements, or other property imported by any Agricultural Society, such articles shall not be sold for less than the true cost and charges of the same, unless the same shall be sold at public auction, of which at least ten days previous notice shall be given by public advertisement, at which all persons present shall have a right to bid and compete, whether members of the Society or not.

7. The Treasurer of every Agricultural Society at least once in every year, shall prepare and transmit to the Secretary of the Provincial Board of Agriculture hereinafter mentioned, a detailed statement under oath, which oath any Justice of the Peace is hereby authorized to administer, as near as may be in the form letter B in the Schedule of this Act, shewing the amount of income and expenditure of the Society, together with a Report of its operations from the time of transmitting the Report immediately preceding; which Report it shall be the duty of the Secretary of the Society to prepare, with an estimate of the actual state of the land, crops, implements, stock, culture, productions, and domestic manufactures, in the district or County as the case may be, in the form letter C in the Schedule of this Act; whenever such Account shall have been audited and approved by the Provincial Board of Agriculture, the Secretary of the Provincial Board of Agriculture shall certify to His Excellency the Lieutenant Governor in Council the amount such Society is entitled to by virtue of this Act, who shall thereupon issue his Warrant on the Treasurer of the Province therefor, in favour of the Treasurer of such Society.

8. The amount of premiums to be awarded by each Society in any one year shall not exceed treble the amount of the local subscriptions and donations of the Society; the allowance for Salaries shall not exceed five per cent. of the local subscriptions, donations, and Provincial allowance yearly.

9. The several Agricultural Societies shall be subject to the supervision and control of the Provincial Board of Agriculture hereafter mentioned, and shall be accountable thereto; and the

Provincial Board of Agriculture may make rules and regulations from time to time for the government of such Societies, and the conditions upon which they shall be entitled to their respective grants.

10. Any Agricultural Society, by its officers, is hereby authorized and empowered to define and lay off bounds for pens and yards, and appropriate such sums for cattle shows and exhibitions, and suitable places for ploughing matches, and ways and passages towards and about the same; and no person shall intrude upon such lands, or enter the same, unless in conformity with the rules of such Society, or without the authority and consent of some officer of the Society then present; and any person after notice intruding upon or entering such bounds, or violating any of the rules of the Society touching or concerning such bounds, shall forfeit the sum of ten shillings, to be recovered before any Justice of the Peace of the County, on complaint of any officer of the Society, according to the provisions of the one hundred and thirty eighth Chapter of the Revised Statutes, and when received, shall be paid over to the County Treasurer for the use of the County; provided that nothing herein contained shall extend or be construed to extend to authorize any Agricultural Society to occupy any land without the consent of the owner, or any public highway in such manner as to obstruct the public use thereof.

11. The Provincial Board of Agriculture already established in this Province shall continue and be a body politic and corporate under the name of 'The Provincial Board of Agriculture,' and by that name have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

12. The Provincial Board of Agriculture shall be composed of one delegate from each County in this Province, three members who shall be appointed by the Governor in Council, and one member chosen by the Board; such delegates (in case an election shall be deemed necessary as hereinafter mentioned) to be elected annually on the fourth Wednesday in October in each and every year, between the hours of twelve o'clock at noon and three o'clock in the afternoon of such day, at the Court House in each County, excepting King's County, where the election shall be held at the Finger Board House in the

Parish of Norton; and also excepting in the County of Albert, where the election shall be held at the Post Office at Hope-well Hill in said last mentioned County; and also excepting in the County of Sunbury, where the election shall be held at the lower School House at Maugerville in said County; and such elections shall be held in such manner and under such regulations as the Agricultural Society of each County may prescribe: If there shall be more than one Agricultural Society in any County, the President, first Vice-President, and Secretary of the several Societies, shall elect the member by a majority of votes of those present in person or by written proxy; and the Chairman of the meeting, on or before the last day of November then next ensuing, shall transmit to the Secretary of the Provincial Board a certificate under his hand, setting forth the result of said election: If any County fails to elect according to the provisions of this Act, the Governor in Council shall appoint one of the Representatives for such County in the General Assembly, a member to act as delegate for such County for the year; provided always, that the delegates elected, who are at present time members of the Provincial Board of Agriculture, shall continue and remain such until others are elected in their stead, under the provisions of this Act; and provided also, that from and after the passing of this Act, in all Counties having more than one Agricultural Society, no new election of a delegate shall at any time be had or be holden, but the delegate in office shall be and remain in office as such, unless some one or more of the Presidents of the Agricultural Societies therein, on or before the first Tuesday in October in each year, shall give notice in writing to the President or Presidents of the Agricultural Societies of the intention of the Society or Societies giving such notice or notices to hold an election for a delegate for such County to the Provincial Board of Agriculture aforesaid.

13. In case of a vacancy in the representation to the Board of Agriculture from any County by death, resignation, or other cause, the Governor in Council, upon such vacancy being certified by the Secretary of the Board, shall appoint one of the members of the Legislature residing in such County as its delegate for the year.

14. It shall be the duty of the Provincial Board of Agriculture, at such time and place as they shall appoint, and once in

every third year thereafter, to provide for the holding of an Exhibition of agricultural, horticultural, and floral productions, domestic manufactures of all kinds, natural resources of the Province, specimens of the fine arts, and new and improved agricultural, mechanical, culinary or sanitary implements or apparatus, raised, produced, manufactured or invented in this Province; the expense of such Exhibition nevertheless not to exceed the sum of seven hundred and fifty pounds, which shall be paid from the Provincial Treasury by Warrant of His Excellency the Lieutenant Governor in Council, on the certificate of the Secretary of the Provincial Board of Agriculture; and the said Provincial Board of Agriculture may make rules and regulations for the preservation of order and suppression of vice and immorality at such Exhibitions, and may prescribe the limits within which such rules and regulations shall be in force, not however to exceed two miles from the Exhibition Building; and to impose such fines and penalties, not exceeding five pounds or twenty days imprisonment, for every breach of such rules and regulations, to be sued for and recovered in like manner as directed in and by the tenth section of this Act; provided nevertheless, that such rules and regulations shall not be in force until the same shall be approved of by the Governor in Council, and printed copies thereof posted up in three or more of the most conspicuous places in the Exhibition building or grounds; and the due execution of such rules and regulations shall be entrusted to such and so many constables, special constables, or policemen, as may be selected for that purpose by such Committee as the said Provincial Board of Agriculture may appoint to manage and superintend such Exhibition.

15. The said Provincial Board of Agriculture shall meet annually during the Session of the Legislature, or oftener if required, for the transaction of business; a Chairman shall be elected by a majority of votes of the members present of such Board; a Secretary shall be appointed in like manner, who shall be a member of the Board; the Board may also elect all other necessary officers, define their duties, and fix their salaries; five members of the Board shall constitute a quorum for the transaction of business, and a sum not exceeding three hundred and fifty pounds shall be allowed annually to defray

the expense of such Board, which shall be drawn from the Treasurer of the Province by Warrant of the Governor in Council, on a certificate of the Secretary of such Board.

16. The Provincial Board shall annually report a statement of their doings, a digest of the returns of the several Agricultural Societies, with such statistics as they may be able to collect, accompanied with such suggestions and recommendations as the interest of agriculture may appear to require, together with a detailed account of the expenditure, for the purpose of being laid before the Legislature; and shall cause the same to be printed at the expense of the Government, and ready for circulation within ten days after the opening of the Legislature.

17. Whenever on the trial of any issue joined it may be necessary to prove the incorporation of any Agricultural Society organized under the provisions of this Act, or of any of the Acts repealed hereby, proof that the defendant dealt with such Society as a Corporation, or a certificate of the Secretary of the Province, or of the Secretary of the Provincial Board of Agriculture, or parol evidence of the President, Secretary or Treasurer of such Agricultural Society, that the returns required by this Act have been duly made, shall be evidence of the legal existence of the Corporation; and the Provincial Board of Agriculture shall, without proof, be deemed and taken in all Courts to be a Corporation, with all its legal immunities and liabilities.

SCHEDULE A.

We, whose names are hereto subscribed, do agree to form ourselves into a Society under the provisions of the Act of the General Assembly, intituled *An Act for the encouragement of Agriculture*, to be called "The — Agricultural Society;" and we severally agree to pay to the Treasurer of said Society, towards the funds thereof, the sums set opposite our respective names, as our first year's subscription thereto.

day of 186 .

	Subscribers.	Sums subscribed.
A. B.	- - - - -	
C. D.	- - - - -	
E. F.	- - - - -	

B

A. B., Treasurer of the Agricultural Society, maketh oath and saith that the annexed Account contains a just and true statement of the income and expenditure of the said Society, from the day of last to the day of inclusive; that the several sums therein specified were actually received and paid by him for the purposes therein set forth; and that the same shews the true state of the funds of the said Society at the time the said Account was balanced and audited.

Sworn before me at the day of 186 .

C

Season past—Character of.

Soil of District—Character of.

Crops of District—Principal.

Land cleared during the past season—Extent of.

Rotation of Crops in District—What.

Wheat—What average produced per acre.

Average for past season.

Disease.

Remedies suggested.

Price per bushel.

Best varieties.

Corn—Same as Wheat.

Oats—Do. do.

Rye and Barley, Peas and Beans—Do.

Buckwheat, Millet—Do.

Grass—Hay.

Clover and Timothy Seeds.

Root Crops—Potatoes.

Turnips.

Mangel Wurzel.

Fruit.

Sugar—Maple.

Honey—Bees.

Breeds of Cattle.

Dairy products.

Sheep and Wool.

Pigs and Pork.

Horses—Breeds.

Poultry—Breeds.

Implements and Machinery.

Manures.

Farm buildings, and shelter for Stock.

Proposals for improvements, or other remarks.

Names of the President, Vice President, Secretary, Treasurer, Directors, Members, paid in year, and list of premiums.

Certified Account.

Income. { Balance from previous year,
Subscriptions of year past,
Provincial Grant for year past,

Expenditure. { Premiums,
Seeds imported,
Implements,
Stock,
Charges of management,

Account Current with Treasurer.

CAP. XXIV.

An Act further to amend Chapter 133, Title xxxiv, of the Revised Statutes, 'Of trespasses on lands, private property, and lumber.'

Definition of the Title 'Of trespasses on lands, private property, and lumber.'

Passed 23rd April 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the licence mentioned in the sixth Section of Chapter 133, Title xxxiv, of the Revised Statutes, 'Of trespasses on lands, private property, and lumber,' and the licence mentioned in the first section of an Act made and passed in the twenty second year of the Reign of Her present Majesty, intituled *An Act to amend Chapter 133, Title xxxiv, of the Revised Statutes, 'Of trespasses on lands, private property, and lumber,'* shall mean and include, and in all Courts of law and equity shall be held to mean and include, as well persons holding or who hereafter may hold licenses under the Government to cut timber, logs or other lumber on ungranted Crown lands, as persons holding or who hereafter may hold lands under lease or license from the Crown, any law, usage or custom to the contrary thereof notwithstanding.

CAP. XXV.

An Act in amendment of the Law relating to Judgments, Executions, and proceedings thereon.

Section.

Section.

1. Interest to run after judgment signed. 2. Interest, how recovered.

Passed 23rd April 1862.

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

1. That in all cases after the passing of this Act, in which judgment for any debt or damages should be duly signed in any Court of Record in this Province, interest may be recovered thereon from the time of signing of such judgment.

2. Such interest may be recovered by being endorsed to levy on the execution issued on such judgment.

CAP. XXVI.

An Act in addition to Chapter 101, Title xxii, of the Revised Statutes, 'Of the Sea and River Fisheries.'

Section.

Section.

1. Duty of Wardens. 3. Penalty.
2. When herrings shall not be taken on spawning grounds. 4. Section 15, cap. 101, Title xxii, and 21 V. c. 32, repealed.

Passed 23rd April 1862.

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

1. That it shall and may be lawful for the Governor in Council, in addition to the power and authority to them given in and by the sixth section of Chapter 101, Title xxii, of the Revised Statutes, 'Of the Sea and River Fisheries,' to make regulations authorizing the Warden of the Fisheries, or the officer lawfully superintending the same, to seize and convey away, and after such proceedings as such regulations may direct, to forfeit, condemn and sell any nets, and every thing belonging or attached thereto, found in violation of such rules and regulations.

2. No herrings shall be taken between the fifteenth day of July and the fifteenth day of October in any year on the spawning ground at the southern head of Grand Manan, to commence at the eastern part of Seal Cove, taking in the two inner Islands, so called, at a place known as Red Point, thence

extending westerly along the coast to the southern head of Bradford's Cove, and extending one mile from the shore; all nets or engines used for catching herring on the said ground within that period shall be seized and forfeited; and every person engaged in using the same shall be guilty of a misdemeanor, and be imprisoned for any term not exceeding three months, or fined in a sum not exceeding twenty five pounds.

3. Every person violating the preceding section shall, in addition to the pains and penalties thereby incurred, forfeit and pay for each and every offence a fine of not less than five pounds, nor more than twenty pounds, in the discretion of the Justices before whom tried, to be sued for and recovered before any two Justices of the County where the offence shall have been committed; the fines and penalties to be applied as is directed in and by the said recited Chapter.

4. That Section fifteen of the said recited Chapter, as also an Act made and passed in the twenty first year of Her Majesty's Reign, intituled *An Act to amend Chapter 101, of Title xxii, of the Revised Statutes, Of the Sea and River Fisheries,* are hereby repealed.

CAP. XXVII.

An Act relating to lands, tenements and hereditaments held for public uses by the Justices of the Peace of the several Counties in this Province.

Section.

1. Justices in unincorporated Counties may distrain for rent.

Section.

2. Judgment may be entered, or Decree made against Justices.

Passed 23rd April 1862.

WHEREAS the Justices of the Peace of the several Counties in this Province are authorized and empowered to hold lands, tenements and hereditaments for public uses, and to bring and maintain actions of trespass and of ejectment relating to the same; but doubts have arisen whether such Justices of the Peace are legally invested with the right to distrain for rents due, or to institute or maintain proceedings at law for the recovery of such rents, or for the use and occupation of such lands, tenements and hereditaments, or of ferries or rights of ferry, or other incorporeal hereditaments to which they may be legally entitled; and it is expedient that such doubts should be removed;—

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

1. That it shall and may be lawful for the Justices of the Peace of the several Counties in this Province, by the name of 'The Justices of the Peace of the County of _____,' (*as the case may be,*) to distrain for rents to accrue due to them as such Justices after the passing of this Act, and by the same name shall and may institute and maintain proceedings at law for the recovery of such rents, or for the use and occupation, after the passing of this Act, of any lands, tenements or hereditaments, or of any ferries or rights of ferries, or other incorporeal hereditaments to which they are by law entitled; and at their respective General Sessions of the Peace to make such general orders from time to time as they may deem expedient, regarding the instituting, maintaining, and conducting of proceedings at law or equity by bill, action of ejectment, trespass, use and occupation, or otherwise, or by distress, for recovering the possession of or damages for trespasses upon, or rents to accrue due out of any lands, tenements or hereditaments, or out of any ferries or rights of ferry, or other incorporeal hereditaments, to which lands, tenements or hereditaments, corporeal or incorporeal, such Justices of the Peace now are or hereafter may be entitled under or by virtue of any Grant or Letters Patent from the Crown, or Act of the General Assembly, or of any deed of bargain and sale, or otherwise howsoever, or relating to the defence of any action or suit at law or equity against such Justices of the Peace; and it shall be the duty of the several Clerks of the Peace in their respective Counties to obey and perform such order, and to conduct such proceedings, or cause them to be conducted according to the same; and by the name aforesaid, an Attorney or Attorneys for that purpose to nominate and appoint; and in all cases of distress for rent, to appoint a bailiff or bailiffs; and as such Clerk of the Peace, to sign all such warrants, notices, or other documents as are or may be necessary for or incidental to the instituting, maintaining, conducting or concluding such proceedings; the warrant of distress, or to institute proceedings, or to defend, shall be in all cases *prima facie* evidence of an order of Sessions; and all moneys to be recovered by the authority of this Act shall be forthwith paid over to the County

Treasurer, subject to the order of the Justices in Session as aforesaid; provided always, that nothing in this Act contained shall extend to or affect, or be construed to extend to affect or apply to any incorporated Counties.

2. In all cases in which, under the provisions of the first section of this Act, a right of action or of any legal remedy is given to the Justices of the Peace of any County in this Province, against any person or persons whomsoever, and in which cases any liability should attach, or be supposed to attach to such Justices of the Peace, either in law or equity, such person or persons may institute proceedings at law or in equity, as the exigency of the case may require, against such Justices of the Peace, by the name of 'The Justices of the Peace of the County of _____,' (*as the case may be,*) and service of the first process and of all other papers necessary for carrying on such suit at law or equity, according to the practice of the Court in which such proceedings may be instituted, may be made upon the Clerk of the Peace of the County, and judgment may be entered up, or decree made against such Justices, by the name aforesaid; and it shall be the duty of such Justices at their General Sessions of the Peace next after the signing of such judgment, on memorial of the same filed with the Clerk of the Peace, to order and direct the payment of such judgment out of the County funds, and the same may be included in any assessment on the County, to be assessed, levied and collected in like manner as other County Rates.

CAP. XXVIII.

An Act relating to Corporations.

Section.

1. What constitutes a Corporation.
2. Memorandum, what to specify.
3. Form of Memorandum.
4. Memorandum, where filed.
5. When deemed a body corporate.
6. When subscribers may call meeting.
7. Corporation void if fifteen per cent. be not subscribed within two years.
8. Stockholders liable for debts before fifteen per cent. be paid in.

Section.

9. Liability of Stockholders for Stock subscribed.
10. Liability for debts.
11. Not to engage in banking or insurance.
12. How existence of Corporation proved.
13. Fees on filing Memorandum and Certificate.
14. Annual Returns, how made.
15. Authority for calling Meeting to dissolve.

Passed 23rd April 1862.

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

1. Five or more persons associated together for any Mining or Manufacturing purposes, or both, may, by subscribing their names to a Memorandum of Association, form themselves into an incorporated Company, with a subscribed capital stock of not less than ten thousand dollars.

2. The Memorandum of Association shall specify the name of the proposed Company, the object, the capital stock, and the number of shares into which it is proposed to be divided, with the amount of each share, the Town or place within the Province in which its office or principal place of business is to be established.

3. The Memorandum of Association shall be in the form following, or as near thereto as circumstances will admit, viz:—

Memorandum of Association of The Saint Mary's Mill Company.

1st. The name of the Company is The Saint Mary's Mill Company.

2nd. The nominal capital of the Company is £20,000, to be divided into 2000 shares of ten pounds each.

3rd. The office or principal place of business is to be at , in the County of York.

4th. The object of the Company is the manufacture of lumber of all kinds, and flour, with such other things as are incident to the attainment of that object.

We, the several persons whose names are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names:—

Name.	No of Shares.
John Stubbs, of Fredericton, in the County of York,	2
Peter Snooks, of Sheffield, in the County of Sunbury,	5
Joseph Titbit, of Stanley, in the County of York,	6
Simon Dunn, of Northampton, in the County of York,	4
David Check, of Norton, in the County of King's,	6

Dated the day of A. D. 1862.

4. The Memorandum of Association shall be filed in the office of the Provincial Secretary, who may grant a certificate thereof in the form following, or as near as circumstances will admit:—

These are to certify that [*here insert names and address of members*] have this day filed in my office a Memorandum of Association for the incorporation of a Company to be styled [*here insert name of Company,*] for the purpose of [*here state the object*] with a capital of to be divided into shares of pounds each, and stating that the office or principal place of business of the said Company will be established at in the County of .—Dated at Fredericton, the day of A. D. 186 .

A. B., *Provincial Secretary.*

The Provincial Secretary shall give notice in the Royal Gazette of the granting of such certificate, with the terms thereof.

5. Upon the granting such certificate, and the publication thereof in the Royal Gazette, the persons mentioned in the said Memorandum of Association shall be deemed to be a body corporate and politic, by the name and style of for the purposes therein specified, and for such purpose shall have all the powers made incident to a Corporation by Act of Assembly.

6. After the granting of the said certificate, the subscribers to the Memorandum of Association, or a majority thereof, may call a meeting of the Corporation for the purpose of organizing the Corporation, giving at least ten day's notice of the time and place of such meeting in a Newspaper published in the County where the office or principal place of business is situate, or if no Newspaper be published therein, then in the Royal Gazette.

7. Notwithstanding the incorporation of any Company under the authority of this Act, unless fifteen per centum of the proposed capital stock be paid in, for the purposes of the Company, within two years from the publication of the notice in the Royal Gazette of the filing of the Memorandum of Association, and a certificate of such payment signed and verified by the oath of the Directors, or a majority of them, before a Justice of the Peace, shall be filed in the office of the Provincial Secretary, the existence of the Corporation shall terminate.

8. The stockholders shall be personally liable for all debts contracted by the said Corporation before the said fifteen per centum of stock shall be paid in as required in the preceding section.

9. Every stockholder in any such Corporation shall, to the extent of the stock held by him, be liable for every call or assessment made for the purpose of enabling the Company to pay its debts and carry on its operations, which may be sued for and recovered in any Court of competent jurisdiction: The capital stock held by any shareholder in any such Company at the time of making any call or assessment thereon, shall be liable to the payment thereof; and in case of non-payment of such call or assessment at the time when the same shall be made payable, the Directors are authorized to order a sale to be made of so many of the said shares as they may think necessary for the payment thereof, with interest and expenses; such sale shall be made at auction, upon not less than thirty day's notice by the President in some newspaper published in the County of the place of business of such Corporation, and in case no newspaper be published in such County, then in the Royal Gazette; and the stock shall be transferred by the President and Secretary to the purchaser, who shall thereupon be entitled to a new certificate thereof; and the proceeds of such sale shall be applied towards paying the amount of such call or assessment, with interest, and the costs, charges and expenses of such notice, sale, and transfer, and the residue (if any) to the former owner.

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

11. No Corporation established under the authority of this Act shall engage in the business of Banking or Insurance.

12. The existence of the Corporation may be proved by the production of the Royal Gazette containing the notice of the filing of the Memorandum of Association, or the Certificate of the Provincial Secretary.

13. A fee of fourteen dollars shall be paid to the Provincial Secretary for filing the Memorandum of Association and granting and publishing the Certificate, and a fee of sixteen dollars for filing the Certificate of payment.

14. Every such Corporation shall annually transmit to the office of the Provincial Secretary, for the information of the Legislature, a return in triplicate of the true state of the affairs of the Company, verified by the oath of the Secretary and a

majority of the Directors, (which oath any Justice of the Peace is hereby authorized to administer,) made up as it existed on the first Monday in January, specifying the names of the stockholders, with the number of shares held by each, the amount of capital stock paid in, the value of the real estate and other property of the Company, the debts and liabilities of the Company, the debts due to the Company, the amount of dividends during the preceding year, and the amount of net profits on hand.

15. Any number of stockholders who may be owners of one quarter of the capital stock of any such Company, may call a general meeting of the stockholders for the purpose of taking into consideration the propriety of dissolving the said Company, giving at least three month's notice in the Royal Gazette, and any newspaper published in the County where the place of business of such Company is established, of the time and place of such meeting, with the object thereof; and if at such meeting it is determined to dissolve the said Company, the stockholders are hereby empowered to take the necessary legal means to effect that object; the Directors then in office shall take immediate and effectual measures for closing all the concerns of the Corporation, and for paying the debts, and disposing of the property, and dividing the capital and property which may remain among the stockholders, in proportion to their respective interests.

CAP. XXIX.

An Act to explain and amend Chapter 67, Title x, of the Revised Statutes, 'Of Sewers.'

Section.

1. Power of Commissioners.
2. Compensation to proprietors.
3. Commissioners not assessing damages; remedy.
4. Warrant of distress, how collected.
5. Jury to be sworn; their duties.

Section.

6. Commissioners to make assessments when necessary.
7. Chapters 67, 68, and 69, Title x, in part repealed.
8. Not to apply to German Town Lake-Forms.

Passed 23rd April 1862.

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

1. That the Commissioners of Sewers appointed or elected under Chapters 67, 68, and 69, Title x, of the Revised Statutes, 'Of Sewers,' shall have power and authority, by and with the

consent of the proprietors of a majority of acres to be benefited, to cut through and appropriate so much of any body or district of marsh bog on low lands as may be required for cutting any canal or ditch, and for making any dyke thereon ; for draining or flooding any body of marsh, bog, lake, or low lands, that now is or may be under their supervision, by the provisions of the said recited Act.

2. In case any proprietor shall be injured more than benefited by the cutting of any such canal or ditch through his marsh or land, or in making any dyke, the Commissioners shall make compensation to such proprietor for the same ; and in case they cannot agree, the valuation shall be made by five disinterested freeholders to be summoned in the following manner :—

The Commissioners shall apply to a Justice of the Peace in writing for Precept (C) to be directed to a Constable, requiring him to summon a Jury of five disinterested freeholders, to ascertain and value the damages sustained by any proprietor : It shall be the duty of the Constable to summon such jury according to the exigency of the said precept : The Constable shall give the proprietors or person interested in such assessment a copy of such precept two days before the time appointed for making such assessment.

3. In case the Commissioners shall neglect or refuse to have such damages assessed as aforesaid, for the space of three months from the time the land shall be so taken, the proprietor or person whose land has been taken may apply to a Justice in the same manner as hereinbefore provided for the Commissioners.

4. That upon the Warrant of distress (A) being issued against any delinquent proprietor, the Collector shall proceed thereon and collect the same in the manner and be authorized and empowered to collect the same fees thereon as directed by Chapter 137 of the Revised Statutes, for the collection of execution issued by Justices of the Peace in civil suits ; and upon the said Collector returning to the Clerk such distress as unsatisfied in whole or in part, the Clerk shall advertise for three months, or in case of a non-resident proprietor, six months, in some newspaper published in the County, or if no newspaper be published in the County, in the Royal Gazette,

a notice in the form (B), that at the time and place mentioned in such notice, the Clerk shall lease or sell at public auction to the highest bidder, the said land specified of such delinquent proprietor, and under his hand and seal execute a lease or deed of the same, and shall make affidavit annexed to the said conveyance that the requirements of the law have been complied with, to the best of his knowledge and belief; and upon such conveyance being duly recorded in the Registry of Deeds for such County, the said conveyance will thereupon have the same effect as if the deed had been executed by the delinquent proprietor: That any such notice (A) under the hand of the Clerk being recorded in the Registry of Deeds, will thereupon give the Commissioner a lien upon the said land for the amount of the assessment and all costs incurred in obtaining payment. That there be allowed for Warrant of distress and other proceedings—

Fees to Clerk on Warrant of distress,	-	£0	2	6
Each notice of sale,	- - -	0	2	0
Selling land,	- - - ..	0	5	0
Deed and affidavit,	- - - ..	1	3	4

Cash actually expended for advertising and registering.

5. The jury shall, in determining any damage, consider the benefits, present or prospective, which have accrued or may accrue to any proprietor by the making of any such ditch or canal, and the jury shall be sworn to the faithful discharge of their duty by a Justice of the Peace.

6. The Commissioners shall have power to make assessments from time to time, as any work is being proceeded with, and shall settle and arrange as far as possible any dyke or road accounts every three years, or more frequently at their discretion; all other accounts to be settled up and adjusted by the Commissioners before their term of office expires.

7. All the provisions of the hereinbefore recited Acts inconsistent with this Act are hereby repealed.

8. This Act shall not extend or apply to the drainage of German Town Lake, or any act or proceeding relating thereto.

FORMS.
A

To A. B., Collector of the Commissioners of Sewers for the

Distrain the goods and chattels of E. F. in any part of the County of _____, for _____ pounds, being amount of assessment upon the marsh lands of the said E. F. in District No. _____, [as the case may be, describing the land assessed] and proceed thereon according to law.

G. H., Clerk of Com'rs of Sewers.

B

Commissioners of Sewers in the County of _____

Whereas a body of marsh _____ situate in the Parish of _____, in the County of _____, District No. _____, was assessed by the said Commissioners, and a Warrant of distress issued against E. F. the delinquent proprietor, and delivered to the Collector, which Warrant has been returned unsatisfied; and whereas the said assessment still remains unpaid, notice is hereby given, that the said described land, or such part thereof as may be necessary, will be leased or sold at _____ in said County, on _____ the _____ day of _____ next, between the hours of twelve and two o'clock P. M., to pay such assessment and expense.

G. H., Clerk of Com'rs of Sewers.

C

To any Constable of the Parish of _____

You are required to summon a Jury of five disinterested freeholders to assess and value the damages sustained by A. B. for lands taken by the Commissioners of Sewers, situate in District No. _____ in the Parish of _____; the said Jury to attend at [place to be named] on the _____ day of _____ next, at the hour of _____ o'clock. _____ A. B., J. P.

CAP. XXX.

An Act to amend the Revised Statutes, Chapter 53, 'Of Rates and Taxes.'

Section.

Section.

1. Duties of Collectors.

3. When against non-resident.

2. Execution, when to be issued against resident;

4. Clerk of Peace, &c. when to grant certificate.

Section.

5. Proceedings upon Execution;
6. Against persons out of the Province.
7. Successor of Collector to continue proceedings.
8. Date of receipt endorsed on Warrant, &c.
9. Appointment of Jury; their duty.
10. Postponement of sale.
11. Deed by Sheriff.
12. Sheriff's Deed deemed prima facie evidence.
13. Sheriff's successor to continue proceedings.

Section.

14. Warrant for sale, &c. filed with Registrar of Deeds.
15. Sheriff to pay over proceeds of sale to County Treasurer.
16. Proceedings may be taken in the name of Collector for time being.
17. Refusal of Justice to pay over moneys; penalty.
18. Parts of Chapter 53 repealed.
19. Table of Fees.
Schedule.

Passed 23rd April 1862.

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

1. Every Collector shall, immediately after receiving the Assessment List, publish in the Royal Gazette for three months a list of all persons assessed in the Parish as non-residents, upon whom demand of payment has not been made as provided in the twenty fourth section of Chapter fifty three of the Revised Statutes, with the amounts of their respective rates, and a notice that unless such rates, with the costs of advertising, are paid within that time, the real estate of such persons will be sold, or other proceedings taken for the recovery of the amount.

2. If any person so assessed, residing in the County for which the assessment is made, shall neglect to pay such rate, and the costs of advertising, within the three months, the Collector shall apply to a Justice, who, upon oath made that the notice required by the first section of this Act has been duly published, and that the rate and expenses have not been paid, shall issue an execution against such person as provided in the twenty fifth section of Chapter fifty three of the Revised Statutes.

3. If any person assessed as a non-resident, and having a known place of abode within the Province, shall neglect to pay his assessment within the time limited by the first section of this Act, the Collector shall apply to a Justice of the Peace of the County where such person shall reside, who, upon the production of a certificate from the Clerk of the Peace or Secretary Treasurer of the County, as the case may be, where the assessment was made, of the amount of such assessment, and the costs of advertising, and that due notice has been given as required by the first section of this Act, shall issue

an execution against such person as directed in the thirty fifth section of the fifty third Chapter of the Revised Statutes; and no proceedings shall be taken against the real estate of such non-resident until after the return of such execution.

4. Before granting the certificate, the Clerk of the Peace or Secretary Treasurer shall take from the Collector an affidavit, that the notice has been duly published, and that the assessment is unpaid; which affidavit shall be filed in the office of the Clerk of the Peace or Secretary Treasurer, as the case may be.

5. The proceedings upon any execution issued under the provisions of this Act shall be according to the directions of the twenty fifth section of Chapter fifty three of the Revised Statutes.

6. If any person so assessed, and not residing within the Province, shall neglect to pay such rates, and the costs of advertising, within the three months, the Collector shall make and subscribe an affidavit (A) according to the Schedule in this Act; and any Justice of the County shall thereupon, on application of the Collector, issue a Warrant (B); the affidavit shall be annexed to the warrant, and the Sheriff, to whom the warrant is directed, shall not execute it unless the affidavit is annexed.

7. If the Collector goes out of office or dies after the advertising, the proceedings may be completed by his successor, who shall make affidavit of the regularity of the proceedings taken by himself, and that by diligent search and enquiry he verily believes that the proceedings taken by his predecessor have been regular.

8. The Sheriff upon receiving a warrant for the sale of real estate, shall endorse thereon the day of receiving the same, and shall forthwith file in the office of the Register of Deeds for the County a Memorandum (C), which shall operate as a lien or charge upon all the lands of the person named in the warrant within the County until the sale and conveyance thereof by the Sheriff, and shall have priority over any conveyance, mortgage, or charge made by or any judgment recovered against such person after the delivery of the warrant to the Sheriff.

9. At the expiration of one year from the day of receiving

the warrant, if the sum mentioned in the warrant and the costs and expenses remain unpaid, the Sheriff shall summon a Jury of three disinterested freeholders not residing in the Parish where the lands lie, who, after being sworn by the Sheriff to the impartial discharge of their duty, shall view the land in the presence of the Sheriff, and shall set off and define, in writing under their hands, so much of the said land as in their judgment shall be sufficient to pay the amount mentioned in the said warrant, with costs and expenses; and the Sheriff shall advertise and sell the land so set off, and no more.

10. The Sheriff shall have power to postpone the sale, if he considers it necessary, for a period of not less than thirty days, nor more than three months.

11. The Deed to be executed by the Sheriff on any sale under this Act shall be according to the form (D) as near as may be, which shall convey all the interest of the person assessed at the date of the delivery of the Warrant to the Sheriff, free from all liens, charges or incumbrances upon the said land since the registry of the Memorandum (C).

12. The Deed of the Sheriff duly executed, acknowledged, and registered, with an affidavit of such officer or his deputy endorsed thereon in the form (E), made at any time before the registration of such Deed, and sworn before any person authorized to take acknowledgments or proof of Deeds, that the property so conveyed was regularly seized, advertised, and sold, with proof of the Justice's Warrant, and Collector's affidavit thereto annexed, and upon which such seizure, sale and conveyance are founded, shall in all Courts be deemed and taken to be *prima facie* evidence of all things therein set forth.

13. If the Sheriff goes out of office or dies after the delivery of the Warrant and before the completion of the sale, the proceedings may be completed by his successor, who shall make affidavit of the regularity of the proceedings taken by him, and that by diligent search or enquiry he verily believes that the proceedings taken by his predecessor have been regular.

14. The Warrant for sale, with the affidavit of the Collector thereto annexed, and the Sheriff's return of his proceedings thereon, shall immediately after the sale be filed by him in the office of the Registrar of Deeds for the County.

15. The Sheriff shall pay over the proceeds of the sale (after deducting the expenses) to the County Treasurer, who shall apply the same in the first place to the payment of the amount mentioned in the Warrant, and the balance (if any) to be paid to the person who may be entitled to receive the same.

16. Proceedings for the recovery of rates may be taken and prosecuted to execution in the name of the Collector for the time being, although the Collector to whom the assessment list was delivered may have gone out of office since the delivery thereof.

17. If any money shall be paid to a Justice of the Peace upon execution or otherwise, in payment or satisfaction of any rate or assessment made by virtue of the authority and provisions of the Act to which this is an amendment, and such Justice shall have neglected or refused, after demand, to pay over the same to the Collector for the time being of the County or Parish to which such money was due, such neglect or refusal shall be deemed a misdemeanor and punished as such; and the Collector for the time being of such County or Parish, shall and may in his own name maintain an action of assumpsit against such Justice in the Supreme Court, as for money had and received, in which action he shall be entitled to recover interest on the money so paid to such Justice from the time of demand, besides costs of suit; and such action shall be a bar to any criminal prosecution for the said offence.

18. Any part of the said Chapter which is inconsistent with the provisions of this Act is hereby repealed.

19. The following Fees may be taken under this Act:—

To the Sheriff.

Filing Warrant, One shilling.

Memorandum to register, Five shillings.

Summoning and swearing Jury to appraise, Two shillings and six pence.

Attending to view land, Five shillings.

Preparing and executing Conveyance, Twenty shillings.

Mileage actually travelled, the same as allowed on serving Writs.

To the Clerk of the Peace.

Taking and filing affidavit from Collector, and granting Certificate, Five shillings.

To the Justice.

Taking affidavit of Collector, and issuing Warrant, Two shillings and six pence.

To the Registrar.

Filing Memorandum and Warrant, each, One shilling.

To the Jury.

For viewing the land and defining the portion to be sold, Two shillings and six pence each.

The same mileage as Jurors attending the Supreme Court.

SCHEDULE referred to in this Act.

A

Form of the Affidavit to be made by the Collector of Rates.

A. B. of _____, in the County of _____, and Province of New Brunswick, Collector of Rates and Taxes for the Parish (or District) of _____, (as the case may be,) for the year 18____, maketh oath and saith, that by an Assessment made by _____, Assessors for the Parish of _____, in the County aforesaid, and dated the _____ day of _____, A. D. 18____, the sum of _____ was directed to be collected from C. D., as a non-resident owner of real estate in the said Parish; that the portion of the said assessment applicable to the said C. D. has been duly published according to law, and that no part of the said sum of money has been paid.

A. B.

Sworn to before me, at _____, in the County }
aforesaid, this _____ day of _____, A. D. 18____. }

C. D., J. P.

B

Warrant to sell Land.

to wit: To the Sheriff of the County of _____

A. B. having been assessed in the Parish of _____, in the County of _____, in the sum of _____, for the year 18____, and due notice according to law having been given, and the same not having been paid, and C. D., Collector of Taxes for the said Parish having applied to the undersigned, one of the Justices of the Peace for the said County, I do order and command you to seize all the real estate of the said A. B. within your County; and if the said sum, and _____ for costs,

together with your charges and expenses, be not paid within one year from the delivery of this Warrant to you, that you sell at public auction to the highest bidder, first giving thirty days notice of such sale, so much of the real estate of the said A. B., situate within the said Parish, as shall be sufficient to pay the said assessment and the costs, together with your costs and charges, and make return hereof according to law.—Dated the day of , A. D. 18 .

J. Peace.

C

Memorandum of Warrant.

County of

Received in my office this day, a Warrant issued by Esquire, a Justice of the Peace for the said County, dated the day of , 18 , directing me to sell so much of the real estate of C. D., situated in the Parish of , in the said County, as shall be sufficient to pay , assessed against the said C. D., in the said Parish, besides costs.—Dated the day of , 18 .

E. F., Sheriff of

D

Sheriff's Deed to purchaser.

To all to whom these presents shall come: I, A. B., Sheriff of the County of , send greeting.

Whereas by a Warrant of , a Justice of the Peace in and for the County aforesaid, bearing date the day of , A. D. 18 , with the affidavit of , the Collector of Rates for the Parish (or District) of , (as the case may be) thereto annexed, I was ordered to sell at public auction to the highest bidder, first giving thirty day's notice of such sale, so much of the real estate of C. D. situate in the Parish of , in the said County, as should be sufficient to pay the assessment of the said C. D., he being therein rated as a non-resident owner of real estate, for the sum of , together with the costs and charges; and whereas in obedience to the said Warrant I have levied upon a certain piece or parcel of land of the said C. D., situated in the Parish of aforesaid, and described as follows, that is to say:—[*here set forth a description of the lands*]*]*—and after having duly adver

tised and sold the same according to law, E. F. of _____, in the County of _____, became the purchaser of the same for the sum of _____: Now know ye, that I, the said Sheriff, in pursuance of the power in me vested, and in consideration of the said sum of _____, do grant, bargain and sell unto the said _____, all the said lands and tenements hereinbefore described, together with all buildings and the appurtenances thereon being, and all the estate, right, title, interest, property, claim and demand of the said C. D. in and to the same: To have and to hold the same unto the said E. F. his heirs and assigns, for ever. In witness whereof, I have hereunto set my hand and seal the _____ day of _____, in the year 18 ____.

A. B., [L.S.]

Signed, sealed and delivered }
in the presence of }

On this _____ day of _____ 18 ____, before me _____, Esquire, one of the Justices of the Peace for the County of _____, personally appeared A. B., the above named Sheriff, and acknowledged the within conveyance to be his act and deed, executed by him for the purposes therein mentioned.

Justice of the Peace.

E

Affidavit of the Sheriff.

On this _____ day of _____, A. D. 18 ____, personally appeared before me _____, Esquire, one of the Justices of the Peace for the County of _____, A. B. the within named Sheriff, (or Deputy Sheriff,) and made oath that the lands and tenements mentioned in the within Deed, were duly seized, advertised, and sold, as by law required.

Justice of the Peace.

CAP. XXXI.

An Act to amend an Act intituled An Act to authorize the appointment of Commissioners in the United Kingdom and other parts of Her Majesty's Dominions, and in the United States of America, to take Affidavits and acknowledgments of Deeds and other Instruments relating to matters in this Province.

Section.

1. Persons to be appointed.
2. Acts done under 23 V. c. 26, valid.

Section.

3. Parts of 23 V. c. 26, inconsistent with this Act, repealed.

Passed 23rd April 1862.

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

1. That the persons to be appointed by the Governor in Council under the provisions of the Act made and passed in the twenty third year of Her present Majesty's Reign, intituled *An Act to authorize the appointment of Commissioners in the United Kingdom and other parts of Her Majesty's Dominions, and in the United States of America, to take Affidavits and acknowledgments of Deeds and other Instruments relating to matters in this Province, in the United Kingdom, or in the Islands of Jersey or Guernsey, Alderney, Sark, or Man, shall be persons who have authority to administer oaths in the places where they reside.*

2. All acts done in pursuance of the said recited Act by persons heretofore appointed under the provisions of the said Act, shall be valid.

3. That so much of the said recited Act as is inconsistent herewith is hereby repealed.

CAP. XXXII.

An Act to explain an Act intituled *An Act relating to the Boundary Line between the Provinces of New Brunswick and Nova Scotia.*

Explanation of Terms.

Passed 23rd April 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the words “giving to Nova Scotia the control of the navigable waters and Tidnish River.” used in the Act passed in the twenty second year of Her present Majesty's Reign, intituled *An Act relating to the Boundary Line between the Provinces of New Brunswick and Nova Scotia*, shall be construed to mean the navigable waters and control of the Tidnish River, and shall not relate to the waters of the Missiguash River; and the words “said River” used in the said Act after the words “Tidnish Bridge,” shall be construed to mean the Tidnish River.

CAP. XXXIII.

An Act to repeal part of Chapter 163 of the Revised Statutes, 'Of Fees,' so far as the same relates to Fees on Patents, and to make other provisions in lieu thereof.

Section.

1. Fees paid by foreigner.

Section.

2. Parts of Cap. 118, Title xxx, repealed.

Passed 23rd April 1862.

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

1. That the fees to be paid by a foreigner on Letters Patent, shall be the same in all cases and no more than those now charged to British subjects, provided that the Government of the Country of which such foreigner is an inhabitant shall not discriminate against the inhabitants of this Province.

2. That so much of Chapter 118, of Title xxx, of the Revised Statutes, 'Of Letters Patent for useful inventions,' as is inconsistent with this Act, is hereby repealed.

CAP. XXXIV.

An Act to explain an Act intituled *An Act to impose a Tax on unimproved granted Lands, to provide a Fund for opening of Roads and building Bridges in the Parishes in which the Lands lie.*

Lands granted and held for Imperial purposes, exempt.

Passed 23rd April 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That nothing in the said Act shall authorize an assessment upon Lands granted and held in trust for Imperial purposes, or used for purposes of national defence.

CAP. XXXV.

An Act relating to the University of New Brunswick.

Section.

1. Sections 24 and 25 of 22 V. c. 63, repealed.

2. Scholarships.

Section.

3. Power to sue for and recover debts due King's College.

Passed 23rd April 1862.

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

1. That the twenty fourth and twenty fifth sections of an Act passed in the twenty second year of Her present Majesty's

Reign, intituled *An Act to establish the University of New Brunswick*, be and the same are hereby repealed.

2. There shall be in the said University one Scholarship of the value of fifteen pounds per annum, either in the general or the special undergraduate course, for each County in the Province, to be open to competition under such regulations, and held for such time as the Senate may prescribe; and the holder of any such Scholarship shall be exempt from all fees for instruction in the said University.

3. The University of New Brunswick shall have full power and authority to sue for and recover all debts, damages or demands due or accruing, or arising upon any bond, covenant, contract or agreement, made to the late Corporation of King's College, or the Governor and Trustees of the College of New Brunswick; and to assign and transfer any mortgage made or hereafter made to the said Corporation, or the late Corporation of King's College, or of the Governor and Trustees of the College of New Brunswick, for the purpose of collecting in the debts due to the said Corporation.

CAP. XXXVI.

An Act relating to Gold Mines.

Authority to Governor in Council to make rules and regulations, and grant Leases.

Passed 23rd April 1862.

WHEREAS in view of the probable discovery of Gold in this Province, it is considered expedient to give the Governor in Council power to make rules and regulations in reference thereto;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—The Governor in Council is hereby authorized to make rules and regulations for digging and mining for Gold in and upon ungranted Crown Lands, and to authorize the granting of leases and licenses for that purpose without competition.

CAP. XXXVII.

An Act relating to Judgments in Actions not Summary.

Party may sign Judgment twenty days after verdict—Duty of Clerk of Circuits and Clerk of the Pleas—not to affect postea stayed by Judge.

Passed 23rd April 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That from and after the passing of this Act, the party in whose favour the verdict may be given in Actions not Summary, shall be entitled to sign judgment thereon twenty days after the verdict; and it shall be the duty of the Clerk of the Circuits to deliver the postea to the attorney of the successful party as soon as may be after such verdict; and the Clerk of the Pleas shall enter a rule for judgment on such postea, and tax the costs, and sign judgment, whereupon execution may be issued forthwith; any thing in an Act made and passed in the fifth year of the Reign of King William the Fourth, intituled *An Act to provide for the more convenient administration of Justice in the Supreme Court*, or any other law or usage to the contrary notwithstanding; provided always, that nothing herein contained shall extend or be construed to extend to cases in which the presiding Judge may see fit to grant a stay of postea.

CAP. XXXVIII.

An Act to amend Chapter 45, Title vi, of the Revised Statutes, 'Of Municipalities,' as relates to the Council and its Officers.

Section.

1. Warden, how elected, and vacancy, how filled.

Section.

2. Meeting to be held on 1st in place of 3rd Tuesday in July.

Passed 23rd April 1862.

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

1. The third section of Chapter 45 of the Revised Statutes, 'Of the Council and its Officers,' is hereby repealed, and in lieu thereof, the Council elect and sworn shall, at the time of the first semi-annual meeting next after their return, assemble at the Court House and choose from among themselves a Chairman, who shall be designated the 'Warden of the County of _____,' [adding the name of the County,] who shall hold office for one year, or until his successor be elected and sworn, unless he be continued Councillor and re-elected; should a vacancy occur in the office of Warden, the Council at its first meeting thereafter shall elect a Warden, but during

his temporary absence they may choose a Chairman from its members present.

2. And whereas in and by the eighth section of the said Chapter it is, among other things, enacted that meetings of the Council shall be holden each year on the second Tuesday in January and the third Tuesday in July, and that the latter time of meeting is found inconvenient, the meeting by the said eighth section to be held on the third Tuesday in July shall hereafter be held on the first Tuesday in July in each and every year, any thing in the said last mentioned section to the contrary thereof in any wise notwithstanding.

CAP. XXXIX.

An Act to continue an Act intituled *An Act to encourage the destruction of Wolves in this Province.*

Act 21 V. c. 14, continued.

Passed 23rd April 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the twenty first year of the Reign of Her present Majesty, intituled *An Act to encourage the destruction of Wolves in this Province*, 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 seventy.

CAP. XL.

An Act further to amend an Act to regulate the qualifications of Practitioners in Medicine and Surgery, and to provide a Medical Council of Health in the Province of New Brunswick.

Appointment and election of Members to the Medical Council, in case of death or resignation, how made. All acts done by Medical Council during any vacancy valid, if composed of not less than six members.

Passed 23rd April 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—In the case of the death or resignation of any of the members appointed by the Governor in Council of the Medical Council, a new appointment to fill such vacancy shall be made by the Governor in Council with all convenient speed; and in the case of the death or

resignation of any of the members elected by the Medical Faculty of the Medical Council, the remaining members of the Medical Council shall, with all convenient speed, elect, subject to the approval of the Governor in Council, to fill such vacancy, any duly qualified registered practitioner of medicine, who shall retain his seat in the Medical Council till the next general election of members of the Medical Council; all acts done by the Medical Council during the existence of any vacancy or vacancies shall, so long as the number of members shall not have been reduced to less than six, be equally valid as if no such vacancy or vacancies existed.

CAP. XLI.

An Act to amend an Act intituled *An Act to amend Chapter 19, Title iii, of the Revised Statutes, 'Of Buoys and Beacons,'* so far as the same relates to the County of Charlotte.

23 V. c. 23, s. 4, altered and amended, so far as regards the County of Charlotte.

Passed 23rd April 1862.

WHEREAS in and by the fourth section of an Act made and passed in the twenty third year of the Reign of Her present Majesty, intituled *An Act to amend Chapter 19, Title iii, of the Revised Statutes, 'Of Buoys and Beacons,'* it is enacted that the Provincial Treasurer shall keep separate accounts of the moneys which may be received under that Act for each Bay, Harbour, Port, or River, and the same shall be paid out, as may be necessary for the purposes of the said Chapter, by Warrant of the Governor; but such moneys shall only be expended in the several Bays, Harbours, Ports, or Rivers respectively, in which such moneys may be collected: And whereas it is expedient to alter and amend the said section, so far as the same relates to the County of Charlotte;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That nothing in the said section contained shall extend or be construed to extend to prevent the Commissioners of Buoys and Beacons within the said County of Charlotte, or a majority of them, from expending any surplus moneys which may remain in the hands of the Provincial Treasurer received under the Act, after providing for the necessities of the particular Bay, Harbour, Port or

River in which such moneys had been collected, for the use, maintainance or support of the Buoys and Beacons of any other Bay, Harbour, Port or River within the said County of Charlotte; and it shall and may be lawful for such Commissioners of Buoys and Beacons, or a majority of them, to expend such surplus, or any part thereof, for the use, maintainance or support of the Buoys or Beacons of any other Bay, Harbour, Port or River within the said County of Charlotte, which, in the judgment of the said Commissioners, or of a majority of them, may require such expenditure, any thing contained in the said recited section to the contrary notwithstanding.

CAP. XLII.

An Act in addition to and in amendment of an Act intituled *An Act establishing and maintaining a General Public Hospital in the City or County of Saint John.*

Section.

1. Additional loan authorized.
2. Form of Debenture and Coupon.
3. Interest, and when paid.
4. Loan, how and when raised.
5. Amount to pay interest assessed annually.

Section.

6. Warrants of assessment.
7. When loan shall be paid off.
8. Sec. 11, cap. 61, 23 Vic. continued.
9. Property liable to assessment.
10. Annual returns, to whom sent.

Passed 23rd April 1862.

WHEREAS in and by an Act made and passed in the twenty third year of the Reign of Her present Majesty, intituled *An Act establishing and maintaining a General Public Hospital in the City or County of Saint John*, it is, among other things, enacted that the Commissioners of the General Public Hospital in Saint John, by the said Act incorporated, for the purpose of purchasing such lands, and erecting, completing and furnishing such buildings as may be deemed requisite and necessary for the purposes of such Hospital, be authorized and empowered to raise, by loan, a sum of money not exceeding seven thousand pounds, to be paid off and discharged as directed by the said Act: And whereas it is found that the said sum of seven thousand pounds will not be sufficient for carrying into effect the intention of the said Act, and it is deemed expedient to authorize the said Commissioners of the General Public Hospital in Saint John to raise a further sum of money, not exceeding the sum of eighteen thousand dollars over and above the said sum of seven thousand pounds in the said recited Act mentioned;—

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

1. The said Commissioners of the General Public Hospital in Saint John are hereby authorized and empowered to raise by loan a sum not exceeding eighteen thousand dollars, (in addition to and over and above the said sum of seven thousand pounds which they are now authorized by the sixth section of the said recited Act to raise as aforesaid,) for the purposes mentioned in the said sixth section of the said Act; such sum of eighteen thousand dollars to be paid off and discharged by assessment upon the City and County of Saint John as hereinafter provided, that is to say, in fifty years from the passing of this Act; such loan to be taken in sums of not less than one hundred pounds each, and Debentures, with proper Coupons attached, shall be prepared and delivered to the person or persons from whom such loan shall be obtained, which same Debentures shall be negotiable in the same manner as promissory notes.

2. Such Debentures and Coupons respectively shall be in the form specified in Schedule A, annexed to the said recited Act, but substituting in such Debentures the words "fifty years" for the words "twenty five years." The Debentures shall be numbered, signed, countersigned, and verified, and the Coupons shall be signed in the same manner as is provided and directed in the seventh section of the said Act, with regard to the Debentures and Coupons issued under the authority of the said Act.

3. The holders of such Debentures shall be entitled to receive interest for the same semi-annually, not exceeding six per centum per annum, to be paid by the said Commissioners or their Treasurer, at their office in the City of Saint John, upon the presentation of the proper Coupons therefor.

4. The said loan of eighteen thousand dollars shall be raised and taken only by three equal instalments of six thousand dollars each, in each of the three years next succeeding the passing of this Act, and the said Debentures shall be issued in the same proportion, that is to say, the sum of six thousand dollars only in each of the years one thousand eight hundred and sixty two, one thousand eight hundred and sixty three, and one thousand eight hundred and sixty four, respectively.

5. The amount necessary for paying the interest on the said loan of eighteen thousand dollars shall be annually assessed, levied, collected and paid over in all respects in the same manner, by the same persons, officers, and authorities, and under the same liabilities in all respects as are mentioned, provided and made in force in and by the provisions of the said recited Act, in regard to the interest payable under and by virtue of the said Act.

6. The warrants of assessment issuable and issued by the said Commissioners under and by virtue of the said Act, shall include the annual amount necessary for paying the interest due and payable under and by virtue of this Act, in addition to the sum of four hundred and twenty pounds for annual interest mentioned in the forms of such warrants specified in Schedule B annexed to the said recited Act, that is to say, that instead of such annual sum of four hundred and twenty pounds for interest, the said Commissioners shall authorize and require the assessing and levying of the sum of two thousand and forty dollars for the payment of such interest, for the first of the three years mentioned in the fourth section of this Act; the sum of two thousand four hundred dollars for such interest for the second of the said three years; and the sum of two thousand seven hundred and sixty dollars for such interest for the third of the said three years, and for every other succeeding year until the expiration of the twenty five years mentioned and limited in and by the said recited Act, for the paying off of the said original loan of seven thousand pounds; and from and after the expiration of the said twenty five years, until the expiration of the said period of fifty years mentioned and limited in and by this Act, the said Commissioners shall annually authorize and require the assessing and levying of the sum of one thousand and eighty dollars only, for the payment of such interest as aforesaid.

7. In the fiftieth year after the passing of this Act, the said loan of eighteen thousand dollars shall be paid off by the said Commissioners; and the moneys necessary and requisite for paying the same, or so much thereof, with the interest, as may then remain due and unpaid, together with the costs of levying and collecting the same, shall be assessed, levied, collected and paid over before the expiration of the said term of fifty years,

by and under the authority of the Sessions of the City and County of Saint John, in the same manner in all respects as is provided, directed and required in and by the twelfth section of the said recited Act, with regard to the assessing, levying, collecting and paying over the said original loan of seven thousand pounds.

8. The eleventh section of the said recited Act shall be deemed and taken to all intents and purposes as part and parcel of this Act, as if the same were herein re-enacted.

9. The several sums of money to be assessed upon real or personal estate by virtue of this Act, or of the hereinbefore recited Act, to which this Act is an amendment, shall be assessed upon the real and personal estate in the said City and County of Saint John, of non-residents as well as residents, any thing in the said recited Act, or in the Schedule of the same, to the contrary notwithstanding.

10. The full, complete and perfect annual statement in detail of the state and condition, affairs and transactions of the said Hospital, and of every department thereof, with the just and detailed account of the receipts and expenditures for and on account of the said Hospital, during the year, as particularly mentioned and required in and by the fifth section of the hereinbefore recited Act, and by the provisions of the same, to be transmitted in triplicate to the Provincial Secretary for the information of the Governor in Council, and the Legislature, shall be prepared in quadruplicate, and one copy thereof shall be annually laid before the Common Council of the City of Saint John, to be investigated and audited as they may deem meet.

CAP. XLIII.

An Act in further amendment of the Law relating to Water Supply and Sewerage in the City of Saint John, and part of the Parish of Portland in the County of Saint John.

Section.

1. Chairman to give Bond.
2. Section 26 of former Act repealed.
Duty of Commissioners.
3. Auditors to have free access to all Books, &c.

Section.

4. Disqualification of certain persons.
5. Copy of assessment to be filed annually with Common Clerk.
6. Rates due, how recovered.

Passed 23rd April 1862.

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

1. The Chairman of the Commissioners now in office, and any Chairman of the Commissioners to be appointed under the Act intituled *An Act to provide for an improved system of Sewerage and Water Supply of part of the City of Saint John, and Parish of Portland in the County of Saint John*, before entering on the duties of his office, shall give security by bond to the Common Council of the said City, to the satisfaction of the said Common Council, for the faithful discharge of all the duties of his office, under the provisions of the said Act, or any Act which may be passed in amendment thereof, and for the payment over (to such other Chairman of the Commissioners as the said Common Council, on any change of the Commissioners, may deem advisable and may order) of all moneys in the hands of the superseded Commissioners at the time of such change, and for accounting to the said Common Council from time to time for all or any of their acts, when they shall deem it necessary and so order.

2. The twenty sixth section of the said recited Act is hereby repealed, and in lieu thereof the Commissioners shall keep regular books of account, in which shall be entered all moneys received and all disbursements made from time to time under the authority of the said Acts, and also file in the office of the said Commissioners all correspondence, contracts, estimates, and other papers appertaining to the same; and they shall annually file in the Common Clerk's office detailed accounts of their receipts and expenditure, made up to the thirty first day of December in each year, for the use and inspection of all rate-payers; and the said Common Council shall appoint three Auditors to audit such accounts; and the said Commissioners shall submit all books of account, vouchers, correspondence, estimates, contracts, plans, assessments, and other documents and papers, for examination and investigation, to the said Auditors respectively, when they or either of them shall require the same.

3. The said Auditors respectively shall at all times, as heretofore, while engaged in auditing such accounts, have free access to all such books and documents heretofore mentioned and connected with the duties of the said Commissioners, or on file in the office of the said Commissioners, as they may deem necessary to the elucidation and explanation of the items

of said accounts; and further, the said Auditors respectively shall annually report to the said Common Council and General Sessions respectively, and their reports in detail shall be printed and published; and the said Auditors shall severally be entitled to the remuneration mentioned in the twenty eighth section of the said recited Act.

4. That from and after the second Tuesday in April next, no person shall be eligible to be a candidate or capable of being elected or returned as an Alderman or Councillor of the Common Council of the City of Saint John, or capable to sit and vote therein, who holds any situation under the Commissioners appointed or that may hereafter be appointed to manage the Water Supply and Sewerage of the City of Saint John and Parish of Portland.

5. The Commissioners shall annually file a copy of the book containing the assessment for the year in the office of the Common Clerk of the City, within one month after the same is made up, to be open at all times within office hours to the inspection of any rate-payer of the City or Parish of Portland without the payment of any fee.

6. No proceedings shall be taken under the twenty second and twenty third sections of the said Act for the recovery of any rate after the expiration of one year from the time of the assessment, provided that nothing in this section contained shall relieve any party from personal liability for any rate or assessment.

CAP. XLIV.

An Act to enable the Justices of the Peace for the County of Charlotte to sell certain Lands and invest the proceeds in other securities.

Section.

1. Justices authorized to sell, and how.
2. Net proceeds of sale, how invested.

Section.

3. Deeds, &c. of Justices, sufficient title.

Passed 23rd April 1862.

WHEREAS there are several lots of Land in the Parish of Saint Stephen, in the said County, the title whereof is in the said Justices in trust, as hereinafter mentioned, to-wit:—All that certain piece of land formerly given and granted to the Justices of the Peace in and for the County of Charlotte, and their successors, under Letters Patent bearing date the fifth

day of August in the year of our Lord one thousand eight hundred and thirty six, in trust for the inhabitants of the Parish of Saint Stephen, for public uses within the said Parish, two tracts of land situate in the Parish of Saint Stephen, in the County of Charlotte, in our Province of New Brunswick, and bounded as follows, to-wit : The first tract commencing at a stake standing on the northern bank of the River Saint Croix, and distant along the bank one chain of four poles from the southwesterly angle of the grant to Colin Campbell ; thence running by the magnet north twenty five degrees west two chains of four poles each, and fifty links ; thence south seventy five degrees west seventy five links, to the eastern side of the upper Toll Bridge Road ; thence along the east side of the said Bridge Road to the northern bank of the River Saint Croix above mentioned ; and thence along the bank or shore down stream in an easterly direction to the place of beginning ; containing three roods and thirty eight poles, more or less : The second tract commencing on the northern bank of the River Saint Croix above mentioned, and at a distance along the bank of one chain of four poles, and twenty links, from the southwesterly angle of the first tract ; thence running north twenty seven degrees and thirty minutes east three chains and eight links ; thence south seventy five degrees west five chains and sixty five links ; thence south twenty five degrees east two chains and twenty links to the northern bank of the Saint Croix River aforesaid ; and thence along the bank down stream in an easterly direction to the place of beginning ; containing one acre and eighteen poles, more or less : the said two tracts containing together one acre three roods and sixteen poles, more or less : Also all that certain piece or tract of land known and described as farm lot number thirty six, and first division of the Saint Stephen, late Marks' grant, containing forty seven acres, more or less, and conveyed to the said Justices by deed poll, dated the second day of June in the year of our Lord one thousand eight hundred and thirty eight, by the Reverend Skeffington Thomson, in trust for the sole use and benefit of the Parish of Saint Stephen, and for the support of the Poor thereof, for ever : Also all that certain piece of land in the said Parish known as lot number seventy four in the first division of the grant to Peter M'Diarmid and others, containing fifty

acres, more or less, reserved in the said grant for the use of Schools, and by Title viii, Chapter 54, Section seven, of the Revised Statutes, vested in the said Justices for the support of Parish Schools in the Parish in which the said lands lie: And whereas the said lands are comparatively unproductive, and from their situation and condition cannot be rendered beneficial for the several and respective trust purposes above mentioned, and it is believed that the same would sell for a sum which, if invested in other real estate or Government securities, would annually yield and produce much larger returns and interest;—

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

1. That the Justices of the Peace for the County of Charlotte are hereby authorized to sell and dispose absolutely of the pieces and parcels of land above described, in such lots or divisions as they shall think most advisable, by public auction, first giving sixty day's public notice of the time and place of any such sale, by advertising the same in a newspaper published in the County, and by handbills posted up within the Parish, and on such terms as to payment of the purchase money as the said Justices shall direct; and on payment of the purchase money for such lands, to make and execute to the purchasers of the said lands respectively, titles in fee simple, such deeds to be executed under the Seal of the General Sessions of the said County; the purchasers shall not be bound to see to the application of the purchase money; provided that nothing herein contained shall in anywise interfere with or affect the legal or equitable rights of any lessees of the within described lands.

2. The net proceeds of such sales shall be by the said Justices invested in their names, in Provincial securities or on landed security; such landed security being of at least double the value of the sum lent; the annual interest, dividends and profits arising from such stocks and investments to be by the said Justices paid and applied by the said Justices to and for the same uses and trusts respectively, as are declared in the original trusts by which the said several pieces of land were granted or conveyed to them, and in the proportions of the said net moneys realized from the sale of the said lots or pieces of land above mentioned.

3. All deeds and conveyances of the said several pieces of land duly executed under the provisions of this Act, and registered according to the Laws of this Province, shall be sufficient to pass to the purchaser or purchasers of the lands in such deeds or conveyances described, all the estate and title which the said Justices had and held in the said lands; and such deeds and conveyances so executed, proved and registered, shall be *prima facie* evidence that the said lands were regularly advertised and sold, as required by the provisions of this Act.

CAP. XLV.

An Act to authorize the Trustees of Saint Andrews Church, Chatham, in connexion with the Church of Scotland, to sell and dispose of certain real estate in the County of Northumberland, devised in Trust by the last Will of William Kirkpatrick, deceased, and to reinvest the proceeds for the purposes in such Will mentioned.

Section.

1. Trustees authorized to sell.
2. Net proceeds of sale to be invested.
3. Sales to be by public auction.

Section.

4. Deeds, &c. from Trustees to convey all the title of Testator.
5. Reservation.

Passed 23rd April 1862.

WHEREAS by the last Will and Testament of William Kirkpatrick, of Newcastle, in the County of Northumberland, Farmer, deceased, bearing date the eighth day of October in the year of our Lord one thousand eight hundred and twenty five, (subject to the payment of all his lawful debts and funeral expenses, and to his well beloved son James, should he survive the said Testator,) he bequeathed all his property, both real and personal, to the support of the Minister of Saint Andrews Church, and to the benefit of the School at Douglas Town, the one half to each: And whereas the said James Kirkpatrick died before the Testator, and the personal estate was sufficient to pay off all the debts and funeral expenses of the said deceased: And whereas the real estate of the said deceased has for a number of years past been unproductive, and the benevolent intentions of the Testator have not been realized; and in order that the said Trustees may be enabled to carry out the Trusts in the said Will to advantage, it is deemed advisable that the said real estate of the said Testator should be disposed of, and the proceeds arising therefrom be invested

in real estate or Government securities, the annual dividends or profits thereof to be applied towards carrying out the Will and intention of the said Testator ;—

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

1. That the Trustees of Saint Andrews Church, Chatham, in connexion with the Church of Scotland, and their successors, are hereby authorized and empowered to sell and dispose of the real estate devised and bequeathed as aforesaid, in and by the said last Will and Testament of the said William Kirkpatrick, consisting of all that lot of Land in the Settlement back of Moorefield, known as lot number —, bounded on the east by land owned by Robert Scott, and on the west by land owned by William Murray, in trust for the support of the Minister of Saint Andrews Church, Chatham, and for the benefit of the School at Douglas Town, one half to the Minister of the said Church, and the other half to the School at Douglas Town, as provided in and by the said part recited Will, with the appurtenances, to the best advantage, and under and subject to such conditions, covenants, and agreements, as by the said Trustees may be deemed necessary and proper ; and on payment of the purchase money, to make good, legal and sufficient conveyances of the same, by and under the seal of the said Corporation, to the purchaser or purchasers thereof ; and the respective purchasers shall not be bound to see to the application of the purchase money thereof.

2. The net proceeds of such sale shall be invested and kept out at legal interest payable semi-annually, upon good and sufficient landed securities, or upon Government securities ; and the annual income, dividends and profits arising therefrom, shall be received and applied to and for the same uses and trusts for which the said real estate so sold were devised and bequeathed, and under the said Will.

3. All sales under this Act shall be at public auction, and not less than sixty day's notice thereof shall be given, by publishing the same in a newspaper printed in the said County, and by handbills in at least three public places in the Parish where the lands are situate.

4. All deeds and conveyances of the said lands made under this Act, duly executed under the seal of the said Corporation,

proved and registered according to the Laws of this Province, shall be sufficient to pass to the purchaser or purchasers of the lands in such deeds or conveyances described, all the estate and title which the said William Kirkpatrick at the time of his death had, and which the said Corporation at the date of such deeds or conveyances had in and to such lands and premises; and such deeds and conveyances so executed, proved, and registered, shall be *prima facie* evidence that the said lands were regularly advertised and sold as required by the provisions of this Act.

5. The legal and equitable rights of all persons claiming under the provisions in the Will of the said William Kirkpatrick, are hereby reserved.

CAP. XLVI.

An Act to alter the Boundary Line between the Parishes of Grand Falls and Saint Leonard, in the County of Victoria.

Defining Boundary Line.

Passed 23rd April 1862.

WHEREAS the Boundary between the Parishes of Grand Falls and Saint Leonard has been found to be inconvenient;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That in lieu of the Boundary Line now established between the Parishes of Grand Falls and Saint Leonard, the following shall constitute the Division Line between the said Parishes, viz:—Commencing at the upper or western boundary of a grant to the Board of Ordnance on the banks of Little River near Grand Falls, and following the western line of said grant to its northwestern bounds, and thence running a northeast course until it strikes the Boundary Line between the County of Victoria and the County of Restigouche.

CAP. XLVII.

An Act to alter the Division Line of the Parishes of Dundas and Wellington, in the County of Kent.

Defining Boundary Line.

Passed 23rd April 1862.

WHEREAS the present Boundary Line between the Parishes of Dundas and Wellington, in the County of Kent, is found inconvenient, and it is deemed advisable to alter the same;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That from and after the passing of this Act, the Division Line between the Parish of Dundas and the Parish of Wellington, be defined by a line beginning at the sea shore, at the northeastern angle of lot number one, granted to Joseph Richard; thence running by the magnetic needle south seventy two degrees and thirty minutes west seven hundred and fifty chains, or until it meets the westerly line of lot number eighty six, located to Alexander Robicheau, Junior, or the northern prolongation thereof; thence along the said prolongation and western line of said lot in a southerly direction, to meet the southern line of lot number eighty four, granted to Belone Robicheau; thence along the said southern line of the last mentioned grant, and its prolongation, to the southwestern angle of lot number seventy two, located to Ezra Gezner; thence in a westerly direction to the eastern angle of lot number sixty eight, in Trafalgar; thence south eighty degrees west, as surveyed by Deputy Munroe in one thousand eight hundred and fifty two, to the eastern side of the Maclauchlan Road.

CAP. XLVIII.

An Act to alter the Division Line between the Parishes of Northampton and Brighton, in the County of Carleton.

Section.

Section.

1. Part of Section 15, Chapter 1, Title 1,
repealed.

2. Defining Boundary.

Passed 23rd April 1862.

WHEREAS the survey and establishment of the north line of the Parish of Northampton as prescribed by Law, would cause the said line to run diagonally across Lots, to the great inconvenience of rate-payers in said Parishes;—

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

1. That so much of Section 15, Chapter 1, Title 1, of the Revised Statutes, 'Of the Divisions of Parishes,' as relates to the north line of the Parish of Northampton, and the south line of the Parish of Brighton, in the County of Carleton, be and the same is hereby repealed.

2. That the Division Line between the Parishes of North-

ampton and Brighton shall commence about forty rods northward of the mouth of Shaw's Creek on the bank of the River Saint John at Jessie Shaw's upper side line; thence running eastwardly along the division line between Shaw and Munro to its termination; thence eastwardly along the division line between Munro and Gray to its termination; thence eastwardly to the division line between Hale and M'Kinney; thence along the division line between Hale and M'Kinney, and its prolongation eastwardly to the Mining Company's Land; thence south seventy three degrees east by the magnet of 1848, to the County Line.

CAP. XLIX.

An Act relating to the supply of Carleton, in the City of Saint John, with Water.

Section.

1. Execution for non-payment of rate, by whom issued.
2. Chairman may by Warrant order Sheriff to sell real estate.

Section.

3. Residents in Parish of Lancaster liable in certain cases.

Passed 23rd April 1862.

WHEREAS an Act made and passed in the twenty first year of the Reign of Her present Majesty, intituled *An Act in addition to and amendment of an Act intituled 'An Act to authorize that part of the City of Saint John called Carleton, to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing,* requires amendment in the mode directed for the collection of rates and assessments: And whereas by placing the collection of the said rates and assessments in the hands of the Chairman of the said Commissioners, greater facilities would be afforded than at present exists in the collecting of the said rates and assessments;—

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

1. If any person assessed under and by virtue of the said recited Act, or in accordance with the provisions thereof, or in pursuance of any Act or Acts of Assembly made or to be made, shall not pay the amount for which he is liable under such assessment within ten days after notice of demand thereof, the Chairman of the said Carleton Water Commissioners, instead of the Police Magistrate, may issue execution for the

amount so assessed, together with costs and charges, against the goods and chattels of the person so assessed, directed to any Constable or Marshal of the said City of Saint John; and for want of goods and chattels whereon to levy the execution, may direct the said Constable or Marshal to take the body of the said person and deliver him to the keeper of the gaol of the City and County of Saint John, there to be kept for the number of days mentioned in the said execution, unless the debt and costs be sooner paid; said costs to be the same as at present by law allowed, and to be paid into the funds of said Commissioners raised for the said Water Supply; provided always, that the number of days shall in no case exceed one day for every forty cents in the amount mentioned in said execution, and in no case shall it exceed fifty days; and the execution shall be as near as may be according to the form A in the Schedule to this Act; and further provided always, that proof of such notice of assessment and the non-payment thereof, shall be verified by the affidavit of the Collector before it shall be lawful to issue execution thereon.

2. It shall be lawful for the said Chairman, instead of the Police Magistrate, by warrant under his hand and seal, to order the Sheriff of the City and County of Saint John to make the sale of real estate under the twenty fourth section of "The Saint John Assessment Act of 1859," as directed by the fourth section of the said hereinbefore recited Act, which sale shall be made and conducted in every respect and have the like effect as if the same had been made under and by warrant of the Police Magistrate prior to the passing of this Act.

3. The provisions of this Act shall extend to all persons resident in the Parish of Lancaster, in the City and County of Saint John, who may take the water in the said Parish under an agreement with the said Commissioners to pay a fixed sum therefor at stated and fixed periods, and in default of payment the same may be proceeded with by execution or warrant as directed by this Act, and jurisdiction is hereby given to the said Chairman for that purpose.

SCHEDULE A.

Execution.

To any Constable or Marshal of the City of Saint John.
Levy and sell of the goods and chattels of A. B. within the

City of Saint John, the sum of _____, which has been assessed upon him by the Carleton Water Commissioners, also _____ for costs and charges, the whole being _____, and have that money at my office in Carleton on the _____ day of [not less than ten days nor more than thirty from the date of Execution]; and for want of goods and chattels whereon to levy, take the said A. B. and deliver him to the keeper of the gaol of the City and County of Saint John, who is hereby required to receive him and keep him safely _____ days, unless the same with costs be sooner paid, and make return hereof at the time and place aforesaid.—Dated this _____ day of _____, A. D. 18 _____.

C. D., Chairman of the
Carleton Water Commissioners.

CAP. L.

An Act to abolish the Fishery Draft on the Western side of the Harbour in the City of Saint John, and to make other provisions for the disposal of the said Fisheries, and to apply the annual proceeds thereof towards the erection of a Public Hall in Carleton, and in payment of Interest on the Carleton Water Debentures.

Section.

1. Erection of Public Building in Carleton.
2. Part of s. 5, c. 145, Rev. Stat. repealed.
3. Fishing Lots sold at auction.

Section.

4. Appropriation of moneys.
5. Sales, how conducted.
6. Appointment of Directors of Fisheries.
7. Assessments.

Passed 23rd April 1862.

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

1. Notwithstanding any thing contained in the Charter of the City of Saint John, a Public Building may be erected on such part of the Market place in Carleton, City of Saint John, as the Common Council may determine; provided always, the majority of the members of the west side agree.

2. The exception respecting the "Fishery Draft in the City of Saint John," in Section 5, Chapter 145, of the Revised Statutes, 'Of offences against public morals and decency,' is hereby repealed; and nothing in the Charter of the said City of Saint John, nor any usage or custom, or bye law of the Corporation of the City of Saint John, or the said fifth Section of the said Chapter, shall be held, taken or construed to legalize

the Fishery Draft in the City of Saint John as heretofore practised, or the drawing by lot for numbers in the fisheries granted by the Charter of the said City to the freemen and inhabitants of the said City, and such Fishery Draft shall be held and taken to be a Lottery under the provisions of the said fifth Section of the said Chapter.

3. The fisheries between high and low water mark along the said Bay, River and Harbour of Saint John, and the sole fishing, hauling the seine, erecting wiers, and taking the fish between high and low water mark on the said west side of the Harbour, as granted by and described in the said Charter of the City of Saint John, together with such portion of the fishing lots on and surrounding Navy Island as, according to existing usage and custom, belong to the west side, shall annually on the first Tuesday in January of each year be set off in lots, and each lot shall be sold at public auction to the highest bidder therefor: in case the highest bidder shall not immediately pay the amount, such lot shall be again set up, and so *toties quoties*, until the last lot shall be disposed of; and all moneys arising from such sale shall be paid to the Chamberlain, for the purpose of erecting a public building in Carleton, and for other purposes hereinafter described.

4. All moneys which are to be paid to the Chamberlain, and applied to the purposes of erecting the proposed public building in Carleton, and for other purposes, shall be applied as follows,—the sum of two thousand dollars shall be retained by the Chamberlain each year for four years after the passing of this Act, and the moneys so retained shall be applied by the Chamberlain towards paying the expenses of erecting said public building; and the Common Council shall have power to make a contract and agreement with able and sufficient workmen for the erection of said public building, which contract and agreement the said Common Council are hereby required to make with all reasonable and practicable dispatch, after a sufficient sum shall have accumulated to warrant them in making such contract; and the balance or residue of said sale shall be used by the Chamberlain for the purpose of paying the interest on the Carleton Water Debentures: after the expiration of the four years after the passing of this Act, the whole of the proceeds of the sale of the said west side fishery

lots, together with that portion of the proceeds of the sale of the fishing lots on and surrounding Navy Island as according to existing usage and custom belong to the west side, shall be appropriated towards the payment of the interest on the Carleton Water Debentures, and the surplus, if any should accrue, shall be appropriated to the payment of the principal of said Debentures.

5. Such sale shall be conducted under the direction of a Committee of the Common Council to be for that purpose appointed; the Common Council shall, on the purchase and payment of the purchase money of each lot, grant to the purchaser a certificate of his having so purchased the same, under the hand of the Common Clerk; and such purchaser shall thereupon become entitled to the same rights and privileges in every respect as if he had drawn such number in the Fishery Draft heretofore annually drawn in the said City.

6. The Common Council of the said City shall have the power by ordinance to appoint Directors of the fisheries, and generally to regulate the fisheries, and laying out and fishing the fishing lots within the limits of the City of Saint John; and if the Common Council shall not before the first day of December next after the passing of this Act, make an ordinance for that purpose, the ordinance which shall be in force at the time of the passing of this Act shall be and remain in full force; provided always, that no part of such ordinance in force at the time of the passing of this Act, which is repugnant to or inconsistent with this Act, shall be effectual or valid; and further provided, that all or any ordinance of the Corporation of the City of Saint John now passed or hereafter to be passed, which shall be inconsistent with or repugnant to this Act, shall be void and of no effect.

7. Any thing contained in an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to authorize that part of the City of Saint John called Carleton, to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing*; and also in another Act made and passed in the twenty first year of the same Reign, intituled *An Act in addition to and in amendment of an Act intituled 'An Act to authorize that part of the*

City of Saint John called Carleton, to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing,' to the contrary notwithstanding, no assessment for the purposes of the said Acts, or of either of them, shall hereafter be made except on property or income, and poll taxes under the same are hereby prohibited; provided nevertheless, that nothing herein contained shall prevent the collection and payment of any poll tax made before the passing of this Act.

CAP. LI.

An Act to provide for the erection of a City Hall in the City of Saint John.

Section.

1. Mayor, &c., may contract for building City Hall.
2. Mayor, &c., may borrow money on Debentures.
3. Loan, how to be taken.
4. Debentures negotiable, and interest paid half yearly.
5. Part of Sec. 5, Chapter 145, Revised Statutes, repealed.
6. Fisheries on east side of Harbour to be sold at auction.

Section.

7. Sales to be conducted under Committee of Common Council.
8. Moneys received by Chamberlain to be invested in securities.
9. Sums accumulated three years, applied towards building Hall.
10. Directors of Fisheries, how appointed.
11. Moneys, &c., arising from rent of buildings now occupied as offices, &c., applied towards payment of Debentures and interest.

Passed 23rd April 1862.

WHEREAS it is desirable that the various public offices and rooms required by the growing wants of the City of Saint John should be provided for in one building in the said City, by the erection of a City Hall;—

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

1. It shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, notwithstanding any thing contained in an Act made and passed in the ninth year of Her present Majesty's Reign, intituled *An Act relating to the Public Debt of the City of Saint John*; or an Act passed in the seventeenth year of Her Majesty's Reign, intituled *An Act relating to the Public Debt of the City of Saint John*; or of any thing contained in the Charter of the City of Saint John, bearing date the eighteenth day of May one thousand seven hundred and eighty five, to contract and agree with able and

sufficient workmen for the erection in the City of Saint John of a suitable building for a City Hall, for such sum not exceeding sixty thousand dollars as may be necessary for that purpose.

2. The said Mayor, Aldermen and Commonalty of the City of Saint John are hereby authorized and empowered, notwithstanding anything in the said recited Acts contained, to borrow such sums of money as may be required for the erecting, constructing and completing the said City Hall, not exceeding in the whole the sum of sixty thousand dollars, to be paid off and discharged in manner hereinafter provided; provided always, that no such moneys shall be borrowed till after the expiration of three years from the passing of this Act.

3. The said sum of sixty thousand dollars shall be taken in loans of not less than four hundred dollars, and Debentures in the following form, or to that effect, shall be prepared and delivered, with Coupons for interest payable half-yearly to the persons from whom such loans shall be obtained, viz:—

Number —

City of Saint John.

This certifies that [*money lender*] hath lent to the Mayor, Aldermen and Commonalty of the City of Saint John, the sum of four hundred dollars currency, which sum is payable to him or his order, together with interest at and after the rate of six per cent. per annum, pursuant to an Act of Assembly passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act to provide for the erection of a City Hall in the City of Saint John.*

Dated the day of A. D. 186 .

By order of the Common Council.

[L. S.]

C. D., *Common Clerk.*

A. B., *Mayor.*

Which same Debentures shall be sealed with the Common Seal of the said Corporation, and signed by the Mayor and Common Clerk, shall be consecutively numbered according to the times at which the same shall be issued, and the Coupons for interest shall be signed by the Mayor and Common Clerk, and a record of the same shall be entered by the Clerk in the Minutes of the said Corporation.

4. The said Debentures so to be issued under the provisions of this Act, shall be negotiable in the same manner as promis-

sory notes, and the holders thereof shall be entitled to receive interest upon the same semi-annually, at a rate not exceeding six per cent., to be paid by the Chamberlain of the said City out of the funds hereinafter provided, on presenting the Coupons for the same.

5. The exception respecting the Fishery Draft in the City of Saint John, in Section 5, Chapter 145, of the Revised Statutes, 'Of offences against public morals and decency,' is hereby repealed; and nothing in the Charter of the City of Saint John, nor any usage or custom or bye law of the Corporation of the City of Saint John, or the said fifth section of the said Chapter, shall be held, taken or construed to legalize the Fishery Draft on either the east or west side of the Harbour, in the City of Saint John, as heretofore practised, or the drawing by lot for numbers in the fisheries granted by the Charter of the said City to the Freemen and inhabitants of the said City; and such Fishery Draft shall be held and taken to be a Lottery under the provisions of the said fifth section of the said Chapter; and all or any person or persons engaging or taking part therein, on either the east or west side of the said Harbour, shall be guilty of a misdemeanor, and in addition thereto shall severally be subject to a penalty of fifty pounds, to be recovered and collected before the Police Magistrate of the said City, in the same manner as any penalty under any bye law of the said City may be recovered, and when recovered shall be paid to the Chamberlain of the said City for the purposes of this Act.

6. The fisheries between high and low water mark along the east side of the said Bay, River and Harbour of Saint John, and the sole fishing, hauling the seine, erecting weirs, and taking the fish between high and low water mark on the said east side of the Harbour, as granted by and described in the said Charter of the City of Saint John, and all other fisheries in the said Harbour heretofore enjoyed and possessed by the inhabitants of the east side of the Harbour, shall annually on the first Tuesday in January in each year be set off in lots, and each lot shall be sold by auction to the highest bidder therefor: in case the highest bidder shall not immediately pay the amount, such lot shall be again set up, and so *toties quoties*, until all the said lots shall be disposed of; and all moneys

arising from such sales for three years from the passing of this Act, including the sales to be made in the year one thousand eight hundred and sixty five, shall be paid to the Chamberlain for the purposes of this Act.

7. Such sales shall be conducted under the direction of a Committee of the Common Council to be for that purpose appointed; the Common Council shall, on the purchase and payment of the purchase money of each lot, grant to the purchaser a certificate of his having so purchased the same, under the hand of the Common Clerk; and such purchaser shall thereupon become entitled to the same rights and privileges in every respect, as if he had drawn such number in the Fishery Draft heretofore annually drawn in the said City.

8. All moneys paid to and received by the Chamberlain of the City, under the provisions of this Act, shall be annually vested by the said Chamberlain in the name of the Chamberlain of the City of Saint John, in good public or landed securities, together with all interest accruing on the same, for the purposes of this Act; provided always, that none of the said moneys, of principal or interest, shall be so invested by the said Chamberlain, until he shall have obtained the permission and approval in writing of the Mayor, Recorder, Sheriff, and Members of the Legislature for the City of Saint John for the time being, or of any three of them, for such investment; the sums so invested shall be held by the said Chamberlain in trust for the purposes of this Act, and shall not be subject to the order of the Common Council of the said City; provided always, that the said Chamberlain and his sureties on any bond by him given or hereafter to be given, for duly accounting and paying over to the Mayor, Aldermen and Commonalty of the City of Saint John, all sums of money in his hands as such Chamberlain, shall be liable on such bond for any deficiency or misapplication of the said fund so paid to him under the provisions of this Act.

9. After the period of the said three years, the said sum so accumulated shall be applied by the Corporation of the said City towards the building of the said City Hall, and the amount of the proceeds of the said Fisheries shall thereafter be applied to the payment of the interest of the Debentures issued under this Act.

10. The Common Council of the said City shall have the power by ordinance to appoint Directors of the Fisheries, and generally to regulate the fisheries and laying out and fishing of the fishing Lots within the limits of the City of Saint John; and if the Common Council shall not before the first day of December next after the passing of this Act, make an ordinance for that purpose, the ordinance which shall be in force at the time of the passing of this Act shall be and remain in force; provided also, that no part of such ordinance in force at the time of the passing of this Act, which is repugnant to or inconsistent with this Act, shall be effectual or valid; and further provided, that all or any ordinance of the Corporation of the City of Saint John now passed or hereafter to be passed, which shall be inconsistent with or repugnant to this Act, shall be void and of no effect.

11. All moneys, rents, issues and profits arising from the sale or the leasing or renting of any lands, buildings or premises now used and occupied by the Corporation for public offices or public purposes within the said City, as well as of the said City Hall, and which shall not, after the erection of the said City Hall, be required for the said public purposes, shall be paid to the Chamberlain of the said City, to be applied by him towards the payment of the principle and interest of the said Debentures; but nothing in this section contained shall be held to affect the right of any mortgagee in any such property.

CAP. LII.

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

Section.

1. Penalties incurred under 3rd, 4th and 7th Sections of 24 Vic. cap. 30, how sued for and recovered.

Section.

2. Police Magistrate to make Monthly Statement.
3. Goats, &c. on Public Squares, how dealt with.

Passed 23rd April 1862.

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

1. All penalties incurred under the third, fourth, and seventh sections of an Act made and passed in the twenty fourth year of the Reign of Her present Majesty, intituled *An Act in addition to and in amendment of an Act intituled 'An Act*

relating to the Police of the City of Saint John,' may be sued for and recovered before the Police Magistrate or Sitting Magistrate, in the same manner and to the same effect as any other pecuniary penalty may be recovered in the Police Office of the City of Saint John.

2. The said Police Magistrate shall make up a monthly statement or account, and file the same in the Chamberlain's office the first day of every month, (or on the day before, in case of the first of the month being Sunday or a holiday,) in which shall be entered in detail all informations, and against whom made or received, all summonses and warrants issued, arrests, convictions, sentences, acquittals, fines and commitments had, made, ordered, or imposed, with the names of the persons informed against, arrested, or against whom summonses or warrants have been issued during the month; the said account or statement shall shew whether the fines with the costs have been collected, and if not collected, the reason why.

3. The Police of the said City shall prevent all trespassing on the public squares therein, and any goats or geese found at large on the public squares, or in any street within the said City, on the eastern side of the Harbour, may be destroyed.

CAP. LIII.

An Act to provide for the drainage and protection of the Great Marsh in the City of Saint John, and the Parishes of Portland and Simonds in the City and County of Saint John, and the maintenance of an Aboideau across the Marsh Creek near the City of Saint John.

Section.

1. Appointment of Commissioners.
2. Meetings of Commissioners.
3. Appointment of Clerk.
4. Duty of Commissioners.
5. Meetings of proprietors, where held.
6. Work done by Contract or by the day.
7. When work may be done without consent of owners.
8. Obstructions to drainage, how removed.
9. Expenses of building and repairing Aboideau, how defrayed.

Section.

10. Commissioners to distrain in certain cases.
11. Sheriff's Deed evidence of legal seizure, &c.
12. Record of Commissioners, how kept.
13. Remuneration of Commissioners.
14. Vacancy, how filled.
15. Commissioners under former Act to be reimbursed out of first assessment.
16. Should Government contribute, assessment to be reduced.

Passed 23rd April 1862.

WHEREAS the Aboideau across the Marsh Creek on the Great Marsh near the City of Saint John, has become very much dilapidated, and is in danger of being carried away by the sea, and requires immediate repair;—

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

1. The Lieutenant Governor in Council shall appoint three fit and competent persons to be Commissioners of Sewers for the said Great Marsh, which Commissioners on receiving their appointment shall be sworn to the faithful discharge of their duties.

2. It shall be the duty of the said Commissioners, and they are hereby authorized to meet together as occasion shall require, to devise means and methods for building, erecting or repairing Aboideau dykes, and wears, and such other erections and works as may be necessary for draining the said Great Marsh, and preventing it being inundated by the sea or by freshets.

3. That the Commissioners at the first of their meetings shall appoint a Clerk, not being a Commissioner, whose duty it shall be to keep a record of all such meetings, and of the doings of the said Commissioners, and to sign all entries, notices and other documents necessary or authorized by virtue of this Act; and said Commissioners shall also at said first meeting appoint one of their number Chairman, whose duty it shall be to preside at all meetings of proprietors and Commissioners.

4. That such Commissioners shall proceed to build, erect or repair such Aboideau dykes, wears and other works they may deem to be necessary for the drainage and protection of the said Great Marsh, provided that no new work shall be constructed, and no repairs whose estimated costs shall exceed the sum of one hundred dollars (except in case of emergency) shall be commenced and proceeded with without the consent of the owners of at least one half the land contained in the said Great Marsh.

5. That the Commissioners are authorized, for the purpose of obtaining such consent, to call a meeting of the owners of land on said Great Marsh at any time, on giving six days' notice of the time and place of such meeting in one or more of the newspapers published in the City of Saint John, such meeting to be held in all instances at some place on said Marsh adjacent to the site of the contemplated work, or else in the City of Saint John.

6. That the Commissioners at their option, as they may deem most expedient for the interests of the owners of the said Marsh land, either let the said work by contract to some responsible person or persons, or shall cause it to be done by workmen employed by them for reasonable wages; and they may, if they deem it expedient, retain the services of some competent Civil Engineer to devise and plan schemes for drainage and protection, and if they so think fit, may employ an overseer or inspector of the work and pay him reasonable remuneration therefor.

7. That in cases of emergency or sudden danger arising from any cause, or in ordinary cases of repair, where the estimated expenditure shall not exceed the sum of one hundred dollars, the Commissioners, or any one of them, may cause the work to be done immediately without the consent of the owners of one half the land on said Great Marsh as before mentioned.

8. That in any case where the natural course of drainage on the said Great Marsh shall have been obstructed or may hereafter be obstructed by any person or persons or body corporate whomsoever, the Commissioners are authorized to call on such person or persons, or body corporate, or the person in occupation of the land where such obstruction exists, to remove such obstruction so far as may be necessary for the free flow of water for drainage purposes; and if such person or persons or body corporate shall, after ten days' notice, neglect or refuse to remove such obstructions, it shall be lawful for the said Commissioners, or any of them, with their employees and workmen, to enter on any land and remove such obstruction sufficiently to accommodate the free flow of water for drainage, and to charge the expense of such work to the person or persons or body corporate so neglecting or refusing, and to recover the same from such person or persons or body corporate by suit, in the name of such Commissioners, in the Supreme Court when the sum exceeds twenty dollars, and when it is less than twenty dollars before any Justice of the Peace.

9. That for the purpose of defraying the said costs and expenses of such building, erecting and repairing of the Aboideau dykes and wears, and other works as before mentioned, and maintaining the present Aboideau and roadway in its present

dimensions, and the expenses of the Commissioners, and all other expenses incident to the performance of the powers and duties vested in them by this Act, including the salary of the Clerk, which shall be a reasonable remuneration, to be settled by the Commissioners, the Commissioners shall make an assessment on the several owners of land on the said Great Marsh, assessing them according to the value and benefits accruing to the land held by each, provided that no assessment shall be made on any land which the Commissioners shall consider not to be benefited by such works or repairs; and on such assessment being made, the said Commissioners shall cause a notice (A) to be published for the space of twenty days, which said notice shall be signed by the Chairman and Clerk, in one of the newspapers published in the City of Saint John, which notice shall contain a list of the said owners, the amount assessed on each, and the quantity of land on which such assessment is made.

10. In case any owner of land shall not within thirty days after the first publication of such notice as aforementioned, pay the amount for which he, she or they are so assessed, to the Chairman of the said Commissioners, the said Commissioners shall thereupon issue a Distrain Warrant (B) signed by all of said Commissioners and said Clerk, directed to the Sheriff of the City and County of Saint John, under which Warrant the Sheriff shall levy on the goods and chattels of the party or parties, or body corporate, against whom the same shall be issued; and in case there shall not be sufficient goods and chattels in his bailiwick to satisfy the same, the Sheriff shall levy on the land of the said party or parties, or body corporate, situate on the Great Marsh aforesaid, on which such assessment was made, and shall sell the same to satisfy such Warrant; but no sale shall take place until the time and place of such sale shall be advertised by the Sheriff at least three months continuously in some newspaper published in the City of Saint John; the sale to be made between the hours of twelve and five in the afternoon; and the Sheriff shall execute to the purchaser or purchasers of such land a Deed of such land (C), which shall be sufficient to convey all the interest of the person or persons, or body corporate, against whom the said Warrant was issued; and the Sheriff shall return the said Warrant

to the Chairman of the said Commissioners, who shall cause the same to be filed in the office of the Clerk of the Peace in and for the City and County of Saint John; and if there shall be any surplus after paying the amount for which such Warrant was issued, and the Sheriff's fees thereon, the Sheriff shall pay over the same to the person or persons against whom the Warrant was issued.

11. That the Deed of the Sheriff duly proved and registered, or a certified copy thereof, shall be evidence that the said property so conveyed was regularly seized, advertised and sold; and in case of the death or going out of office of the Sheriff who has seized, advertised, or sold any lands, the sale or conveyance thereof, or both, may be completed by his successor without any new warrant or any alteration in the proceedings, who shall prove to the regularity of the proceedings taken by him, and that on diligent enquiry he verily believes that the proceedings taken by his predecessor were regular.

12. The record to be kept by the Clerk of the said Commissioners, shall contain a record of all the meetings of the owners of land called by them, and of all meetings of the said Commissioners, and of all work done by them, and of all contracts entered into, and all assessments made by them; which said record shall (except when the same is in use at such meetings) be kept on file in the office of the Clerk of the Peace for the County of Saint John; and the said Commissioners shall annually on the second Monday in January in each year, file with the said Clerk of the Peace a detailed account of all moneys expended by them as such Commissioners during the year previous; which said record and account shall be open to the inspection of any owner of land on the said Great Marsh, upon payment of the fee of twenty cents to the Clerk of the Peace for such inspection.

13. The Commissioners shall be entitled to receive out of the moneys to be raised by such assessment, one dollar each for each day's attendance at such meetings, and two dollars for each day's attendance when superintending the workmen employed in dykeing or draining, provided that not more than one Commissioner shall be paid for attendance as superintendent on the same day.

14. In case of any vacancy in the said Commissioners by

death or otherwise, the Governor in Council may from time to time appoint another Commissioner to fill any such vacancy ; and in case a vacancy by the death or resignation of the Chairman of Commissioners, the Commissioners may appoint one other of their number Chairman, and in case of the absence of the Chairman at any meeting, the Commissioners may appoint a Chairman *pro tem* to act at such meetings.

15. The Commissioners to be appointed under this Act shall, at the first assessment to be made by virtue of this Act, assess such additional sum as may be required to reimburse the present Commissioners of Sewers the amount expended by them, and the expenses incurred by them in and about the draining and protecting the Great Marsh, and incident to their duties as such Commissioners, and which may not at that time have been reimbursed to them, and shall pay the same to the said present Commissioners on being satisfied of the correctness of the account rendered by them.

16. That said Commissioners shall be and are hereby empowered to make an agreement with the Executive Government for the time being of the Province of New Brunswick, in order that the said Executive Government may contribute towards the building, erecting or repairing said Aboideau across said Great Marsh, upon such terms as may be agreed upon between the said Commissioners and the said Executive Government ; and in case such agreement shall be made by and between said Commissioners and said Executive Government, then the amount to be assessed and levied by said Commissioners on and against the proprietors of said Great Marsh, shall be less the amount to be paid by the said Executive Government as aforesaid.

SCHEDULE A

Notice.

To the owners of Lands on the Great Marsh in the City and County of Saint John.

The following persons, owners of land on the Great Marsh in the City and County of Saint John, have been assessed in the sums set opposite their respective names, and they will pay such sums respectively to the undersigned, Chairman of Commissioners of Sewers, on or before the day of next, or proceedings will be taken to collect the same.

, I was directed to levy on the goods and chattels of C. D. in my bailiwick, the sum of ; and in case I should not find within my bailiwick sufficient of the goods and chattels of the said C. D. whereon to levy the same, I was required to levy on the lands of the said C. D. on the Great Marsh in the City and County of Saint John, the said sum of ; and whereas for want of sufficient goods and chattels, I have levied on certain lands of the said C. D. situate on the Great Marsh in the City and County of Saint John, described as follows—[set forth description]—and after advertising and selling the same according to law, E. F. becomes the purchaser thereof, for the sum of : Now know ye, that I, the said Sheriff, in pursuance of the power in me vested, and in consideration of the said sum of do grant, bargain and sell unto the said E. F. all the said lands and tenements, together with all buildings and appurtenances thereon being, to hold the same unto the said E. F., his heirs and assigns, for ever. In witness whereof, I have hereto set my hand and seal, this day of , in the year of our Lord one thousand eight hundred and

Signed, sealed and delivered }
in presence of }

City and County of Saint John.

On this day of A. D. 18 , before me, personally appeared the above named Sheriff, and made oath that all the acts required by law for sale of the lands and tenements mentioned in the within Deed, were truly performed by him, the said Sheriff, and that the within conveyance is his act and deed, executed by him for the purposes in the same mentioned and set forth.

G. H., *Justice of the Peace*
for the City and County of Saint John.

CAP. LIV.

An Act to enable the Governor and Trustees of the Madras School in New Brunswick to raise Money upon Mortgage of certain Lots of Land situate on the north side of King Square in the City of Saint John.

Governor and Trustees authorized to mortgage Lands.

Passed 23rd April 1862.

WHEREAS the said Governor and Trustees are seized and possessed of certain lots of Land situate on the north side of King Square in the City of Saint John, known and distinguished on the plan of the said City by the number three hundred and fourteen (314), three hundred and fifteen (315), and three hundred and sixteen (316); and also of a portion of another lot situate in the rear of the said lots, purchased by the said Governor and Trustees, and being part of a lot known as lot number one hundred and eighty (180): And whereas the said Governor and Trustees have incurred certain liabilities in carrying out the objects of the Charter, and doubts have arisen as to the power of the said Governor and Trustees under their Charter to mortgage lands;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Governor and Trustees of the Madras School in New Brunswick be and they are hereby declared to be empowered, under their Charter, to dispose of and convey by way of mortgage, the said lots of lands or any of them, in order to raise the requisite means for liquidating such debts, and any other debts heretofore incurred, and also to pay off or purchase all such improvements made or to be made on said lots by the present lessees under and by virtue of their present leases; and for that purpose to make and execute under their corporate seal, to any mortgagee or mortgagees, good, legal and sufficient conveyances, by way of mortgage, any former law to the contrary notwithstanding; provided that the said Governor and Trustees shall, out of the moneys to be raised under the authority of this Act, in the first place pay and refund with interest to the several special funds, all moneys drawn or borrowed therefrom and applied to the uses and purposes of the Madras School in the City and County of Saint John, and shall invest the same at interest for the benefit of the said special funds respectively.

CAP. LV.

An Act for establishing and maintaining a Police Force in the Town of Newcastle, in the County of Northumberland.

Section.

1. Police, how appointed.
2. Justices to make regulations, fix salaries, and define powers of Police.

Section.

3. Additional powers to Justices in Newcastle.

Section.

4. Power to arrest without warrant in certain cases.
5. Certain Sections in 11 Vic. chap. 12, adopted.
6. Justices authorized to erect lamps.
7. Assessment. how made.
8. Rules, &c. to be first approved by Lieutenant Governor in Council.

Section.

9. Fines, &c. collected, to whom paid.
10. Money received by Treasurers subject to order of Justices.
11. Fees received by Policemen paid over to Treasurer.
Table of Fees.

Passed 23rd April 1862.

WHEREAS offences against the peace, as well as injuries to property, have become frequent in the Town of Newcastle, and it is expedient to establish an efficient system of Police in the said Town ;—

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

1. The Justices of the Peace for the said County shall and may at any General Sessions appoint a sufficient number of fit and able men, not exceeding three, to be and act as a Police Force within the Town of Newcastle, who shall be severally sworn in by any Justice of the said County, to act as Constables for the preserving the peace and the preventing of all felonies and misdemeanors, and apprehending offenders against the peace; and the men so sworn shall, within the said Town, have all such powers, authorities, privileges, and advantages, 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 any Justice of the Peace within the said Town, for conducting themselves in the execution of their office.

2. The Justices of the Peace aforesaid shall have power, by regulations to be by them made, to fix the salaries and allowances of the persons to be employed under this Act, and define the powers and duties of the said policemen or constables, and the districts within which such powers and duties shall be exercised and performed; provided that in no case shall any greater or further power be given to any of such policemen, than is now by law given to the policemen in the Parish of Portland, in the City and County of Saint John.

3. The Justices of the Peace residing within the Town of Newcastle shall, in addition to the powers they now by law

possess, be invested with and shall exercise and execute all such other duties and powers as shall be required to be executed under this Act.

4. That it shall and may be lawful for any constable belonging to the said Police Force, during the time of his being on duty, to take into custody, without warrant, all loose, idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of having committed or being about to commit any felony, misdemeanor, or breach of the peace, and all persons whom he shall find between the hours of nine P. M. and five o'clock, A. M., during the months of March, April, May, June, July, August, September, and October, or between the hours of seven o'clock P. M. and six o'clock A. M. during the months of November, December, January, and February, lying or lurking in any highway, yard, wharf, or other place, and not giving a satisfactory account of himself or themselves; and also to take into custody without warrant as aforesaid, any person who, within the limits of the Town aforesaid, shall be charged by any other person with committing any aggravated assault, in every case in which such constable shall have good reason to believe that such assault has been committed, although not within view of such constable, and that by reason of the recent commission of the offence, a warrant could not have been obtained for the apprehension of the offender, in order that any such person may be secured until he can be brought before a Justice of the Peace in the said Town, to be dealt with according to law.

5. The sixth, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty second, twenty ninth, thirtieth, thirty first, thirty fifth, together with the Schedules A and B therein referred to, *mutatis mutandis*, thirty seventh, thirty eighth, thirty ninth, and fortieth sections of an Act made and passed in the eleventh year of the Reign of Queen Victoria, intituled *An Act for establishing a Police Force in the Parish of Portland, in the City and County of Saint John*, shall extend and apply to the Town of Newcastle 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 the Town of Newcastle aforesaid, 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 re-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 County of Northumberland in lieu of the Commissioners therein named; and in case of forfeiture of such bond, the said Justices of the Peace for the County of Northumberland shall, by that name, have power to sue for and recover the amount of the same, to be by them paid to the County Treasurer for the purposes of this Act; and the several powers and authority given to, and the duties to be performed by the Police Magistrate under the several provisions of the said Act for establishing a Police Force in the Parish of Portland, in the City and County of Saint John, and in this section enumerated, shall be exercised, enforced and performed by any Justice of the Peace of the County of Northumberland; provided that all offences punishable under this Act shall be tried, heard and determined within the limits of the said Town of Newcastle.

6. The Justices of the Peace of the said County in General Sessions, are hereby authorized to agree for the erection in the public streets of the said Town of such number of lamps and lamp posts, not exceeding eight, and the lighting of the same with gas, as they shall from time to time think necessary.

7. The Justices of the Peace for the said County, at the General Sessions to be held in January in each year hereafter, are hereby authorized to make a rate or assessment of a sum not exceeding for any one year the sum of one hundred and fifty pounds, to defray the expenses of supporting and maintaining the said Police establishment; such expenses to include the salaries of and for the said constables; the costs and

charges of erecting, repairing and lighting the said gas lamps; the allowances or payments to the Assessors and Collectors; and all the costs, charges and disbursements incidental to and necessary for the efficient maintenance and support of the said Police establishment, and its appurtenances in general; such assessment shall be assessed, levied and collected by an equal rate on all the male persons being twenty one years of age, not being paupers, residing on the front lots in that part of the Parish of Newcastle lying between the upper side line of the property formerly owned and occupied by the Honorable J. A. Street, and the farm now owned and occupied by James Ledden, and upon the real estate lying within the above limits, whether owned by residents or non-residents, and upon the personal property and incomes of all persons hereby made liable to assessment residing within the limits above defined, which limits, for the purposes of this Act, shall be deemed the Town of Newcastle; which sum, subject to the limits aforesaid, shall be assessed, levied, collected, and paid, agreeably to any Act now or which hereafter may be in force for the assessing, levying and collecting County rates, and when recovered or collected, shall be paid over to the County Treasurer for the County of Northumberland, and held and applied under the direction of the Justices of the Peace for the said County, for the purposes of this Act.

8. The rules and regulations to be made from time to time by the said Justices under this Act, shall not be in force until the same have been approved of by the Governor in Council; such rules and regulations when so approved, shall be filed in the office of the Clerk of the Peace for the said County, and a certified copy under his hand shall be published in a newspaper printed in the said County; and the production of such newspaper with such rules and regulations published therein, shall be *prima facie* evidence of such rules and regulations.

9. All sums of money recovered and received for fines, penalties and forfeitures incurred and paid under or by virtue of any of the provisions of this Act, for any offence committed within the limits of the said Town of Newcastle, shall be paid on the first Monday of every month to the County Treasurer.

10. The County Treasurer shall receive all sums of money raised by assessment, and all fines, penalties and forfeitures

incurred and paid from any Collector, Magistrate, Constable, or other person paying the same, for the purposes of this Act; and he shall keep and hold the same as a separate fund for the purposes of this Act, to be paid over by him from time to time under the orders of the General Sessions of the Peace for the said County.

11. All fees received by any of the said Police for performing the duties of constable, shall be paid over, as received, to the Magistrate by whose direction he shall have performed the duty, to be paid over to the County Treasurer in the same manner as fines and penalties are directed to be paid over.

Table of Fees to be charged and taken under this Act.

Every summons or subpoena,	- - - -	20 cents.
Every copy,	- - - -	10 "
Every warrant,	- - - -	30 "
Every recognizance to appear and take trial,	- - - -	20 "
Every recognizance to keep the peace,	- - - -	40 "
Every affidavit and swearing,	- - - -	20 "
Taking evidence on trial of each witness,	- - - -	20 "
Every trial and conviction,	- - - -	40 "
Copy proceedings furnished to any party requiring the same, per folio,	- - - -	10 "
Constables' fees, and Policemen acting as such. the same as provided for Constables in civil suits before Justices.		

CAP. LVI.

An Act to authorize the Justices of the Peace for the County of Northumberland to make rules and regulations for the protection and management of Booms for Lumber.

Section.

1. Sessions to make regulations.
2. Rates and Tolls, how recovered.

Section.

3. Violation of Rules; penalty.
4. Penalty, how appropriated.

Passed 23rd April 1862.

WHEREAS it is desirable and necessary that rules and regulations should be made for the management and protection of the Booms established on the River Miramichi, and its branches, including the River Tabusintac, in the County of Northumberland, for the protection and safe keeping of Lumber and other property floated down the said River and its branches, including the River Tabusintac, and the safe delivery thereof to the owners;—

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

1. The General Sessions or any Special Sessions of the Peace for the County of Northumberland, shall and may from time to time, and as often as they shall find it necessary, make and establish rules and regulations for the government, management, and upholding of all Booms already established on the River Miramichi and its branches, and also on the River Tabusintac; appoint Boom masters, and fix the rates or fees and tolls to be paid to such Boom masters for the boomage of all timber, logs and lumber going into or passing through any such boom; provided that nothing herein shall authorize the interfering with any Corporation, or persons authorized by law to establish a boom.

2. All such rates or fees and tolls, the Boom masters may recover, with costs, in an action of debt in their own names, against the owner or owners of such timber, logs or lumber, before any Justice of the Peace where the amount does not exceed twenty dollars, and where it exceeds that sum, before any Court of Record in this Province; or such Boom masters may retain a lien on such timber, logs and lumber for the said rates or fees and tolls, and if the same be not paid within ten days after an account of the same is rendered to the owner or owners of such timber, logs and lumber, then it shall be lawful for such Boom masters, on giving six days' notice of sale, by serving notice thereof on the owner or owners, and posting three copies in the Parish where the boom may be situate, to make a sale at public auction of the said timber, logs and lumber, and out of the proceeds to retain all such rates or fees and tolls, with the expenses of sale, and if there be any surplus the same to pay over to the owner or owners.

3. That any person or persons who shall violate any of the rules or regulations that shall from time to time be in force, shall be liable to a penalty of not exceeding twenty dollars for each and every offence, to be sued for and collected under the provisions of Chapter 138, Title xxxvii, of the Revised Statutes, 'Of Summary Convictions;' and the Boom master may be a witness to prove any such offence.

4. That all penalties recovered under this Act shall be paid, one moiety to the person who shall prosecute for the same, and

the other moiety to the boom master of the Parish where the boom is established, to be applied by him towards the keeping up and maintaining of such boom.

CAP. LVII.

An Act to explain an Act intituled *An Act to authorize and empower the Justices of the Peace in and for King's County to sell and convey certain School Lands in the Parish of Springfield, and invest the proceeds in other lands or other valuable securities more advantageous to the inhabitants of the said Parish.*

Section.

1. Sale not to affect private rights.

Section.

2. Differences settled by arbitration.

Passed 23rd April 1862.

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

1. That nothing contained in an Act made and passed in the twenty fourth year of the Reign of Her present Majesty, intituled *An Act to authorize and empower the Justices of the Peace in and for King's County to sell and convey certain School Lands in the Parish of Springfield, and reinvest the proceeds in other lands or other valuable securities more advantageous to the inhabitants of the said Parish*, shall affect or be construed to affect private rights ; and no sale of the lands in the said Act mentioned shall be made until the true value of any improvements *bona fide* made on the same, shall have been first ascertained as hereinafter mentioned ; and all sales and purchases of the said lands, or any portion of the same, shall be made subject to payment by the purchaser or purchasers of such true value, to the person or persons *bona fide* entitled thereto.

2. Should any difference of opinion arise between the Justices of the Peace aforesaid, and the party or parties claiming to be remunerated for improvements *bona fide* made on the said lands, or any part thereof as aforesaid, the same shall be settled as to amount, as follows—The said Justices of the Peace shall nominate and appoint one disinterested person, and the party or parties claiming remuneration shall nominate and appoint another disinterested person, and those two persons shall nominate and appoint a third disinterested person, and those three persons shall investigate the matter, and shall and may

examine evidences on oath, if they see fit, and shall make up their award or finding in writing, and such award shall be final and conclusive, and the amount of the same shall be paid to the said Justices, in addition to the sum for which the said lands may be sold, under the authority of the hereinbefore recited Act, to be by them paid over to the party entitled to receive the same, or his legal representatives, any thing in the above recited Act contained to the contrary in any wise notwithstanding.

CAP. LVIII.

An Act to change the present Polling place in the Parish of Cambridge, in Queen's County, and to establish another Polling place in said Parish in lieu thereof.

Section.

1. Change of Polling place.

Section.

2. Act 21 V. c. 34, repealed.

Passed 23rd April 1862.

WHEREAS the present place for taking the poll at contested Elections to be held for Members to serve in the General Assembly in this Province for the Parish of Cambridge, in Queen's County, is inconveniently situate, and it is necessary to change the same ;—

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

1. That for the Parish of Cambridge, in Queen's County, at or near the old Baptist Meeting House, near William Colwell's, Upper Jemseg, in the said Parish, shall be and is hereby declared to be the place for taking the poll at all contested Elections hereafter to be held for Members to serve in the General Assembly in this Province.

2. That an Act of the General Assembly passed in the twenty first year of the Reign of Her present Majesty, intituled *An Act appointing a Polling place in Queen's County*, be and the same is hereby repealed.

CAP. LIX.

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

Additional Polling place established in Grand Manan.

Passed 23rd April 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an additional Polling place shall be established in the County of Charlotte, at or near the residence of Mr. Lorenzo Drake, at North Head, in the Parish of Grand Manan, for the election of Members to serve in the House of Assembly in this Province.

CAP. LX.

An Act to change the Polling place in the Parish of Saint Leonard, in the County of Victoria.

Polling place to be at or near Thomas Bell's, in the Parish of St. Leonard.

Passed 23rd April 1862.

WHEREAS the place for taking the polls in the Parish of Saint Leonard, in the County of Victoria, at Elections for Members to serve in the General Assembly of this Province for the said County, has been found inconvenient, and it is expedient to change the same;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Polling place in the Parish of Saint Leonard, in the County of Victoria, at Elections for Members to serve in the General Assembly of this Province for the said County of Victoria, shall hereafter be held at or near Thomas Bell's, in the said Parish of Saint Leonard, any law, usage or custom to the contrary thereof notwithstanding.

CAP. LXI.

An Act relating to the Polling place in the Parish of Maugerville, in the County of Sunbury.

Section.

1. Act 18 V. c. 37, in part repealed.
2. Where held.

Section.

3. Not to affect Act 18 V. c. 37, as relates to Burton and Lincoln.

Passed 23rd April 1862.

WHEREAS in and by an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the Election of Members to serve in the General Assembly*, it is, among other things, enacted that in the County of Sunbury, the Court House in Burton shall be the Polling place for the Parishes of Maugerville, Burton, and Lincoln:

And whereas such Polling place has been found inconvenient to the inhabitants of the said Parish of Maugerville; for remedy whereof,—

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

1. That the said recited Act, so far as the same relates to the establishing a Polling place for the said Parish of Maugerville, be and the same is hereby repealed.

2. Henceforth the Polling place for the said Parish of Maugerville shall be and the same is hereby declared to be at or near the Grammar School House in the said Parish of Maugerville.

3. Nothing in this Act contained shall extend or be construed to extend to alter the provisions of the said recited Act, so far as the same relates to the Parishes of Burton and Lincoln.

CAP. LXII.

An Act relating to the Polling places in the Parishes of West Isles and Campo Bello, in the County of Charlotte.

Section.

1. Act 18 V. c. 37, in part repealed.

Section.

2. Polling places established.

Passed 23rd April 1862.

WHEREAS in and by an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the Election of Members to serve in the General Assembly*, it is, among other things, enacted that the Polling place for the Parishes of West Isles and Campo Bello, in the County of Charlotte, should be at Indian Island; and it is found necessary that a Polling place should be established in each of the said Parishes;—

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

1. That an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the Election of Members to serve in the General Assembly*, so far as the same relates to the establishment of Polling places for the Parishes of West Isles and Campo Bello, in the County of Charlotte, be and the same is hereby repealed.

2. Henceforth the Polling place for the Parish of West Isles aforesaid, shall be at or near the School House in Chocolate Cove, in the said Parish of West Isles; and the Polling place for the Parish of Campo Bello aforesaid, shall be at or near the School House in Welchpool, in the said Parish of Campo Bello.

CAP. LXIII.

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

Additional Polling places established.

Passed 23rd April 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the following additional Polling places for the election of Members to serve in the General Assembly, shall be and are hereby established:—

At or near the School House in the Parish of New Maryland, for all electors residing or entitled to vote in the said Parish:

At or near Asa Mitchell's, in the Parish of Dumfries, for all electors residing or entitled to vote in that part of the said Parish which lies on the southwest side of the Saint Andrews and Quebec Railway; such part of the said Parish to be distinguished as District number two, and the remaining part as District number one:

At or near Canterbury Station, in the Parish of Canterbury, for all electors residing or entitled to vote in that part of the said Parish which lies on the southwesterly side of the northeasterly line of a tract of land, containing three hundred and thirty seven acres, granted to Francis E. Beckwith, adjoining a grant to Isaac Attwood on Eel River; and the prolongation of the said line northwesterly to Eel River, and southeasterly till it meets the division line between the Parishes of Dumfries and Canterbury; the above described part of the said Parish to be distinguished as District number two, and the remaining part as District number one:

At or near the Parish Hall, in the Parish of Southampton, instead of the place now prescribed for the said Parish by the Act passed in the eighteenth year of Her Majesty's Reign, intituled *An Act to regulate the Election of Members to serve in the General Assembly*; and any parts of the said Act as are inconsistent with the provisions of this Act, are hereby repealed.

CAP. LXIV.

An Act to incorporate the North West Boom Company.

Section.

1. Company incorporated.
2. Capital stock.
3. First meeting, where held, and by whom called.
4. Boom not to interfere with navigation of River.
5. Time Boom shall be kept open.
6. Rate of Boomage.
7. Prize logs, how disposed of.
8. Boomage, how recovered.
9. Boomage on rafts or joints.
10. When Company may raft lumber.

Section.

11. Stockholders and subscribers.
12. Liability of stockholders and stock.
13. Differences settled by arbitration.
14. When Corporation liable for loss of lumber.
15. Corporation may sue for assessment.
16. How action may be brought.
17. Injury to Booms; penalty.
18. Act void if Boom not erected within two years.
19. Not to interfere with private rights.
20. Continuance of Act.

Passed 23rd April 1862.

WHEREAS the erection of a Boom or Booms on the North West Branch of the Miramichi River, in the County of Northumberland, will be a great benefit to persons engaged in the lumbering business, by enabling them to secure timber, logs and other lumber floating down the said River at a moderate expense: And whereas it is deemed expedient to incorporate a Company for that purpose;—

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

1. That George Whitney, Robert Forsyth, John Clarke, Edward R. Whitney, Richard Hutchison, Jesse G. Harding, Alexander Morrison, and Justus Adams, and their associates, successors, and assigns, be and they are hereby erected into a body corporate, by the name of 'The North West Boom Company,' for the purpose of erecting and maintaining such boom or booms, pier or piers, or any other works on the shores connected therewith, as the Corporation may think necessary or deem advisable, at or near the residence of James Hutchison in North Esk, or within two miles distance either above or below his residence, for the more convenient collecting, picking up, securing and rafting timber, logs and other lumber floating down the said River, and for carrying on and managing the same; and the said Corporation by such name shall have all the powers and privileges made incident to a Corporation by Act of Assembly or otherwise.

2. The capital stock of the Corporation shall be eight hundred dollars, and be divided into forty shares of twenty dollars each, to be paid at such times and by such instalments as the business of the Company shall require; and the Corporation

shall, when necessary, extend the capital stock to the sum of sixteen hundred dollars, and shall have power to increase the number of shares accordingly, or assess such increase upon the original shares.

3. The first meeting of the Corporation shall be held in Newcastle, and shall be called by Edward Williston, or in case of his death, neglect, refusal, or absence, by any two of the Corporation, after giving ten days' notice of the day of such meeting published in the Gleaner newspaper, for the purpose of making rules and regulations for the government of the Company, and choosing Directors necessary for the management of the affairs of the Company, which Directors so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have power to manage the affairs of the Corporation.

4. The boom or booms shall be so constructed as to admit the passage of rafts and boats, and to preserve the navigation of the River.

5. The said Corporation shall, and they are hereby required to keep the said boom or booms open, in order to receive timber, logs or other lumber floating down the said River, from the spring of the year and after the River is clear of ice, until the first day of August in each year during the continuance of this Act.

6. The Corporation shall be entitled to receive not exceeding three pence per ton for each ton of square or sided timber or other lumber, and not exceeding four pence per thousand for each and every thousand superficial feet of logs or other lumber actually driven or floating down into the tideway of the said River, and which they shall secure in or by the boom or booms of the said Company, such payment to be in full for booming and securing the said timber, logs or other lumber; provided always, that timber and lumber in rafts, and hardwood timber, futtocks, and knees, shall not come within the operation of this section.

7. All prize logs, or other logs, timber or lumber floated down the North West Branch of the River Miramichi, or its branches, and into or against the said boom, upon which no marks are found, and for which no owner appears, shall be sold by the said Company by public vendue after ten days'

notice of the hour, day and place of such sale posted in three public places in the Parish where the boom or booms are erected and established, and the proceeds thereof to be appropriated, one quarter thereof towards paying the expenses of the said Company, and the balance to be divided among the owners of logs or other lumber secured in the said boom, according to the quantity owned by them respectively.

8. The Corporation shall have a lien on all timber, logs or other lumber which may be secured in the said boom or booms, and may by themselves, their agent or agents, retain a sufficient part of such lumber to pay the boomage until such boomage is paid or secured; or the Corporation shall have power to sue for and recover the said boomage from the owner or owners of the said timber, logs or other lumber, in any Court competent to try the same; and should the said boomage be not paid within five days after notice to the owner that the timber, logs or other lumber has been secured in the said booms ready to be delivered, the said Corporation shall be entitled to receive a reasonable compensation for keeping the said timber, logs or other lumber, which shall be deemed to be at the risk of the owner or owners thereof, not exceeding for each week after such notice, two pence per ton for timber, and four pence per thousand for superficial feet of logs or other lumber.

9. Any floating joints or rafts of timber, logs or other lumber which may run into the said boom or booms by force of the current or accident, the said Company shall protect, and be entitled to receive therefor at and after the rate of two pence for each and every ton of such timber, and four pence for every thousand superficial feet of logs or other lumber; provided that the said Company shall not be entitled to receive for any such raft or joint a larger sum than two pounds.

10. That in the event of the owner of any timber, logs or other lumber secured in the said boom not appearing and commencing to raft the same within twenty four hours from the time the same was so secured, the said Corporation are authorized to raft the said timber, logs or other lumber, and shall charge for such rafting in addition to the boomage, not exceeding one shilling and six pence for every thousand superficial feet of logs, and six pence for every ton of timber or other

lumber so rafted ; and the Corporation shall have a lien on the said timber, logs or other lumber, until the amount of such rafting and boomage is paid or secured, or shall have power to sue for and recover from the owner or owners thereof the amount of such rafting and boomage, in any Court competent to try the same, with costs of suit.

11. The stock subscription list already subscribed, and such other names and shares as may be added thereto to the extent of the stock, shall compose the Company ; stockholders and the subscribers shall be in the same position as if they had subscribed after the passing of this Act, as well for the payment of such stock or otherwise.

12. Stockholders of the said Company shall be chargeable in their private and individual capacity, and shall be holden for the payment of all debts at any time due from the said Corporation, or damages sustained by the default or neglect of said Corporation, or their agents or servants, in proportion to the stock they respectively hold ; provided however, that in no case shall any stockholder be liable to pay a sum exceeding the amount of stock actually then held by such stockholder in addition to the stock then held by such stockholder ; provided nevertheless, that nothing herein contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

13. All questions of difference or dispute of any kind relating to the quantity of timber, logs or other lumber liable to toll, shall be submitted to the award and determination of three persons chosen as follows :—Either party desiring a reference shall name an arbitrator and give notice thereof in writing to the other party, who shall within ten days after such notice name and appoint a person or arbitrator on his behalf, and give notice of such appointment to the other party, and the two so chosen shall name a third ; in case of neglect or refusal to appoint such arbitrator, the arbitrator first named shall name a second, and they two name a third, who shall proceed to hear the matter and make an award in the premises ; the award and determination of them, or any two of them, shall be final and conclusive between the parties ; which referees, or any two of them, shall also determine and award by whom and how the expense of such reference shall be paid.

14. The Corporation shall not be liable for the loss of any timber, logs or other lumber which pass out of the said boom, or escape therefrom, unless such loss is occasioned by their neglect or default, or the neglect or default of their agents or servants; provided always, that the said Corporation, their agents or servants, shall be bound without delay, and with sufficient assistance to follow down the River as far as Middle Island, and use all due diligence to collect together, pick up and secure, and raft all such timber, logs or other lumber which may pass out of or by, or escape from, or run below the said boom of the said Company.

16. If any stockholder shall fail to pay the amount of any assessment made by the Company, or any part thereof, 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 assessment was payable, with costs of suit; and when the amount due shall not exceed five pounds, the same may be recovered before any Justice of the Peace for the County of Northumberland, under the provisions of Chapter 137, Title xxxvii, of the Revised Statutes, 'Of the jurisdiction of Justices in civil suits.'

16. In any action or suit to be brought by the said Corporation 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 Company to declare that the defendant is the holder of one or more shares in the said Company, 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, by means of which an action hath accrued to the said Company by virtue of this Act.

17. If any person shall wilfully and maliciously, and to the prejudice of the said undertaking, break, cut, damage or destroy the said boom or booms, or any pier or piers, or any part thereof, or any of the warps, ropes or fastenings thereof, such person or persons so offending shall, upon conviction thereof before any two Justices of the Peace for the County of Northumberland, forfeit and pay a sum not exceeding ten pounds, with costs of prosecution, and when collected, to be paid and

form a part of the funds of the said Corporation; and any stockholder in the said Company is hereby declared a competent witness against such offender or offenders.

18. Unless a good and sufficient boom or booms for the purpose of this Act be erected within two years after the passing of this Act, and a certificate thereof under the hand of the agent or principal officer of the said Corporation, attested to by such agent or principal officer before one of Her Majesty's Justices of the Peace for the said County, (which oath such Justice of the Peace is hereby authorized to administer), shall be filed in the office of the Secretary of the Province, then the corporate powers hereby granted shall be deemed null and void.

19. Nothing in this Act shall authorize and empower the said Corporation, or any of their agents or servants, to enter into or upon any lands or tenements of any person whomsoever, unless the consent of the owner or owners be first obtained.

20. This Act shall continue and be in force for ten years and no longer.

CAP. LXV.

An Act to continue the several Acts relating to the South West Boom Company.

Acts 17 V. cap. 10, and 23 V. cap. 15, continued.

Passed 23rd April 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the seventeenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the South West Boom Company*, and also another Act made and passed in the twenty third year of the Reign of Her said Majesty, intituled *An Act in amendment of an Act to incorporate the South West 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 seventy two.

CAP. LXVI.

An Act to incorporate the Union Iron Works Company.

Section.

1. Company incorporated.
2. Capital stock.

Section.

3. First meeting, when called, and by whom.

Section.

4. What constitutes a member.
5. Liability of stockholders to Company.
6. Powers of Directors.
7. Stockholders not to vote unless all calls are paid up.
8. Company not bound to see to execution of any trust to which shares are subject; Receipt of any one party sufficient discharge.

Section.

9. Action against shareholder for call, how brought.
10. What constitutes sufficient proof against shareholder.
11. What constitutes a shareholder.
12. Dividends, when not paid.
13. Joint stock alone liable.
14. Time and place of holding meetings.
15. Act void unless twenty five per cent. of stock be paid within one year.

Passed 23rd April 1862.

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

1. That Joseph Fairweather, Lewis Rivers, Joseph Maher, Bartlett Lingley, William M. M'Lean, Abraham I. Estabrooks, James Harris, their associates, successors, and assigns, be and they are hereby declared to be a body corporate, by the name of 'The Union Iron Works Company,' with all the general powers and privileges made incident to Corporations by Act of Assembly in this Province, for the purpose of converting pig into wrought iron, and for the general manufacture and working in all or any of their states and varieties of iron and steel, and for the leasing, purchasing, constructing, establishing and maintaining all such lands, wharves, buildings, erections, forges, engines, machinery, implements and things as may be requisite, necessary or convenient for carrying on said business and operations, and such other works, business and operations as may be incidental thereto.

2. The capital stock of the said Corporation shall be fifty thousand dollars of current money of the Province of New Brunswick, divided into two hundred shares of two hundred and fifty dollars each; provided however, that the said Corporation shall have the power to increase the said capital stock to a sum not exceeding sixty thousand dollars.

3. That the first meeting of the said Corporation, for the organization thereof, shall be called by the said Joseph Fairweather, or in case of his death, neglect, or refusal, by any one of the parties named in the first section of this Act, at such time and place as he may appoint, by publishing notice of the same in two public newspapers published in the City of Saint John, for ten days previous to the day of such meeting, provided that such notice shall be published within two months after the passing of this Act.

4. Each and every person owning a share in the capital stock of the said Company shall be a member thereof, and shall be entitled to vote at all meetings of the said Company; and members may give as many votes as they own shares, and may vote by proxy, such proxy being a stockholder and authorized in writing.

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

6. The Company, or the Directors if empowered by the by-laws of the Corporation, shall have power from time to time to levy and collect assessments upon the shares, or upon such of them on which the amount subscribed has not been paid up, of such sums of money as may be deemed necessary for carrying on the business or for the purpose or operations of the said Company; and whenever any assessment shall be made as aforesaid, it shall be the duty of the Secretary or Treasurer of the said Company to give notice thereof in a public newspaper printed in the City of Saint John, requiring payment of the same within not less than thirty days, and if any stockholder shall neglect or refuse to pay to the Secretary or Treasurer the amount of such assessment upon his shares, or any part of such amount, at the time in such notice prescribed, the same may either be sued for and recovered in the manner prescribed in the last preceding section, or the Secretary or Treasurer may advertise all such delinquent shares for sale at public auction, giving at least thirty days' notice of the time and place of such sale, by publishing a notice thereof in some one public newspaper published in the City aforesaid; and all shares on which the assessment or any part thereof is not paid, with interest from the time such assessment became due, may be sold to the highest bidder; and after retaining the amount due on such assessment, and all interest due thereon, and all expenses of advertising and selling, the residue (if any) of the

moneys for which such shares shall be sold shall be paid over to the former owner or owners thereof, and a new certificate or certificates of the shares so sold shall be made and delivered to the purchaser or purchasers thereof.

7. No shareholder shall be entitled to transfer or vote upon 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 them.

8. The said Company shall not be bound to see to the execution of any trust whatever, express, implied, or constructive, to which any of the said shares may at any time 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 any one of the parties in whose name the same shall stand in the register of the stockholders, 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 shall have had notice of such trust, and notwithstanding the other owner or owners of such share or shares shall not have joined in such receipt; and that the said Company shall not be in any way bound to see to the application of the money paid upon such receipt.

9. In any action or suit to be brought by the said Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth any special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one or more shares in the said Company, (stating the number of shares), and is indebted to the said Company in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more, (stating the number and amount of each of such calls), whereby an action hath accrued to the said Company by virtue of this Act.

10. On the hearing of such action or suit, it shall be sufficient to prove that the defendant at the time of making such call was the holder of one or more shares in the said Company, 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 Directors by whom such call was made, nor any other matter whatever, and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon, unless it shall happen either that any such call exceeds the prescribed amount aforesaid, or that due notice of such call was not given.

11. The production of the register of the shareholders shall be *prima facie* evidence that the parties whose names are therein entered as owners of shares are shareholders, and of the number and amount of their respective shares.

12. No dividend shall be paid in respect of any share until all calls and assessments then due and unpaid, in respect of that and every other share held by the person to whom such dividend may be payable, shall have been fully paid.

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

14. The time and place of holding annual or semi-annual, and all special or other meetings of the said Corporation, as also the number, eligibility, duties and powers of Directors, officers, and servants, their continuance in office, removal, or disqualification, the filling up of vacancies, the time and manner of election or appointment, and any and every other matter and thing whatsoever connected with the objects and purposes for which the said Company is incorporated, may be established or regulated by bye laws of the said Company, to be made at any meeting of the said Company, or adjournment thereof, which bye laws, not inconsistent with this Act of Incorporation, they are empowered to make.

15. Unless twenty five per cent. of the capital stock of the said Company shall be subscribed and paid in within one year after the passing of this Act, the operations of this Act shall cease, and the existence of the said Company shall terminate.

CAP. LXVII.

An Act to incorporate the Alma Copper Mining Company.

Section.

1. Company incorporated.
2. First meeting, when held.
3. Capital stock.
4. Liability of shareholder.
5. Joint stock alone liable for debts.

Section.

6. Capital stock liable for any call.
7. How sale shall be made.
8. Act void unless 25 per cent. be subscribed, and 10 per cent. paid within one year.

Passed 23rd April 1862.

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

1. That A. Edwin Botsford, Oliver Barbarie, William Shenton, Alexander Wright, and Thomas Dasey, and their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The Alma Copper Mining 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 mining and smelting copper ore, and for erecting the necessary works and machinery therewith connected, and for carrying on such other business as may be incident thereto.

2. The first meeting of the said Corporation shall be held at such time and place in this Province as may be appointed by a majority of the above named persons.

3. The capital stock of the said Company shall be ten thousand dollars, divided into two thousand five hundred shares of four dollars each.

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

5. That the joint stock and property alone of the said Corporation shall be liable for the debts and engagements of the same.

6. The capital stock held by any shareholder in the said Company at the time of making any call or assessment thereon, shall be liable to the payment thereof; and in case of non-payment of such call or assessment at the time when the same shall be made payable, the Directors are authorized to order a sale to be made of so many of the said shares as they may think necessary for the payment thereof, with interest and expenses.

7. Such sale shall be made at auction, upon not less than thirty days' notice by the President, in some newspaper published in the City of Saint John, and the stock shall be transferred by the President and Secretary to the purchaser, who shall thereupon be entitled to a new certificate thereof; and the proceeds of such sale shall be applied towards paying the amount of such call or assessment with interest, and the costs, charges and expenses of such notice, sale, and transfer, and the residue (if any) to the former owner.

8. Unless twenty five per cent. of the capital stock of the said Company shall be subscribed, and unless ten per cent. of the capital stock shall have been paid up for the purposes thereof, and a certificate verified on oath by the Secretary or Treasurer, or the 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 within one year from the passing of this Act, the operation of this Act shall cease, and the existence of the said Company shall terminate.

CAP. LXVIII.

An Act to incorporate the Elgin Gold Quartz Mining Company.

Section.

1. Company incorporated.
2. First meeting, when to be called.
3. Capital stock and shares.
4. Liability of shareholders.
5. Joint stock, &c. alone liable for debts.

Section.

6. Capital stock liable for any call.
7. How sale shall be made.
8. Act void unless 25 per cent. be subscribed within one year.

Passed 23rd April 1862.

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

1. That A. Edwin Botsford, James Steadman, Oliver Jones, Alexander M. Bean, W. Boyant Kaye, Alexander Wright, James Adams, Oliver Barbarie, John Russell, Robert Dunlop, Paul R. Moore, Francis O'Reagan, and William C. Mullin, and their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The Elgin Gold Quartz Mining 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 mining and crushing gold bearing quartz, and for erecting the necessary works and machinery

therewith connected, and for carrying on such other business as may be incident thereto.

2. The first meeting of the said Corporation shall be held at such time and place in this Province as may be appointed by a majority of the above named persons.

3. The capital stock of the said Company shall be ten thousand dollars, divided into two thousand five hundred shares of four dollars each.

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

5. That the joint stock and property alone of the said Corporation shall be liable for the debts and engagements of the same.

6. The capital stock held by any shareholder in the said Company at the time of making any call or assessment thereon, shall be liable to the payment thereof; and in case of non-payment of such call or assessment at the time when the same shall be made payable, the Directors are authorized to order a sale to be made of so many of the said shares as they may think necessary for the payment thereof, with interest and expenses.

7. Such sale shall be made at auction, upon not less than thirty days' notice by the President in some newspaper published in the City of Saint John, and the stock shall be transferred by the President and Secretary to the purchaser, who shall thereupon be entitled to a new certificate thereof; and the proceeds of such sale shall be applied towards paying the amount of such call or assessment, with interest, and the costs, charges and expenses of such notice, sale, and transfer, and the residue (if any) to the former owner.

8. Unless twenty five per cent. of the capital stock of the said Company shall be subscribed within one year after the passing of this Act, the operation of this Act shall cease, and the existence of the said Company shall terminate.

CAP. LXIX.

An Act to repeal an Act to incorporate the Town of Moncton.

Section.

1. Acts 18 V. c. 66, 19 V. c. 61, and 22 V. c. 45, repealed.

Section.

2. Bye Laws, &c. under said Acts to continue in force.

Passed 23^d April 1862.

WHEREAS the Act intituled *An Act to incorporate the Town of Moncton*, has proved unsuitable to the small population comprised within the limits of the said Town, and the great expense incurred annually in carrying out the provisions of the same is entirely disproportionate to the advantages contemplated thereby ;—

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

1. That an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Town of Moncton* ; also an Act intituled *An Act to amend the Act intituled ' An Act to incorporate the Town of Moncton, '* and passed in the nineteenth year of Her present Majesty's Reign ; and also an Act intituled *An Act to amend the Act intituled ' An Act to incorporate the Town of Moncton, '* and passed in the twenty second year of the Reign of Her present Majesty, be and the same are hereby repealed ; provided that so much of the said Acts hereby repealed shall continue and be in force as to enable the present Mayor, Town Councillors and Assessors elected for the ensuing year, and the Town Clerk and Treasurer, who shall continue in office and shall have power and be compelled within two years after the passing of this Act, to make, levy and collect assessments for the purpose of winding up and closing the affairs of the said Corporation, and liquidating all debts and liabilities incurred by the said Corporation ; which sums, when ascertained and adjusted, together with the expenses incurred in winding up the said business, and the compensation allowed the officers engaged in the purpose aforesaid, shall be assessed, apportioned, levied and collected on the property and rate-payers situate and being in the said Town of Moncton ; and all officers appointed by the said Corporation shall continue in office until the government of the said Town shall be administered by the General Sessions of the Peace for the County of Westmorland, at the next annual meeting to be holden at Dorchester on the

second Tuesday in December, under the provisions of the Acts of Assembly.

2. All bye laws, rules and regulations heretofore made for the government of the said Town, shall continue in force and effect, and all breaches of the same, and all fines and penalties and bonds may be enforced, sued for and recovered by the said Mayor and Town Councillors, during their continuance in office, so far as the same are in accordance with the provisions of the said Acts hereby repealed, notwithstanding the repeal of the said Acts.

CAP. LXX.

An Act to incorporate the Congregational Union of Nova Scotia and New Brunswick.

Section.

1. Union incorporated.

Section.

2. First meeting, when and where held.

Passed 23rd April 1862.

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

1. That the Reverend George Stirling, the Reverend James Howell, the Reverend George Ritchie, the Reverend George A. Rawson, Reverend T. B. Smith, T. B. C. Burpee, T. B. Barker, John Burton, F. H. Hilton, Hiram Freeman, and such other persons as shall from time to time become members of the Congregational Union of Nova Scotia and New Brunswick, according to the constitution, bye laws, rules and regulations thereof, as hereinafter mentioned, shall be and are hereby declared to be a body corporate and politic, in name and in deed, by the name of 'The Congregational Union of Nova Scotia and New Brunswick,' and by the same name shall have all the general powers and privileges made incident to a Corporation by Act of the General Assembly in this Province; and shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, in all Courts in this Province; and shall by the same name have perpetual succession, and a common seal, which common seal they may from time to time alter, renew or change at pleasure; and shall and may by the name aforesaid, from time to time, and at all times hereafter, be able and capable in law to have, hold, purchase, acquire, possess and enjoy for religious, educational or missionary

purposes, or for aiding and sustaining poor or weak Churches or Congregations in connexion with the Congregational Body of Christians in the Provinces of Nova Scotia and New Brunswick, any lands, tenements or hereditaments within the Province of New Brunswick, and the same real estate, or any part thereof, for the purposes aforesaid, from time to time, under and according to any bye law by the said Corporation to be made and adopted as is hereinafter provided, and according to the desire of the donors of such real estate, as expressed in the conveyance or conveyances of the same to the said Corporation, to let or demise by indenture under the seal of the said Corporation, at an agreed reserved rent, or to sell and dispose of the same, in fee simple or otherwise, for such consideration as they may deem expedient, but for the uses and purposes aforesaid, and for none other, or to exchange any such lands for other lands; provided always, nevertheless, that the estimated value of the lands, tenements and hereditaments so to be held by the said Corporation in this Province, shall not at any time exceed the sum of five thousand pounds.

2. The said Corporation shall hold its first general meeting on the second Friday in September next after the passing of this Act, at the Congregational Meeting House in the Parish of Sheffield, in the County of Sunbury, in this Province; and at such general meeting shall and may elect a Chairman *pro tem*, and by a majority of votes may elect such officers for the due management of the affairs of the said Corporation, and ordain and appoint the times and places for holding future general meetings, and make and ordain such bye laws, rules and regulations for the government of the said Corporation in all respects whatsoever as to the said Corporation at such general meeting may appear advisable and expedient, subject nevertheless to be altered and amended at any subsequent general meeting; such bye laws, rules and regulations to be entered at length in a Book of Record, to be deposited with and placed in charge of such officer of the said Corporation as such general meeting may nominate and appoint; all which bye laws, rules and regulations from time to time, and as occasion may require, but only at a general meeting duly convened, may be rescinded, abrogated, repealed, altered, extended or amended in the manner by such bye laws, rules and regulations

to be directed; provided always, that no bye law, rule or regulation of the said Corporation shall be in any manner repugnant to the Laws or Statutes of this Province; and provided also, that the officers to be appointed at the said first general meeting, or at any subsequent general meeting of the said Corporation, shall continue in office until others shall be appointed and chosen in their stead, in the manner to be by the bye laws, rules and regulations of the said Corporation from time to time ordained.

CAP. LXXI.

An Act to incorporate the Williams Mining Company.

Section.

1. Company incorporated.
2. First meeting, when held.
3. Capital stock.
4. Stockholders liable to Company for calls.

Section.

5. Stock, &c. alone liable for debts.
6. Act void unless 25 per cent. of stock subscribed within one year and 10 per cent. paid.

Passed 23rd April 1862.

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

1. That James J. Fellows, Stephen Semmens, William Davidson, Israel Fellows, J. V. Troop, and David H. Hall, and their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The Williams Mining 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 mining copper or other minerals, and for manufacturing the same, and such other business as may be incident thereto.

2. The first meeting of said Corporation shall be held at such time and place in this Province as may be appointed by a majority of the above named persons.

3. The capital stock of said Company shall be one hundred and twenty thousand dollars, divided into six thousand shares of twenty dollars each.

4. Each and every shareholder in said Corporation shall be held liable to said Corporation for each and every call or assessment made, not however to exceed in amount the stock subscribed by him, for the purpose of enabling said Company

to pay the debts and engagements of said Corporation, for the purposes of or to carry on the operations for which the said Company is incorporated; which call or assessment may be sued for by the said Corporation and recovered in any Court of Record within the Province.

5. That the joint stock and property alone of the said Corporation shall be liable for the debts and engagements of the same.

6. That unless twenty five per cent. of the capital stock of the said Company shall be subscribed, and ten per cent. paid in, and a certificate thereof verified by oath of the President or Treasurer of the Company shall be filed in the office of the Register of Deeds for the County within one year after the passing of this Act, the operation of this Act shall cease.

CAP. LXXII.

An Act to incorporate the Baltimore Coal and Mining Company.

Section.

1. Company incorporated.
2. When and where first meeting held.
3. Capital stock.
4. Stockholder liable for all calls.

Section.

5. Joint stock alone liable for debts.
6. Act void unless twenty five per cent. be subscribed, and five per cent. paid within one year.

Passed 23rd April 1862.

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

1. That Solomon Pearson, John R. Lawrence, Charles Gifford, and Charles A. Peck, their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The Baltimore Coal and Mining Company,' and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of searching for, digging or mining coal, shale, bituminous, asphaltic or mineral substances of every description, and for working or manufacturing the same, and such other business as may be incidental thereto.

2. The first meeting of said Corporation shall be held at such time and place in the County of Albert as may be appointed by the aforesaid Solomon Pearson.

3. The capital stock of said Company shall be forty thousand dollars, divided into four thousand shares of ten dollars each.

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

5. That the joint stock and property alone of the said Corporation shall be liable for the debts and engagements of the same.

6. That unless twenty five per cent. of the said capital stock shall be subscribed, and five per cent. of the capital stock shall be actually paid up, and a certificate thereof verified by oath of the President or Treasurer of the Company shall be filed in the office of the Register of Decds for the County within one year from the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation shall be terminated.

CAP. LXXIII.

An Act in amendment of an Act intituled *An Act for the incorporation of the Saint John Rural Cemetery Company.*

Section.

1. Directors to prescribe form of conveyance.
2. Such conveyance valid.

Section.

3. Lots not assignable without consent of Directors.

Passed 23rd April 1862.

WHEREAS the form of conveyance of Lots in the Saint John Rural Cemetery, prescribed by the Act of incorporation of the said Cemetery Company, has been found too vague and indefinite, and likely to lead to much confusion and inconvenience;—

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

1. The Directors of the Saint John Rural Cemetery Company for the time being shall be and are hereby authorized, notwithstanding the provisions contained in the fifth section of the said Act, to make and prescribe such form for the conveyance of lots in the Rural Cemetery as they may from time to time

deem fit, under and subject to such conditions, covenants, agreements, reservations and regulations as by them may be deemed necessary or proper.

2. Such conveyance under the seal of the Corporation of the Saint John Rural Cemetery Company, and signed by the Secretary for the time being, shall constitute a valid and sufficient conveyance of such lot or lots as may be therein expressed, subject to the terms of such conveyance.

3. No lots shall be assigned or transferred by the purchaser thereof, without the assent of the Directors of the Company first had and obtained; and the Secretary shall keep a book in which memoranda of such assignments or transfer shall be registered.

CAP. LXXIV.

An Act to incorporate the Cain's River Boom Company.

Section.

1. Incorporation of Company.
2. Capital stock, payment of; extension.
3. First meeting, where held, by whom called; notice, and choice of Directors.
4. Booms to admit passage of rafts, &c. and preserve navigation of river;
5. Period to be kept in order to receive timber, &c.
6. Rates of Boomage.
7. Owner not commencing to raft timber, &c. Corporation to do so; charges and lien therefor.
8. Unclaimed logs, timber, &c., how disposed of.
9. Upon notice given, timber, &c. allowed to pass through Boom free of charge.

Section.

10. Boomage, lien for.
11. Disputes to be left to arbitration.
12. Damage arising from over-filling Boom, who responsible.
13. Timber, &c. escaping, who liable.
14. Stockholders, liability of.
15. Stockholders may be sued for amount of assessment.
16. Declaration in suit.
17. Penalty for damaging Boom, &c. who may be witness.
18. Corporate powers void unless Boom erected within two years.
19. No entry on lands without consent.
20. Limitation.

Passed 23rd April 1862.

WHEREAS the erection of Booms and Piers at or near the mouth of Cain's River, in the County of Northumberland, will be convenient and advantageous to persons lumbering on the said Stream and its tributaries, and enable them with greater ease and security to raft their timber and logs ready to go to market;—

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

1. That James Donald, Charles Donald, and Richard Hutchison, and their associates, successors, and assigns, be and they are hereby erected into a body corporate, by the name of

'The Cain's River-Boom Company,' for the purpose of erecting and maintaining such boom or booms, pier or piers, or any other works, on the shores connected therewith, as the Corporation may think necessary or deem advisable, at or near the mouth of Cain's River, and from thence upwards to Salmon Brook, for the more convenient collecting, picking up, securing and rafting timber, logs and other lumber floating down the said River and its tributaries, and for carrying on and managing the same; and the said Corporation by such name shall have all the powers and privileges incident to a Corporation by Act of Assembly or otherwise.

2. The capital stock of the Corporation shall be twelve hundred dollars, and be divided into thirty shares of fifty dollars each, to be paid at such times and by such instalments as the business of the Company shall require; and the Corporation shall, when necessary, extend the capital stock to the sum of two thousand dollars, and shall have power to increase the number of shares accordingly, or assess such increase on the original shares.

3. The first meeting of the Corporation shall be held at Newcastle, and shall be called by Edward Williston, or in case of his death, neglect, refusal, or absence, by any two of the Corporation, after ten days' notice of the day of such meeting published in the Gleaner newspaper, for the purpose of making rules and regulations for the government of the Company, and choosing Directors necessary for the management of the affairs of the Company, which Directors so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have power to manage the affairs of the Corporation.

4. The boom or booms shall be so constructed as to admit the passage of rafts and boats, and to preserve the navigation of the river.

5. The said Corporation shall and they are hereby required to keep the said boom or booms in order to receive timber, logs or other lumber floating down the said river, from the spring of the year and after the river is clear of ice, until the first day of October in each year during the continuance of this Act.

6. The Corporation shall be entitled to receive the sum of

two pence per ton for each and every ton of square or sided timber or other lumber, and five pence per thousand for each and every thousand superficial feet of logs or other lumber actually driven or floated down into the said booms and secured by the said Corporation, where the owner or owners raft the said timber, logs or other lumber at or near the said booms and protected thereby, such payments to be in full for booming and securing the said timber, logs or other lumber.

7. That in the event of the owner of any timber, logs or other lumber secured in the said booms, not appearing and commencing to raft the same within twenty four hours from the time the same was so secured, the said Corporation are authorized to raft the said timber, logs, or other lumber, and charge for such rafting, including the boomage, not exceeding two shillings and six pence per thousand for every superficial feet of logs, and nine pence per ton for every ton of timber or other lumber so rafted; and the Corporation shall have a lien on the said timber, logs, or other lumber, until the amount of such boomage and rafting is paid or secured, or shall have authority to sue the owner or owners thereof in any Court competent to try the same.

8. All prize logs or other logs, timber or lumber floated down the Cain's River and its branches, and into or against the said boom, upon which no marks are found, and for which no owner appears, shall be sold by the said Company by public vendue after ten days' notice of the hour, day and place of such sale posted in three public places in the Parish where the boom or booms are erected and established; and the proceeds thereof to be appropriated, one quarter thereof towards paying the expenses of the said Company, and the balance to be divided among the owners of logs or other lumber secured in the said boom, according to the quantity owned by them respectively.

9. That when the owner or owners of any timber, logs or other lumber driven or floated down the said River may desire to pass the same through the said boom, for the purpose of rafting the same in the tideway, or for other purposes, and shall give notice to the said Corporation, their agents or servants in charge of the said boom, then such timber, logs or other lumber shall be allowed to pass through the said boom free of

charge, and shall be exempted from the operations of the other sections of this Act.

10. The Corporation shall have a lien on all timber, logs or other lumber which may be secured in the said boom or booms, and rafted thereat, and may by themselves, agent or agents, retain a sufficient part of such lumber to pay the boomage until such boomage is paid or secured; or the Company shall have power to sue for and recover the said boomage from the owner of the said timber, logs or other lumber, in any Court competent to try the same; and should the said boomage be not paid within five days after notice to the owner that the timber, logs or other lumber has been secured in the said booms and ready to be delivered, the said Corporation shall be entitled to receive a reasonable compensation for keeping the said timber, logs or other lumber, which shall be deemed to be at the risk of the owner or owners thereof, not exceeding for each week after such notice two pence per ton for timber, and four pence per thousand superficial feet of logs or other lumber.

11. All questions of difference or dispute of any kind relating to the quantity of timber, logs or other lumber liable to toll, shall be submitted to the award and determination of three persons chosen as follows:—Either party desiring a reference shall name an arbitrator and give notice thereof in writing to the other party, who shall within ten days after such notice name and appoint a person as arbitrator on his behalf, and give notice of such appointment to the other party, and the two so chosen shall name a third; in case of neglect or refusal to appoint such arbitrator, the arbitrator first named shall name a second, and they two name a third, who shall proceed to hear the matter and make an award in the premises; the award and determination of them, or any two of them, shall be final and conclusive between the parties; which referees, or any two of them, shall also determine and award by whom and how the expenses of such reference shall be paid.

12. Should the boom at any time be filled with lumber, and the Corporation apprehend that a greater quantity driven therein would endanger its safety, they shall, if three fourths of the parties having lumber on the said River shall in writing approve of such a course, at once notify those parties on the

stream not to continue their drive until the boom can be relieved; should they however persist in driving, and damage arise in consequence, either to the Corporation or to the owners of lumber in the boom, the party or parties so offending shall be responsible, as well to the Corporation as to the owners of lumber, for all damage sustained thereby.

13. The said Corporation shall not be liable for the loss of any timber, logs or other lumber which pass out of the said boom, or escape therefrom, unless such loss is occasioned by their neglect or default of their agents and servants; provided always, that the said Corporation, their agents or servants, shall be bound, without delay, and with sufficient assistance, to follow down the River as far as Indian Town, and use all due diligence to collect together, pick up, secure, and raft all such timber, logs and other lumber which may pass out, or by, or escape from, or run below the said boom of the said Company.

14. Stockholders of the said Company shall be chargeable in their private and individual capacity, and shall be holden for the payment of all debts at any time due from the said Corporation, or damages sustained by the default or neglect of said Corporation, or their agents or servants, in proportion to the stock they respectively hold; provided however, that in no case shall any stockholder be liable to pay a sum exceeding the amount of stock actually then held by such stockholder in addition to the stock then held by such stockholder; provided nevertheless, that nothing herein contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

15. If any stockholder shall fail to pay the amount of any assessment made by the Company, or any part thereof, it shall be lawful for the said Company to sue such stockholder 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 assessment was payable, with costs of suit; and when the amount due shall not exceed five pounds, the same may be recovered before any Justice of the Peace for the County of Northumberland, under the provisions of Chapter 137, Title xxxvii, of the Revised Statutes, 'Of the jurisdiction of Justices in civil suits.'

16. In any action or suit to be brought by the said Corporation against any stockholder to recover any money due for any call, it shall not be necessary to set forth the special matter; but it shall be sufficient for the said Company to declare that the defendant is the holder of one or more shares in the said Company, 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, by means of which an action hath accrued to the said Company by virtue of this Act.

17. If any person shall wilfully and maliciously, and to the prejudice of the said undertaking, break, cut, damage or destroy the said boom or booms, or any pier or piers, or any part thereof, or any of the warps, ropes or fixings thereof, such person or persons so offending shall, upon conviction thereof before any two Justices of the Peace for the County of Northumberland, forfeit and pay a sum not exceeding forty dollars, with costs of prosecution, and when collected to be paid to and form a part of the funds of the said Corporation; and any stockholder in the said Company is hereby declared a competent witness against such offender or offenders.

18. Unless a good and sufficient boom or booms for the purposes of this Act be erected within two years after the passing of this Act, and a certificate thereof under the hand of the agent or principal officer of the Corporation, attested to by such agent or principal officer before one of Her Majesty's Justices of the Peace for the said County, which oath such Justice of the Peace is hereby authorized to administer, shall be filed in the office of the Secretary of the Province, then the corporate powers hereby granted shall be deemed null and void.

19. Nothing in this Act shall authorize or empower the said Corporation, or any of their agents or servants, to enter into or upon any lands or tenements of any person whomsoever, unless the consent of the owner or owners be first obtained.

20. This Act shall continue and be in force for ten years and no longer.

CAP. LXXV.

An Act to incorporate the Roman Catholic Bishop of Saint John.

Section.

1. Roman Catholic Bishop of St. John incorporated.
2. Lands held in trust for Roman Catholic Church in Diocese of St. John, may be conveyed to Bishop in his corporate capacity.
3. Act not to confer spiritual or ecclesiastical rights.

Section.

4. Bishop being incapacitated, coadjutor to have same powers.
5. Lands heretofore vested in former Corporation within the Diocese of Saint John, now vested in this Corporation.
6. Rights of Her Majesty and others not to be interfered with.

Passed 23rd April 1862.

WHEREAS in and by an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Roman Catholic Bishop in New Brunswick*, it was, among other things, enacted that from and after the passing of that Act, "The Right Reverend William Dollard, and his successor and successors, being the Roman Catholic Bishop in the Province of New Brunswick, in communion with the Church of Rome, and being British born subjects or duly naturalized," should be and he was thereby declared to be a body corporate in his Diocese aforesaid, in deed and in name; and that the said William Dollard, and his successor and successors for the time being, by the name of 'The Roman Catholic Episcopal Corporation for the Diocese of New Brunswick,' should have perpetual succession, and a common seal: And whereas the said Diocese of New Brunswick in the said Act mentioned, hath been set off and divided into two Dioceses, by the names of the Diocese of Chatham and the Diocese of Saint John; the said Diocese of Chatham comprehending the Counties of Victoria, Restigouche, Gloucester, Northumberland, and all that part of the County of Kent lying northerly of the Richibucto River, from its mouth to its source, as laid down in the Map of the Province of New Brunswick lately published by authority of the Provincial Legislature, compiled and drawn by John Wilkinson, A. D. 1860, and of a line drawn direct from such source westerly to the western angle of the said County of Kent; the said Diocese of Saint John comprehending the Counties of Carleton, York, Sunbury, Queen's, King's, Saint John, Charlotte, Albert, Westmorland, and all that part of the said County of Kent lying southerly of the Richibucto River, from its mouth to its source, as laid down in the manner afore-

said, in the plan aforesaid, and of a line drawn direct from such source westerly to the western angle of the said County of Kent: And whereas the Right Reverend James Rogers, D. D., hath been appointed Roman Catholic Bishop of the first mentioned Diocese, by the name of the Bishop of Chatham, and the Right Reverend John Sweeny, D. D., hath been appointed Roman Catholic Bishop of the Diocese secondly above mentioned, by the name of the Bishop of Saint John; and it is expedient to make and pass an Act of incorporation, whereby the said Right Reverend John Sweeny, D. D., Bishop of the said Diocese of Saint John, and his successors, may be enabled to hold and acquire real and personal estate within this Province, for religious, charitable or ecclesiastical purposes, for the uses of his said Diocese;—

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

1. That from and after the passing of this Act, the said Right Reverend John Sweeny, and his successor and successors, being the Roman Catholic Bishop of Saint John, in communion with the Church of Rome, and being British born subjects or duly naturalized, shall be and he is hereby declared to be a body corporate aforesaid, in deed and in name; and the said Right Reverend John Sweeny, and his successors for the time being, by the name of 'The Roman Catholic Bishop of Saint John,' shall by such name have perpetual succession, and a common seal, and shall from time to time have power to alter and renew or change such common seal at pleasure; and shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of Record in this Province, in as large, ample and beneficial a manner, to all intents and purposes, as any other body corporate, or as any other person may or can in law or equity sue or be sued, implead or be impleaded, answer or be answered unto, in any manner whatsoever; and shall by the name aforesaid from time to time and at all times hereafter, be able and capable in law to have, hold, purchase, acquire, possess and enjoy by grant, deed, devise or bequest, for the general use and uses eleemosynary, ecclesiastical or educational of the said Church of Rome in his Diocese, or of any religious community, or any portion of the same community within his aforesaid

Diocese, any hereditaments, corporeal and incorporeal, and estates real and personal, within the Province of New Brunswick; and such hereditaments and estates real, or any part thereof, for the purposes aforesaid, from time to time to let or demise by indenture under the seal of the said Corporation, for any period not exceeding twenty one years from the day of making thereof; and also to have, hold, sell and dispose of such estates personal absolutely from time to time as needs may be; provided always, that upon any such lease the rent shall be reserved and payable to the said Corporation yearly and every year during the continuance of the said lease; and provided also, that it may be lawful for the said Corporation from time to time as circumstances may require, to raise moneys on mortgage of any lands and premises belonging to the said Corporation within the City and County of Saint John, to an extent not exceeding in the whole one third part of the value of such lands and premises, and thereupon, for the purposes aforesaid, to execute good and valid conveyances of the same, under the seal of the said Corporation; and further, that the rents, profits and proceeds arising from all the aforementioned lands, premises, and hereditaments, shall be applied for uses and purposes within the said Diocese and not elsewhere; provided always, that the annual profits of the lands and premises so to be holden by the said Corporation, shall not at any time exceed (exclusive of pew rents) one thousand pounds in the City of Saint John, and five hundred pounds in any one Parish in said Diocese.

2. It shall be lawful for any person or persons within the said Diocese of Saint John or elsewhere, in whom or in whose name or names any property, lands, tenements or hereditaments situate, lying and being within the said Diocese of Saint John, are or may be hereafter vested in trust or otherwise for the benefit of the Roman Catholic Church in the said Diocese, from time to time to convey, assign or transfer by deed under his or their hand and seal, in the usual legal manner, all or any of such property, lands, tenements and hereditaments unto the said Roman Catholic Bishop of Saint John, by his corporate name aforesaid, to be holden by the said Corporation aforesaid for the purposes aforesaid, as provided by this Act.

3. Nothing in this Act contained shall extend or be construed

to extend in any manner to confer any spiritual or ecclesiastical rights whatsoever upon the said Roman Catholic Bishop of Saint John, or other ecclesiastical person of the said Church in connexion with the Church of Rome aforesaid.

4. In case the said Roman Catholic Bishop of Saint John, or his successor or successors, shall, from sickness, infirmity, or any other cause, become incapable of or be incapacitated from exercising the powers vested in him by this Act, then his coadjutor or the person administering the Diocese shall, during such incapacity, have the same powers as are by this Act conferred upon the Roman Catholic Bishop of Saint John aforesaid.

5. All lands, tenements and hereditaments which are now vested in the Roman Catholic Episcopal Corporation for the Diocese of New Brunswick, and which lie within the said Diocese of Saint John, or which are held by any person or persons in trust for any Roman Catholic Church within the Diocese of Saint John, are hereby vested in the Roman Catholic Bishop of Saint John, for the use of such Diocese, as freely and effectually to all intents and purposes as if the same were conveyed or devised to the said Roman Catholic Bishop of Saint John after the passing of this Act; and all titles of lands, tenements or hereditaments heretofore conveyed, or which by the deeds or conveyances relating to the same appear to be meant and intended to be conveyed to the said Roman Catholic Episcopal Corporation for the Diocese of New Brunswick, are hereby confirmed and declared to be valid and effectual in law, notwithstanding any merely verbal or technical irregularity in the same.

6. Nothing herein contained shall affect or be construed to affect in any way or manner the rights of Her Majesty, Her Heirs or Successors, or the private rights of any person or persons whomsoever, or of any body politic or corporate.

CAP. LXXVI.

An Act to incorporate the Roman Catholic Bishop of Chatham.

Section.

1. Roman Catholic Bishop of Chatham incorporated.

Section.

2. Lands held in trust for Roman Catholic Church in Diocese of Chatham, may be conveyed to Bishop in his corporate capacity.

Section.

3. Act not to confer spiritual or ecclesiastical rights.
4. Bishop being incapacitated, coadjutor to have same powers.

Section.

5. Lands vested in former Corporation within the Diocese of Chatham, now vested in this Corporation.
6. Rights of Her Majesty and others not to be interfered with.

Passed 23rd April 1862.

WHEREAS in and by an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Roman Catholic Bishop in New Brunswick*, it was, among other things, enacted that from and after the passing of that Act, "The Right Reverend William Dollard, and his successor and successors, being the Roman Catholic Bishop in the Province of New Brunswick, in communion with the Church of Rome, and being British born subjects or duly naturalized," should be and he was thereby declared to be a body corporate in his Diocese aforesaid, in deed and in name; and that the said William Dollard, and his successor and successors for the time being, by the name of 'The Roman Catholic Episcopal Corporation for the Diocese of New Brunswick,' should have perpetual succession, and a common seal: And whereas the said Diocese of New Brunswick in the said Act mentioned, hath been set off and divided into two Dioceses, by the names of the Diocese of Chatham, and the Diocese of Saint John; the said Diocese of Chatham comprehending the Counties of Victoria, Restigouche, Gloucester, Northumberland, and all that part of the County of Kent lying northerly of the Richibucto River, from its mouth to its source, as laid down in the Map of the Province of New Brunswick lately published by authority of the Provincial Legislature, compiled and drawn by John Wilkinson, A. D. 1860, and of a line drawn direct from such source westerly to the western angle of the said County of Kent; the said Diocese of Saint John comprehending the Counties of Carleton, York, Sunbury, Queen's, King's, Saint John, Charlotte, Albert, Westmorland, and all that part of the said County of Kent lying southerly of the Richibucto River, from its mouth to its source, as laid down in the manner aforesaid, in the plan aforesaid, and of a line drawn direct from such source westerly to the western angle of the said County of Kent: And whereas the Right Reverend James Rogers, D. D., hath been appointed Roman Catholic Bishop of the first mentioned Diocese, by the name of the Bishop of

Chatham; and the Right Reverend John Sweeny, D. D., hath been appointed Roman Catholic Bishop of the Diocese secondly above mentioned, by the name of the Bishop of Saint John; and it is expedient to make and pass an Act of incorporation, whereby the said Right Reverend James Rogers, D. D., Bishop of the said Diocese of Chatham, and his successors, may be enabled to hold and acquire real and personal estate within this Province for religious, charitable or ecclesiastical purposes, for the use of his said Diocese;—

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

1. That from and after the passing of this Act, the said the Right Reverend James Rogers, and his successor and successors, being the Roman Catholic Bishop of Chatham, in communion with the Church of Rome, and being British born subjects or duly naturalized, shall be and he is hereby declared to be a body corporate aforesaid, in deed and in name; and the said Right Reverend James Rogers, and his successors for the time being, by the name of 'The Roman Catholic Bishop of Chatham,' shall by such name have perpetual succession, and a common seal, and shall from time to time have power to alter and renew or change such common seal at pleasure; and shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of Record in this Province, in as large, ample and beneficial a manner, to all intents and purposes, as any other body corporate, or as any other person may or can in law or equity sue or be sued, implead or be impleaded, answer or be answered unto, in any manner whatsoever; and shall by the name aforesaid from time to time and at all times hereafter, be able and capable in law to have, hold, purchase, acquire, possess and enjoy by grant, deed, devise or bequest, for the general use and uses eleemosynary, ecclesiastical or educational of the said Church of Rome in his Diocese, or of any religious community or any portion of the same community within his aforesaid Diocese, any hereditaments, corporeal and incorporeal, and estate real and personal, within the Province of New Brunswick; and such hereditaments and estates real, or any part thereof, for the purposes aforesaid, from time to time to let or demise by indenture under the seal

of the said Corporation, for any period not exceeding twenty one years from the day of making thereof; and also to have, hold, sell and dispose of such estates personal absolutely from time to time as needs may be; provided always, that upon any such lease the rent shall be reserved and payable to the said Corporation yearly and every year during the continuance of the said lease; and provided also, that it may be lawful for the said Corporation from time to time as circumstances may require, to raise moneys on mortgage of any lands and premises belonging to the said Corporation within the Parish of Chatham, to an extent not exceeding in the whole one third part of the value of such lands and premises, and thereupon, for the purposes aforesaid, to execute good and valid conveyances of the same, under the seal of the said Corporation; and further, that the rents, profits and proceeds arising from all the aforementioned lands, premises, and hereditaments, shall be applied for uses and purposes within the said Diocese and not elsewhere; provided always, that the annual profits of the lands and premises so to be holden by the said Corporation, shall not at any time exceed (exclusive of pew rents) one thousand pounds in the Parish of Chatham, and five hundred pounds in any other Parish of said Diocese.

2. It shall be lawful for any person or persons within the said Diocese of Chatham or elsewhere, in whom or in whose name or names any property, lands, tenements or hereditaments situate, lying and being within the said Diocese of Chatham, are or may be hereafter vested in trust or otherwise for the benefit of the Roman Catholic Church in the said Diocese, from time to time to convey, assign or transfer by deed under his or their hand and seal, in the usual legal manner, all or any of such property, lands, tenements and hereditaments unto the said Roman Catholic Bishop of Chatham, by his corporate name aforesaid, to be holden by the said Corporation aforesaid for the purposes aforesaid, as provided by this Act.

3. Nothing in this Act contained shall extend or be construed to extend in any manner to confer any spiritual or ecclesiastical rights whatsoever upon the said Roman Catholic Bishop of Chatham, or other ecclesiastical person of the said Church in connexion with the Church of Rome aforesaid.

4. In case the said Roman Catholic Bishop of Chatham, or his successor or successors, shall, from sickness, infirmity, or any other cause, become incapable of or be incapacitated from exercising the powers vested in him by this Act, then his coadjutor or the person administering the Diocese shall, during such incapacity, have the same powers as are by this Act conferred upon the Roman Catholic Bishop of Chatham aforesaid.

5. All lands, tenements and hereditaments which are now vested in the Roman Catholic Episcopal Corporation for the Diocese of New Brunswick, and which lie within the said Diocese of Chatham, or which are held by any person or persons in trust for any Roman Catholic Church within the Diocese of Chatham, are hereby vested in the Roman Catholic Bishop of Chatham, for the use of such Diocese, as fully and effectually to all intents and purposes as if the same were conveyed or devised to the said Roman Catholic Bishop of Chatham after the passing of this Act; and all titles of lands, tenements or hereditaments heretofore conveyed, or which by the deeds or conveyances relating to the same appear to be meant or intended to be conveyed to the said Roman Catholic Episcopal Corporation for the Diocese of New Brunswick, are hereby confirmed and declared to be valid and effectual in law, notwithstanding any merely verbal or technical irregularity in the same.

6. Nothing herein contained shall affect or be construed to affect in any way or manner the rights of Her Majesty, Her Heirs or Successors, or the private rights of any person or persons whomsoever, or of any body politic or corporate.

CAP. LXXVII.

An Act for the alteration and amendment of the local government of the Parish of Portland, in the County of Saint John.

Section.

1. Enumerates Parish Officers to be annually elected.
2. Meeting of rate-payers, notice thereof; nominations made thereat.
3. Chairman sworn; remuneration; Report of Audit Committee read; adjournment.
4. List of parties nominated to be given to electors.

Section.

5. Chairman to appoint Poll Clerk, who shall be sworn; remuneration; election, how conducted.
6. List of officers elect to be forwarded to Clerk of the Peace to be laid before Sessions.
7. Accounts of officers year preceding to be rendered to Audit Committee.

Section.	Section.
8. Parish to be divided into three Districts, a Commissioner elected to each.	12. Assessment, how made; exceptions.
9. Road money shall be paid into one of the Banks; how drawn out.	13. Commissioners to take charge of Slip, make rules regulating same, apply proceeds to improvement thereof.
10. Road Master appointed for whole Parish; his duties; remuneration; Roads let by auction or tender.	14. Parts of Title viii, c. 52, Rev. Stat. Acts 17 V. c. 37, 18 V. c. 18, and 23 V. c. 8, repealed.
11. Person elected refusing to serve, fine.	

Passed 23rd April 1862.

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

1. That the Parish Officers for the Parish of Portland, in the City and County of Saint John, to be annually elected for the said Parish, shall be as follows :—One Town Clerk, four Pound Keepers, four Hogsreeves, three Assessors of Rates, four Constables, four Fence Viewers, one Clerk of the Market, four Field Drivers, three Road Commissioners, three Commissioners for expending public grants for Bye Roads, three Revisors of Electors for Members to serve in the General Assembly, three Trustees of Schools, one Collector of Rates and Taxes, and three Auditors of Parish Accounts.

2. The rate-payers upon property in the Parish of Portland, and who have paid their taxes for the year preceding, to be ascertained by reference to the Assessors' list, and by production of the Police Magistrate's or Collector's receipt or list, they or so many of them as choose to attend, shall meet on Tuesday fourteen days preceding the March Sessions, ten days' notice of the time and place of such meeting being given by the Town Clerk, by putting up handbills in six or more public places in the Parish; at which meeting the said Clerk shall act as Secretary, and nominations may be made in writing to all or any of the said offices, such nominations to be signed by no less than two of such electors.

3. When the meeting is convened the Town Clerk shall preside, and a Chairman shall be nominated and elected for the time being, who shall preside as Chairman of such meeting, and at any adjournment thereof, and be sworn before the Police Magistrate or any Justice of the Peace of the County of Saint John, to the faithful discharge of his duties, and shall receive the sum of four dollars for his services: Before proceeding to make such nomination as aforesaid, the Secretary shall read the report of the Committee of Audit upon the Parish

Accounts; when a sufficient time has elapsed for making each nomination, and not less than two hours after the opening of such meeting, the meeting shall be adjourned to the following Tuesday.

4. It shall be the duty of the Secretary immediately after the adjournment, to prepare a list, which shall be signed by himself and the Chairman, shewing all the parties nominated for each office, of which list each elector shall be entitled to receive a printed copy.

5. At such adjourned meeting the Chairman so elected shall appoint a Poll Clerk, who shall be sworn before the Police Magistrate or any Justice of the Peace of the County of Saint John, to the faithful performance of his duty, and who shall receive two dollars for his services, the said Police Magistrate or Justices being hereby authorized and required to administer such oath. The Election shall be as follows:—Each elector shall deliver to the Poll Clerk one of the said printed lists, having first struck out therefrom all names but those of the persons whom he wishes to be appointed: At the expiration of eight hours after the opening of the meeting, which shall be at eight o'clock A. M., the Poll Clerk shall ascertain, in the presence of the Chairman and such of the electors as may please to attend, who has the greatest number of votes for each office; the persons having the greatest number shall be deemed duly elected, and shall be then and there publicly declared by the Chairman.

6. When all officers are elected a correct list thereof certified by the Chairman, attested by the Poll Clerk, and forwarded by the Chairman to the Clerk of the Peace for the City and County of Saint John, shall be laid before the next Sessions at its opening.

7. The accounts for the year preceding of all officers receiving or paying money on account of the Parish, shall be rendered to the Committee of Audit at least twenty days before the day of nomination.

8. The Assessors of Rates for the present year in the said Parish, shall divide the Parish into three districts, such division to be permanent, for each of which a Commissioner shall be elected, which said Commissioners, when elected, shall act jointly, or by any two thereof, relating to the making or repairing of all roads in the said Parish.

9. All moneys received by the Police Magistrate on account of the road assessment, and all moneys for roads in the Parish, shall be paid into one of the Banks of the City of Saint John, to the credit of the Road Commissioners, and shall be drawn out by cheque signed by the said Commissioners, or any two of them, for the time being.

10. The Commissioners shall appoint one Road Master for the whole Parish, whose duty it shall be to superintend the work on the roads, and who shall be entitled to receive for his services at the rate of two dollars per day, not to exceed in all one hundred and sixty dollars in any one year; all work on the roads to be let by auction or public tender, if practicable.

11. Any person elected to office by virtue of the foregoing provisions, and refusing to qualify and serve, shall be liable to a fine of forty shillings; provided always, that no officer shall be required to serve two years in succession.

12. The assessment for roads in the said Parish shall be as follows:—One dollar and fifty cents by a poll tax upon all the male inhabitants of the age of twenty one years and upwards, excepting those who are by law exempted, and the remainder to such amount as shall be directed by the Justices of the Peace for the City and County aforesaid, at the March Sessions, by a pound rate upon the value of their real estate in the Parish.

13. It shall be the duty of the three Road Commissioners to take charge and control of the Public Slip in said Parish, at the foot of Simonds' Street, called Thompson's Slip, and to make rules for the regulation of the same; such rules to be rescinded by the Sessions if they see fit so to do, but if not so rescinded, to stand good until rescinded or other rules made by the said Road Commissioners in their place and stead; the said Road Commissioners to have power, and it shall be their duty, to let for the term of one year the said Slip, such letting to be done by public auction to the highest bidder; the said letting to be done from year to year, and to be done within twenty days after the election of said Road Commissioners, ten days' public notice of the time and place of such letting having been first given; the said Road Commissioners to apply the net proceeds of such letting to the improvement of the said Slip.

14. So much of Title viii, Chapter 52, of the Revised Statutes, and of the Acts 17th Victoria, Chapter 37, 18th Victoria, Chapter 18, and 23rd Victoria, Chapter 8, as is inconsistent with this Act, shall be deemed repealed only so far as relates to the said Parish of Portland.

CAP. LXXVIII.

An Act to continue an Act intituled *An Act to prevent the spread of a disorder now existing in certain parts of the Counties of Gloucester and Northumberland.*

Act 13 Vic. cap. 18, continued.

Passed 23rd April 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to prevent the spread of a disorder now existing in certain parts of the Counties of Gloucester and Northumberland,* 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 seventy.

CAP. LXXIX.

An Act to continue an Act to incorporate the Courtney Bay Bridge Company.

Act 16 V. c. 63, continued.

Passed 23rd April 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act passed in the sixteenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Courtney Bay Bridge Company,* 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 seventy two.

 ANNO VICESIMO QUARTO VICTORIÆ REGINÆ.

CAP. LIV.

An Act relating to the Naturalization of Aliens.

Section.

1. Foreigners after one year's residence may become naturalized.
2. Form of oath, and before whom taken.
3. Judge administering oath to transmit Certificate to Provincial Secretary's Office.

Section.

4. Persons swearing falsely to be guilty of perjury, and lose privilege of Act, &c.
5. Women married to British subjects to be deemed naturalized.
6. Repeal of Cap. 34, Title xii, Rev. Stat.
7. Suspension Clause.

Passed 12th April 1861.

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

1. Any person of foreign birth having resided in this Province for one year shall, upon taking and subscribing the oath hereinafter prescribed, be entitled to all the privileges of a natural-born subject of Her Majesty.

2. Such oath shall be as follows, viz:—"I, A. B., of —, do swear that I have resided one year 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 Great Britain and Ireland, and of this Province as dependent thereon—So help me God;" and shall be administered by a Judge of the Supreme Court in open Court, either at Bar or Nisi Prius, between the hours of nine and twelve in the forenoon, and at the same time subscribed by such person in a book to be kept for the purpose.

3. The Judge administering such oath shall cause a certificate thereof to be transmitted to the office of the Provincial Secretary, which shall be entered in a book to be kept for that purpose in his office; and a copy of such certificate, certified under the Seal of the Province, shall be sufficient proof thereof, and of such person being admitted to all the privileges aforesaid in all Courts whatsoever.

4. If any person shall falsely swear to the facts of residence in such oath contained, he shall be guilty of perjury, and liable to the penalty incident thereto; and upon conviction, shall forfeit all the privileges to which he might have been entitled under this Act.

5. Every woman married to a natural-born British subject, or naturalized person, shall be deemed to be naturalized, and shall have all the privileges of such subject.

6. That Chapter 84, of Title XII, of the Revised Statutes, 'Of the Naturalization of Aliens,' be and the same is hereby repealed.

7. 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 eleventh day of October 1861, and published and declared in this Province the twentieth day of November 1861.]

INDEX

TO THE ACTS OF THE GENERAL ASSEMBLY.

25° VICTORIÆ, A. D. 1862.

- ABOIDEAU,**
Across Marsh Creek, Saint John, 129.
- ACTIONS, not Summary,**
Act relating to, 103.
- AFFIDAVITS,**
Taken in British Dominions and United States, regulated, 100.
- AGRICULTURE,**
Encouragement of, 73.
- ALIENS,**
Naturalization of, 186.
- ALMA COPPER MINING COMPANY,**
Incorporated, 158.
- APPROPRIATION OF THE PUBLIC REVENUE,**
For certain expenses of the Civil Government, 20.
For Roads and Bridges, and other Public Works and Services, 22.
- BALTIMORE COAL AND MINING COMPANY,**
Incorporated, 166.
- BANKS,**
Act in addition to Act relating to Savings, &c. 21.
- BARK,**
Act in addition to Chapter 93, Title xvii, Revised Statutes, 46.
- BEACONS AND BUOYS,**
Act in amendment of Act to amend Chapter 19, Title III, Revised Statutes, 106.
- BOOM COMPANIES,**
Cain's River—Incorporated, 168.
North West—Incorporated, 149.
South West—The several Acts relating to, continued, 154.
- BOOMS FOR LUMBER,**
Justices of Northumberland authorized to make rules, &c. for management of, 142.
- BOUNDARY LINES,**
Between Grand Falls and Saint Leonard's, Victoria County, altered, 117.
Between New Brunswick and Nova Scotia,—Act explaining Act relating to, 101.
- BRIDGE COMPANY,**
Courtney Bay—Incorporation Act continued, 185.

- BRIDGES,**
 Act imposing a Tax on unimproved granted Lands, to provide a fund for building, &c., explained, 102.
 Repair and improvement of, provided for, 22.
- BRIGHTON PARISH, Carleton County,**
 Division Line between Northampton and, altered, 118.
- BUOYS AND BEACONS,**
 Act in amendment of Act to amend Chapter 19, Title III, Revised Statutes, 106.
- CAIN'S RIVER BOOM COMPANY,**
 Incorporated, 168.
- CAMBRIDGE PARISH, Queen's County,**
 Polling place changed, &c. 145.
- CAMPO BELLO PARISH, Charlotte County,**
 Relating to the Polling place in, 147.
- CARLETON, City of Saint John,**
 Fishery Draft abolished, &c. 121.
 Interest on Water Debentures provided for, 121.
 Relating to Water supply in, 119.
- CARLETON COUNTY,**
 Northampton and Brighton division line altered, 118.
- CHARLOTTE COUNTY,**
 Additional Polling place established in Grand Manan, 145.
 Chapter 19, Title III, Revised Statutes, 'Of Buoys and Beacons,' relating to, amended, 106.
 Justices enabled to sell certain land in, and invest proceeds, 112.
 Relating to the Polling places in West Isles and Campo Bello, 147.
- CHATHAM,**
 Roman Catholic Bishop of, incorporated, 177.
- CHURCH OF SCOTLAND,**
 Trustees of Saint Andrews Church, Chatham, in connexion with, authorized to dispose of certain real estate in Northumberland, devised by the last Will of William Kirkpatrick, deceased, 115.
- CITY COURT ROOM, Saint John,**
 Repairing, provided for, 10.
- CITY HALL, Saint John,**
 Erection of, provided for, 124.
- CIVIL GOVERNMENT of the Province,**
 Act to provide for defraying certain expenses of, 20.
- CIVIL SUITS,**
 Chapter 137, Title XXXVII, Revised Statutes, amended, 18.
- COAL AND MINING COMPANY,**
 Baltimore—Incorporated, 166.
- COMMISSIONERS,**
 Act to amend Act to authorize appointment of, in British Dominions and United States, to take Affidavits and acknowledgments of Deeds, &c., relating to matters in this Province, 100.
- CONGREGATIONAL UNION,**
 Of Nova Scotia and New Brunswick—Incorporated, 163.

CORPORATION, City of Saint John,

Act to extend the jurisdiction of, for regulating Rates of Pilotage beyond limits now prescribed by Charter, revived and made perpetual, 12.

Authorized to order assessment to meet expenses of Prince of Wales' Celebration, 10.

Payment of expenses incurred by, in providing shelter for the Troops, &c., provided for, 10.

CORPORATIONS,

Act relating to, 86.

Act to incorporate the Alma Copper Mining Company, 158.

Baltimore Coal and Mining Company, 166.

Cain's River Boom Company, 168.

Congregational Union of Nova Scotia and New Brunswick, 163.

Elgin Gold Quartz Mining Company, 160.

North West Boom Company, 149.

Roman Catholic Bishop of Chatham, 177.

Roman Catholic Bishop of Saint John, 174.

Union Iron Works Company, 154.

Williams Mining Company, 165.

Act to amend Chapter 45, Title VI, Revised Statutes, 'Of Municipalities,' as relates to the Council and its Officers, 104.

Act in amendment of Act for the incorporation of the Saint John Rural Cemetery Company, 167.

Act to continue Act to incorporate the Courtney Bay Bridge Company, 185.

Act to continue the several Acts relating to the South West Boom Company, 154.

Act to repeal Act to incorporate the Town of Moncton, 162.

COUNTIES,

Authorizes investigation in cases of Fire in the several, 72.

COUNTIES, TOWNS, AND PARISHES,

Act in amendment of and in addition to certain Chapters of Title VIII, Revised Statutes, 42.

COURTNEY BAY BRIDGE COMPANY,

Incorporation Act continued, 185.

COURTS, Acts relating to,

Act to amend the Law relating to offences against the person, 16.

Act to amend Chapter 137, Title XXXVII, 'Of the jurisdiction of Justices in Civil Suits,' 18.

Act to amend Act to authorize the appointment of Commissioners in British Dominions and United States, to take Affidavits and acknowledgments of Deeds, &c. relating to matters in this Province, 100.

Act for taking away the punishment of death in certain cases, and substituting other punishments in lieu thereof, 68.

Act further to amend Chapter 133, Title XXXIV, Revised Statutes, 'Of trespasses on lands, private property, and lumber,' 82.

Act in amendment of the Law relating to Judgments, Executions, and proceedings thereon, 83.

COURTS, Acts relating to—Continued.

Act to repeal part of Chapter 163, Revised Statutes, 'Of Fees,' so far as same relates to Fees on Patents, and to make other provisions in lieu thereof, 102.

Act relating to Judgments in Actions not Summary, 103.

CRIMINAL JUSTICE,

Act to amend the Law relating to offences against the person, 16.

Act for taking away the punishment of death in certain cases, and substituting other punishments in lieu thereof, 68.

Act further to amend Cap. 133, Title xxxiv, Rev. Stat. 'Of Trespasses on lands, private property, and lumber,' 82.

DEATH,

Punishment of, abolished in certain cases, 68.

DEBENTURES, Carleton Water,

Payment of interest on, provided for, 121.

DEEDS,

Acknowledgments of, in British Dominions and United States regulated, 100.

DISORDER existing in Gloucester and Northumberland,

Act to prevent the spread of, continued, 185.

DIVISION LINES, Parish, altered,

Between Dundas and Wellington, Kent County, 117.

Northampton and Brighton, Carleton County, 118.

DUNDAS PARISH, Kent County,

Division line altered, 117.

DUTIES for raising a Revenue,

Act in addition to and in amendment of the Act imposing, &c. 15.

Act in explanation of, 20.

ECCLESIASTICAL PURPOSES,

Shediac, County of Westmorland, divided, and separate Parish erected for, 12.

ELGIN GOLD QUARTZ MINING COMPANY,

Incorporated, 160.

EXECUTIONS,

Law relating to, amended, 83.

EXPORTATION OF LUMBER,

Chapter 96, Revised Statutes, amended, 45.

FEES,

Chapter 163, Revised Statutes, in part repealed, &c. 102.

FIRES,

Certain Acts for the better extinguishment of, in Saint John City, revived and made perpetual, 11.

Investigation in cases of, authorized in the several Counties, 72.

FIREWOOD AND BARK,

Act in addition to Chapter 93, Title xvii, Revised Statutes, 46.

FISHERIES,

Act in addition to Chapter 101, Title xxii, Revised Statutes, 83.

FISHERY DRAFT,

Abolished on western side Harbour, City of Saint John; &c. 121.

See Title *Saint John City*.

- GENERAL PUBLIC HOSPITAL, Saint John,
Act in addition to and in amendment of Act establishing and
maintaining, 107.
- GLOUCESTER COUNTY,
Leprosy Act continued, 185.
- GOLD MINES,
Act relating to, 103.
- GOLD QUARTZ MINING COMPANY,
Elgin, incorporated, 160.
- GOVERNOR AND TRUSTEES Madras School,
Empowered to raise money on mortgage of land in Saint John
City, 136.
- GRAND FALLS PARISH, Victoria County,
Boundary line altered, 117.
- GRAND MANAN PARISH, Charlotte County,
Additional Polling place established in, 145.
- GREAT MARSH, Saint John,
Drainage and protection of, provided for, 129.
- HALL, CITY, Saint John,
Erection of, provided for, 124.
- HALL, PUBLIC, Carleton, Saint John,
Erection of, provided for, 121.
- HAY MARKET LOT, City Saint John,
Payment for a Sewer near, provided for, 11.
- HEALTH, Medical Council of,
Act providing, amended, 105.
- HIGHWAYS,
Laws relating to, amended and consolidated, 25.
- HOSPITAL, GENERAL PUBLIC, Saint John,
Act in addition to and in amendment of Act establishing and
maintaining, 107.
- IMPOST, for Railway purposes,
See Title *Railway purposes*, 15 and 20.
- IRON WORKS COMPANY,
Union, incorporated, 154.
- JUDGMENTS,
Law relating to, amended, 83.
Relating to, in actions not summary, 103.
- JUSTICES OF THE PEACE,
Act authorizing sale of certain School lands by, in King's County,
explained, 144.
Chapter 137, Title XXXVII, Revised Statutes, relating to the
jurisdiction of, in Civil Suits, amended, 18.
Charlotte, enabled to sell certain lands, &c. 112.
Lands, &c. held for public uses by, of the several Counties,
relating to, 84.
Northumberland; authorized to make regulations for Booms, &c. 142.

KENT COUNTY,

Parishes Dundas and Wellington, Division line of, altered, 117.

KING'S COUNTY,

School Lands Act, explained, 144.

KIRKPATRICK, WILLIAM

Act relating to the last Will of, 115.

LANDS,

Act imposing a Tax on unimproved granted, &c. explained, 102.

Chapter 133, Title xxxiv, Revised Statutes, relating to trespasses on, &c., amended, 82.

Justices of Charlotte empowered to sell certain, &c. 112.

Madras School, mortgage of certain, Saint John, regulated, 136.

Relating to, tenements and hereditaments held for public uses by Justices of the several Counties, 84.

See Title *School Lands*, 144.

LAWS, Amended,

Relating to Appointment of Commissioners in British Dominions and United States, to take affidavits and acknowledgments of Deeds, &c. 100.

Buoys and Beacons, Cap. 19, Title III, Rev. Stat. 106.

Duties for raising a Revenue, 15.

General Public Hospital, Saint John, 107.

Highways, consolidated and, 25.

Impost for Railway purposes, 15.

Judgments, Executions, &c. 83.

Jurisdiction of Justices in Civil Suits, Cap. 137, Title xxxvii, Revised Statutes, 18.

Local government of Counties, Towns, and Parishes, Title viii, Revised Statutes, 42.

Local government of Portland, County Saint John, 181.

Municipalities, Chapter 45, Title vi, Rev. Stat. 104.

Offences against the person, 16.

Practitioners in Medicine and Medical Council, 105.

Rates and Taxes, Chapter 53, Revised Statutes, 93.

Sewers, Chapter 67, Title x, Revised Statutes, 90.

Saint John Rural Cemetery Company, 167.

Survey and Exportation of Lumber, Cap. 96, Revised Statutes, 45.

Trespasses on Lands, &c., Chapter 133, Title xxxiv, Revised Statutes, 82.

Water Supply and Sewerage, City Saint John and Portland, 110.

LAWS, Continued,

Relating to Courtney Bay Bridge Company, 185.

Destruction of Wolves, 105.

Expenses of the Legislature, revived and, 9.

Leprosy in Gloucester and Northumberland, 185.

Public Revenue, Chapters 26, 27, 28, and 29, Title iii, Revised Statutes, 9.

South West Boom Company, 154.

LAWS, Repealed,

Relating to Fees on Patents, part of Cap. 163, Rev. Stat. 102.
Incorporation of Town of Moncton, 162.

LAWS, Revived and made perpetual,

Relating to Extinguishing of Fires, City Saint John, 11.
Jurisdiction of Corporation City Saint John, regulating
Pilotage, 12.

LEGISLATURE,

Act providing for expenses of, revived and continued, 9.

LOCAL ACTS,

Carleton, Saint John,
Fishery Draft abolished, 121.
Public Hall, 121.
Water Debeatures, 121.

Charlotte,

Buoys and Beacons amendment, 106.
Land sale, 112.
Polling places, 145 and 147.

Gloucester,

Leprosy, 185.

King's,

School Lands, 144.

Moncton,

Incorporation repeal, 162.

Newcastle,

Police, 137.

Northumberland,

Boom regulation, 142.
Leprosy, 185.
Newcastle Police, 137.

Parishes. See Title *Parishes*.

Queen's,

Polling places, 145.

Saint John. See Title *Saint John*.

Sunbury,

Polling places, 140.

Victoria,

Polling places, 146.

Westmorland,

Ecclesiastical Parish, 12.

York,

Polling places, 148.

LUMBER,

Chapter 96, Rev. Stat., Survey and Exportation of, amended, 45.

Chapter 133, Title XXXIV, Revised Statutes, relating to trespasses
on lands, private property, and, amended; 82.

Justices of Northumberland authorized to make regulations for
protection of Booms for, 142.

- MADRAS SCHOOL,**
Governor and Trustees of, empowered to mortgage certain lands on King Square, Saint John City, 136.
- MARSH, Saint John,**
Drainage and protection of, and Aboidean across Creek, provided for, 129.
- MAUGERVILLE PARISH, Sunbury County,**
Polling place established in, 146.
- MEDICINE,**
Act to regulate the qualifications of Practitioners in, and provide a Medical Council of Health, &c. amended, 105.
- MILITIA,**
Act relating to the, 46.
- MINES,**
Act relating to Gold,
- MINING COMPANIES,**
Alma Copper, incorporated, 158;
Baltimore Coal and, incorporated, 166.
Elgin Gold Quartz, incorporated, 160.
Williams, incorporated, 165.
- MONCTON, Town of,**
Incorporation Act repealed, 162.
- MUNICIPALITIES,**
Part of Cap. 45, Title VI, Rev. Stat. relating to, amended, 104.
- NATURALIZATION OF ALIENS,**
Act relating to the, 186.
- NEW BRUNSWICK,**
Act relating to the Boundary Line between Nova Scotia and, explained, 101.
Act relating to the University of, 102.
Act to regulate the Practice of Medicine and Medical Council in, amended, 105.
Congregational Union of Nova Scotia and, incorporated, 163.
Governor and Trustees Madras School, empowered to mortgage Lands in City of Saint John, 136.
- NEWCASTLE, Town of, Northumberland County,**
Police Force established in, &c. 137.
- NORTHAMPTON PARISH, Carleton County,**
Division line between Brighton and, altered, 118.
- NORTHUMBERLAND COUNTY,**
Justices of, authorized to make regulations for Booms, &c. 142.
Leprosy Act continued, 185.
Police Force established in Newcastle, 137.
Relating to the disposition of Real Estate in, devised by the last Will of William Kirkpatrick, deceased, 115.
- NORTH WEST BOOM COMPANY,**
Incorporated, 149.

NOVA SCOTIA,

Act relating to the Boundary line between New Brunswick and, explained, 101.

Congregational Union of New Brunswick and, incorporated, 163.

OFFENCES against the Person,

Law relating to, amended, 16.

PARISHES,

Brighton, Carleton County,
Division line altered, 118.

Cambridge, Queen's County,
Polling place in, changed, 145.

Campo Bello, Charlotte County,
Separate Polling place established in, 147.

Dundas, Kent County,
Division line altered, 117.

Grand Falls, Victoria County,
Boundary line altered, 117.

Grand Manan, Charlotte County,
Additional Polling place established in, 145.

Mangerville, Sunbury County,
Polling place established in, 146.

Northampton, Carleton County,
Division line altered, 118.

Portland, Saint John County,
Drainage and protection of Great Marsh, &c. provided for, 129.
Law relating to Water supply, &c. in part amended, 110.
Local government of, altered and amended, 181.

Saint Leonard, Victoria County,
Boundary line altered, 117.
Polling place in, changed, 146.

Shediac, Westmorland County,
Divided, and separate Parish erected for ecclesiastical purposes, 12.

Simonds, Saint John County,
Drainage and protection of Great Marsh, &c., provided for, 129.

Springfield, King's County,
Act to authorize Justices to sell certain School Lands in, explained, 144.

Wellington, Kent County,
Division line altered, 117.

West Isles, Charlotte County,
Separate Polling place established in, 147.

PATENTS,

Part of Cap. 163, Rev. Stat. relating to Fees on, repealed, 102.

PILOTAGE, Rates of,

Act to extend the jurisdiction of the Corporation of Saint John for the regulation of, revived and made perpetual, 12.

POLICE FORCE,

Established in Newcastle, Northumberland County, 137.

- POLICE OFFICE, City Saint John,**
Act relating to the, 128.
- POLLING PLACES,**
Cambridge, Queen's County,
Changed, 145.
Campo Bello, Charlotte,
Established, 147.
Grand Maam, Charlotte,
Additional, established, 145.
Maugerville, Sunbury,
Established, 146.
Saint Leonard, Victoria,
Changed, 146.
West Isles, Charlotte,
Established, 147.
York County,
Additional, established, 148.
- PORTLAND PARISH, Saint John County,**
Drainage and protection of Great Marsh, &c., provided for, 129.
Law relating to Water supply and Sewerage, amended, 110.
Local government of, altered and amended, 181.
- PRACTITIONERS in Medicine and Surgery,**
Act regulating qualifications of, amended, 105.
- PUBLIC HALL, Carleton, Saint John,**
Erection of, provided for, 121.
- PRINCE OF WALES' Celebration,**
Assessment in City of Saint John for expenses of, authorized, 10.
- PRIVATE ACTS,**
Act relating to the Will of William Kirkpatrick, deceased, 115.
See Title *Corporations*.
- PROVINCIAL LIABILITIES,**
Act in addition to Act relating to the Savings Banks and other, 21.
- PUBLIC HOSPITAL, Saint John,**
Act establishing, amended, &c. 107.
- PUBLIC REVENUE,**
Chapters 26, 27, 28, and 29, Title III, Revised Statutes, relating
to the, continued, 9.
- PUBLIC USES,**
Relating to Lands, Tenements, &c. held for, 84.
- PUBLIC WORKS AND SERVICES,**
Provides for the repair and improvement of Roads and Bridges,
and other, 22.
- QUEEN'S COUNTY,**
Cambridge Parish, Polling place changed, &c. 145.
- RAILWAY PURPOSES,**
Act in addition to and amendment of Act to levy Impost for, 15.
Act in explanation of, 20.

REVENUE,

See Title *Duties for raising*, 15 and 20.

See Title *Public*, 9.

REVISED STATUTES, amended, continued, or repealed,

Act to amend Chapter 19, Title III, 'Of Buoys and Beacons,' so far as relates to Charlotte County, amended, 106.

Chapters 26, 27, 28, and 29, Title III, 'Of the Public Revenue,' continued, 9.

Chapter 137, Title XXXVII, 'Of the jurisdiction of Justices in Civil Suits,' amended, 18.

Certain Chapters of Title VIII, 'Of the local government of Counties, Towns, and Parishes,' amended, &c. 42.

Cap. 96, 'Of the Survey and Exportation of Lumber,' amended, 45.

Chapter 93, Title XVII, 'Of the measurement of Firewood and Bark,' added to, 46.

Chapter 133, Title XXXIV, 'Of trespasses on lands, private property, and lumber,' further amended, 82.

Chapter 101, Title XXII, 'Of Sea and River Fisheries,' added to, 83.

Chapter 67, Title X, 'Of Sewers,' explained and amended, 90.

Chapter 53, 'Of Rates and Taxes,' amended, 93.

Chapter 163, 'Of Fees,' so far as same relates to Fees on Patents, in part repealed, and other provisions made in lieu thereof, 102.

Chapter 45, Title VI, 'Of Municipalities,' as relates to the Council and its Officers, amended, 104.

RIVER FISHERIES,

See Title *Fisheries*, 83.

ROADS,

Act imposing a Tax on unimproved granted lands to provide a Fund for opening, &c. 102.

Repair and improvement of, provided for, 22.

ROMAN CATHOLIC BISHOP,

Of Chatham—Incorporated, 177.

Of Saint John—Incorporated, 174.

RURAL CEMETERY COMPANY, Saint John,

Incorporation Act amended, 167.

SAINT ANDREWS CHURCH, Chatham,

See Title *Church of Scotland*, 115.

SAINT JOHN,

Roman Catholic Bishop of, incorporated, 174.

SAINT JOHN CITY,

Act extending jurisdiction of Corporation, for regulating rates of Pilotage, &c. revived and made perpetual, 12.

Assessment authorized in, to meet expense of Prince of Wales' celebration, 10.

Certain Acts for the better extinguishment of Fires, revived and made perpetual, 11.

Drainage and protection of Great Marsh, and maintenance of Aboudeau across Marsh Creek near, provided for, 129.

Erection of City Hall, provided for, 124.

Expenses incurred by Corporation, in providing shelter for Troops, and repairing City Court Room, provided for, 10.

SAINT JOHN CITY—*Continued.*

Fishery Draft, Western side of Harbour, abolished, erection of Public Hall in Carleton, and payment of Interest on Carleton Water Debentures, provided for, 121.

Governor and Trustees Madras School, empowered to mortgage certain Lands north side of King Square, 136.

Laws relating to Water Supply and Sewerage, &c. amended, 110.

Payment for Sewer near Hay Market Lot, provided for, 11.

Relating to the Police Office, 128.

Relating to the supply of Carleton with Water, 119.

SAINT JOHN CITY OR COUNTY,

Act establishing and maintaining a General Public Hospital, amended, &c. 107.

SAINT JOHN COUNTY, Portland, Parish,

Law relating to Water Supply and Sewerage, &c. in part of, amended, 110.

Local government of, altered and amended, 181.

SAINT JOHN RURAL CEMETERY COMPANY,

Incorporation Act amended, 167

SAINT LEONARD PARISH, Victoria County,

Boundary Line altered, 117.

Polling place changed, 146.

SAVINGS BANKS,

Addition to Act relating to, &c. 21.

SCHOOL LANDS,

Act authorizing Justices of King's County to convey, &c., explained, 144.

SEA AND RIVER FISHERIES,

See Title *Fisheries*, 83.

SEWERAGE,

Law relating to, City Saint John and Portland, amended, 110.

SEWERS,

Cap 67, Title x, Revised Statutes, explained and amended, 90.

Payment for, near Hay Market Lot, St. John City, provided for, 11.

SHEDIAC PARISH, Westmorland County,

Divided, and separate Parish erected for ecclesiastical purposes, 12.

SIMONDS PARISH, City and County Saint John,

Drainage and protection of Great Marsh in, &c., provided for, 129.

SOUTH WEST BOOM COMPANY,

The several Acts relating to, continued, 154.

SPRINGFIELD PARISH, King's County,

Act authorizing sale of certain School Lands in, and investment of proceeds, &c., explained, 144.

STATUTES. See Title *Revised Statutes*.

SUMMARY, Actions not,

Relating to Judgments in, 103.

SUNBURY COUNTY,

Maugerville Parish—Polling place established in, 146.

SURGERY,

Act to regulate the qualifications of Practitioners in, amended, 105.

- SURVEY and Exportation of Lumber,**
Chapter 96, Revised Statutes, amended, 45.
- TAXES,**
Act imposing, on unimproved granted Lands, &c., explained, 102.
Chapter 53, Revised Statutes, amended, 93.
- TOWN OF MONCTON,**
Incorporation of, repealed, 162.
- TOWN OF NEWCASTLE,**
Police Force established in, 137.
- TRESPASSES ON LANDS,**
Chapter 133, Title 34, Revised Statutes, amended, 82.
- TROOPS,**
Expenses incurred for shelter of, by Corporation City Saint John;
provided for, 10.
- TRUSTEES,**
See Titles *Church of Scotland*, 115; and *Madras School*, 136.
- UNIMPROVED GRANTED LANDS,**
See Title *Lands*, 102.
- UNION IRON WORKS COMPANY,**
Incorporated, 154.
- UNITED KINGDOM,**
See Title *Commissioners*, 100.
- UNITED STATES OF AMERICA,**
See Title *Commissioners*, 100.
- UNIVERSITY OF NEW BRUNSWICK,**
Act relating to the, 102.
- VICTORIA COUNTY,**
Grand Falls and St. Leonard—Boundary line between altered, 117.
Saint Leonard—Polling place changed, 146.
- WATER DEBENTURES, Carleton, Saint John,**
Interest on, provided for, 121.
- WATER SUPPLY, Saint John,**
See Titles *Carleton*, 119; *Portland*, 110; and *Saint John City*, 110.
- WELLINGTON PARISH, Kent County,**
Division Line altered, 117.
- WEST ISLES PARISH, Charlotte County,**
Polling place established in, 147.
- WESTMORLAND COUNTY,**
Shediac Parish, divided, &c., 12.
- WILLIAMS MINING COMPANY,**
Incorporated, 165.
- WILLS,**
See Title *Kirkpatrick, William*, 115.
- WOLVES,**
Act to encourage the destruction of, continued, 105.
- YORK COUNTY,**
Additional Polling places established in, 148.