

ACTS
OF
THE GENERAL ASSEMBLY
OF
HER MAJESTY'S PROVINCE
OF
NEW BRUNSWICK,
PASSED IN THE YEAR
1840.



FREDERICTON:

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

MDCCCXL.

TITLES OF THE ACTS.

ANNO TERTIO VICTORIÆ REGINÆ.

CHAPTER.	PAGE.
I. An Act imposing Duties for raising a Revenue,	1
II. An Act to continue an Act, intituled "An Act relating to the Herring Fisheries in the County of Charlotte,"	5
III. An Act to continue the Act for the punishment of persons who shall be guilty of the trespasses therein mentioned in the City of Saint John,	<i>ib.</i>
IV. An Act to continue the Act imposing a Duty on Rum and other Liquors distilled within the Province,	<i>ib.</i>
V. An Act to continue the Act for prohibiting and suppressing of Lotteries in this Province,	6
VI. An Act to continue the Act to provide for the payment of Interest on Warrants,	<i>ib.</i>
VII. An Act to continue the Act to provide for the better assessment of County and Parish Rates,	<i>ib.</i>
VIII. An Act to continue an Act to prevent Disorderly Riding on Streets and Highways in this Province,	<i>ib.</i>
IX. An Act to continue an Act to provide for the services of the Clerk of the Circuit Courts in this Province,	7
X. An Act to provide for the establishment of a Grammar School in the County of Restigouche,	<i>ib.</i>
XI. An Act to continue an Act, intituled "An Act to grant a bounty on the Destruction of Bears in this Province,"	8
XII. An Act to continue the Act to regulate the ungranted Ferries in this Province,	<i>ib.</i>
XIII. An Act to continue the Act to regulate Pawn Brokers within this Province,	<i>ib.</i>
XIV. An Act to continue the Act to regulate the exportation of Lumber,	<i>ib.</i>
XV. An Act to continue an Act, intituled "An Act to regulate the Assize of Bread in the Towns of Newcastle and Chatham in the County of Northumberland,"	9
XVI. An Act to continue an Act in addition to the Laws now in force for the protection of the Fisheries in the Counties of Northumberland, Kent and Gloucester,	<i>ib.</i>
XVII. An Act to continue an Act, intituled "An Act to extend the provisions of an Act, intituled 'An Act to repeal the Laws now in force for appointing Firewards and the better extinguishing of Fires so far as the same relate to the Town of Fredericton and to make regulations more suitable to the said Town,' to the Towns of Newcastle and Chatham and their vicinities in the County of Northumberland,"	<i>ib.</i>
XVIII. An Act to continue an Act, intituled "An Act to repeal an Act, intituled 'An Act for the better security of the Navigation of certain Harbours in the County of Northumberland,' and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester,"	10
XIX. An Act for altering the times of holding one of the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace, and also one of the additional Terms of the said Inferior Court of Common Pleas for the County of King's,	<i>ib.</i>
XX. An Act to continue the Act relating to Landlord and Tenant,	<i>ib.</i>
XXI. An Act to continue an Act in addition to an Act, intituled "An Act to repeal all the Laws now in force for the organization and regulation of the Militia and to make further provisions for the same,"	11
XXII. An Act to continue an Act to authorize the Justices of the Peace in the County of York to make further provision for the payment of the Treasurer of that County,	<i>ib.</i>

CHAPTER.	PAGE.
XXIII. An Act to authorize the Grand Jurors of the several Counties within this Province to inspect the Public Accounts,	11
XXIV. An Act to continue the Act to regulate the Inspection of Dry and Pickled Fish for Home consumption and for exportation,	12
XXV. An Act to continue the Act relating to Church Wardens and Vestrymen, and to persons having voices in their election, so far as relates to the Parish Church of Saint Andrews,	<i>ib.</i>
XXVI. An Act to continue an Act relating to the Navigation of the Inner Bay of Passamaquoddy,	<i>ib.</i>
XXVII. An Act to continue the Act for the more speedy and effectual punishment of Persons keeping disorderly houses,	<i>ib.</i>
XXVIII. An Act to regulate the Assize of Bread in the Towns of Saint Andrews and Saint Stephen, in the County of Charlotte, and to repeal the Acts now in force relating to the Town of Saint Andrews,	13
XXIX. An Act to continue an Act, intituled "An Act to repeal the Laws now in force for appointing Firewards, and for the better extinguishing Fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned,"	14
XXX. An Act for erecting a part of the Parish or Township of Sussex, in King's County, into a separate and distinct Parish or Township,	<i>ib.</i>
XXXI. An Act to continue the several Acts now in force relating to insolvent confined Debtors,	15
XXXII. An Act to alter the time for holding the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace for the County of York,	<i>ib.</i>
XXXIII. An Act to amend and continue an Act, intituled "An Act for the appointment of Firewards and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen, commonly called Mill Town and its immediate vicinity,"	16
XXXIV. An Act to continue the Act to provide for the collection of County and Parish Rates,	<i>ib.</i>
XXXV. An Act to alter and amend an Act, intituled "An Act to incorporate sundry persons by the name of the President, Directors and Company of the Bank of New Brunswick,"	<i>ib.</i>
XXXVI. An Act to authorize an Assessment on the Inhabitants of a part of the Parish of Saint Stephen, in the County of Charlotte, for the purpose therein mentioned,	17
XXXVII. An Act to authorize Her Majesty's Justices of the Peace of King's County to erect a Building in the said County for a Common Gaol, and to assess the Inhabitants towards defraying the expenses thereof,	18
XXXVIII. An Act to authorize the Justices of the Peace in and for the City and County of Saint John to erect a building in the said City for a Common Gaol, and to raise a sum of money for erecting and completing the same,	<i>ib.</i>
XXXIX. An Act to amend an Act, intituled "An Act to repeal all the Laws now in force relating to Parish Schools, and to make other provisions respecting the same,"	20
XL. An Act for enabling persons indicted of Felony to make their defence by Counsel,	21
XLI. An Act to alter and amend "An Act to provide for the safe keeping of the County Records," so far as regards the County of Carleton,	22
XLII. An Act to authorize Her Majesty's Justices of the Peace of the County of Gloucester to assess the said County for repairing the Public Buildings therein,	<i>ib.</i>
XLIII. An Act to revive an Act, intituled "An Act to incorporate the Saint John Hotel Company."	<i>ib.</i>
XLIV. An Act to incorporate the Saint George Lime Company,	23
XLV. An Act to continue the Acts relating to Highways,	24
XLVI. An Act to extend the provisions of the fourth Section of an Act, intituled "An Act to amend the Act to provide for the collection of the Revenue of the Province," to Woodstock in the County of Carleton,	<i>ib.</i>
XLVII. An Act to repeal all the Acts regulating Tavern Keepers and Retailers, and to make other provisions in lieu thereof,	<i>ib.</i>
XLVIII. An Act to regulate the Assize of Bread in the Parish of Woodstock, in the County of Carleton,	32
XLIX. An Act to authorize the Justices of the Peace for Queen's County, to lease a certain Lot of Land in the Town Plat of Gagetown,	33
L. An Act to amend the Act to make provision for the payment of a portion of the expenses of maintaining certain Light Houses and Establishments in the Gulf of Saint Lawrence,	<i>ib.</i>
LI. An Act to declare the Law with regard to Commissions for taking Affidavits to be read in the Supreme Court,	<i>ib.</i>

TITLES OF THE ACTS.

v.

CHAPTER.	PAGE.
LII. An Act for ascertaining the Population of this Province,	34
LIII. An Act to prevent the destruction of Oysters in the Harbours of the Counties of Westmorland and Kent,	38
LIV. An Act in addition to the Act providing for the greater safety of Passengers on board Steam Boats,	<i>ib.</i>
LV. An Act to continue an Act for the better regulation of the Office of Sheriff in this Province,	39
LVI. An Act in addition to the Acts now in force relating to Commissioners of Sewers,	<i>ib.</i>
LVII. An Act in amendment of an Act, intituled "An Act imposing Duties for raising a Revenue,"	40
LVIII. An Act to appropriate a part of the Public Revenue to the payment of the Ordinary Services of the Province,	<i>ib.</i>
LIX. An Act to appropriate a part of the Public Revenue for the services therein mentioned,	43
LX. An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province,	64
LXI. An Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estate of Intestates,	95
LXII. An Act to make more effectual provisions for the Regulation of Seamen in this Province,	110
LXIII. An Act further to regulate proceedings in Replevin, by allowing damages in certain cases to the Defendant,	113
LXIV. An Act in addition to the Acts for the amendment of the Criminal Law,	114
LXV. An Act to amend the Law of Evidence in regard to the proof of Records and Letters Patent,	115
LXVI. An Act to incorporate the Chamcook Mill and Factory Company,	116
LXVII. An Act to authorize the Justices of the Peace for the County of Charlotte to levy an assessment to pay off the County Debt,	<i>ib.</i>
LXVIII. An Act relating to wrecked Property,	117
LXIX. An Act further to provide for the expenses of the Legislature,	119
LXX. An Act to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of the rates of Pilotage, beyond the limits now prescribed by Charter,	120
LXXI. An Act to amend the Act to alter the times for the appointment of Sheriffs and Supervisors of Great Roads,	<i>ib.</i>
LXXII. An Act to facilitate the means of supplying the City of Saint John with Water,	121
LXXIII. An Act to incorporate the Saint John Orphan Benevolent Society,	128
LXXIV. An Act to continue several Acts for the establishment and regulation of Boards of Health in the several Counties of this Province,	<i>ib.</i>
LXXV. An Act to repeal certain Sections of an Act, intituled "An Act for the more effectual prevention of Fires in the City of Saint John,"	129
LXXVI. An Act to provide for a regular supply of Seamen for new Ships fitted out or loaded in this Province,	<i>ib.</i>
LXXVII. An Act to provide for the more effectual prevention of Trespasses and protection of Timber growing on the Crown Lands within this Province,	131
LXXVIII. An Act to amend an Act intituled "An Act to provide for the purchase of a place for the residence and accommodation of the Governor or Commander in Chief of this Province,"	133
LXXIX. An Act to authorize the Justices of the Peace in and for the City and County of Saint John to make compensation to the Assessors of Taxes for the Parish of Portland for the year one thousand eight hundred and thirty nine,	<i>ib.</i>
LXXX. An Act for the better extinguishing of Fires which may happen in the City of Saint John, and to continue a certain Act relating to the same matter therein mentioned,	134
LXXXI. An Act to limit the extent and regulate the building of Wharves on the eastern side of the Harbour of Saint John,	137
LXXXII. An Act to authorize the granting of certain Tracts of Land, to the North American Colonial Association of Ireland, and to prescribe the terms and conditions thereof,	138
LXXXIII. An Act to alter and amend an Act, intituled "An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein,"	139

Statutum secundum

Anno Regni VICTORIÆ Britanniarum Reginae Tertio.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton on the Twenty eighth day of December, *Anno Domini* One thousand eight hundred and thirty seven, in the First year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and from thence continued by several Prorogations to the Twenty eighth day of January one thousand eight hundred and forty: being the Fourth Session of the Twelfth General Asembly convened in the said Province.

THE
ACTS
OF
THE GENERAL ASSEMBLY, &c.

CAP. I.

An Act imposing Duties for raising a Revenue.

Passed 25th March 1840.

WE, Her Majesty's dutiful and loyal Subjects, the Assembly of New Brunswick in General Assembly convened, for raising the necessary supplies to defray the expenses of Her Majesty's Government within this Province, have freely resolved to give and grant to the Queen's Most Excellent Majesty the several rates and duties in the Schedule hereinafter mentioned, and do therefore pray Your Excellency that it may be enacted;

I. And be it enacted by His Excellency the Lieutenant Governor, by and with the advice and consent of the Legislative Council and Assembly, and by the authority of the same, that on and after the first day of April which will be in this present year of our Lord one thousand eight hundred and forty, there be and are hereby granted to the Queen's Most Excellent Majesty, Her Heirs and Successors, for the use of this Province and for the support of the Government thereof, the several rates and duties inserted, described and set forth in figures in the Table of duties hereinafter contained, denominated *Schedule of Articles subject to duty and Articles exempted from duty*, opposite to and against the respective Articles in the said Table or Schedule mentioned, described and enumerated, and according to the value, number or quantity of such Articles therein specified, whether imported or brought into this Province either by Sea, by inland navigation, or by Land, from any part of the British Empire, or from any port or place, or which may be saved from any wrecked or stranded Ship or Vessel.

Duties granted for the use of the Province and support of the Government on articles specified in the Schedule.

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

To be in addition to any duties imposed by Acts of Parliament.

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

Warehoused goods on which duties have not been secured to be liable to duties imposed by this Act.

Duties to be repaid or Warehouse Bond cancelled as to goods exported for the deep sea or whale fishery.

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

Duties on seizures to be paid over as a bounty.

V. And be it enacted, That the duties which may be paid upon any Articles seized by the Officers of Her Majesty's Customs, shall be paid by the Treasurer to the Person or Persons making such seizure, as a Bounty for such seizure.

Limitation.

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

Schedule of Articles subject to Duty, and Articles exempted from Duty.

Schedule of articles liable to duty and rate.

	£.	s.	d.
SPIRITS, videlicet,			
Brandy, per gallon,	0	2	3
Rum or Spirits, being of the proof of 26 by the Bubble, per gallon,	0	1	6
And for every Bubble below 26, for each Bubble, per gallon an additional	0	0	1
Being of Foreign production a further and additional, per gallon,	0	0	6
Geneva, Gin, Hollands or Cordials, per gallon,	0	1	6
Whiskey, per gallon,	0	2	0
Shrub, Santa, Lime Juice, per gallon,	0	0	6
WINES, videlicet,			
On all Wines imported direct from the place of growth and produce, per gallon,	0	1	9
Otherwise imported, per gallon,	0	2	6
SUGAR, videlicet,			
Muscovado or Brown, per hundred weight,	0	2	6
Loaf, Lump or Refined, per pound,	0	0	1
COFFEE, per pound,	0	0	1
DRIED FRUITS, per hundred weight,	0	5	0
MOLASSES, per gallon,	0	0	1
TOBACCO, videlicet,			
Manufactured (except Snuff and Cigars) per pound,	0	0	0½
Snuff and Cigars, for every £100 of the true and real value thereof,	5	0	0
CATTLE,			
For and upon every Foreign Horse,	5	0	0
For and upon every Foreign Ox,	1	0	0
For and upon all other Foreign Horned Cattle,	1	0	0
For and upon the following Foreign Manufactured Articles, when not imported from the United Kingdom, <i>videlicet</i> :			
Chairs,	}	For every £100 of the true and real value thereof, 25 0 0	
Clocks,			
Clock Cases,			
Clock Movements or Machinery,			
Watches,			
Household Furniture,			
Picture,			
Mirrors,			
Looking Glasses.			

And for and upon all soap and candles, india rubber shoes, and all other Foreign Articles, manufactured or not manufactured, not otherwise charged with duty, nor hereinafter declared to be free of duty,

For every £100 of the true and real value thereof, 10 0 0

Schedule of articles liable to duty and rate, *continued.*

SILK, and for all manufactures of which Silk shall form a component part,

For every £100 of the true and real value thereof, 2 10 0

And for and upon all Articles, the manufacture of the United Kingdom, imported or brought into this Province, whether by sea or inland carriage or navigation, or which may be saved from any wrecked or stranded ship or vessel, or not otherwise charged with duty, nor hereinafter declared to be free of duty; also all manufactures of cotton of the British East India possessions, pepper and all other description of spices.

For every £100 of the true and real value thereof, 2 10 0

Colonial Leather and Malt Liquor,

For every £100 of the true and real value thereof, 5 0 0

EXCEPTIONS.

To all Foreign Articles, Manufactured or not Manufactured, *videlicet* :

Articles exempted from duty.

- Agricultural Implements, (Axes excepted.)
- Barilla Ashes,
- Bees Wax,
- Bristles,
- Books (printed) and Pamphlets,
- Beans,
- Bread,
- Cotton Wool,
- Cows,
- Cordage,
- Canvass,
- Dyewoods,
- Felt,
- Flour and Meal of all kinds, (Buckwheat excepted.)
- Grass Seeds and all other kinds of seeds and plants,
- Grain of all kinds,
- Ground Gypsum,
- Hay,
- Hides,
- Horse Hair,
- Horns,
- Hemp,
- Hops,
- Indigo,
- Iron,
- India Rubber,
- Lumber of all kinds,
- Leaf Tobacco,

DUTY FREE.

Lignumvitæ,

Articles exempted
from duty, con-
tinued.

Lignumvitæ,
Looking Glass Plates, and Picture and Plate Glass,
Mahogany Logs, Boards and Veneers,
Meats, dried and salted,
Mill Saws,
Palm Oil,
Pitch,
Pease,
Potashes,
Rosin,
Rice,
Salt,
Tea,
Tar,
Turpentine,
Tallow,
Vinegar.

DUTY FREE.

To all articles the manufacture of the United Kingdom, *videlicet* :

Agricultural Implements,
Anchors,
Barley, Pot or Pearl,
Beef,
Bacon,
Books (printed) and Pamphlets,
Bread,
Bunting,
Bricks and Tiles,
Coals,
Copper, Bolt and Sheet,
Copper, Spikes and Nails,
Canvas,
Coal Tar,
Cordage,
Duck,
Felt, patent,
Fishing Nets,
Hooks, Lines and Twines,
Flour and Meal of all kinds,
Globes,
Iron, bolt, bar, square, pig or sheet,
Iron Block Bushes,
Lead, bar and sheet,
Mineral Salt, and Salt of all kinds,
Malt,
Machinery for Mills or Steam Boats,
Mathematical and Musical Instruments of all kinds, and Philosophical
and Chemical Aparatus,
Hydraulic Engines,
Maps,
Oakum,

DUTY FREE.

Pork,

Pork,
 Printing Paper,
 Steel,
 Spikes and Sheathing Nails,
 Ship Tackle and Apparel,
 Sheathing Paper,
 Tin in sheets and blocks,
 Zinc.

Articles exempted
 from duty, con-
 tinued.

DUTY FREE.

CAP. II.

An Act to continue an Act, intituled "An Act relating to the Herring Fisheries in the County of Charlotte." 7 W. 4, c. 36.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly,
 That an Act made and passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled "An Act relating to the Herring Fisheries in the County of Charlotte," be and the same is hereby continued and declared to be in full force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

7 W. 4, c. 36, continued.

CAP. III.

An Act to continue the Act for the punishment of persons who shall be guilty of the trespasses therein mentioned in the City of Saint John.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly,
 That an Act made and passed in the fifth year of the Reign of His Majesty King William the Fourth, intituled "An Act for the punishment of persons who shall be guilty of the trespasses therein mentioned in the City of Saint John," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty.

5 W. 4, c. 9, continued.

2 Sect
2 Section

CAP. IV.

An Act to continue the Act imposing a Duty on Rum and other Liquors distilled within the Province.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly,
 That an Act made and passed in the ninth and tenth years of the Reign of His late Majesty King George the Fourth, intituled "An Act further to increase the Revenue of the Province by imposing a Duty upon all Rum and other Spirituous Liquors that shall be distilled within the same," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

9 & 10 G. 4, c. 30, continued.

CAP. V.

An Act to continue the Act for prohibiting and suppressing of Lotteries in this Province.

Passed 25th March 1840.

5 W. 4, c. 12, con-
tinued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled "An Act for prohibiting and suppressing of Lotteries in this Province," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. VI.

An Act to continue the Act to provide for the payment of Interest on Warrants.

Passed 25th March 1840.

4 W. 4, c. 49, con-
tinued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. VII.

An Act to continue the Act to provide for the better assessment of County and Parish Rates.

Passed 25th March 1840.

1 Vic. c. 7, con-
tinued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the first year of the Reign of Her present Majesty, intituled "An Act to provide for the better assessment of County and Parish Rates," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. VIII.

An Act to continue an Act to prevent Disorderly Riding on Streets and Highways in this Province.

Passed 25th March 1840.

6 W. 4, c. 25, con-
tinued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to prevent Disorderly Riding on Streets and Highways in this Province," be and the same is hereby continued and declared to be in full force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. IX.

An Act to continue an Act to provide for the services of the Clerk of the Circuit Courts in this Province.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to provide for the services of the Clerk of the Circuit Courts in this Province," be and the same is hereby further continued and declared to be in full force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

5 W. 4, c. 46, continued.

CAP. X.

An Act to provide for the establishment of a Grammar School in the County of Restigouche.

Passed 25th March 1840.

WHEREAS in and by the seventh Section of an Act, intituled "An Act for the endowment of King's College, in the Province of New Brunswick, and also to make new provisions for the establishment and support of Grammar Schools throughout the Province," it is enacted, that His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, be authorized and empowered to appoint during pleasure, and to remove as he shall see fit, three or more fit and proper persons in the several Counties in this Province, the Counties of York and Charlotte and City and County of Saint John excepted, to be Trustees and Directors of the Grammar Schools in each of the said Counties, except the aforesaid and for which they shall be respectively appointed: And whereas also in and by the thirteenth Section of the said Act it is further enacted, that the sum of one hundred pounds annually shall be included in the estimate of the ordinary expenses of the Province for each of the following Counties, that is to say, the Counties of Northumberland, Sunbury, Westmorland, Gloucester, Kent and Queen's and King's Counties, which said sum of one hundred pounds shall be granted annually for the payment of the Masters thereof respectively, the same to be drawn on the certificate of the Trustees and Directors in favour of the person or persons entitled thereto: And whereas it is expedient to extend the provisions of the said Sections to the new County of Restigouche;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the two said Sections of the aforesaid Act shall hereafter be construed to extend to the said County of Restigouche in like manner as if the same had been particularly mentioned therein, anything in the said Sections to the contrary notwithstanding, subject nevertheless to all the provisions, restrictions and limitations to which the other Counties in this Province are liable to by virtue of the said Act.

Preamble.
9 & 10 G. 4, c. 29.
557
55-13
9 & 10 G. 4, c. 29, sec. 7 and 13 extended to the County of Restigouche.

CAP. XI.

9 G. 4, c. 19.

An Act to continue an Act, intituled "An Act to grant a bounty on the Destruction of Bears in this Province."

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the ninth year of the Reign of His Majesty King George the Fourth, intituled "An Act to grant a bounty on the destruction of Bears in this Province," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. XII.

An Act to continue the Act to regulate the ungranted Ferries in this Province.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly; That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to regulate the ungranted Ferries in this Province," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty.

CAP. XIII.

An Act to continue the Act to regulate Pawn Brokers within this Province.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to regulate Pawn Brokers within this Province," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. XIV.

An Act to continue the Act to regulate the exportation of Lumber.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled "An Act to regulate the exportation of Lumber," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. XV.

An Act to continue an Act, intituled "An Act to regulate the Assize of Bread in the Towns of Newcastle and Chatham in the County of Northumberland." 1 W. 4, c. 37.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the first year of the Reign of His late Majesty King William the Fourth, intituled "An Act to regulate the Assize of Bread in the Towns of Newcastle and Chatham, in the County of Northumberland," be and the same is hereby continued and declared to be in full force and effect until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five. 1 W. 4, c. 37, continued.

CAP. XVI.

An Act to continue an Act in addition to the Laws now in force for the protection of the Fisheries in the Counties of Northumberland, Kent and Gloucester.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled "An Act in addition to the Laws now in force for the protection of the Fisheries in the Counties of Northumberland, Kent and Gloucester," be and the same is hereby continued and declared to be in full force and effect until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five. 7 W. 4, c. 23, continued.

CAP. XVII.

An Act to continue an Act, intituled "An Act to extend the provisions of an Act, intituled 'An Act to repeal the Laws now in force for appointing Firewards and the better extinguishing of Fires so far as the same relate to the Town of Fredericton and to make regulations more suitable to the said Town,' to the Towns of Newcastle and Chatham and their vicinities in the County of Northumberland." 9 G. 4, c. 14.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the ninth year of the Reign of His Majesty King George the Fourth, intituled "An Act to extend the provisions of an Act, intituled 'An Act to repeal the Laws now in force for appointing Firewards and the better extinguishing of Fires, so far as the same relate to the Town of Fredericton, and to make regulations more suitable to the said Town,' to the Towns of Newcastle and Chatham, and their vicinities in the County of Northumberland," be and the same is hereby continued and declared to be in full force and effect until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five. 9 G. 4, c. 14, continued.

CAP. XVIII.

10 & 11 G. 4, c. 16. An Act to continue an Act, intituled "An Act to repeal an Act, intituled 'An Act for the better security of the Navigation of certain Harbours in the County of Northumberland,' and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester."

Passed 25th March 1840.

10 & 11 G. 4, c. 16, continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the tenth and eleventh years of the Reign of His Majesty King George the Fourth, intituled "An Act to repeal an Act, intituled 'An Act for the better security of the Navigation of certain Harbours in the County of Northumberland,' and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester," be and the same is hereby continued and declared to be in full force and effect until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. XIX.

An Act for altering the times of holding one of the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace, and also one of the additional Terms of the said Inferior Court of Common Pleas for the County of King's.

Passed 25th March 1840.

Preamble.

WHEREAS the times appointed for holding the July Term of the Inferior Court of Common Pleas and General Sessions of the Peace for King's County, and also the time for holding the November Term of the said Inferior Court of Common Pleas has been found inconvenient; for remedy whereof,

July Term altered to third Tuesday in October.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Term of the said Inferior Court of Common Pleas and General Sessions of the Peace for the said County, heretofore held on the first Tuesday in July, shall hereafter be held on the third Tuesday in October in each and every year; and the additional Term of the said Inferior Court of Common Pleas heretofore held on the first Tuesday in November shall hereafter be held on the first Tuesday in January in each and every year, any Law to the contrary thereof in anywise notwithstanding.

Additional Term to be held on first Tuesday in January instead of November.

No process to abate by reason of the alteration.

II. And be it enacted, That no writ, process or other proceeding shall abate or be discontinued by reason of the passing of this Act; but such writ, process or proceeding shall be carried on and continued to final Judgment in the same manner as if this Act had not passed, anything herein contained, or any law, usage or custom to the contrary in anywise notwithstanding.

CAP. XX.

An Act to continue the Act relating to Landlord and Tenant.

Passed 25th March 1840.

8 W. 4, c. 5, continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled "An Act relating to Landlord and Tenant," 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 forty five.

CAP. XXI.

An Act to continue an Act in addition to an Act, intituled "An Act to repeal all the Laws now in force for the organization and regulation of the Militia and to make further provisions for the same." 1 Vict. c. 1.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the first year of the Reign of her present Majesty, intituled "An Act in addition to an Act, intituled 'An Act to repeal all the Laws now in force for the organization and regulation of the Militia and to make further provisions for the same,' " be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five. 1 Vict. c. 1, continued.

CAP. XXII.

An Act to continue an Act to authorize the Justices of the Peace in the County of York to make further provision for the payment of the Treasurer of that County.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to authorize the Justices of the Peace in the County of York to make further provision for the payment of the Treasurer of that County," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five. 6 W. 4, c. 16, continued.

Cont'd to 1st Dec 1850 by 8th Vic. c. 8

CAP. XXIII.

cont'd to 1st Aug 1850 by 8th Vic. c. 36

An Act to authorize the Grand Jurors of the several Counties within this Province to inspect the Public Accounts.

Passed 25th March 1840.

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That once in each year at the General Sessions of the Peace in each County in this Province, next succeeding the General Sessions at which Parish Officers are appointed, it shall be the duty of the Justices to cause a full, particular and detailed account of all the receipts and expenditures of public monies within such County for the past year, to be laid before the Grand Jury for their inspection and examination; and such Grand Jury may make such representation and presentment to the Court thereupon as to them shall seem meet. Accounts of public monies to be laid annually before the Grand Jury, who may make presentments thereupon.

II. Provided always and be it further enacted, That in the County of Charlotte the said detailed account shall be laid before the Grand Jury at the General Sessions of the Peace at which Parish Officers are appointed on or before the second day of the said Sessions. At what Term to be submitted in Charlotte County.

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

CAP. XXIV.

An Act to continue the Act to regulate the Inspection of dry and pickled Fish for Home consumption and for exportation.

Passed 25th March 1840.

5 W. 4, c. 43,
continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the reign of His late Majesty King William the Fourth, intituled "An Act to regulate the Inspection of dry and pickled Fish for Home consumption and for exportation," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. XXV.

An Act to continue the Act relating to Church Wardens and Vestrymen, and to persons having voices in their election, so far as relates to the Parish Church of Saint Andrews.

Passed 25th March 1840.

2 W. 4, c. 16,
continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the second year of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend an Act, intituled 'An Act to repeal an Act passed in the fiftieth year of the Reign of His Majesty King George the Third, intituled 'An Act to declare the qualifications of Church Wardens and Vestrymen in the several Parishes in this Province, and of the persons having voices in their Election and to make other and more effectual enactments in lieu thereof,' so far as the same relates to the Parish Church of Saint Andrews,'" be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. XXVI.

An Act to continue an Act relating to the Navigation of the Inner Bay of Passamaquoddy.

Passed 25th March 1840.

3 W. 4, c. 41,
continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled "An Act relating to the Navigation of the Inner Bay of Passamaquoddy," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. XXVII.

An Act to continue the Act for the more speedy and effectual punishment of Persons keeping disorderly houses.

Passed 25th March 1840.

9 & 10 G. 4, c. 8,
continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the ninth and tenth years of the Reign of His Majesty King George the Fourth, intituled "An Act for the more speedy and effectual punishment of Persons keeping disorderly Houses," be and the same is hereby continued and declared to be in force until the first day of April which

which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. XXVIII.

Contd to mag 1st 1850 by 8th Dec. C. 35

An Act to regulate the assize of Bread in the Towns of Saint Andrews and Saint Stephen, in the County of Charlotte, and to repeal the Acts now in force relating to the Town of Saint Andrews.

Passed 25th March 1840.

WHEREAS it is found necessary that there should be a Law to regulate the assize of Bread in the Towns of Saint Andrews and Saint Stephen, in the County of Charlotte;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all the Laws now in force relating to the regulation of the assize of Bread in the Town of Saint Andrews, in the County of Charlotte, so far as the same relate to the said Town of Saint Andrews, be and the same are hereby repealed.

All acts relating to assize of Bread in Saint Andrews repealed.

II. And be it enacted, That the Justices of the Peace for the County of Charlotte, be and they are hereby authorized and empowered from time to time to make such rules and regulations for ascertaining and establishing the assize of Bread and the sale thereof, for the said Towns of Saint Andrews and Saint Stephen respectively as they or the major part of them, in any General or at any Special Sessions to be holden for that purpose, shall deem just and expedient, and to enforce such Rules and Regulations under such Fines as they or the major part of them shall think fit: Provided always, That no fine for any offence shall exceed the sum of forty shillings.

Justices may regulate an assize of Bread for the Towns of Saint Andrews and Saint Stephen,

III. And be it further enacted, That the Clerk of the Market for the said Towns of Saint Andrews and Saint Stephen respectively, is hereby authorized and empowered, whenever he shall judge it necessary, and it shall be his duty at all times when complaint shall be made to him, to enter and go into any Bakehouse within the Town for which he shall be so appointed (in the day time) where Bread is manufactured for sale, and into any Shop or other place where bread is sold or offered for sale, and carefully to inspect and weigh all Bread so manufactured or offered for sale; and in case he shall find any Bread to be of less weight than the regulated assize to be established as aforesaid, it shall be his duty and he is hereby enjoined and required to seize all Bread he shall so find deficient in weight, and to deliver the same to the Overseers of the Poor, or the Commissioners of the Poor House, as the case may be, or to any one of them, for the Parish in which such bread shall be seized for the use of the Poor of such Parish; and such Clerks of the Market shall respectively have like power to seize and dispose of as above directed any Bread that may be found deficient in weight in any cart, sled, or other vehicle in which the same may be carried about for delivery or sale.

and impose fines not exceeding forty shillings.

Clerk of the Market, upon complaint made, to inspect Bakehouses and Shops where bread is sold.

Light bread to be seized for the benefit of the poor.

IV. And be it further enacted, That the said respective Clerks of the Market shall forfeit and pay for any neglect of duty imposed on them by virtue of this Act, the sum of forty shillings, to be forfeited by the party guilty of such neglect.

Penalty for neglect of duty.

V. And be it further enacted, That the several fines and penalties imposed by this Act, shall be recovered upon the oath of one or more credible witness or witnesses, or on confession of the party charged, before any one of Her Majesty's Justices of the Peace in the said County, and levied by distress and sale of the offender's goods and chattels, rendering the overplus (if any) after deducting the costs and charges of such prosecution and sale to such offender, and shall be applied

Recovery and application of fines and penalties.

applied one half to the person who shall sue for the same, and the other half to the use of the Poor of such Parish in which the offence shall have been committed.

Limitation.

VI. And be it further enacted, That this Act shall continue and be in force for five years from the time of the passing of this Act.

CAP XXIX.

9 G. 4, c. 28.

An Act to continue an Act, intituled "An Act to repeal the Laws now in force for appointing Firewards, and for the better extinguishing Fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned."

Passed 25th March 1840.

9 G. 4, c. 28, continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the ninth year of the Reign of His Majesty King George the Fourth, intituled "An Act to repeal the Laws now in force for appointing Firewards, and for the better extinguishing Fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. XXX.

An Act for erecting a part of the Parish or Township of Sussex, in King's County, into a separate and distinct Parish or Township.

Passed 25th March 1840.

Preamble.

WHEREAS the Parish or Township of Sussex is so extensive as to render it inconvenient and burthensome to perform the several Parochial duties required by Law, and it is expedient a separate Parish should be erected therein, and that a certain part of the Parish of Sussex should be erected into a distinct Parish;

Parish of Studholm erected from part of Sussex.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That all that part of the said Parish of Sussex, in the said County of King's, which lies on the north side of the centre of the River Kennebeccasis, beginning at the line between Norton and Sussex, in the centre of the said River, and following the centre of the said River upwards until it strikes the southerly angle of Lot number twenty five, on the north side of the Kennebeccasis or Salmon River, granted to Jacob Snider; thence running along the upper or easterly line of the said grant, north to the rear of the said Lot; thence north sixty six degrees east till it intersects the County Line dividing Westmorland from King's; thence along the said line northerly to the intersection of the south line of Queen's County; thence following the course of that line to the dividing line between the Parishes of Springfield and Sussex, thence southerly on the said line to the place of beginning, be and the same is hereby erected into a separate and distinct Parish or Township to be called, known and distinguished by the name of Studholm, any Law, usage or custom to the contrary thereof in any wise notwithstanding.

Parish officers to be appointed.

II. And be it enacted, That the Justices of the Peace for the said County, at a Special Sessions for that purpose to be holden previous to the first day of May in the present year, and thereafter at the first General Sessions in each and every year, shall in like manner as for other Towns or Parishes in the said County, appoint Parish Officers for the said Town or Parish of Studholm, who shall be subject

381

subject to the same Laws and Regulations, and liable to the same penalties in all respects as Parish Officers in other Parishes are or may be liable to.

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

Act not to prevent the recovery of assessments.

CAP. XXXI.

An Act to continue the several Acts now in force relating to insolvent confined Debtors.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled "An Act relating to insolvent confined Debtors;" also an Act made and passed in the seventh year of the Reign of His said late Majesty, intituled "An Act to amend an Act, intituled 'An Act relating to insolvent confined Debtors,'" be and the same are hereby respectively continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

6 W. 4, c. 41, continued.

72. 4. e. 39

CAP. XXXII.

An Act to alter the time for holding the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace for the County of York.

Passed 25th March 1840.

WHEREAS the time of holding the Terms of the Inferior Court of Common Pleas and General Sessions of the Peace for the County of York, 'has been found inconvenient; for remedy whereof,'

Preamble.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the Terms of the said Inferior Court of Common Pleas and General Sessions of the Peace, heretofore held on the second Tuesday in January and June respectively, shall hereafter be holden on the first Tuesday in January and June respectively, in each and every year, any law, usage or custom to the contrary in any wise notwithstanding.

Terms altered to the first Tuesdays in January and June.

II. And be it enacted, That no suit, process or proceeding, instituted or commenced before the passing of this Act, shall abate or be discontinued by reason of the altering of the time of holding the said Terms respectively, but all actions, processes, suits and proceedings shall be carried on and continued to final judgment, in the same manner as if this Act had not passed, anything herein contained to the contrary notwithstanding.

No process to abate by reason of the alteration.

*Repealed 13th
Cap 47*

CAP. XXXIII.

An Act to amend and continue an Act, intituled "An Act for the appointment of Firewards and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen, commonly called Mill Town and its immediate vicinity."

Passed 25th March 1840.

Firemen appointed under 5 W. 4, c. 36, exempted from serving as Constables and Surveyors of Highways, from statute labor, and as Jurymen at the Inferior Courts of Common Pleas.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Firemen appointed, or hereafter to be appointed, under and by virtue of an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled "An Act for the appointment of Firewards and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen, commonly called Mill Town, and its immediate vicinity," and each and every of them from time to time during their continuance in office, shall be, and they are hereby declared to be free, exempted and privileged from serving in the several offices of Constable and Surveyors of Highways, and from all Statute Labour on the Highways and Streets in the said Parish of Saint Stephen, and from serving on any Jury at the General Sessions of the Peace and Inferior Court of Common Pleas in the County of Charlotte.

Limitation.

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

CAP. XXXIV.

An Act to continue the Act to provide for the collection of County and Parish Rates.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled "An Act to provide for the collection of County and Parish Rates," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of Lord one thousand eight hundred and forty five.

7 W. 4, c. 7, continued.

CAP. XXXV.

An Act to alter and amend an An Act, intituled "An Act to incorporate sundry persons by the name of the President, Directors and Company of the Bank of New Brunswick."

Passed 25th March 1840.

Preamble.

WHEREAS it is thought advisable that the number of Directors to be annually chosen for the management of the concerns of the Corporation of the President, Directors and Company of the Bank of New Brunswick, be reduced to nine, that five of such number be sufficient to form a Board for the transaction of business, and that it shall be no longer required that more than three of such Directors in office during the year preceding the day of each annual election shall be re-elected for the ensuing year; and that one of the said Directors, so to be re-elected, shall as heretofore be the President of the said Corporation, who was in office during such preceding year;

60 G. 3, c. 13, in part repealed.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the Act made and passed in the sixtieth year of the Reign of His Majesty King George the Third, intituled "An Act to incorporate sundry

sundry persons by the name of the President, Directors and Company of the Bank of New Brunswick," as relates to the number of Directors to be annually chosen for the management of the concerns of the said Corporation, the number requisite to constitute a Board for the transaction of business, and the number of Directors in office during the year preceding the day of election to be re-elected, and also an Act made and passed in the second year of the Reign of Her Majesty Queen Victoria, intituled "An Act to alter and amend an Act, intituled 'An Act to incorporate sundry persons by the name of the President, Directors and Company of the Bank of New Brunswick,'" be and the same are hereby repealed.

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c. 23

II. And be it enacted, That at the General Meeting of the Stockholders and Members of the said Corporation to be annually holden as by Law required, there shall be chosen by a majority of the Stockholders and Members of the said Corporation present, nine Directors for the management of the concerns of the said Corporation, who shall continue in office for one year, or until others are chosen in their room; in the choice of which Directors the Stockholders and Members of the said Corporation shall vote according to the Rule in and by the said Act of Incorporation mentioned; and the Directors when chosen shall, at their first Meeting after their election, choose out of their number a President; Provided always, That three of the Directors in office shall be re-elected at such Annual Meeting for the next succeeding twelve months, of which the President shall always be one.

Nine Directors to be annually chosen.

Directors to choose a President.

III. And be it enacted, That five Directors so chosen, but no less than five, shall constitute a Board for the transaction of business, of which the President shall always be one, excepting in case of sickness or necessary absence, in which case the Directors present may choose one of the Board as Chairman in his stead; that the President shall vote at the Board as a Director, and in case of there being an equal number of votes for or against any question before them, the President shall have a casting vote.

Five Directors to form a Board for business.

President to have a casting vote.

IV. And be it enacted, That every Board of the Directors to be hereafter annually elected and chosen, shall and may exercise and enjoy all and singular the powers and authorities heretofore granted to or exercised and enjoyed by the Board of Directors of the said Corporation under and by virtue of the said Act of Incorporation.

Board of Directors to exercise all the powers granted under Act of Incorporation.

CAP. XXXVI.

An Act to authorize an Assessment on the Inhabitants of a part of the Parish of Saint Stephen, in the County of Charlotte, for the purpose therein mentioned.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of Charlotte, at any General Sessions of the Peace, hereafter to be holden, or the major part of them, be, and they are hereby authorized and empowered to raise by assessment the sum of one hundred pounds, for the purpose of building an Engine House, purchasing Fire Hooks, for the preservation of the Engine, and for the better extinguishing of Fires that may happen in that part of the Parish of Saint Stephen, in the said County, contained within the following limits, to wit: Commencing on the River Saint Croix, opposite or nearest to the house occupied by the late Josiah Hitchings; thence directly to the said house, thence to the house occupied by Joel Hill, including the Village of Milltown; thence directly to the said River; thence down the

Justices may assess £100 for building an Engine House, purchasing fire hooks, &c.

On whom assessment to be made, and how levied.

the River following the dividing line, or centre thereof, to the place of beginning; such assessment to be made in due proportion upon all and every person or persons who do or shall inhabit, hold, occupy, possess and enjoy any House, Shop, Mill, Warehouse, or other tenement or property liable to be consumed by fire within the said District; such sum to be assessed, levied, collected and paid in such proportion and in the same manner as any County rates can or may be assessed, levied, collected and paid under any Act or Acts in force in this Province for assessing and levying and collecting of rates in this Province for public charges.

CAP. XXXVII.

An Act to authorize Her Majesty's Justices of the Peace of King's County to erect a Building in the said County for a Common Gaol, and to assess the Inhabitants towards defraying the expenses thereof.

Passed 25th March 1840.

Preamble.

WHEREAS the Building occupied as a Court House and Gaol in King's County is found insufficient and unfit for the purposes of a Gaol, and it is expedient and necessary that a Gaol should be built separate and apart from the said Building;

Justices authorized to contract for building a Gaol.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for King's County, at any General Sessions of the Peace hereafter to be holden, or at any Special Sessions for that purpose convened and holden, or the major part of them so assembled, be and they are hereby authorized and empowered to contract and agree with able and sufficient workmen for erecting and finishing a Building within the said County, suitable and proper for a Common Gaol, and to agree for the payment of such sum or sums of money as to them may seem meet, in order to carry the said object or purpose into effect, and in such manner and form as shall be approved of by the said Justices.

And assess for not exceeding £500.

II. And be it further enacted, That the said Justices of the Peace for the said County are hereby authorized and empowered to make a rate and assessment of any sum not exceeding five hundred pounds, as they in their discretion may deem necessary, towards defraying the expense to be incurred in erecting, building and finishing the said Common Gaol; the said sum to be assessed, levied, collected and paid in such proportions and in the same manner as any other County rates for public charges can or may be assessed, levied, collected and paid under and by virtue of any Act or Acts which at the time of making such assessments may be in force in this Province for assessing, levying and collecting of rates for public charges.

CAP. XXXVIII.

An Act to authorize the Justices of the Peace in and for the City and County of Saint John to erect a building in the said City for a Common Gaol, and to raise a sum of money for erecting and completing the same.

Passed 25th March 1840.

Justices by themselves or a Committee of management authorized to contract for the erection of a common Gaol.

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the City and County of Saint John, at any General Sessions of the Peace hereafter to be holden, or at any Special Sessions to be for that purpose convened, or the major part of them so assembled, be and they are hereby authorized and empowered, by themselves, or by

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Made this act

by one or more Committees of Management for that purpose to be appointed, to contract and agree with able and sufficient workmen for erecting and finishing a building within the said City, suitable and proper for a Common Gaol, for such sum and sums of money, not however exceeding in the whole the sum of five thousand pounds, and in such manner and form as shall be approved of by the said Justices.

II. And be it enacted, That the said Justices at any General Sessions of the Peace for the said City and County, be and they are hereby authorized and empowered to borrow such sums of money as may from time to time be required for the erecting and completing of the said Building, not exceeding in the whole the sum of three thousand pounds, to be paid off and discharged in manner hereinafter mentioned, the same to be taken in loans of not less than one hundred pounds, and that Certificates or Notes in the following form, or to that effect, shall be prepared and delivered to the persons from whom such loans may be obtained, to wit :

Justices authorized to borrow money not exceeding £3000.

Number —

City and County of Saint John, ss. These are to certify that (*here insert residence and addition of lender*) hath lent and advanced to the Justices of the Peace for the said City and County the sum of One Hundred Pounds, Currency, which sum is payable to him, or to his order, together with Interest at and after the rate of _____ per centum per annum, pursuant to an Act of Assembly made and passed in the third year of the Reign of Her Majesty Queen Victoria, intituled "An Act to authorize the Justices of the Peace in and for the City and County of Saint John, to erect a building in the said City for a Common Gaol, and to raise a sum of money for erecting and completing the same." Dated the _____ day of _____ in the year of our Lord one thousand eight hundred and forty

Form of Notes or Certificates to be given to the lenders.

By Order of the Sessions,

A. B. *Presiding Justice.*

C. D. *Clerk.*

Which same Certificates or Notes shall be signed by the Justice presiding at the said Sessions, and countersigned by the Clerk, and shall be respectively numbered according to the time in which the same may be made and issued, and a Memorandum thereof shall be duly entered by the Clerk in the Minutes of the said Court.

III. And be it enacted, That the said Certificates or Notes shall be negotiable in the same manner as Promissory Notes, and that the holders thereof shall be entitled to receive Interest for the same annually, to be paid by the Treasurer of the said County out of the assessments hereinafter mentioned.

Certificates to be negotiable and to bear interest.

IV. And be it enacted, That it shall and may be lawful for the said Justices of the Peace of the said City and County, and they are hereby authorized and required to make a rate and assessment each and every year of such sum of money, besides the charge for assessing and collecting, as will discharge the interest of the loan contracted by virtue of this Act, until the total amount of the loan and all interest thereon heretofore obtained by virtue of the Act of Assembly made and passed in the ninth year of the Reign of His Majesty King George the Fourth, intituled "An Act to authorize the Justices of the Peace of the City and County of Saint John to raise a sum of money for completing the Court House of the said City and County," and until the total amount of the loan, and all interest thereon heretofore obtained or to be obtained by virtue of the Act of Assembly made and passed in the first year of the Reign of Her Majesty Queen Victoria, intituled "An

Justices to assess for the amount of interest and charges of assessing until Loans obtained under Acts 9 G. 4, c. 2, and 1 Vie. c. 16 are paid off, and £400 and charges thereafter until loan contracted under this Act be paid off.

“An Act to authorize the Justices of the Peace in and for the City and County of Saint John, to establish a House of Correction for the said City and County, and to extend the provisions of two Acts of Assembly to the same,” are severally paid off and discharged: and from and after the time of payment and discharge of the total amount of such several loans so contracted by virtue of the said several Acts, it shall and may be lawful for the said Justices, and they are hereby authorized and required to make a rate and assessment not exceeding four hundred pounds in each and every succeeding year, besides the charge for assessing, and collecting, for the purpose of discharging the principal and interest of the loans contracted by virtue of this Act, until the same shall be paid off; all which said several sums of money are to be assessed, levied, collected and paid in such proportions and in the same manner as other County Rates for public charges are, or may be assessed, levied, collected and paid, under and by virtue of any Act or Acts made or to be made for assessing, levying and collecting Rates for public charges.

Monies to be assessed as other County rates.

Monies after paying yearly interest to be applied in discharging the loans in order according to the numbers.

Treasurer to give public notice for calling in the Notes.

County Treasurer to receive one per cent for his services.

V. And be it enacted, That the monies so to be assessed as aforesaid shall from time to time be applied, after discharging the yearly interest due on the several loans contracted by virtue of this Act, to the payment of the principal sums mentioned in such Certificates or Notes, in due order according to the numbers, beginning with number one; and that the Treasurer of the said County shall from time to time give one months public notice, by advertisement in one of the Newspapers published in the said City, for calling in such and so many of the Certificates or Notes as he is prepared to pay off, specifying the numbers in such advertisement, and that from and after the expiration of the time mentioned in the said notice the interest on such Certificates or Notes shall cease.

VI. And be it enacted, That the County Treasurer shall be entitled to have and retain the sum of one pound per centum on every one hundred pounds, for his services in receiving and paying the said monies, so to be assessed under the provisions of this Act, and no more.

CAP. XXXIX.

An Act to amend an Act, intituled “An Act to repeal all the Laws now in force relating to Parish Schools, and to make other provisions respecting the same.”

Passed 25th. March 1840.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the sixth section of an Act made and passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled “An Act to repeal all the Acts now in force relating to Parish Schools, and to make other provisions respecting the same,” be and the same is hereby repealed; and in lieu thereof, Be it enacted, That the Justices of the Peace, at their General Sessions respectively, shall and they are hereby required, twice in each and every year, to certify in one general Schedule all such certificates of the Trustees of Schools as shall or may be laid before them at their General Sessions, under and according to the provisions of the said Act, and shall transmit the same to the Secretary of the Province; upon which Schedule there shall be allowed and paid towards the support of each School a sum of money at and after the rate of twenty pounds per year for each School taught by the Schoolmaster or Schoolmistress named in such Schedule, that is to say: For a School kept six months, pursuant to agreement as aforesaid, ten pounds; and for a School kept one year, twenty pounds;

7 W. 4, c. 8, s. 6, repealed.

Justices to certify twice in each year all the certificates of the Trustees.

An allowance at the rate of £20 per annum for each school to be drawn from the Treasury.

See 6th vic - c. 38

pounds; the same to be drawn from the Treasury of the Province, by warrant from His Excellency the Lieutenant Governor or Commander in Chief for the time being, in favor of the Trustees of Schools of the respective Parishes mentioned in such Schedule, to be applied towards the support of the said Schools according to the true intent and meaning of this Act; Provided nevertheless, That no larger sum than two hundred and sixty pounds shall be paid out of the Treasury of this Province for Schools kept in any one Parish in any one year; and provided that no County in the Province shall be entitled to receive a larger sum in any one year than would arise from an average of one hundred and eighty pounds for each and every Parish in such County; and provided also, that no more than three female Schools shall be included in any such certificate or Schedule for any one Parish: And provided also, That where the whole sum allowed for any one Parish, pursuant to this Act, is not sufficient to afford the above allowance to each and every School, by reason of the great number of Schools in the Parish, then and in such case it shall and may be lawful for the Trustees and they are hereby required to apportion the whole sum among all the Schools in the Parish, according to the nature of their respective claims, whether yearly or half yearly Schools.

Aggregate amount and number of female Schools limited.

Trustees to apportion the sum among all the Schools when the aggregate exceeds the limits.

II. And be it enacted, That this Act shall continue and be in force so long as the Act to which this Act is an amendment, and no longer.

Limitation. Rev'd V. cont'd to 1st May 1845 by 61 C. 38

CAP. XL.

An Act for enabling persons indicted of Felony to make their defence by Counsel.

Passed 25th March 1840.

WHEREAS it is just and reasonable that persons accused of offences against the Law should be enabled to make their full answer and defence to all that is alleged against them;

Repealed by 12 Vic. c. 29

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, all persons tried for Felonies shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto by Counsel learned in the Law, or by Attorney, in Courts where Attornies practice as Counsel.

Persons tried for Felony may make their defence by Counsel.

II. And be it further enacted, That in all cases of summary conviction, persons accused shall be admitted to make their full answer and defence, and to have all witnesses examined and cross examined by Counsel or Attorney.

In summary convictions persons accused may make their defence by Counsel.

III. And be it further enacted, That all persons who, after the passing of this Act, shall be held to bail or committed to prison for any offence against the Law, shall be entitled to require and have on demand, (from the person who shall have the lawful custody thereof, and who is hereby required to deliver the same,) copies of the examinations of the witnesses respectively upon whose depositions they have been so held to bail or committed to prison, on payment of a reasonable sum for the same, not exceeding one shilling for each folio of one hundred words: Provided always, That if such demand shall not be made before the day appointed for the commencement of the Assize or Sessions at which the trial of the person on whose behalf such demand shall be made is to take place, such person shall not be entitled to have any copy of such examination of witnesses, unless the Judge, or other person to preside at such trial, shall be of opinion that such copy may be made and delivered without delay or inconvenience to such trial; but it shall, nevertheless, be competent for such Judge, or other person so to preside at such trial,

Copies of the examinations of witnesses to be furnished to the accused on demand, and payment.

Proviso when copies are not demanded before the day appointed for the commencement of the assize.

trial, if he shall think fit, to postpone such trial on account of such copy of the examination of witnesses not having been previously had by the party charged.

Persons under trial entitled to inspect all depositions or copies without fee.

IV. And be it further enacted, That all persons under trial shall be entitled at the time of their trial to inspect, without fee or reward, all depositions (or copies thereof) which have been taken against them, and returned into the Court before which such trial shall be had.

CAP. XLI.

An Act to alter and amend "An Act to provide for the safe keeping of the County Records," so far as regards the County of Carleton.

Passed 25th March 1840.

WHEREAS it is deemed advisable that no assessment be made upon the 'Inhabitants of the County of Carleton, for the erection of Public Buildings in that County during the present year;

4 W. 4, c. 26, so far as regards the County of Carleton suspended for one year.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the operation of an Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to provide for the safe keeping of the County Records," so far as regards the County of Carleton, be and the same is hereby suspended for one year, and any assessments, hitherto made, shall also be suspended.

CAP. XLII.

An Act to authorize Her Majesty's Justices of the Peace of the County of Gloucester to assess the said County for repairing the Public Buildings therein.

Passed 25th March 1840.

Justices authorized to assess £100 to repair the public buildings.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Her Majesty's Justices of the Peace for the County of Gloucester at any General Sessions of the Peace to be hereafter holden, or at any Special Sessions of the Peace to be for that purpose convened, be and they are hereby authorized and empowered to make such rate and assessment of any sum, not exceeding one hundred pounds, as they in their discretion may think necessary for the repairing and securing of the Public Buildings in the said County, the same to be assessed, levied, collected and paid agreeably to and under and by virtue of any Act or Acts now or hereafter to be in force in this Province, for assessing, levying and collecting rates for public charges.

CAP. XLIII.

6 W. 4, c. 63.

An Act to revive an Act, intituled "An Act to incorporate the Saint John Hotel Company."

Passed 25th March 1840.

Preamble.

WHEREAS the sum required in and by the ninth section of an Act made 'and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to incorporate the Saint John Hotel Company," to be paid in for the purposes of the said Corporation, was actually 'so paid in within the time therein mentioned and required, but the Certificate of 'such payment was omitted to be filed in the Office of the Secretary of the Province within the time for that purpose prescribed: and whereas such Certificate "is

' is now filed and remains in the said Office, and it is considered expedient to
' revive the said recited Act, and to confirm all proceedings had thereunder to
' the same extent as if such Certificate had been filed in due time;'

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and
Assembly, That the said recited Act be and the same is hereby revived and de-
clared to be in full force and effect, save and except the ninth Section thereof.

Act 6 W. 4, c. 63,
save the ninth
section revived.

II. And be it enacted, That all proceedings had or professed to have been had
under and by virtue of the said recited Act, shall be valid and effectual to all
intents and purposes in the same manner and to the same extent as if such Cer-
tificate had been filed in the office of the Secretary of the Province within the
time prescribed by the ninth Section of the said recited Act.

Proceedings had
under 6 W. 4, c.
63 to be valid.

CAP. XLIV.

An Act to incorporate the Saint George Lime Company.

Passed 25th March 1840.

' **W**HEREAS a Joint Stock Company or Association hath lately been
' formed within this Province, which has invested considerable sums
' of money in the purchase of a valuable tract of Land abounding with Lime Stone
' at L'Etang, in the County of Charlotte, and made extensive erections and im-
' provements for the purpose of manufacturing Lime for home consumption and
' exportation; and whereas it hath been deemed expedient to afford protection
' and encouragement to the said Association by an Act of Incorporation;'

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council
and Assembly, That William Savage, Zebedee Cook, Junior, Thomas Dexter,
Joshua C. Bates, Joseph Willard, Thomas Darling, Joshua Tucker, Elijah Thayer,
David A. Simmons, Josiah Reid, Thomas J. Whittimore, Jonas L. Sibley and
De Vere Burr, their associates, successors and assigns, shall be and they are
hereby erected into a Company for the purpose mentioned in the preamble of
this Act, and declared to be a body Politic and Corporate by the name of *The
Saint George Lime 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.

*The Saint George
Lime Company*
incorporated with
powers incident
to corporations.

II. And be it enacted, That the first meeting of the said Corporation, shall be
called by De Vere Burr, or in case of his death, neglect or refusal, by any two of
the said Company, by giving fourteen days notice previous to such meeting, which
shall be holden at the time and place specified in such notice.

First meeting, by
whom and how to
be called.

III. And be it enacted, That the Capital Stock of the said Corporation shall
consist of the sum of twenty five thousand pounds, to be paid in such money as
shall at the time of the several payments herein after expressed be a legal tender
in this Province; fifteen per cent. of the said Capital Stock to be paid in before
the said Corporation shall be entitled to purchase any property real or personal, or
incur any debts, and the remainder of the said Stock to be paid at such time and
times, and in such parts or portions as the Directors for the time being shall from
time to time think necessary, the whole amount of such Capital Stock to be divided
into one thousand shares of twenty five pounds each.

Capital stock to be
£25,000.

Fifteen per cent
to be paid in be-
fore any property
be purchased or
debts incurred.

IV. And be it enacted, That unless fifteen per cent. of the said Capital Stock
shall be actually paid in for the purposes of the said Corporation, and a certificate
of such payment made and verified on oath by the Directors of the said Corpora-
tion, or a majority of them (which oath any Justice is hereby authorized to admi-
nister), shall be filed in the office of the Secretary of the Province before the
expiration of three years after the passing of this Act the operation of this Act
shall

Act to be void if
fifteen per cent. of
the capital be not
invested and certi-
ficate filed within
three years.

shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

CAP. XLV.

An Act to continue the Acts relating to Highways.

Passed 25th March 1840.

5 W. 4, c. 2, and

6 W. 4, c. 2, continued.

Contd to April 1850 by 5th Dec. c. 29

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to repeal all the Laws now in force for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same;" and also an Act made and passed in the sixth year of the same Reign, intituled "An Act in amendment of the Act relating to Highways," be and the same are hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty two.

CAP. XLVI.

An Act to extend the provisions of the fourth Section of an Act, intituled "An Act to amend the Act to provide for the collection of the Revenue of the Province," to Woodstock in the County of Carleton.

Passed 25th March 1840.

7 W. 4, c. 5. amended by 1864

WHEREAS it is desirable that the Deputy Treasurer at Woodstock, should under particular circumstances have power to appoint a Deputy;

Provisions of 7 W. 4, c. 5, s. 4, extended to the Deputy Treasurer in Woodstock.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the provisions contained in the fourth Section of an Act made and passed in seventh year of the reign of His late Majesty King William the Fourth, intituled "An Act to amend the Act to provide for the collection of the Revenue of the Province," be extended, and the same are hereby extended to the Deputy Treasurer for the time being at Woodstock.

Limitation.

II. And be it enacted, That this Act shall continue and be in force for and during the continuance of the above recited Act.

CAP. XLVII.

An Act to repeal all the Acts regulating Tavern Keepers and Retailers, and to make other provisions in lieu thereof.

Passed 25th March 1840.

Amended by 5th Dec. c. 13
contd to April 1850
5th Dec. c. 24
continued to 1860
1860 by 15th Dec. cap
5 W. 4, c. 3.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to regulate Tavern Keepers and Retailers," and also an Act made and passed in the first year of the Reign of Her present Majesty Queen Victoria, intituled "An Act in addition to and in amendment of an Act, intituled, "An Act to regulate Tavern Keepers and Retailers," and also an Act made and passed in the second year of the Reign of Her said Majesty, intituled "An Act in further amendment of the Law relating to

1 Vic. c. 33,

1840 c. 50

As to what is done see 12th Dec cap 7

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391

to Tavern Keepers and Retailers," and also another Act made and passed in the second year of the Reign of Her said Majesty, intituled "An Act in addition to an Act, intituled 'An Act to prevent Desertion from His Majesty's Forces, and to punish unlawful dealings with Soldiers or Deserters,'" be and the same are hereby repealed; Provided always, That all licences granted under the authority of the said first mentioned Act shall continue and remain in the like force and effect as if the said Act had not been repealed, and that all rules and regulations made under and by virtue of the said Acts or either of them, shall continue and remain in full force and effect until the said licences shall have expired: and provided also, that no Inn Keeper, Tavern Keeper or Retailer, who since the passing of the first mentioned Act, hath sold upon trust or credit any wine, brandy, rum, strong beer; ale, or any other strong or spirituous liquors, to any person whomsoever, to the amount of any sum exceeding five shillings, shall have any remedy against the said person, his executors or administrators, either in law or equity, for the recovery of the same, the repeal of the first mentioned Act notwithstanding.

2 Vic. c. 39, repealed.

Licences granted and regulations made under repealed Acts to continue in force.

Value of Liquors sold upon trust and exceeding five shillings not recoverable.

II. And be it further enacted, That from and after the passing of this Act no person whosoever shall directly or indirectly barter or sell any wine, spirits, strong beer, or other distilled or fermented liquors under the quantity of five gallons without licence for that purpose first had and obtained as is hereinafter provided.

No strong liquors to be sold under the quantity of five gallons without Licence.

III. And be it further enacted, That the Courts of General Sessions of the Peace for the several Counties in this Province, are hereby authorized and empowered to grant Retail or Tavern Licences to such and so many persons of good name, fame and character, as they in their discretion shall think fit, to keep a Tavern, or to sell wine, spirits, strong beer or other distilled or fermented liquors by retail, within their respective Counties, demanding and receiving for every such licence a sum not exceeding ten pounds nor less than three pounds; which sum shall be paid into the hands of the Clerk of the Peace of the County in which the same shall be granted, together with the sum of two shillings and six pence as a fee to the said Clerk for his trouble in issuing such licence: Provided always, That no Tavern or Retail Licence shall continue or be in force for a longer period than one year: Provided always, That nothing in this Section contained shall extend to prevent any such Court in their discretion from granting Tavern Licences for the sum of twenty shillings to any person residing in remote situations, when the same shall appear to such Court absolutely necessary for the accommodation of travellers.

Courts of General Sessions may grant Retail or Tavern Licences, receiving not less than £3 nor more than £10 for each.

Clerk's Fee.

Proviso for Taverns in remote situations.

26

IV. And be it further enacted, That the Clerks of the Peace of the several Counties in this Province, within one week after the end of the term of the General Sessions of the Peace during which any Retail or Tavern Licences may have been granted, shall pay over to the respective County Treasurers all such monies as had been received by such Clerks respectively, for Retail and Tavern Licences, in their several and respective Counties, towards defraying such necessary contingent expenses of the County as such Court of Sessions shall from time to time direct and order.

Monies received to be paid over to the County Treasurer.

V. And be it further enacted, That no Licence to keep a Tavern or Inn shall be granted to any person or persons unless he, she or they shall be of orderly, decent and sober habits, and possessing the means of comfortably entertaining travellers; and no person or persons licenced to retail wine, spirits, strong beer or other distilled or fermented liquors under the provisions of this Act, shall sell any such liquor in any quantity less than one pint, nor shall such Retailer allow or permit any such liquor so sold to be drank on the premises of such Retailer.

To whom Tavern Licences may be granted.

Retailers not to sell less than one pint nor allow it to be drank on their premises.

IV.

Courts of General Sessions may make regulations for Tavernkeepers and Retailers, under penalties.

Amount.
Recovery.

No Licences to be granted except at the General Sessions.

Licencee to enter into recognizance with sureties.

On complaint or other information of a breach of the regulations, the Court or two Justices may cause the offending party to be brought before them;

*my Justice Mudge
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and compel the attendance of Witnesses in such cases, and in proceedings for the recovery of penalties.

Neglecting or refusing to attend and testify after service of Subpœna.
Penalty.

Recovery.

Selling Liquors under specified quantities without retail licence or allowing liquors to be drank on the premises.

VI. And be it further enacted, That the Courts of General Sessions of the Peace in and for the several Counties in this Province, shall and may from time to time and at all times from and after the passing of this Act, make and ordain such rules and regulations as to them may seem expedient and necessary to be observed by Tavern Keepers and Retailers in their respective Counties, under such penalty or penalties as the said Courts respectively may deem meet; such penalty to be in no case less than ten shillings nor more than five pounds, for each and every breach of such rules and regulations, to be recovered before the Court of General Sessions of the Peace, or any two of Her Majesty's Justices of the Peace of the County in which the offence may be committed, and levied and applied as is directed by the nineteenth and twenty second Sections of this Act.

VII. And be it further enacted, That no Retail or Tavern Licence shall be directly or indirectly granted in any County of this Province, unless at the Court of General Sessions of the Peace for the same; and every person on obtaining a Licence shall enter into recognizance to Her Majesty in the sum of forty pounds, with two sureties, to obey such rules and regulations as the said Court of General Sessions of the Peace shall from time to time make and ordain to be observed by Tavern Keepers and Retailers respectively in such County.

VIII. And be it further enacted, That when and so often as it shall come to the knowledge of the said Courts of General Sessions of the Peace respectively, or of any two of Her Majesty's Justices of the Peace of any County in this Province, by complaint or otherwise, that any Tavern Keeper, Inn Keeper or Retailer within the jurisdiction of the said Court or of the said Justices hath been guilty of a breach of any rule or regulation made and ordained under and by virtue of this Act, it shall and may be lawful for the said Courts of General Sessions of the Peace, or the said two Justices, to cause the offending party to be brought before them at such time as they in their discretion shall respectively appoint; and the said Courts of General Sessions of the Peace, or the said two Justices, shall and may compel the attendance of any witness or witnesses to give evidence on any proceeding to be had before them respectively against any person or persons for a breach of any rule or regulation made, or for the recovery of any penalty or penalties imposed under the authority of this Act; for which purpose the Clerk of the Peace for the County in which the said offence shall have been committed, and in which such proceeding is had, shall have full power and authority to issue Subpœnas, and the Subpœnas issuing out of the General Sessions of the Peace shall be in such form as the Court shall from time to time prescribe.

IX. And be it further enacted, That when any person having been legally served with such Subpœna, shall neglect or refuse to attend to testify and give evidence according to the exigency of the same, he or she shall be liable to a penalty not exceeding two pounds for each and every default, to be imposed by the said Court of General Sessions of the Peace, or the said two Justices, as the case may be, unless it shall be made to appear to the satisfaction of the said Court, or of the said Justices, that the party subpœnaed had good and sufficient excuse for non-attendance, which penalty shall be levied, collected and applied as is directed in the nineteenth and twenty second Sections of this Act.

X. And be it further enacted, That if any person shall directly or indirectly sell or barter any wine, spirits, strong beer or other distilled or fermented liquors whatsoever, in any quantity under five gallons without licence for that purpose first had and obtained, or if a licenced Retailer shall sell any such liquor in any quantity less than one pint, or shall allow any such liquor to be drank on the premises of such Retailer, every person so offending shall for each and every offence

offence forfeit and pay a sum not exceeding ten pounds nor less than forty shillings, to be recovered with costs of prosecution in the Court of General Sessions of the Peace for the County in which the offence shall be committed, or before any one of Her Majesty's Justices of the Peace of the same County, on the oath of one or more credible witness or witnesses, and levied, collected and applied as directed by the nineteenth and twenty second Sections of this Act.

Penalty.
Recovery.

XI. And be it further enacted, That no Licence granted by virtue of this Act shall entitle any person to keep a Tavern or Inn, or to sell any wine, spirits, strong beer or other distilled or fermented liquors by retail, in any house or place other than that for which his or her Licence had been first granted; but in case of the death or removal of any person licenced as aforesaid before the expiration of the same, it shall and may be lawful for Her Majesty's Justices of the Peace of the County at any General or Special Sessions (if they see fit,) to grant to the person succeeding to such Tavern or Retail premises, a Licence to continue and keep on the same during the residue of the term of the said Licence, provided that the person so succeeding shall enter into the like recognizance, as if he or she had originally obtained such Licence under the authority of this Act.

Taverns to be kept or liquor sold only where first kept or sold under licence.
Licences for residue of the term of a licence may be granted in cases of death or removal.

XII. And be it further enacted, That no Inn Keeper or Tavern Keeper who shall sell upon trust or credit any wine, spirits, strong beer or other distilled or fermented liquors, mixed or unmixed, to any person whosoever to any amount whatsoever shall have any remedy against the said person; his Executors or Administrators, either in law or equity for the recovery of the same; and in case any bill, bond, note, mortgages or other securities or conveyances whatsoever shall be made or executed, the consideration or any part of the consideration of which shall be proved to be for liquors sold upon trust or credit by any Inn Keeper or Tavern Keeper, the same shall be deemed and taken to be fraudulent and void in all Courts of Justice within this Province; and in case any pawn or pledge shall be left by any person or persons with any Tavern Keeper or Inn Keeper directly or indirectly as security for the payment of any sum or debt contracted in such manner, such pawn or pledge shall be deemed to be unlawfully taken and converted by such Tavern Keeper or Inn Keeper, and it shall and may be lawful for any of Her Majesty's Justices of the Peace of the County in which such pawn or pledge had been given or left, on complaint and proof of the same, to order the said pawn or pledge to be restored, and shall further convict the Inn Keeper or Tavern Keeper who may have received the same, in a penalty not exceeding five pounds, to be levied, collected and applied as is directed in and by the nineteenth and twenty second Sections of this Act.

Tavernkeepers selling upon trust not to recover more than five shillings.
Securities, any part of the consideration of which, shall be proved to be for liquor sold upon trust, to be void.
Pawns or pledges to be restored.

XIII. And be it further enacted, That no Tavern Keeper or Inn Keeper shall permit or suffer any apprentice to any profession or trade, or any servant, or any person under the age of sixteen years, to sit or remain drinking in his or her house or premises, nor shall any Tavern Keeper or Inn Keeper sell or give or suffer to be given or sold to any servant or to any person under the age of sixteen years, any wine, spirits, strong beer or other distilled or fermented liquors whatsoever, without the order or consent of the master or mistress, parent or guardian of such servant or person under the age of sixteen years, under a penalty not exceeding five pounds, to be recovered with costs on the oath of one or more credible witness or witnesses before any one of Her Majesty's Justices of the Peace of the County where the offence had been committed, and levied, collected and applied as directed in and by the nineteenth and twenty second sections of this Act.

Permitting apprentices, servants or persons under sixteen years to remain drinking, or selling liquors to such without an order.
Penalty.
Recovery.

XIV. And be it further enacted, That no Tavern Keeper, Inn Keeper or Retailer, shall sell any wine, spirits, strong beer or other distilled or fermented liquors,

Selling liquor on Sunday.

Penalty.
Recovery.

liquors, mixed or unmixed, on the Lord's Day, commonly called Sunday, under a penalty of a sum not exceeding five pounds nor less than forty shillings for each and every offence, to be recovered upon complaint before any Justice of the Peace of the County in which the offence shall be committed, and levied and applied as directed in and by the nineteenth and twenty second sections of this Act; and if any person shall be seen on the Lord's Day, leaving the premises of any Tavern Keeper, Inn Keeper or Retailer, in a state of intoxication, such Tavern Keeper, Inn Keeper or Retailer, shall be deemed and taken to be *prima facie* liable to the penalty in this section mentioned, and shall be convicted in the same, unless he or she shall make it appear to the satisfaction of such Justice that no wine, spirits, strong beer or other distilled or fermented liquors, were on that day sold or given to such intoxicated person, directly or indirectly by such Tavern Keeper, Inn Keeper or Retailer, or by any person or persons in his or her employ.

Selling or having in possession liquor illegally imported.

XV. And be it further enacted, That if any Tavern Keeper, Inn Keeper or Retailer shall sell, offer for sale, or have in his or her possession any wine, spirits, strong beer, brandy, rum, gin, whiskey or any other distilled or fermented liquors, knowing the same to have been illegally imported or smuggled into this Province, such Tavern Keeper, Inn Keeper or Retailer, on conviction thereof, on the oath of one or more credible witness or witnesses, before any one of Her Majesty's Justices of the Peace of the City or County in which such offence may be committed, shall forfeit and pay the sum of five pounds with costs of prosecution, to be recovered, levied and applied as directed by the nineteenth and twenty second sections of this Act, and the Licence granted to him or her shall be revoked and annulled, and he or she shall not be deemed eligible to have or receive a Tavern or Retail Licence for the space of two years thence next ensuing.

Penalty.

Licences of persons convicted of seducing or assisting soldiers to desert, purchasing or receiving Regimental necessaries &c. may be annulled by the Governor in Council.

XVI. And be it further enacted, That if any Tavern Keeper, Inn Keeper or Retailer shall directly or indirectly persuade or seduce or attempt to persuade or seduce any Soldier to desert from Her Majesty's service, or shall assist any such deserter in deserting or in concealing himself from such service, or shall buy, exchange or detain, or otherwise receive any arms, clothing, caps, or other furniture or accoutrements belonging to the Queen, or any articles belonging to any Soldier or deserter, which are generally deemed Regimental necessaries according to the custom of the Army, or shall exchange, buy, or receive from any Soldier any provisions, unless by consent of the Officer commanding the Regiment or Detachment to which such Soldier may belong, it shall and may be lawful for His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of Her Majesty's Executive Council to annul, abrogate and declare void, the licence of such Tavern Keeper, Inn Keeper or Retailer; and immediately on receiving notice of such annulment or abrogation, the said Tavern Keeper, Inn Keeper or Retailer, shall thenceforth be deemed and taken to be an unlicensed person to all intents, purposes, and constructions, and shall further be disqualified from having, holding, or obtaining a Tavern or Retail Licence for the space of two years from the time of such annulment, any law or usage to the contrary thereof in any wise notwithstanding.

Handwritten notes:
...
...
e. 15

On notice of annulment to be deemed an unlicensed person and disqualified from holding a licence for two years.

Harbouring articulated seamen or apprentices.

Penalty.

XVII. And be it further enacted, That any Tavern Keeper, Inn Keeper or Retailer who shall be convicted of enticing, seducing, harbouring or concealing any articulated Seaman or apprentice, shall not only forfeit his or her licence, but shall be disqualified from holding a Retail or Tavern Licence for the space of one year from the time of such conviction.

Nominal lists of persons licensed to be furnished

XVIII. And be it further enacted, That it shall be the duty of the several Clerks

Clerks of the Peace, in their respective Counties, and they are hereby required, as soon as may be after the end of every General Sessions of the Peace at which Tavern or Retail Licences may have been granted, to transmit to the Town Clerks of the several Parishes, a nominal list of the persons licenced to keep an Inn or Tavern, or to sell wine, spirits, strong beer, or other distilled or fermented liquors by retail, in their several and respective Parishes, and it shall be the duty of such Town Clerks to make diligent enquiry in their respective Parishes, and to make known to the Clerk of the Peace or to the nearest Justice, if any person or persons be guilty, or suspected to be guilty, of any breach of or offence against the provisions of this Act, in order that such offender or offenders shall be prosecuted as this Act directs, and it shall and may be lawful for Her Majesty's Justices of the Peace of the several Counties in this Province, at their respective General Sessions of the Peace, to order such sum of money to be paid to the said Town Clerks respectively, from the funds of the County, as remuneration for the duty imposed upon them by this Section, as such Justices in their discretion may think fit.

to the Clerks of the several Parishes.

Duty of the Town Clerks.

Remuneration.

XIX. And be it further enacted, That all fines or penalties imposed by virtue of this Act; together with costs of prosecution, shall be levied by warrant of distress and sale of the offender's goods and chattels, directed to any Constable of the County within which the offence may be committed, rendering the overplus (if any) after deducting the costs and charges of such distress and sale, to the offender, and if no goods shall be found whereon to levy, it shall and may be lawful for such Constable, to commit such offender to the common Gaol or House of Correction of the said County, there to remain without bail or mainprize, the period to be specified in such warrant, not more than forty days, unless such penalty, costs and charges shall be sooner paid.

Recovery of fines or penalties.

XX. And be it further enacted, That whenever the Grand Jury serving at any of the Courts of General Sessions of the Peace in any of the Counties of this Province shall deem it necessary that any person or persons should be brought before such Grand Jury as witness or witnesses, to disclose and make known and discover any offender or offenders against the provisions of this Act, and shall present to the said Court of General Sessions the name or names of such witness or witnesses, it shall and may be lawful for such Court of General Sessions, forthwith to issue their Subpœna or Subpœnas to compel the attendance of such witness or witnesses; and the person or persons so presented, when legally served with Subpœna, on appearing, shall and may be sworn in open Court to make true answers to such questions as shall be put to them or any of them by the said Grand Jury, touching or in any way concerning any offence against the provisions of this Act, and shall immediately attend before such Grand Jury for that purpose; Provided that nothing in this Section contained, shall be construed so as to compel any witness to criminate himself.

Court may issue subpoenas to compel attendance of witnesses presented by the Grand Jury as necessary to discover offenders.

Witnesses to be sworn in open Court.

XXI. ' And whereas by the Charter of the City of Saint John, confirmed by ' Act of the General Assembly, it is among other things provided, " That the ' Mayor of the said City for the time being, and no other person whatsoever shall ' have power to give and grant Licences under the common seal of the said City, ' to such persons as he shall think fit, to licence them or any of them to keep a ' Tavern, an Inn, an Ordinary, a Victualling, or a Coffee House, or to sell Wine, ' Brandy, Rum, Strong Waters, Punch, Beer, Ale, or any excisable or strong ' liquors whatsoever, within the said City of Saint John, or the liberties or precincts ' thereof, by retail or the small measure, under the quantity of five gallons; and ' that it shall and may be lawful to and for the Mayor of the said City for the time ' being, to ask, demand and receive for every such Licence by him to be granted

Preamble.

' as

‘ as aforesaid, such sum or sums of money as he and the person to whom such
 ‘ Licence shall be given and granted shall agree for, not exceeding the sum of
 ‘ four pounds for each Licence, and all which monies as by the said Mayor shall
 ‘ be so received shall be used and applied to the public use of the Mayor, Alder-
 ‘ men and Commonalty of the said City of Saint John;” Be it enacted, That it
 shall and may be lawful to and for the Mayor of the said City for the time being
 to ask, demand and receive for every such Licence by him to be given as afore-
 said, any such sum or sums of money as he and the person to whom such Licence
 shall be given and granted shall agree for, in manner and form aforesaid, not ex-
 ceeding the sum of ten pounds for such licence, to be applied for the public use of
 the Mayor, Aldermen and Commonalty of the said City of Saint John: Provided
 always, That nothing in this Act contained shall apply, or be construed to apply
 in any manner to affect the rights and powers given by the said Charter to the
 Mayor of the said City in granting Licences to Tavern Keepers and Retailers of
 spirituous liquors, otherwise than in this Section is expressly mentioned and con-
 tained: Provided also, That all the penalties, forfeitures, pains and imprisonments
 to which Inn Keepers and Retailers are liable for any offences against the pro-
 visions of this Act, shall extend and apply to all and every Inn Keeper, Tavern
 Keeper, Retailer, Keeper of an Ordinary, Coffee House or Victualling House in
 the City of Saint John, as fully to all intents and purposes as the same extend and
 apply to Inn Keepers, Tavern Keepers or Retailers in any other part of this
 Province, any thing in this Act to the contrary notwithstanding.

Mayor of Saint
 John may charge
 for each licence a
 sum not exceeding
 £10.

Application.

Proviso as to
 Charter rights.

Penalties, &c. in
 this Act to apply
 to Tavern Keepers
 and Retailers in
 Saint John.

Act to be read at
 the opening of the
 General Sessions,
 and list of licenced
 persons delivered
 to the Grand Jury.

Charge to Grand
 Jury.

Justices to proceed
 on presentment.

Costs of prosecu-
 tions regulated.

Summons, convic-
 tions, executions
 and subpoenas to
 be in the form in
 the Schedule.

XXII. And be it further enacted, That this Act shall be publicly read by the
 Clerk of the Peace at the opening of every Court of General Sessions of the Peace
 in the several Counties in this Province, and the Justices of such Courts shall at
 the same time cause a list of all the Tavern Keepers, Inn Keepers and Retailers,
 respectively, in the respective Counties to whom Licence has been granted as
 aforesaid, to be delivered to the Grand Jury at such Courts respectively; and it
 shall be particularly given in charge to such Grand Jury to make diligent enquiry
 and presentment of all and every such person or persons as shall or may be guilty
 of any breach of or offence against this Act, and also of any breach of or offence
 against the same by any person or persons not licenced as aforesaid; and upon
 such presentment it shall and may be lawful for the Justices of such Courts to
 proceed against such offenders in the manner herein before directed to one Justice
 to proceed for the recovery of the penalties herein before imposed, and upon con-
 viction of such offender before the Justices of such Court, such penalty and
 penalties, as also all other penalties in and by this Act imposed, shall upon the
 recovery thereof be paid to the respective County Treasurers, to be applied to the
 same uses and purposes, and under the same orders and directions as the sums of
 money paid for Licences are herein before directed to be applied and subject to.

XXIII. And be it further enacted, That the costs of prosecutions under this
 Act had before a single Justice of the Peace or before two Justices, shall be regu-
 lated by the Table of Fees allowed and established by any Law now in force or
 hereafter to be enacted, regulating proceedings before Justices of the Peace in
 Civil Suits; and the costs of all prosecutions had before Her Majesty’s Justices of
 the Peace in General Sessions, shall be regulated by the Ordinance of Fees
 established in this Province.

XXIV. And be it further enacted, That the summons, convictions, executions
 and subpoenas issued and made by any Justice of the Peace for offences against
 the provisions of this Act, may be in the forms in the Schedule to this Act, and
 when the proceedings are had before the Justices in General Sessions the same
 forms

forms may be adopted, as nearly as may be, the summons, subpoenas and executions being under the seal of such Court and signed by the Clerk.

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

SCHEDULE.

Form of Summons.

to wit: To any Constable of the County of
Whereas complaint hath been made before me that A. B. of hath sold Form of Summons. spirituous liquors under the quantity of five gallons, without a Licence first had and obtained for that purpose. (or hath sold liquor on Sunday, as the case may be) contrary to the directions of the Act of the General Assembly in such case made and provided, these are therefore to require you forthwith to summon the said A. B. to appear before me at my office in on the day of at the hour of o'clock in the forenoon, to answer the matter of such complaint, and further to be dealt with according to Law. Given under my hand this day of 184
C. D. J. P.

Form of Subpoena.

To You are required to appear before me at my office in Subpoena. on the day of at the hour of o'clock in the forenoon, to give evidence on the part of our Sovereign Lady the Queen, against for [here state the offence] and then and there to be tried, and take notice that in case you neglect or refuse to appear and testify, you will be liable to a penalty of a sum not exceeding forty shillings, according to the form of the Act of the General Assembly in such case made and provided. Dated the day of 184
C. D. J. P.

Form of Conviction.

County of to wit: Be it remembered that on this day of Conviction. 184, at in the said County of A. B. of in the County of is convicted before me, one of Her Majesty's Justices of the Peace in and for the said County, for that the said A. B. did on the day of 184 [here state the offence] contrary to the provisions of the Act of the General Assembly in such case made and provided, and I the said Justice adjudge the said A. B. for said offence to pay a fine of and also for costs of prosecution. Given under my hand the day and year aforesaid.
C. D. J. P.

Form of Execution.

County of to wit: To any Constable of the said County of
Whereas A. B. of was duly convicted before me and adjudged to pay a Execution. fine of together with costs of prosecution for an offence against the

the Act of the General Assembly regulating Tavern Keepers, Inn Keepers and Retailers; these are therefore to require you to levy the said fine and costs of prosecution, besides your own fees, on the goods, chattels and effects of the said A. B. within this County, and for want of such goods and chattels whereon to levy, you take the said A. B. and him commit to the Common Gaol or the House of Correction of the said County, the Gaoler of which is hereby required to receive the said A. B. into custody, and him detain for the period of days unless such fine and costs be sooner paid. Given under my hand this day of 184

C. D. J. P.

CAP. XLVIII.

An Act to regulate the Assize of Bread in the Parish of Woodstock, in the County of Carleton.

Passed 25th March 1840.

Preamble.

‘ **W**HEREAS it is found necessary that there should be a law to regulate the Assize of Bread, in the Parish of Woodstock, in the County of Carleton;’

Justices may regulate an assize of bread for the Parish of Woodstock

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of Carleton, be and they are hereby authorized and empowered, from time to time to make such rules and regulations, for ascertaining and establishing the Assize of Bread and the sale thereof, for the said Parish of Woodstock, as they or the major part of them, in any General Sessions or at any Special Sessions to be held for that purpose, shall deem just and expedient, and to enforce such rules and regulations, under such fines as they or the major part of them shall think fit: Provided always, That no fine for any offence shall exceed the sum of forty shillings.

and impose fines not exceeding 40s.

Clerk of the Market upon complaint made to inspect bake houses and shops where bread is sold.

II. And be it further enacted, That the Clerk of the Market for the said Parish of Woodstock, is hereby authorized and empowered, whenever he shall judge it necessary, and it shall be his duty at all times when complaint shall be made to him, to enter and go into any Bakehouse within the Parish for which he shall be so appointed (in the day time) where bread shall be manufactured for sale; and in case he shall find any bread to be of less weight than the regulated Assize to be established as aforesaid, it shall be his duty, and he is hereby enjoined and required, to seize all bread he shall so find deficient in weight, and to deliver the same to the Overseers of the Poor or to any of them for the Parish in which such bread shall be seized, for the use of the Poor of such Parish; and such Clerk of the Market shall have like power to seize and dispose of as above directed, any bread that may be found deficient in weight in any Cart, Sled or other Vehicle in which the same may be carried about for delivery or sale.

Light Bread to be seized.

Penalty for neglect of duty.

III. And be it further enacted, That the said Clerk of the Market shall forfeit for any neglect of duty imposed on him by virtue of this Act, the sum of ten shillings.

Recovery and application of fines and penalties.

IV. And be it further enacted, That the several fines and penalties imposed by this Act, shall be recovered upon the oath of one or more credible witness or witnesses before any one of Her Majesty's Justices of the Peace in the said County, and levied by distress and sale of the offender's goods and chattels, rendering the overplus (if any) after deducting the costs and charges of such prosecution and sale to such offender, and shall be applied, one half to the person who shall sue for the same, and the other half to the use of the Poor of the said Parish.

Limitation.

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

CAP.

CAP. XLIX.

An Act to authorize the Justices of the Peace for Queen's County, to lease a certain Lot of Land in the Town Plat of Gagetown.

Passed 25th March 1840.

WHEREAS the Justices of the Peace for Queen's County, by a Grant or Letters Patent bearing date the first day of July in the year of our Lord one thousand eight hundred and nineteen, and in the fifty ninth year of the Reign of His Majesty King George the Third, were invested with a certain piece or parcel of land, situate in the Town Plat of Gagetown, the same having been granted to the said Justices "in trust for the use of the said County, as a site for the public Gaol and Court House of said County and accommodation thereof:" And whereas the said Justices have since deemed it advisable to erect a new Court House on other Lands situate, lying and being in Gagetown aforesaid, and granted to the said Justices: And whereas the Lands first mentioned can be made more beneficial to the said County, by leasing the same for other uses;

Preamble.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the Justices of the Peace of the said County, for the time being, and their successors, shall have power and authority, and they are hereby authorized and empowered to lease the said Lot, piece or parcel of Land, in such manner as they in their discretion may deem meet and expedient, instead of applying the same to the particular use intended and expressed by the said Grant as aforesaid, and that all and every the monies arising therefrom, be applied to the general uses and benefit of the said County.

Justices authorized to lease the described piece of land, according to their discretion.

Monies to be for the benefit of the County.

CAP. L.

An Act to amend the Act to make provision for the payment of a portion of the expenses of maintaining certain Light Houses and Establishments in the Gulf of Saint Lawrence.

Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the eighth Section of an Act made and passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled "An Act to make provision for the payment of a portion of the expenses of maintaining certain Light Houses and Establishments in the Gulf of Saint Lawrence," be and the same is hereby repealed.

7 W. 4, c. 34, s. 8, repealed.

CAP. LI.

An Act to declare the Law with regard to Commissions for taking Affidavits to be read in the Supreme Court.

Passed 25th March 1840.

WHEREAS the Chief Justice and Justices of the Supreme Court in this Province, under and by virtue of an Act of Parliament made and passed in the twenty ninth year of the Reign of King Charles the Second, intituled "An Act for taking Affidavits in the Country to be made use of in the Courts of King's Bench, Common Pleas and Exchequer," have been accustomed by Commissions under the Seal of the said Court to empower persons to take Affidavits to be read in the said Court, and in many instances such Commissions have

Preamble.

29 Char. 2.

Commissions issued under 29 Char 2, to be valid, although not confined to one County.

' have been general and not confined to any one County, and doubts are entertained whether such general Commissions are authorized by the said Act of Parliament; Be it declared and enacted by the Lieutenant Governor, Legislative Council and Assembly, That all Commissions heretofore made by the said Chief Justice and Justices, under and by virtue of the said Act of Parliament, shall be good and valid, notwithstanding any such Commission be general and not confined to any one County.

Commissions may be issued either with limitation or without.

II. And be it declared and enacted, That hereafter it shall and may be lawful for the said Chief Justice and Justices to make and issue Commissions under the said Act of Parliament, either with limitation to any one or more Counties in the Province, or without any such limitation, as to them in their discretion may seem meet.

Commissions are to be issued to take effect in the several Counties of New Brunswick 5th Dec. 1840.

CAP. LII.

An Act for ascertaining the Population of this Province.

Passed 25th March 1840.

Justices to appoint fit persons in each Parish to take an account of the population.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace in the several Counties in this Province shall and may, and they are hereby required at their first General Sessions to be holden after the receipt of this Act by the Clerk of the Peace for the County as hereinafter provided, or at any Special Sessions to be for that purpose expressly convened, to appoint such and so many fit person or persons within each Town or Parish within their respective Counties, as they shall think expedient to take an account of the Population thereof, in manner hereinafter directed; and if more than one person shall be so appointed for any Town or Parish, then to divide such Town or Parish into convenient districts, assigning to each person so appointed to take such account in his particular district; which persons so appointed to take such account, shall be liable in all respects to the same rules and regulations, penalties and forfeitures, as Town or Parish Officers are subject and liable to by virtue of any Law in force for the appointment and regulation of Town or Parish Officers: Provided that the Mayor, Aldermen and Commonalty of the City of Saint John in Common Council convened, shall as soon as conveniently may be after the passing of this Act, appoint such and so many fit person or persons as to them shall seem meet to take such account within the said City, in like manner with the Justices of the Peace for the several Counties at their General or Special Sessions as aforesaid.

Persons appointed to be subject to the same regulations and penalties as other Parish Officers.

Corporation of Saint John to appoint persons for the City.

Account to be taken as hereinafter directed.

II. And be it enacted, That the persons so appointed as aforesaid shall, at the times and in the manner hereinafter directed, severally take an account of the number of persons who shall be actually found at the time of taking such account within the limits of the Parish, City or District for which they may be respectively appointed, and shall set down the several particulars respecting the same, according to the form prescribed in the Schedule annexed to this Act.

This Act to be sent to the Clerks of the Peace and by them to the Justices.

III. And for the more speedy and effectual obtaining of such accounts, Be it further enacted, That a sufficient number of printed copies of this Act, and of the Schedule thereto, (such number to be regulated and determined by order of His Excellency the Lieutenant Governor or Commander in Chief for the time being,) shall on or before the first day of May next, after the passing of this Act, be transmitted by the Queen's Printer to the Clerks of the Peace in the several Counties, and the said several Clerks of the Peace shall, and they are hereby required with all convenient speed, to cause the said Act to be distributed among the

the Justices of the Peace in the several Counties, so that at least one Justice in each Parish may be furnished with one of the said printed copies of the said Act, and also to cause two of the said printed Schedules to be delivered to each person appointed as aforesaid to take the account required by this Act, within the said several and respective Counties.

Two printed Schedules to be delivered to persons appointed to take account.

IV. And be it enacted, That the persons so appointed to take such accounts as aforesaid shall with all convenient expedition, after receiving such Schedules, and within such time as will enable them to deliver or transmit their respective answers and returns to the Clerks of the Peace by the day hereinafter limited for that purpose, proceed to take an account in writing of the number of persons at the time of taking such account, being within the limits of the Parish, City or District for which they may be respectively appointed as aforesaid, and inform themselves of the several particulars relating to the matters specified in the questions contained in the said Schedules, by proceeding from house to house, or otherwise as they shall judge expedient, for the better execution of this Act; and from such information and lists shall prepare duplicate answers or returns to the said questions according to the forms prescribed in the said Schedules, and shall sign and make oath to the same before a Justice of the Peace of the County, according to the said forms, which oath any such Justice is hereby authorized and required to administer; and the better to enable such persons so appointed as aforesaid to make such answers and returns, they are hereby severally and respectively authorized and empowered to ask all such questions of the persons within the Parish, City or District for which they may be respectively appointed as aforesaid, respecting themselves and the number and quality of the persons constituting their respective families, as shall be necessary for stating the particulars required to be stated concerning them in the said answers and returns; and every person refusing to answer or wilfully giving a false answer to such questions or any of them, shall for every such refusal or false answer forfeit a sum not exceeding three pounds nor less than twenty shillings, at the discretion of the Justice before whom complaint thereof shall be made; and the said persons so appointed as aforesaid to take such accounts, shall deliver or transmit their several and respective answers and returns in duplicate as aforesaid, to the Clerks of the Peace for the several and respective Counties, on or before the first day of December next after the passing of this Act.

Persons appointed to inform themselves by going from house to house, or otherwise,

and prepare duplicate answers and returns under oath.

Penalty for refusing to answer or giving a false answer.

V. And be it enacted, That the several Clerks of the Peace shall on or before the tenth day of December next after the passing of this Act, transmit one copy of such answers and returns as they shall have received in manner aforesaid, together with a list of the Parishes, Districts or places within their respective Counties, from which no returns may have been received, to the office of the Secretary of the Province, and shall place and keep the other copy of such answers and returns on file in their offices respectively; and the answers and returns which shall be so transmitted to the office of the Secretary of the Province shall be digested and reduced into order by such officer or person as the Lieutenant Governor or Commander in Chief for the time being shall appoint for that purpose, and abstract thereof shall be laid before the General Assembly at their next Session.

Clerks of the Peace to transmit one of the returns with a list of places from which no returns have been received to the Secretary's office and file the other copy.

Returns to be digested and laid before the General Assembly.

VI. And be it enacted, That there shall be allowed and paid out of the Province Treasury, to each Clerk of the Peace for the services required of him by this Act, the sum of ten pounds, and to each and every person appointed and employed under this Act to take such account as aforesaid, who shall make and transmit to the Clerk of the Peace of the County, by the day hereinbefore limited for that purpose, due answers and returns according to the Schedule to this Act annexed,

Remuneration to Clerks of the Peace and persons appointed to take the accounts.

401

annexed, the sum of seven shillings and six pence for each and every day that such person shall make it appear to the Justices of the Peace for the several Counties, at the General Sessions, that he has been actually employed in the services required of him by this Act; the number of days to be certified by the said Justices at their General Sessions to the Lieutenant Governor or Commander in Chief for the time being; which said sums in this Section mentioned shall be paid out of any monies in the Province Treasury, by Warrant of the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of Her Majesty's Executive Council, in favor of the Clerk of the Peace, to be by him paid to the respective persons entitled to the same without any deduction whatever.

Penalty for neglect of duty by persons appointed to take accounts.

VII. And be it enacted, That any person appointed under this Act to take such account as aforesaid, who shall refuse or neglect to perform any of the duties required of him by this Act, shall for each and every such refusal or neglect, forfeit and pay a sum not exceeding five pounds nor less than forty shillings, at the discretion of the Justice before whom complaint shall be made.

Recovery and application of penalties.

VIII. And be it enacted, That the several and respective forfeitures and penalties herein before mentioned shall and may be recovered upon complaint made before any Justice of the Peace for the County where the offence may be committed, upon the oath of one or more credible witness or witnessess, and be levied by distress and sale of the good and chattels of the offender, rendering the overplus (if any) after deducting the costs and charges of prosecution and sale to such offender, and to be applied one half to the use of the person who shall sue for the same, and the other half to the use of the Poor of the Parish where the offence may be committed.

SCHEDULE.

Schedule.

Questions, to which by directions of an Act of Assembly passed in the third year of the Reign of Her Majesty Queen Victoria, intituled "An Act for taking an account of the Population of this Province," written answers in duplicate are to be returned by the persons appointed, under and by virtue of the said Act, to take such account, signed and attested upon oath by such persons respectively:—

First.—How many inhabited houses are there in your City, Parish or District, and by how many families are they inhabited?

Secondly.—How many houses are now building, and therefore not yet inhabited?

Thirdly.—How many other houses are uninhabited?

Fourthly.—How many persons (including children of whatever age) are there actually found within the limits of your City, Parish or District, at the time of taking this account, distinguishing males and females, and persons above and under sixteen years of age, and people of colour, and exclusive of men actually serving in Her Majesty's Regular Forces, and of Seamen either in Her Majesty's Service or belonging to registered vessels, and native Indians?

Fifthly.—How many places of Worship in your City, Parish or District, and the particular denomination to which they belong?

Sixthly.—How many Grist Mills?

Seventhly.—How many Saw Mills?

Eighthly.—What is the estimated quantity of cultivated or cleared land.

Ninthly.—How many Horses?

Tenthly.—How many Neat Cattle?

Eleventhly.—How many Sheep?

Twelfthly.—How many Swine?

Thirteenthly.—Are there any other matters which you think it necessary to remark in explanation of your answers to any of the preceding questions?

CAP. LIII.

An Act to prevent the destruction of Oysters in the Harbours of the Counties of Westmorland and Kent.

Passed 25th March 1840.

Oysters not to be exported under penalty of 40s.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall not be lawful for any person or persons to take any Oysters in any of the Bays or Harbours in the Counties of Westmorland and Kent, for the purpose of being put on board of any Vessel for exportation out of the Province, under the penalty of forty shillings for each and every offence.

Shells, rubbish, &c. raked up, to be returned into the water.

II. And be it further enacted, That all and every person or persons taking Oysters with Rakes, or otherwise, shall immediately convey and return all shells, stones, or rubbish they may rake up into the water; and if any person or persons shall not convey and return into the water such shells, stones or rubbish within the space of two hours, every person so neglecting shall for every offence incur the penalty of twenty shillings.

Penalty.

Recovery and application of penalties.

III. And be it further enacted, That the aforesaid penalties, and every of them, shall and may be sued for in an action or actions of debt, in a summary way before any one of Her Majesty's Justices of the Peace in the said Counties respectively where the offence shall be committed, and when recovered, one half of such penalty shall be to the use of the person suing and prosecuting for the same, and the other half to the use of the Poor of the Parish where the offence may be committed, and paid over accordingly.

Limitation.

IV. And be it further enacted, That this Act shall continue and be in force for two years.

CAP. LIV.

An Act in addition to the Act providing for the greater safety of Passengers on board Steam Boats.

Passed 25th March 1840.

No steam vessel to ply by sea with passengers without fire buckets and life preservers on board.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act no British Boat or Vessel propelled by Steam shall be permitted by the Captain or Owner to depart from any Port or place within this Province, to any other Port or place either within or without the Province by sea with Passengers on board, without having on board in some convenient place not less than twenty four fire Buckets, and also the following number of Life Preservers, that is to say, for a Vessel not exceeding one hundred tons burden, fifty; for a Vessel exceeding one hundred and not exceeding two hundred tons, seventy five; and for a Vessel exceeding two hundred tons, one hundred.

Penalty.

II. And be it enacted, That if any such Master or Owner shall permit any such Vessel to depart from any Port or place within this Province as aforesaid, without having on board such number of fire Buckets and Life Preservers in good serviceable condition, he shall forfeit the sum of fifty pounds for each and every time such Vessel may so depart without being so provided, to be recovered, levied and applied as is prescribed in and by the third Section of an Act made and passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to provide for the greater safety of Passengers on board of Steam Boats."

Recovery and application.

Inspectors to go on board and report offenders to

III. And be it enacted, That any one of the Commissioners to be appointed by the Act of which this is an amendment, are hereby required and directed, respectively

respectively to go on board, as often as need be, any such Steam Vessel, and in the event of any such Steam Vessel departing or navigating without being equipped as is prescribed by the first Section of this Act, it shall be the duty of such Commissioners, respectively to report the same to the Lieutenant Governor or Commander in Chief for the time being, in order that the party or parties so offending may be proceeded against in the manner prescribed by the said third Section of the Act to which this is an amendment.

the Lieutenant Governor.

IV. And be it enacted, That this Act shall continue and be in force during the continuance of an Act made and passed in the eighth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to provide for the greater safety of Passengers on board of Steam Boats."

Limitation. 8 W. 4, c. 7.

CAP. LV.

An Act to continue an Act for the better regulation of the Office of Sheriff in this Province.
Passed 25th March 1840.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled "An Act for the better regulation of the Office of Sheriff in this Province," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

6 W. 4, c. 1, continued.

CAP. LVI.

An Act in addition to the Acts now in force relating to Commissioners of Sewers.
Passed 25th March 1840.

As to Section See note 55

WHEREAS the Acts now in force relating to Commissioners of Sewers 'have been found deficient where the work contemplated extends to two or more Parishes;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That upon application of any proprietors of any marsh, low lands, meadow, or other unreclaimed lands, which may lie in two or more Parishes, and in the reclaiming, draining or enclosing of which two or more Parishes may be interested, the Governor or Commander in Chief, with the advice of Her Majesty's Executive Council, may and is hereby authorized, by Commission, to appoint such able and discreet persons as to him shall seem meet, to be Special Commissioners for the purpose of superintending any such work in which two or more Parishes may be so interested; and such Commissioners, when so appointed, shall possess all the powers, and be subject to the same duties, and be liable to similar penalties in case of neglect thereof, and shall receive the same compensation for their services, as Commissioners of Sewers possess, enjoy, and are made subject to, by an Act made and passed in the Session of the General Assembly holden in the tenth and eleventh years of the Reign of His Majesty King George the Fourth, intituled "An Act to repeal certain Acts relating to Commissioners of Sewers, and to make more effectual provisions in lieu thereof," and also by an Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend an Act, intituled 'An Act to repeal certain Acts relating to Commissioners of Sewers, and to make more effectual provisions in lieu thereof.'"

Special Commissioners to be appointed on application of proprietors where lands to be reclaimed, &c. lie in two or more Parishes.

Powers, duties, penalties for neglect, and compensation, to be the same as other Commissioners of Sewers.

X1 X1 3-4
LW 4.e

II.

Special Commissioners to supersede the ordinary Commissioners only so far as two or more Parishes may be interested in the work.

Collectors may distrain within any part of the County within which they are appointed.

II. And be it enacted, That the Commissioners appointed under and by virtue of this Act, for the purpose of superintending any work in which two or more Parishes may be so interested, shall, so far as relates to such work, but no further, supersede the powers and controul of the several Boards of Commissioners of Sewers in any such Parishes.

III. 'Whereas doubts have arisen whether Collectors appointed pursuant to the provisions of the Act mentioned in the first Section of this Act have power to distrain in any part of the County, beyond the District or place for which the Commissioners of Sewers appointing such Collectors may be appointed:' Be it therefore enacted and declared, That any such Collector may distrain, pursuant to the directions of the said recited Act, within any part of the County within which such Collector may be appointed, whether within or beyond the District or Parish for which the Commissioners of Sewers appointing him may be appointed, any law or usage to the contrary notwithstanding.

CAP. LVII.

An Act in amendment of an Act, intituled "An Act imposing Duties for raising a Revenue."

Passed 31st March 1840.

Preamble.

WE, Her Majesty's dutiful and loyal subjects, the Assembly of New Brunswick, in General Assembly convened, for raising further Supplies to defray the expenses of Her Majesty's Government within this Province, have freely and voluntarily resolved to give and grant to the Queen's Most Excellent Majesty the rate and duty hereinafter mentioned, and do therefore pray Your Excellency that it may be enacted;

A duty on foreign wheat flour imported from Nova Scotia, granted to Her Majesty.

I. And be it enacted by His Excellency the Lieutenant Governor, by and with the advice and consent of the Legislative Council and Assembly, and by the authority of the same, that from and after the passing of this Act, there be and is hereby granted to the Queen's Most Excellent Majesty, Her Heirs and Successors, for the use of this Province, and for the support of the Government thereof, the rate and duty hereinafter mentioned, on all foreign Wheat Flour imported into this Province, either by Sea, by Inland Navigation or by Land, from any part of the Province of Nova Scotia, that is to say, for and upon every Barrel of Foreign Wheat Flour of one hundred and ninety six pounds weight, the sum of five shillings and ten pence per Barrel.

Act may be suspended by the Governor in Council.

II. And be it enacted, That His Excellency the Lieutenant Governor or Commander in Chief for the time being, be and he is hereby authorized and empowered, by and with the advice and consent of Her Majesty's Executive Council, to suspend the operation of this Act at any time during its continuance.

Limitation.

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

CAP. LVIII.

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

Passed 31st March 1840.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be allowed and paid out of the Treasury of the Province, for the services hereinafter mentioned, the following sums, to wit: To

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

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

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

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

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

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

To the Clerk Assistant of the Legislative Council in General Assembly, the sum of one hundred pounds for his services during the present Session. Clerks' Assistants.

To the Clerk Assistant of the House of Assembly, the sum of one hundred pounds for his services during the present Session.

To the Doorkeepers attending the Legislative Council and Assembly, the sum of twelve shillings and sixpence *per diem* each, during the present Session. Doorkeepers.

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

To Beverley Robinson, Esquire, Province Treasurer, the sum of six hundred pounds for his services for the year one thousand eight hundred and thirty nine; and the further sum of two hundred and fifty pounds to enable him to pay a Clerk for the same period. Province Treasurer. Clerk.

To His Excellency the Lieutenant Governor or Commander in Chief, a sum not exceeding seven thousand pounds for the encouragement of Parish Schools, agreeably to a Law of this Province. Parish Schools.

To the Commissioners of Light Houses in the Bay of Fundy, the following sums to pay for services for the year one thousand eight hundred and forty:— Light Houses.

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

For the Keeper of the Light House on Point Leproe, the sum of one hundred pounds;

For the Keeper of the Light House on Thrumb Cap, Quaco, the sum one hundred pounds;

The sum of six hundred pounds to defray the contingent expenses of Gannet Rock, Point Leproe and Quaco Light Houses, for the year one thousand eight hundred and forty;

To the Keeper of the Light House on Partridge Island, the sum of one hundred pounds;

To the Keeper of the Beacon Light, the sum of one hundred pounds;

The sum of two hundred and fifty pounds for the contingent expenses of Light Houses at the entrance of the Harbour of Saint John.

To the Commissioners of Machias, Seal Island, Campo Bello, and Saint Andrews Harbour Light Houses, the following sums to pay for services for the year one thousand eight hundred and forty:

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

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

For the Keeper of the Light House in the Harbour of Saint Andrews, the sum of thirty pounds;

The

Light Houses,
continued.

The sum of five hundred and fifty pounds to defray the contingent expenses of the said Light Houses for the year one thousand eight hundred and forty.

Apprehension of
Deserters.

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

J. Abrams, Tide
Waiter, St. John.

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

Master in Chan-
cery.

To the Master in Chancery appointed to carry Messages from the Legislative Council to the House of Assembly, the sum of fifty pounds.

David Jack.

To David Jack, late Tide Surveyor at Saint Andrews, the sum of one hundred pounds for his services from the first day of April to the first day of December, one thousand eight hundred and thirty nine.

Tide Surveyor,
Miramichi.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of seventy five pounds for the services of a Tide Surveyor at Miramichi, for the year one thousand eight hundred and forty.

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

To B. C. Chaloner, Tide Surveyor at Saint John, the sum of fifty pounds for his services from the first day of May one thousand eight hundred and thirty nine, to the first day of May one thousand eight hundred and forty.

Courier between
Pokemouche and
Bathurst, *via*
Shippegan.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of fifty pounds, in aid of individual subscription, to pay a Courier between Pokemouche and Bathurst, *via* Shippegan, in the County of Gloucester.

Courier between
Gagetown and
Nerepis.

To the Justices of the Peace for Queen's County, the sum of thirty pounds to enable them to pay a Courier between Gagetown and Nerepis for the year one thousand eight hundred and forty.

Messenger to
the Treasury.

To Beverley Robinson, Esquire, Province Treasurer, the sum of one hundred and fifty pounds, being for the services of a Tide Waiter or Messenger to the Treasury for the year one thousand eight hundred and forty.

Protection of
Revenue.

To His Excellency the Lieutenant Governor or Commander in Chief, a sum not exceeding seven hundred and fifty pounds, to defray any expenses that may be incurred in the protection of the Provincial Revenue for the year one thousand eight hundred and forty.

Courier between
Harvey to Great
Road.

To the Justices of the Peace for the County of Westmorland, the sum of fifty pounds, to enable them to pay a Courier passing between Harvey and the Great Road leading from Dorchester to Saint John.

W. Watts.

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

Light Houses on
Cape Sable, Seal
Island, and Brier
Island.

To the Commissioners of Light Houses in the Bay of Fundy, the sum of two hundred pounds to be applied by them towards the support of Cape Sable Seal Island Light House; and also one hundred pounds towards the support of the Light House on Brier Island, in the Province of Nova Scotia, for the year one thousand eight hundred and forty.

Courier between
Pokemouche and
Miramichi.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of fifty pounds, in aid of individual subscription, to pay a Courier between Pokemouche and Miramichi, in the Counties of Northumberland and Gloucester.

Destruction of
Bears and Wolves.

To His Excellency the Lieutenant Governor or Commander in Chief, a sum not exceeding three hundred pounds to encourage the destruction of Bears and Wolves, agreeably to Laws of this Province.

To

To His Excellency the Lieutenant Governor or Commander in Chief, the following sums for Grammar Schools for the year one thousand eight hundred and forty :

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

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

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

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

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

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

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

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

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

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

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

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of fifty pounds to enable His Excellency to pay a Messenger to the Executive Council.

To the Governor and Trustees of the Madras School, the sum of five hundred pounds for the year one thousand eight hundred and forty, towards the support of that Institution.

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

CAP. LIX.

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

Passed 31st March 1840.

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

To the Honorable W. F. Odell, Provincial Secretary, for defraying the expenses of Printing, Stationary, Book Binding, &c., for the Secretary's Office for the year one thousand eight hundred and thirty nine, the sum of one hundred and five pounds.

To the High Sheriff of the County of Charlotte, the sum of twenty five pounds to compensate him for expenses incurred in returning a Member of the Assembly for that County.

To Elizabeth Briscoe, the sum of twenty pounds for teaching a School in Saint Andrews, for the year one thousand eight hundred and thirty nine.

To

- Infant School, Saint John. To the Committee of Management of the Infant School in Saint John, twenty five pounds in aid of individual subscription towards that Institution.
- Free Female School in Fredericton. To Mrs. Isabella Hailes and the Committee of Management for the Poor School in Fredericton, for the instruction of poor Female Children, the sum of twenty pounds in aid of individual subscription towards the support of that Institution.
- W. Watts. To William Watts, ten pounds for his services as Crier or Usher in the Supreme Court for the past year, and the further sum of ten pounds for attending the Court of Chancery.
- Index to Laws. To John Gregory, ten pounds to prepare an Index to the Laws of the present Session.
- M. Brannen. To Matthew Brannen, of the Secretary's Office, twenty five pounds as a mark of approbation for his long and faithful services in that Office.
- E. Fairfield. To Elizabeth Fairchild, of the City of Saint John, the sum of twenty pounds for her services as Schoolmistress in the City of Saint John.
- Dr. G. P. Peters. To Doctor G. P. Peters, Surgeon to the Vaccine Institution, Central Board, Saint John, the sum of twenty pounds for his services for the year one thousand eight hundred and thirty nine.
- Province Agent. To the Committee of Correspondence, such sum as will procure Bills of Exchange on London for two hundred pounds, sterling, to be remitted to Henry Bliss, Esquire, Province Agent, for his services during the year one thousand eight hundred and thirty nine.
- Adjutant General. To the Adjutant General of the Militia Forces, the sum of seventy five pounds for his services in the year one thousand eight hundred and forty.
- Tide Waiter at Dalhousie. To His Excellency the Lieutenant Governor or Commander in Chief, the sum of forty pounds for a Tidewaiter at Dalhousie, in the County of Restigouche, for the year one-thousand eight hundred and forty.
- Tide Waiter at Bathurst. To His Excellency the Lieutenant Governor or Commander in Chief, the sum of thirty pounds for a Tide Waiter at Bathurst, in the County of Gloucester, for the year one thousand eight hundred and forty.
- Free School in Saint John. To the Justices of the Peace for the City and County of Saint John, one hundred and fifty pounds towards the support of a Free School established in the said City, unconnected with the Madras Board.
- J. Simpson. To John Simpson, Queen's Printer, the sum of two hundred and seventy five pounds for printing the Daily Journals of the Legislative Council and Assembly during the present Session.
- To John Simpson, Queen's Printer, the sum of one hundred and fifty pounds towards printing the Journals of the Legislative Council and Assembly for the present Session.
- To John Simpson, Queen's Printer, the sum of one hundred and fifty pounds towards printing the Laws of the present Session.
- B. C. Chaloner, Guager at Saint John. To B. C. Chaloner, Guager and Weigher at Saint John, the sum of two hundred pounds, being in full for his services for the year one thousand eight hundred and thirty nine.
- Tide Waiter at Richibucto. To His Excellency the Lieutenant Governor or Commander in Chief, the sum of twenty pounds for the services of a Tide Waiter at Richibucto for the year one thousand eight hundred and forty.
- M. A. Smith. To Mary Ann Smith, for upwards of forty years a Schoolmistress at Saint John, the sum of twenty pounds in consideration of her services in that capacity.
- Speaker and Members of Assembly. To the Speaker of the House of Assembly, the sum of one hundred and fifty pounds for the present Session; and to each and every Member of the House of Assembly, the sum of twenty shillings *per diem* during the present Session, provided that no greater amount than fifty pounds be drawn by any one Member for any

any such attendance; also, to each and every Member for travelling charges, the sum of twenty shillings *per diem* for each day's travel, to be certified by the Speaker agreeably to a Law of the Province.

To Charity Williams, the sum of ten pounds in consideration of her long and faithful services as a Teacher in the Parish of Fredericton. C. Williams.

To Deborah Ann Lugin, widow of the late G. K. Lugin, many years King's Printer in this Province, the sum of twenty five pounds to assist her in her present condition. D. A. Lugin.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of four hundred and sixty five pounds to pay the Provincial allowance to the Adjutants of the several Battalions of Militia in this Province, and the further sum of two hundred and thirty two pounds ten shillings to pay the Serjeant Majors of the same during the past year. Adjutants and Serjeant Majors of Militia.

To Her Majesty's Attorney General, the sum of one hundred pounds for the year one thousand eight hundred and thirty nine. H. M. Attorney General.

To Her Majesty's Solicitor General, the sum of fifty pounds for the year one thousand eight hundred and thirty nine. H. M. Solicitor General.

To Delia Berton, relict of the late George F. S. Berton, Esquire, Clerk of the Crown in the Supreme Court, the sum of one hundred pounds, being for his services for the year one thousand eight hundred and thirty nine. Delia Berton.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred pounds to pay a Sub-Collector and Deputy Treasurer at Woodstock, in the County of Carleton, the duties of both offices to be performed by one officer, this to be in addition to the allowance made to Deputy Treasurers by Law. Sub-Collector and Deputy Treasurer at Woodstock.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of forty pounds in aid of individual subscription to pay a Courier between Saint John and Saint Martins. Courier between Saint John and Saint Martins.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of fifty pounds in aid of individual subscription for carrying the Mail three times a week during the ensuing year, with a double sleigh or waggon with two Horses, for the accommodation of passengers between Saint Andrews and Saint Stephen. Stages between Saint Andrews and Saint Stephen.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of six hundred pounds to be applied towards building a Light House and Keeper's House on Point Escuminac, at the entrance of the River Miramichi. Light House and Keeper's House on Point Escuminac.

To Beverley Robinson, Esquire, Province Treasurer, the sum of two hundred and forty pounds and five pence, being amount over advanced by him in one thousand eight hundred and thirty nine, for the support of Light Houses in the Bay of Fundy. Over advance for Light Houses.

To Beverley Robinson, Esquire, Province Treasurer, the sum of one hundred and seventeen pounds four shillings, being amount over expended by him for the protection of the Revenue in one thousand eight hundred and thirty nine. Over expenditure for protection of the Revenue.

To Beverley Robinson, Esquire, Province Treasurer, the sum of one hundred and sixty three pounds four shillings and ten pence, being for office rent, postage and other contingencies, in one thousand eight hundred and thirty nine. Treasury contingencies.

To D. W. Jack, the sum of eight pounds seventeen shillings, being for Gauging and Weighing at Saint Andrews, in one thousand eight hundred and thirty nine. D. W. Jack, Gauger at Saint Andrews.

To R. Watson, the sum of one pound fifteen shillings, being for Gauging and Weighing at Saint Stephen, in one thousand eight hundred and thirty nine. R. Watson, Gauger at Saint Stephen.

To L. A. Wilmot, Esquire, in addition to the sum of two hundred and eighty eight pounds seventeen shillings and six pence now in his own hands, unexpended monies L. A. Wilmot, Esquire.

Delegation expenses.

monies voted for the expenses of the Deputation of one thousand eight hundred and thirty six, the sum of two hundred pounds as a remuneration for such services in one thousand eight hundred and thirty six.

To L. A. Wilmot, Esquire, the sum of three hundred pounds, for his services as one of the Deputation to England in one thousand eight hundred and thirty seven.

Hon. W. Crane, Delegation expenses.

To the Honorable William Crane, one of the late Deputation to England on the affairs of this Province, such sum as will procure a Bill of Exchange on London for two hundred and forty three pounds sixteen shillings, Sterling, being amount advanced by him in England in one thousand eight hundred and thirty seven, as part of the expenses of the Deputation in that year.

Indemnification for loss of stores, 36th Regiment.

To Lieutenant Colonel Maxwell of Her Majesty's thirty sixth Regiment, the sum of fifty seven pounds to indemnify Quartermaster Hall of that Regiment for losses of certain stores occasioned by the rapid movements of the Troops during the last Season.

Baptist Seminary.

To the Managing Committee of the Baptist Seminary, the sum of five hundred pounds towards paying off a heavy debt incurred by them in erecting and finishing that Institution.

Dr. A. Gesner, Geological Survey,

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of three hundred and fifty pounds for the purpose of remunerating Doctor A. Gesner for his services the past year in continuing the Geological Survey of the Province.

Provincial contingencies.

To His Excellency the Lieutenant Governor or Commander in Chief, a sum not exceeding one thousand pounds for Provincial Contingencies.

Grammar School, Northumberland, J. Seewright.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of fifty pounds in aid of the Grammar School presently taught at Newcastle, in the County of Northumberland, by John Seewright, to whom the same shall be paid in part of his salary for teaching said school the present year, on its being certified to His Excellency the Lieutenant Governor by William Abrams, Esquire, and the Reverend James Souter, that the same is due to the said John Seewright for such service.

J. Whitehead.

To James Whitehead, an old Soldier, desperately wounded in the Revolutionary War, the sum of twenty pounds to relieve him in his present distressed circumstances, his being an extraordinary case and no application being made under the Law.

Tide Surveyor at Shippegan and Caraquet.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of thirty pounds for a Tide Surveyor at Shippegan and Caraquet, in Gloucester, for one thousand eight hundred and forty.

Militia under command of Captains Boyd and Mitchell.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred and thirty two pounds, the same to be distributed among the Non-Commissioned Officers and Privates of the Militia Companies on permanent duty in Charlotte County last winter under command of Captains Boyd and Mitchell, in lieu of Caps and Coats as allowed to other Militiamen on permanent duty in other parts of the Province at the same time.

Extra copies Province Laws.

To John Gregory, Clerk Assistant of the Legislative Council, ten pounds for extra copies of the Province Laws for the use of the Magistrates for the year one thousand eight hundred and forty.

J. Marshall, head money.

To John Marshall, the sum of thirty three pounds seventeen shillings and six pence, being a return of double head money paid on passengers per Brig Highlander from Belfast, at the Treasurer's Office, Saint John, to be taken from the Emigrant Fund.

To

To W. H. Street, of Saint John, the sum of twenty pounds fourteen shillings, being drawback on three hogsheads Brandy exported to Truro, Nova Scotia. W. H. Street.

To the Justices of the Peace for the County of Restigouche, five hundred and fifty pounds towards the completion of the Gaol and Court House in that County. Justices of Restigouche for Gaol and Court House.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of twenty pounds to be paid to Benjamin Dawson of Bathurst, for his services as Tidewaiter at the Port of Bathurst in Gloucester, in the year one thousand eight hundred and thirty nine. B. Dawson, Tide Waiter, Bathurst.

To Scovil and Summers of Saint John, the sum of fifteen pounds seven shillings and six pence, being for return of double head money paid on passengers per ship Branches in June last at Saint John. Scovil and Summers.

To the following persons for return duties on Goods destroyed by fire at Saint John on seventeenth August last, agreeably to the report of the Select Committee of twenty seventh February last : Return duties on goods destroyed by fire at Saint John.

To James T. Hanford, sixty nine pounds seventeen shillings and six pence ;

To Charles M'Lauchlan, one hundred and two pounds twelve shillings and nine pence ;

To Crane and M'Grath, one hundred and five pounds fourteen shillings and eleven pence ;

To Crookshank and Walker, one hundred and forty eight pounds eight shillings and one penny.

To Alexander Robertson, forty eight pounds six shillings and two pence ;

To Thomas Parks, three hundred and eighty four pounds eighteen shillings and four pence ;

To John V. Thurgar, seven hundred and forty six pounds four shillings and eight pence ;

To James Otty and Company, seventeen pounds three shillings ;

To Daniel and Francis Leavitt, eighty five pounds eighteen shillings and six pence ;

To Thomas M'Avity and Company, one hundred and twelve pounds ten shillings ;

To William O. Smith, fifty five pounds seven shillings and five pence ;

To Honorable John Robertson, two hundred pounds nine shillings and four pence ;

To Adam and Davidson, and J. and J. Alexander and Company, seventy three pounds two shillings and five pence ;

To Henry Blakeslee, seventeen pounds eight shillings ;

To Barlows and Ketchum, seventy four pounds seven shillings and seven pence ;

To William Leavitt, twenty five pounds thirteen shillings and five pence ;

To James Kirk, forty two pounds fifteen shillings and eleven pence ;

To Ratchford and Brothers, five hundred and fourteen pounds two shillings and six pence ;

To James Lockwood and Company, two hundred and twenty pounds sixteen shillings and ten pence ;

To William Hammond, thirty nine pounds twelve shillings and six pence.

To the Justices of the Peace for the County of Westmorland, the sum of forty pounds to encourage the running of a Packet sufficient for the conveyance of Passengers &c. between Shediac, in the said County, and Bedeque, in Prince Edward Island ; thirty pounds of which to be paid to the person running the same, upon its being certified to the said Justices that the said Packet has been running between the said places at least once a fortnight during four months, and the remaining sum of ten pounds to be paid the said person, in case it be certified. Packet between Shediac and Bedeque, in Prince Edward Island.

certified as aforesaid, that the said Packet has been running once in each week during the above period.

T. Wallace, head money on Passengers per Brig Dobree.

To Thomas Wallace, agent of John Haynes, the sum of thirty seven pounds eleven shillings and eight pence, being a return of double head money on Passengers brought in the Brig Joseph P. Dobree to Saint John on the fifteenth July last, the same to be taken from the Emigrant Fund.

Sick and Distressed Emigrants at Saint John.

To the Justices of the Peace for the City and County of Saint John, the sum of nine hundred and eleven pounds seven shillings and four pence, to reimburse the Overseers of the Poor for the City of Saint John for expenses incurred in the support and relief of sick and distressed Emigrants at Saint John in one thousand eight hundred and thirty nine; twelve pounds sixteen shillings and six pence of which to be paid to the Overseers of Portland, the same to be taken from the Emigrant Fund.

T. Lee and J. Agnew, Ferrymen.

To Thomas Lee and John Agnew, the sum of twenty pounds to remunerate them for transporting Her Majesty's Mails across the Ferry at Nashwaak, they carrying the public Courier and his establishment across the River Saint John.

J. Fisher, Drawback.

To John Fisher, of Parsborough, the sum of eight pounds three shillings and six pence, being drawback on a puncheon of Rum exported to that place from Saint John.

Black Refugees, Portland and Simonds.

To the Justices of the Peace for the City and County of Saint John, the sum of one hundred and forty three pounds four shillings and three pence to reimburse the Overseers of the Poor for the Parishes of Portland and Simonds for allowances made in one thousand eight hundred and thirty nine for the support and relief of sick, aged, indigent and distressed Black Refugees.

Transient Poor, Saint Andrews.

To the Overseers of the Poor for Parish of Saint Andrews, the sum of three hundred and seventy six pounds seven shillings and six pence, to reimburse them for expenses incurred by them in support of Transient and Emigrant Poor during the past year.

Justices of Saint John for new Gaol.

To the Justices of the Peace of the City and County of Saint John, the sum of one thousand five hundred pounds towards the erection of a new Gaol in the said City, one half of which sum not to be paid until one thousand eight hundred and forty one.

W. and J. J. Andrews, head money.

To William and J. J. Andrews, of Saint Stephen, the sum of thirty seven pounds one shilling and eight pence, being for a return of double head money paid on Passengers per Brig Gratitude in June 1840.

Justices of Gloucester.

To Her Majesty's Justices of the Peace of the County of Gloucester, the sum of one hundred pounds to aid an assessment for repairing the public buildings in that County.

Overseers of Poor, Kingston.

To the Overseers of the Poor for Kingston, King's County, the sum of thirty pounds to remunerate that Parish for support and Medical attendance, incurred in the case of John Carew, a maimed and transient pauper.

Justices of Charlotte, debt on Gaol.

To the Justices of the General Sessions of the Peace for the County of Charlotte, the sum of six hundred pounds to enable them to pay off the debt due on the Gaol recently erected for that County.

Justices of York, new Gaol.

To the Justices of the Peace for the County of York, the sum of five hundred pounds towards paying for the erection of the new Gaol in Fredericton, the above sum not to be drawn until one thousand eight hundred and forty one.

County Line between Kent and Westmorland.

To His Excellency the Lieutenant Governor or Commander in Chief, a sum not exceeding forty pounds to provide for running the division of the County Line between the Counties of Kent and Westmorland.

Wharf in Hillsborough.

To the Justices of the Peace for the County of Westmorland, the sum of one hundred

hundred pounds in aid of individual subscription towards building a Public Wharf in Hillsborough, in that County.

To Thomas Wallace and John V. Thurgar of Saint John, the sum of forty five pounds three shillings, being for return duties on five Puncheons Whiskey, exported to Boston in the Schooner Eleanor Jane in October last. T. Wallace and
J. V. Thurgar,
return duties.

To Doctor S. Frye, the sum of one hundred pounds, being for services rendered in Vaccinating at Saint Andrews, and attendance on Emigrants and poor persons during the late prevalence of Small Pox. Dr. S. Frye.

To Thomas Wyer, Harris Hatch, Samuel Frye and John M'Lachlan, Esquires, formerly Directors of the Savings Bank at Saint Andrew, the sum of two hundred and seventy nine pounds three shillings and ten pence to relieve them from the responsibility occasioned by the defalcation of the Cashier of that Institution. Directors of the
Charlotte County
Savings Bank.

To D. Muzrall, the sum of seven pounds ten shillings for keeping a Ferry at Burgoyne's in the County of York, and carrying Her Majesty's Mails. D. Muzrall, Ferry
at Burgoyne's.

To the Overseers of the Poor for the Parish of Chatham in the County of Northumberland, the sum of twenty four pounds fourteen shillings and six pence, to reimburse them for expenses incurred in the support of a transient pauper. Overseers of Poor,
Chatham.

To the Honorable John Robertson, the sum of forty five pounds eighteen shillings and four pence, being return duties on Bricks, &c. imported from the United States subsequently to the great fire in August last. Hon. J. Robert-
son, return duties.

To Samuel M'Farlane, John M'Caskill and Richard Turner, Overseers of the Poor for the Parish of Saint Patrick in the County of Charlotte, the sum of seventeen pounds four shillings and six pence for expenses incurred by them in supporting Thomas Folley an Emigrant pauper. Overseers of Poor,
Saint Patrick.

To David Hatfield of Saint John, the sum of forty one pounds ten shillings and nine pence, being return of duties on goods shipped to Africa in April one thousand eight hundred and thirty eight. D. Hatfield,
return duties.

To the Mechanics Institute established in Saint John, the sum of two hundred and fifty pounds in aid of individual subscription towards a building in the course of erection and for the support of the School now in operation. Mechanics Insti-
tute, Saint John.

To Major Brookes of the sixty ninth Regiment, the sum of seventy six pounds two shillings and nine pence to reimburse the officers of that Regiment for duties paid on Wines in one thousand eight hundred and thirty nine. Drawback on
Wine, H. M. 69th
Regiment.

To the Justices of the Peace of the City and County of Saint John, the sum of nine hundred and ninety pounds thirteen shillings and nine pence to reimburse the superintendent of the temporary Provincial Lunatic Asylum established in the said City, for the support of that institution in one thousand eight hundred and thirty nine. Lunatic Asylum,
Saint John, ex-
penses.

To the Mayor, Aldermen and Commonalty of the City of Saint John, the sum of seventy eight pounds twelve shillings to reimburse them for duties paid on a Fire Engine and apparatus, imported from the United States subsequent to the great fire in August last. Corporation of
Saint John,
return duties on
Fire Engine and
apparatus.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred pounds for the payment of the Commissioner in one thousand eight hundred and thirty nine for over expenditure which was rendered absolutely necessary to preserve the Public Wharf near Gagetown, and for finishing the approaches thereto. Public Wharf
near Gagetown.

To the Commissioners for running a Stage between Fredericton and Newcastle, in Northumberland, the sum of thirty pounds in support of a Team Ferry Boat, plying at the entrance of the North and South West Branch of the Miramichi River. Team Ferry Boat,
N. and S. W.
Branch of the
Miramichi.

415

Madras School at
Saint Andrews.

To the Reverend Jerome Alley, the sum of thirty two pounds ten shillings to finish the Madras School in the Town of Saint Andrews, and that no further grant be made to this Institution.

Ferry Landings on
the N. and S. side
of the Richibucto.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of seventy pounds for each of the Ferry Landings on the north and south sides of the Richibucto River at the Post Road.

W. H. Scovil,
return duties.

To W. H. Scovil of Saint John, the sum of one hundred and twenty five pounds nine shillings and two pence to reimburse him for duties paid on Nail Machines, Bricks, &c. imported from the United States.

H. D. C. Carman,
return duties.

To Henry D. C. Carman of Chatham, in the County of Northumberland, the sum of five pounds seven shillings and one penny, being return of duties on wine imported from Prince Edward Island in November one thousand eight hundred and thirty eight.

Justices of King's,
new Gaol.

To the Justices of the Peace for King's County, the sum of five hundred pounds to aid in the erection of a new Gaol in that County.

Ann M'Donald.

To Ann M'Donald, the widow of a meritorious Officer who served in the Revolutionary war in America, the sum of twenty pounds to aid her in her present circumstances.

Henry Blakslee,
return duties.

To Henry Blakslee, the sum of twenty pounds, being return duties on bricks imported from the United States subsequent to the great fire in Saint John in August last.

Public and Steam
Boat landing in
Fredericton.

To M'Pherson and Coy, Spafford Barker and F. W. Hatheway, the sum of seventy five pounds to assist them in paying off a debt contracted in erecting a public and Steam Boat landing in Fredericton.

T. Woods.

To Thomas Wood, an old Soldier in the Revolutionary War, the sum of ten pounds, his certificates to the Sessions under the present Act for the relief of meritorious old Soldiers having miscarried.

H. G. Dibblee.

To H. G. Dibblee, Sub-Collector at Woodstock, the sum of fifty pounds, being in full for consideration of past services, agreeably to the prayer of his petition.

G. W. Cleary,
return duties.

To George W. Cleary, Captain in the Carleton Militia, the sum of four pounds eighteen shillings and ten pence, being for return of duties paid on Musical Instruments imported from the United States for the use of a Band.

T. R. Tupper,
return duties.

To James R. Tupper, the sum of seven pounds nineteen shillings to remunerate him for duties paid by him on a Waggon and Sleigh imported from the United States.

Breakwater in
Enrage Bay.

To the Justices of the Peace for the County of Westmorland, the sum of two hundred pounds, in aid of individual subscription, in erecting a Breakwater in Enrage Bay, near the Light House at that place, in the Parish of Harvey, in the County of Westmorland, the same to be taken from the Light House Fund.

Return duties on
Wines, M. M.
36th Regiment.

To Lieutenant Colonel Maxwell of Her Majesty's Thirty Sixth Regiment, the sum of one hundred and sixteen pounds nine shillings and two pence, to reimburse the Officers of that Regiment for duties on Wines, &c. for the Mess during the past year.

Robert Foulis.

To Robert Foulis, of Saint John, the sum of fifty pounds in aid of his School of Arts established in said City.

J. Kerr and Com-
pany, return
duties.

To John Kerr and Company, the sum of sixteen pounds four shillings and eight pence, being for return duties on Bricks imported from the United States, subsequent to the great fire in August last.

York County for
transient poor.

To the Commissioners of the Alms House, for the County of York, the sum of one hundred and twenty seven pounds five shillings and six pence, to reimburse them expenses incurred in support of Emigrant and Transient Poor during the past year, the same to be taken from the Emigrant Fund. To

To James Blackhall, the sum of twenty pounds for services as Tide Surveyor at Shippegan and Carraquet, in one thousand eight hundred and thirty nine.

J. Blackhall.

To Michael Harley, the sum of fifty pounds as compensation for sundry services performed as Deputy Surveyor in the County of Gloucester, in making extensive surveys on the part of the Crown.

M. Harley.

To J. A. Street, Esquire, the sum of twenty nine pounds to reimburse him for the sum over expended in the erection of a Ferry Landing in the Parish of Chatham, opposite the Town of Newcastle.

J. A. Street, Esq. Ferry Landing, Chatham.

To James Gilmour, Esquire, the sum of twenty eight pounds to reimburse him for the amount over expended in the erection of a Ferry Landing in the Parish of Newcastle, opposite the Town of Chatham.

J. Gilmour, Esq. Ferry Landing, Newcastle.

To Phineas Williston and Brothers, of Chatham, in the County of Northumberland, the sum of eight pounds, being drawback on one puncheon Rum exported from Miramichi to Prince Edward Island in November last.

Phineas Williston and Brothers, drawback.

To the Magistrates of the County of Westmorland, the sum of twenty pounds to be applied towards the maintenance of the Ferry between Dorchester and Hopewell.

Ferry between Dorchester and Hopewell.

To the Widow of Isaac W. Jouett, late Usher of the Black Rod to the Legislative Council, the sum of twenty five pounds to assist her in her present situation.

Widow of I. W. Jouett.

To the Justices of the Peace for the County of Restigouche, the sum of seventy eight pounds eleven shillings and six pence to reimburse the Overseers of the Poor of the Parish of Dalhousie, in the said County, for advances made in the support and maintenance of John E. Barry, a transient Lunatic Pauper, during the year one thousand eight hundred and thirty nine.

Justices of Restigouche, for support of John E. Barry.

To Richard S. Clarke, Esquire, late High Sheriff of Northumberland, the sum of fifty pounds towards relieving him from his present necessitous condition.

R. S. Clarke, Esq.

To James Albee, Esquire, the sum of twenty five pounds for the purpose of paying off the debt due on the Steam Boat Slip at Saint Stephen, in the County of Charlotte, being a reappropriation of that sum granted in one thousand eight hundred and thirty eight towards building a Wharf or Steam Boat Landing at Salt Water, in the said Parish.

J. Albee, Esq. for Steam Boat Slip at Saint Stephen.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of fifty pounds for a Missionary to the Melicite Tribe of Indians stationed in Fredericton, for one thousand eight hundred and thirty eight, and the like sum of fifty pounds for one thousand eight hundred and thirty nine.

Missionary to the Melicite Tribe of Indians.

To Mary Harned, widow of the late Alward Harned, formerly Doorkeeper to this House, the sum of twenty pounds to assist her in her present situation.

Mary Harned.

To James M'Indoe, formerly one of the Messengers of this House, from which he was obliged to retire in consequence of extreme ill health, twenty pounds to aid him in his present circumstances.

J. M'Indoe.

To Mary Dingee, widow of the late James Dingee, the sum of fifteen pounds for accommodation afforded to Her Majesty's Troops on their march to Canada and the upper part of this Province at various times, the said Mary Dingee not keeping a Public House.

M. Dingee.

To Mary Banks, widow of a meritorious officer in the Revolutionary War, the sum of twenty pounds to assist her in her present condition.

Mary Banks.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of two hundred and ten pounds to enable the Commissioners to pay the balance due on the Contract for the Public Wharf at Shediac, so soon as the same is completed.

Wharf at Shediac.

To William P. Ranney, the sum of thirty seven pounds eleven shillings and two

W. P. Ranney return duties.

two pence, being for Return Duties on Wine, Brandy, Geneva and Whiskey, destroyed by fire at Fredericton on second August last.

Stage Coach from
Dorchester to
Miramichi.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of two hundred pounds to encourage the running a covered Stage Coach from Dorchester to Miramichi; such sum to be paid to the person or persons who shall run the said Stage Coach for the space of one year, at least once a week, to be certified by Commissioners to be appointed by His Excellency the Lieutenant Governor for that purpose.

Stage Coach from
Miramichi to
Bathurst.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred pounds to encourage the running a Stage Coach from Miramichi to Bathurst, such sum to be paid to the person or persons who shall run the said Stage Coach for the space of one year, at least once a week, the same to be certified by Commissioners to be appointed by His Excellency the Lieutenant Governor for that purpose.

W. J. Layton,
road between
Salmon River and
the head of the
Richibucto.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of thirty eight pounds ten shillings, to reimburse William John Layton in full for the balance due him for exploring a Road between Salmon River and the head of the Richibucto, agreeably to the recommendation of the Select Committee on the twelfth ultimo, appointed to investigate the Petition of the said W. J. Layton.

Magistrates of
Westmorland for
Micmac Indians.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of thirty pounds to purchase a small tract of Land, to be deeded in trust to the Magistrates of the County of Westmorland for the use of the Micmac Indians.

Firewards in Fre-
dericton, return
duties.

To the Firewards of the Town of Fredericton, the sum of sixty three pounds eight shillings and four pence, being the amount of Imperial and Provincial Duties paid at Saint John on a Fire Engine, imported for the use of the said Town from the United States.

Justices of Nor-
thumberland, for
School House at
Newcastle.

To the Justices of the Peace for the County of Northumberland, the sum of fifty pounds, to be applied towards liquidating a debt incurred in building a School House at Newcastle, in said County, for the benefit of the poorer classes of the Inhabitants of said place, this being made under the peculiar circumstances of the case.

Bridge over the
Shediac.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of seven hundred and seventy five pounds to enable the Supervisor to pay the sum due to the Contractor for building a Bridge over the Shediac River.

Woodstock Stage
Coach Company.

To the President and Directors of the Woodstock Stage Coach Company, the sum of two hundred pounds in aid of that establishment.

Saint Andrews
and Saint John
Stage Coach
Company.

To the President and Directors of the Saint Andrews and Saint John Stage Coach Company, the sum of two hundred pounds to enable them to keep up the efficient daily establishment on the Great Road leading between the two places.

Victoria Coach
Company.

To the Proprietors of the Victoria Coach Company, the sum of two hundred and fifty pounds to aid them in keeping up the establishment on the Great Road leading from Saint John to Dorchester.

J. Bradley and
Associates, Stage
between Frederic-
ton and Saint
John.

To James Bradley and his associates, the sum of one hundred and fifty pounds in aid of running a daily line of Stages between Fredericton and Saint John.

J. M. Kelly,
Stages between
Fredericton and
Miramichi.

To James M. Kelly, the sum of one hundred pounds as additional aid towards running a Stage twice a week between Fredericton and Miramichi, the same not to be drawn unless it be satisfactorily certified to His Excellency the Lieutenant Governor or Commander in Chief that the said Stage has been in operation twice a week as aforesaid.

Clearing out
Loder's Creek.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of fifty pounds to be applied in assisting to clear out Loder's Creek in Sheffield, in the County of Sunbury.

To

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of twenty five pounds towards erecting a Wharf at or near the Public Landing in Sheffield. Wharf in Sheffield.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred pounds to be paid to James R. Tupper for keeping up a conveyance between Woodstock and the Grand Falls. J. R. Tupper, Stages between Woodstock and Grand Falls.

To the Justices of the Peace for the County of Westmorland, the sum of forty pounds to be paid to such person as may make it appear to the satisfaction of the said Justices that a good and sufficient Vessel has been employed as a Packet to run from Bay Verte to Cape Traverse and Charlotte Town in Prince Edward Island, and has been kept running at least once a fortnight during the season. Packet from Bay Verte to Cape Traverse and Charlotte Town.

To the Lieutenant Governor or Commander in Chief, the sum of twenty pounds to aid the Inhabitants of the County of Westmorland to employ a Courier to carry the Mails from Cape Tormentine to the Great Road of communication through that County. Courier from Cape Tormentine to the Great Road.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred and thirty seven pounds to enable him to compensate Captain Priestly for his valuable services in Drilling the Frontier Battalions of Militia, between the months of June and November, one thousand eight hundred and thirty nine, a further sum of one hundred and fifty pounds to enable His Excellency to continue those services in the present year, and a sum not exceeding two hundred pounds to pay unavoidable expenses attendant upon these important services for the year one thousand eight hundred and forty, the expenses of the former year having been previously paid by him. Captain Priestley, Drilling Militia.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of thirty pounds in aid of a Public Conveyance from the Bend of Peticodiac to Shediac. Conveyance between Bend of Peticodiac and Shediac.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of thirty pounds for the purpose of encouraging Michael Mandeville to run a Stage between Dalhousie and Campbelltown. Michael Mandeville, Stage between Dalhousie and Campbelltown.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred and fifty pounds to replace the Bridge over the Magaguadavic River on the old line of Great Road from Fredericton to Saint Andrews, the same having been carried away by the freshet last spring, the materials for the said Bridge to be contracted for and procured during the ensuing winter, and the Bridge completed the summer following, the amount not to be drawn from the Treasury until the year one thousand eight hundred and forty one. Bridge over the Magaguadavic, on the old line of Road.

To Barnet Rogers, a licenced Ferryman, the sum of twenty pounds to remunerate him for the transportation of Couriers conveying Her Majesty's Mails across the River Saint John near Woodstock in the County of Carleton. B. Rodgers.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of twenty two pounds to reimburse Lieutenant and Adjutant Pratt of the thirty sixth Regiment, for expenses incurred in pursuing to Eastport in the United States, and apprehending two Deserters from that Regiment in October last. Lt. and Adj. Pratt, of H. M. 36th Regiment.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of nine hundred and ninety pounds to enable the Supervisor to pay the Contractor for the building Bridge over River Charlo, and the approaches thereto, on the Great Road from Bathurst to Restigouche. Bridge over River Charlo and the approaches thereto.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of two hundred pounds to assist in improving the Road lately laid out on the east side of the River Saint John, leading from Nashwaak to Keswick in the County of York. Road, Nashwaak to Keswick.

419

- M. Ann Black. To Melissa Ann Black, the sum of sixteen pounds thirteen shillings and four pence for teaching a School in the Parish of Saint Martins in the County of Saint John, for ten months ending fourteenth January one thousand eight hundred and forty.
- D. Kilpatrick. To David Kilpatrick, the sum of ten pounds for teaching a School in the Parish of Woodstock for six months, ending twentieth January one thousand eight hundred and thirty nine.
- E. C. Wilson. To Ezekiel C. Wilson, the sum of twenty pounds for teaching a School in Hampton, King's County, for one year ending thirteenth September one thousand eight hundred and thirty eight.
- H. M'Lean. To Hugh M'Lean, the sum of ten pounds for teaching a School at Richmond, in the Parish of Woodstock, for six months ending twenty sixth December one thousand eight hundred and thirty nine.
- A. D. Thompson. To Adam D. Thompson, the sum of twenty pounds for teaching a School in Saint Andrews, in the County of Charlotte, for one year ending June one thousand eight hundred and thirty four.
- E. Hailey. To Elizabeth Hailey, the sum of ten pounds for teaching a School in Saint Patrick, in the County of Charlotte, for six months ending first October one thousand eight hundred and thirty nine.
- G. Powell. To George Powell, the sum of ten pounds for teaching a School in Sussex, King's County, for six months ending twelfth August one thousand eight hundred and thirty nine.
- F. J. Earls. To Francis Jemima Earls, the sum of five pounds for teaching a School in the Parish of Queensbury, County of York, for three months ending first June one thousand eight hundred and thirty nine.
- J. Killen. To James Killen, the sum of twenty pounds for teaching a School in Woodstock, in the County of Carleton, for one year ending first January one thousand eight hundred and thirty nine.
- M. Hasson. To Mary Hasson, the sum of six pounds thirteen shillings and four pence for the services of her daughter, Elizabeth Hasson, deceased, in teaching a School in Saint Andrews, in the County of Charlotte, for four months ending seventh April one thousand eight hundred and thirty nine.
- J. M'Queen. To James M'Queen, the sum of twenty pounds for teaching a School in Sussex, King's County, for one year ending thirteenth September one thousand eight hundred and thirty nine.
- J. Gibbons. To John Gibbons, the sum of ten pounds for teaching a School in Blissfield, in Northumberland, for six months ending first June one thousand eight hundred and thirty six.
- M. Downing. To Michael Downing, the sum of ten pounds for teaching a School in the Hibernia Settlement, County of Saint John, for six months ending first March one thousand eight hundred and thirty eight.
- C. Hitchins. To Caroline Hitchins, the sum of ten pounds for teaching a School in the Parish of Saint Andrews, County of Charlotte, for six months ending seventeenth November one thousand eight hundred and thirty eight.
- Trustees of Schools, Westmorland, for John Orr. To the Trustees of Schools in the Parish of Coverdale, in the County of Westmorland, the sum of eight pounds six shillings and eight pence for John Orr, deceased, who taught a School in that Parish five months, ending sixteenth December one thousand eight hundred and thirty nine.
- Sarah Gill. To Sarah Gill, the sum of twenty pounds for teaching a School in Saint Mary's, County of York, for one year ending December one thousand eight hundred and thirty eight.

To Deborah Foster, the sum of twenty pounds for teaching a School in the Parish of Harvey, County of Westmorland, for one year ending thirtieth October one thousand eight hundred and thirty nine. Deborah Foster.

To Daniel Livingston, the sum of twenty pounds for teaching a School in the Parish of Upham in King's County, for one year ending first May one thousand eight hundred and thirty nine. D. Livingston.

To Isabel Jouett, the sum of ten pounds for teaching a School at Saint Mary's, County of York, for six months ending thirty first December one thousand eight hundred and thirty nine. I. Jouett.

To Rachel Martin, the sum of ten pounds for teaching a School in Sussex, King's County, for six months ending May one thousand eight hundred and thirty nine. R. Martin.

To Elizabeth Wilson, the sum of five pounds for teaching a School in the Parish of Saint Martin's, for three months ending fourteenth December one thousand eight hundred and thirty eight. E. Wilson.

To James De Bourk, the sum of twenty pounds for teaching a School in the Parish of Saint Mary's in the County of York, for one year ending tenth June one thousand eight hundred and thirty seven. J. De Bourk.

To James Millar of Chatham, in the County of Northumberland, the sum of ninety pounds as compensation for teaching a School at that place from first October one thousand eight hundred and thirty three, to the end of March one thousand eight hundred and thirty eight, a period of four years and six months. J. Millar.

To Hannah Rogers of Saint David, the sum of twenty pounds for teaching a School in the Parish of Saint James, for one year ending on the first November one thousand eight hundred and thirty eight. H. Rodgers.

To David Crocker, Supervisor of the Great Road between Restigouche and Newcastle, the sum of thirteen pounds and eight pence to remunerate him for expenses incurred and loss sustained by him in defending a suit brought against him in his capacity as a Supervisor. D. Crocker.

To the President of the New Brunswick Horticultural Society at Fredericton, the sum of thirty pounds in aid of individual subscription, towards extending the operations of that Society. Horticultural Society, Fredericton.

To Mary Albee, a licenced Teacher, the sum of ten pounds for teaching a School in the Parish of Saint Stephen in the County of Charlotte, six months ending second March one thousand eight hundred and forty. M. Albee.

The sum of forty pounds, which was granted in one thousand eight hundred and thirty eight to remove Rocks in the Falls near Saint John, and which remains unexpended, be re-appropriated and applied towards blasting and removing Rocks from the Road leading from Indian Town Road to the Kennebecasis. Removal of Rocks on road, Indian Town to the Kennebecasis.

To the Mayor, Aldermen and Commonalty of the City of Saint John, the sum of three thousand pounds towards relieving the heavy assessment upon the said City, consequent upon the Act for widening several Streets therein, for the preservation of property and preventing the ravages of Fire; out of which the expenses incurred and to be incurred by the Commissioners appointed to carry into effect the Acts of Assembly for widening the Streets to be paid. Corporation of Saint John, towards widening several Streets.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of thirty pounds towards the expense of exploring by a Commissioner or Commissioners to be appointed for that purpose, a proposed new line of Road along the shore of the Bay of Fundy, from Wolfe Point to Quaco, as contemplated by the Petition of Isaac Turner and others, and to make report of the same at or before Exploration from Point Wolfe to Quaco.

before the next Session of the General Assembly; the results of such exploration to exhibit the courses and distances, the levels and probable expense of opening the same.

Packet between Saint Andrews, Deer Island, Indian Island, Campo Bello and Grand Manan.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred pounds for the purpose of running a Packet to carry Mails from Saint Andrews to Deer Island, Indian Island, Campo Bello and Grand Manan, and back from those places to Saint Andrews.

Offices of the Provincial Secretary and Clerk of the Pleas.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of two hundred and sixty pounds eighteen shillings to reimburse the Commissioners appointed to enlarge the Secretary's Office, and to provide an office for the Clerk of the Pleas, being the balance of expenditure for those services.

T. Woods.

To Thomas Wood a licenced Teacher, the sum of fifteen pounds for teaching a School in the Parish of Botsford in the County of Westmorland, for nine months commencing the nineteenth November one thousand eight hundred and thirty five.

Bye Roads in King's County, re-appropriation.

That the following sums granted in the year one thousand eight hundred and thirty eight for the following Bye Roads in King's County, but not drawn from the Treasury or expended thereon, be re-appropriated and applied towards the improvement of the same Bye Roads, viz:—

The sum of fifteen pounds for the Road from Moses Hodge's by Moses Innes' and Motley's to William H. Baxter's;

The sum of ten pounds for the Road from W. H. Baxter's to Sussex Line;

The sum of ten pounds for the Road from Mitchell's corner, by Joseph Moody's to M'Affee's;

The sum of ten pounds for the Road from the Mill of the late James Smith to the County Line towards Loch Lomond;

The sum of fifteen pounds for the Road from Richard Smith's corner to Beattie's ferry; and further, that the sum of ten pounds granted in the same year for the Road from the Midland Road near Mabee's to the Picwacket, near Jerome Seely's, and which was returned into the Treasury by P. Dann, be re-appropriated and applied to cut down and improve the Road between John Brittain's and Kingston Church.

Road from Burnt Church to Shippegan.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of three hundred pounds for the improvement of the Road from Burnt Church in the County of Northumberland, and Shippegan in the County of Gloucester; one hundred pounds of which to be laid out from Burnt Church to Tabusintac, and the remaining sum of two hundred pounds from Pokemouche to Shippegan, such amount as may be necessary of the latter sum to be applied in improving a great Swamp or Morass on part of the said last line of Road.

Bridge over Hammond River, near Ketchum's.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of four hundred pounds for building a Bridge or repairing the present one over the Hammond River, near Ketchum's in King's County.

Drain for old road across the Tantamar Marsh.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred pounds to complete the Drain for preventing the inundation of the old Road across the Tantamar Marsh.

Ferry Wharf at Calhoun's, in Hopewell.

To the Magistrates of the County of Westmorland, the sum of thirty pounds to erect a Ferry Wharf upon the public landing at Calhoun's in Hopewell.

Indigent and distressed Indians.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of three hundred pounds to enable the Commissioners of Indian affairs to afford relief to indigent and distressed Indians in this Province.

Wharf on the Saint Croix.

To the Justices of the Peace residing in the Parish of Saint Stephen in the County

County of Charlotte, the sum of fifty pounds towards building a Wharf on the Saint Croix in the said Parish, for the accommodation of Steam Boats and other craft entering the said River.

To Thomas White, the sum of ten pounds to enable him to keep up a Ferry between Oak Point and Waweig River, on the Road to Saint Andrews in the County of Charlotte, the same not to be paid until the end of the year for which the sum may be granted, and not then unless the said Ferry has been properly attended.

Thomas White,
Ferry between
Oak Point and
Waweig River.

To William Simpson, the sum of ten pounds to enable him to keep up a Ferry between Waweig and Oak Point, in Charlotte County, the same not to be drawn until the end of the year for which the sum may be granted, and not then unless the said Ferry has been properly attended.

W. Simpson,
Ferry between
Waweig and Oak
Point.

To the Chairman of the Committee of Public and Private Accounts, the sum of one hundred and fifty pounds for various services performed by him during the recess, and also for extra services during the Session in auditing and reporting the said Accounts.

Chairman of Com-
mittee on Public
and Private Ac-
counts.

To Edward L. Jarvis and Company, the sum of forty four pounds five shillings, being for a return of Duties on Goods destroyed by Fire at Saint John on seventeenth August last.

E. L. Jarvis and
Company, return
duties on Goods.

To W. H. Street and W. P. Ranney, the sum of one hundred and thirty five pounds nineteen shillings and ten pence, being amount of Parliamentary Duties on Goods consumed at the great Fire in Saint John in one thousand eight hundred and thirty seven.

W. H. Street and
W. P. Ranney.

To William Hammond, the sum of sixty seven pounds three shillings and one penny, being amount of Parliamentary Duties on Goods consumed at the great Fire in Saint John in one thousand eight hundred and thirty seven.

W. Hammond.

To Dugald Stewart, Esquire, Deputy Treasurer at Dalhousie, the sum of eight pounds to reimburse him for Postages paid on a return package of Papers and Accounts connected with the Treasury Department.

D. Stewart, Esq.

To George F. Campbell, Esquire, Postmaster at Saint Andrews, the sum of eight pounds to remunerate him for expenses incurred in forwarding extra Mails to Saint John with Letters, during the present winter, and that no further grant be made by this House for such service.

G. F. Campbell,
Esquire.

To the Governor and Trustees of the New Brunswick Madras Board, the sum of ninety pounds eleven shillings and six pence, to enable them to pay off the debt in completing the School House in Fredericton.

Madras Corpora-
tion, Fredericton
School House.

To the following persons the sums named, being for return of Parliamentary Duties on Goods destroyed by Fire at Saint John in January one thousand eight hundred and thirty seven :

Return of duties
on Goods destroy-
ed by Fire.

To Stephen Wiggins, four pounds one shilling and five pence ;

To John Walker, fifty one pounds seventeen shillings and nine pence ;

To Barnabas Tilton, forty nine pounds eighteen shillings and nine pence ;

To Knowles and Thorne, one pound seventeen shillings and nine pence ;

To George Chadwick, eight pounds four shillings and nine pence ;

To George W. Potter, thirteen pounds three shillings and eleven pence ;

To Joseph Scammell, eleven pounds nine shillings ;

To Robert L. Harris, five pounds nine shillings and four pence ;

To William Scammell, one pound five shillings ;

To George M. Burns, four shillings and three pence ;

To Edward W. Greenwood, five pounds eight shillings and three pence ;

To Thomas L. Nicholson, eight pounds fifteen shillings and seven pence ;

To Keator and Thorne, five pounds fifteen shillings.

That

That the following sums now in the hands of the Commissioners for extending the Breakwater at Quaco, be re-appropriated and laid out as follows:—

Seventy five pounds to complete the Road along the Beach to M'Comber's Creek at Quaco ;

Fifty pounds to avoid the Hill on the west side of Berry's Creek in Quaco, and to erect a Bridge over the said Creek.

Steam Communi-
cation between
Miramichi, Char-
lotte Town and
Pictou.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of three hundred and fifty pounds annually for the next five years, from the tenth day of May one thousand eight hundred and forty one, for the purpose of encouraging a Weekly Steam Communication between Miramichi, New Brunswick, Charlotte Town, Prince Edward Island, and Pictou, Nova Scotia ; provided that a good and efficient Boat of not less than eighty horse power be by the period above named put upon that line, and that the same do run regularly not less than once a week between the above mentioned places between the tenth May and twentieth November each year during the same term (going and returning within the week,) and proceeding up the River Miramichi as high as the Town of Newcastle each trip, both on the arrival and departure of the said Boat, to discharge and receive freight and passengers, touching a Douglstown for the same purpose both on her arrival and departure, and stopping at each of those places each time not less than half an hour ; which sum shall be paid annually to such person or persons as may run such Boat, by Warrant under the hand and seal of His Excellency the Lieutenant Governor, only on its being certified to him, by Commissioners to be by His Excellency appointed to superintend such Steam Navigation in this Province, that a good and efficient Boat of the power aforesaid has been put on said line, and that the conditions of this grant have been for the year for which the grant is applied to be paid, in all respects complied with.

Quarter Master
General of Militia.

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

Ferryman at the
Aristook.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of thirty pounds to enable His Excellency to remunerate a Ferryman at the Aristook for his services in facilitating the passage of the Mails across the said River during the year one thousand eight hundred and thirty nine.

Exploration of
Road, Bellisle Bay
to Kingston.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of twenty six pounds fifteen shillings and five pence, for the purpose of paying the balance due the Commissioners for exploring a new line of Road from Bellisle Bay to Kingston.

A. Goodfellow.

To Alexander Goodfellow, Esquire, the sum of thirty six pounds seventeen shillings, over expended by him on Taxes River Bridge.

Ferrying Mails
across the Richi-
bucto River.

To the Justices of the Peace for the County of Kent, the sum of twenty pounds to recompense the Ferryman for conveying Her Majesty's Mails over the Richibucto River for the last four years.

M. Harley explor-
ing line of Road
from Salmon River
to Richibucto.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred and eight pounds ten shillings, to pay Michael Harley the balance due him for exploring a line of Road from Salmon River to Richibucto.

Ann Fowler.

To Ann Fowler, widow of the late Caleb Fowler, who served as Ensign in the Revolutionary War in America, the sum of twenty pounds to assist her in her distressed and indigent circumstances.

Dorcas Clarke.

To Dorcas Clarke, of Saint George, in the County of Charlotte, the sum of twenty pounds for teaching a School in that Parish for one year ending on the first day of January one thousand eight hundred and thirty seven.

Henry Rigby.

To Henry Rigby, a Licenced Teacher, the sum of twenty pounds for teaching a
School

School in the Parish of Portland for one year ending thirty first December one thousand eight hundred and thirty nine, the said School not having been included in the certificate of the Trustees, by reason of the large number of Schools previously established by them in that populous Parish, and which prevented them awarding to any one School the full sum provided by Law.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of forty nine pounds sixteen shillings and four pence to pay the Commissioner appointed to explore a line of Road from Red Rock to the Nêrepis the balance due him. Exploration of Road, Red Rock to the Nerepis.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred and nine pounds seven shillings and five pence, to pay George Wightman the balance due him for exploring a line of Road between Woodstock and Oak Bay. G. Wightman balance due him for exploring Road from Woodstock to Oak Bay.

To John Biggs, the sum of six pounds twelve shillings and six pence, being amount of Provincial Duty paid by him on a Coach imported from the United States for the use of the Legislative Council. John Biggs return duties.

To Julia Crowley, an Infant School Teacher in Saint Andrews, the sum of ten pounds to enable her to keep up so useful an establishment. Julia Crowley.

To the President and Directors of the Central Bank, the sum of one thousand two hundred and seventy three pounds twelve shillings and nine pence, being amount advanced by them for the expenses of the Legislature in September last. Central Bank, short Session, 1839.

To the Appraisers at Saint John; under the Imperial Act, the sum of fifty pounds each, to remunerate them for services of the past year. Appraisers at Saint John.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of thirty five pounds, to enable William John Layton to publish his Meteorological Register for the last five years, and the further sum of twenty eight pounds ten shillings to remunerate him for loss of Instruments sustained in keeping said Register. W. J. Layton, Meteorological Register.

To John Fraser, Esquire, the sum of ten pounds to remunerate him for his services as Appraiser of Dutiable Articles in Miramichi for the year one thousand eight hundred and thirty nine. John Fraser.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred and eight pounds five shillings and one penny, to reimburse David Crocker for exploring a line of Road between Tattagouche and Eel River. D. Crocker, exploration.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred and sixty pounds fourteen shillings and five pence, to be paid to Alexander Goodfellow and David Crocker, for exploring a new line of Road from Miramichi to the head of Grand Lake. A. Goodfellow and D. Crocker, exploration.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of sixteen pounds four shillings to reimburse J. E. Woolforde, the Barrack Master at Fredericton, for loss of Stores issued for the use of the embodied Militia in one thousand eight hundred and thirty nine. J. E. Wolforde, Barrack Stores.

To the Overseers of the Poor for the Parish of Saint Stephen, in the County of Charlotte, the sum of eighty eight pounds eight shillings and eight pence to reimburse them for expenses incurred for the support of Transient Poor in the said Parish from the thirteenth May one thousand eight hundred and thirty nine, to the sixth February one thousand eight hundred and forty. Overseers of Poor Saint Stephen.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of three hundred pounds towards providing materials for building a Bridge across the Aristook. Bridge across the Aristook.

To Alexander Wedderburn, Emigrant Agent at Saint John, the sum of fifty pounds in addition to his Salary of one hundred pounds sterling chargeable on the Civil List. A. Wedderburn.
To

Disputed Terri-
tory Fund, Loan.

To His Excellency the Lieutenant Governor or Commander in Chief, a sum not exceeding one thousand five hundred pounds as a loan to the Disputed Territory Fund, and to be repaid out of the first monies which may come into the hands of the Receiver General from any securities taken for Timber cut upon the said Territory.

W. Watts,
approbation.

To William Watts, the sum of twenty five pounds as a public mark of approbation for his laudable exertions during several years past as a Nurseryman, Florist and practical Gardener.

A. Shanklin.

To Andrew Shanklin, the sum of twenty pounds for teaching a School in the Parish of Springfield, King's County, for twelve months ending first January one thousand eight hundred and thirty seven.

X. Jouett.

To Xenophon Jouett, late Usher of the Black Rod to the Honorable Her Majesty's Council, the sum of twenty five pounds in consideration of his long services and advanced age, having served that Honorable Body nearly thirty eight years.

Province Hall
extra work.

To His Excellency the Lieutenant Governor or Commander in Chief, a sum not exceeding two thousand pounds for the payment of extra work done in and about the Province Hall during the past year, and for the completion of the work yet in progress.

Agricultural So-
cieties.

To His Excellency the Lieutenant Governor or Commander in Chief, not exceeding the following sums for the use of the Agricultural Societies in the respective Counties :

Restigouche, one hundred pounds ;
Northumberland, one hundred pounds ;
Westmorland, one hundred pounds ;
Saint John, one hundred pounds ;
Queen's, one hundred pounds ;
York, one hundred pounds ;
Gloucester, one hundred pounds ;
Kent, one hundred pounds ;
King's, one hundred pounds ;
Charlotte, one hundred pounds ;
Sunbury, one hundred pounds ;
Carleton, one hundred pounds ;

Which sums, or aliquot portions thereof, shall be paid to the order of the President of the respective Agricultural Societies, when it shall be certified to His Excellency that the Inhabitants of the several Counties have subscribed and paid a sum equal to one half the sums above mentioned, or to the said aliquot portions, which sums so paid shall be accounted for to the Legislature : Provided always, That in such Counties wherein District Agricultural Societies be formed, embracing one or more Parishes only, it shall and may be lawful for His Excellency to apportion the amounts so to be granted for the County among the said Agricultural Societies.

J. Simpson.

To John Simpson, Queen's Printer, the sum of one hundred and fifty two pounds eighteen shillings and six pence, being amount of his account for printing the Journals of the Legislative Council to the first January one thousand eight hundred and forty.

To John Simpson, Queen's Printer, the sum of four hundred and sixty seven pounds two shillings and nine pence, being balance of his account for printing the Journals of the Assembly and Laws to the first January one thousand eight hundred and forty.

To John Simpson, Queen's Printer, the sum of two hundred and six pounds
and

427

and three pence, being for sundry publications in the Royal Gazette to first January one thousand eight hundred and forty.

To the Keeper of the Light House at Saint Andrews Harbour, the sum of ten pounds in addition to the sum appropriated on fourth February last, the same to be taken out of the Light House Fund. Keeper Light House Saint Andrews Harbour.

To His Excellency the Lieutenant Governor or Commander in Chief the sum of ninety one pounds nineteen shillings and nine pence, to reimburse the amount advanced to relieve the inhabitants of Madawaska from a state of severe distress in one thousand eight hundred and thirty nine. Relief of inhabitants of Madawaska.

To Joseph Madgett and Michael Dennison, two Soldiers who served their Country in the Revolutionary war in America, the sum of ten pounds each, for one thousand eight hundred and thirty nine, it appearing by the certificate of the Clerk of the Peace for the County of York, that their names were not included in the Schedule of the Sessions for that County. J. Madgett and M. Dennison.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of three hundred pounds to pay off the balance due from Commissioners for the Northumberland Emigrants, and to procure seed for the coming season, and that no further provision be made for that purpose. Northumberland Emigrants.

To the Justices of the Peace for King's County, for the use of the said County, the sum of one hundred pounds to reimburse them for expenses connected with the apprehension of Terence Leonard, a person charged with the murder of Bernard Coyle, and who had fled from this Province to the United States. Justices of King's County, apprehension of T. Leonard.

To John Street, the Provincial Settler between the Aristook and Grand Falls, the sum of twelve pounds ten shillings to enable him to pay for one hundred acres of Land on which he resides. J. Street, Provincial Settler.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of fifty pounds to be expended in improving the Road from Fredericton to Maryland. Road, Fredericton to Maryland.

To His Excellency the Lieutenant Governor, the sum of fifty two pounds six shillings and nine pence, to enable His Excellency to defray the expenses attending the investigation into the burning of the Church at Grand Manan. Burnt Church, Grandmanan, expenses.

To Joseph Read, late Supervisor on the Great Road between Newcastle and Restigouche, the sum of fifty six pounds seventeen shillings and one penny, being the balance due him per audit in the year one thousand eight hundred and thirty eight, for expenditure on the said Road; and the further sum of eight pounds fourteen shillings and ten pence, being the balance due him for expenditures on the approaches to Tattagouche Bridge, and the Road leading to Bass River, per audit, in the year one thousand eight hundred and thirty nine, the same to be taken out of the monies voted for the Great Roads between Newcastle and Restigouche, and to be paid by the Supervisor when the same comes into his hands. Joseph Read, for balances due him.

To the Justices of the Peace for the City and County of Saint John, the sum of one thousand five hundred pounds, to enable them to finish the House of Correction now building agreeably to the report of the Select Committee, the said sum not to be drawn from the Treasury until the year one thousand eight hundred and forty one. Justices of Saint John, for House of Correction.

To George Atcheson, the sum of forty pounds to remunerate him for loss sustained and expenses incurred in consequence of the Government having sold to the said Atcheson a Tract of Land which proved to have been previously granted by Government. George Atcheson.

To the Commissioners to be appointed by His Excellency the Lieutenant Governor to expend the same, the sum of twenty pounds to procure Timber to fill up Hollow and hill near Gagetown Church.

Road, Gagetown
to Nerepis via
Corrigan's.

up the hollow, and to aid the Statute Labour in removing the Hill near the Church in Gagetown; and the further sum of ten pounds to improve a new Road leading from Gagetown by way of Dennis Corrigan's towards the Nerepis Road, the amount of thirty pounds having been omitted in the Act of the last Session, appropriating the Bye Road money for Queen's County.

Auditing Casual
Revenue Ac-
counts.

To the Commissioners appointed for auditing the accounts of the Casual and Territorial Revenues, under an Act of the Legislature, the further sum of five hundred pounds, in full for their services and all expenses incurred under the said Commission.

Geological Sur-
vey.

To His Excellency the Lieutenant Governor or Commander in Chief, a sum not exceeding two hundred and fifty pounds, to enable His Excellency to employ a competent person for the present year to continue the Geological Survey and Exploration of the Province; and further resolved that no further grant be made for this purpose.

Government
House.

To the Commissioners of Government House the sum of one thousand seven hundred and fifty pounds towards the balance due them.

Removal of Bar at
the Jemseg.

To such Commissioners as His Excellency may appoint, a sum not exceeding five hundred pounds for the purpose of improving the navigation between the River Saint John and the Grand Lake by the removal of a Bar at the entrance of the Jemseg.

Ferry Scow on the
S. W. Branch of
the Miramichi.

To the Justices of the Peace of the County of Northumberland, the sum of twenty five pounds to enable them to procure a good and efficient Ferry Scow on the South West Branch of the Miramichi River, where the Great Road between Fredericton and Newcastle crosses that River, to be paid on its being certified to His Excellency the Lieutenant Governor by the Commissioners appointed to superintend the Stage on that Road, that said Ferry Scow has been built, and is in full operation.

Widow of Thomas
Burdon.

To the Widow of Thomas Burdon, late a Lieutenant in the Corps of Loyal Associated Refugees, the sum of twenty pounds towards assisting her in her present distressed circumstances.

Road from Forks
of Road from Ock-
nabog and John
Gaunce's to
M'Alister's.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of twenty pounds for laying out and improving a Road from the Forks of the Road leading to Ocknabog and John Gaunce's to M'Alister's, on the Road leading from Gagetown to Nerepis.

Wharf and Land-
ing at Nixon's
Ferry, Frederic-
ton.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of seventy five pounds, in aid of individual subscription, towards the completion of a Public Wharf and Ferry Landing in Fredericton, at Nixon's Ferry, in connexion with the Great Road to Miramichi.

H. Chubb, Print-
ing.

To Henry Chubb, of Saint John, the sum of seventy five pounds twelve shillings and six pence, being amount of his account for printing Doctor Gesner's first and second Reports of the Geology of New Brunswick.

W. Clark, Settler
on road, Eel River
to the head of
Oak Bay.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of thirty pounds for the encouragement of William Clark, a new Settler on the line of Road from Eel River to the head of Oak Bay; the same to be paid to the said Clark as soon as it shall be duly certified to His Excellency that he is residing on the said line of Road, and has a comfortable House for the accommodation of Travellers.

Towing Path,
Tobique to the
Grand Falls.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred pounds to improve the Towing Paths from the Tobique to the Grand Falls on the River Saint John.

Missionaries at
Madawaska.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum
of

of twenty five pounds towards remunerating Missionaries stationed at Madawaska, for the purpose of giving attendance on the Tobique and other Indians established in the neighbourhood of that settlement.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred pounds for improving the Road leading from Groom's, in Hampton, to the New Bridge in Norton, King's County. Groom's in Hampton, to new Bridge in Norton.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of fifty one pounds, being expenses incurred in running and marking out a division line between the Counties of Sunbury and Queen's, by Deputy John Wilkinson, in one thousand eight hundred and thirty nine. Division Line between Sunbury and Queen's.

To the Chairman of the Library Committee of the House, such sum as will procure a Bill for three hundred pounds, sterling, to enable that Committee to procure such Books as are required for the use of the House, to be accounted for at the next Session of the General Assembly. House of Assembly Library.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred and fifty six pounds five shillings and seven pence, being the amount of duties on sundry contraband Goods, recently seized and sold by the Customs at Saint John; the same to be applied towards rewarding the parties concerned in making the said seizures. Return duties on Seizures of contraband goods.

To His Excellency the Lieutenant Governor or Commander in Chief, a sum not exceeding two hundred and thirteen pounds, the same to be distributed among the Non-Commissioned Officers and Privates of four Militia Companies on permanent duty in Carleton County last winter, under command of Captains Cunniffe, Ketchum, M'Lauchlan and Giberson, in lieu of coats as allowed to other Militiamen on permanent duty in other parts of the Province at the same time. Carleton Militia in lieu of Coats.

To the Commissioners of Light Houses, the sum of one hundred and twenty five pounds eighteen shillings and seven pence, to enable them to pay the Superintendent of Light Houses the balance of salary recommended by said Commissioners, the same to be taken out of the Light House Fund. Superintendent of Light Houses.

To Bridget M'Donald, whose husband came to his death in assisting Her Majesty's Troops on their march to Quebec, the sum of ten pounds to assist her in her present destitute circumstances. R. M'Donald.

To Robert Gowan, the sum of seventy five pounds for extra services in the Crown Land Office. R. Gowan.

To David W. Jack, late Tide Surveyor at Saint Andrews, the sum of fifty pounds, being the balance of his salary for one thousand eight hundred and thirty nine. D. W. Jack.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of seventy pounds to enable His Excellency to purchase four hundred sets of Accoutrements, in the store of the thirty sixth Regiment, for the use of the Militia of this Province. Accoutrements for Militia.

To His Excellency the Lieutenant Governor, a sum not exceeding one thousand pounds towards defraying the expenses of a new Survey, Exploration and Estimate of a line of Canal to connect the Bay of Fundy with the Gulph of Saint Lawrence, and also to report an opinion as to the propriety of substituting a Rail Road for the proposed Canal; provided that the neighbouring Provinces contribute a fair proportion of the expense of such Survey. Exploration for Canal between the Bay of Fundy and Gulf of Saint Lawrence.

To the Province Treasurer, the sum of one hundred and fifty pounds in addition to the amount already voted for his salary for one thousand eight hundred and thirty nine, and the further sum of fifty pounds for the Clerk and Deputy in his Office, for the same year. Province Treasurer and Clerk.

To

D. M'Millan,
School Books.

To His Excellency the Lieutenant Governor, the sum of forty nine pounds eleven shillings to pay David M'Millan the balance of his account for one thousand copies of *Walkingham's and Mental Arithmetic*.

Publication of
Militiaman's
Guide and Offi-
cer's Instructor.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred pounds to be applied towards paying the expenses of compiling and publishing "*The Militiaman's Guide*" and "*Officer's Instructor*," should His Excellency be satisfied with the correctness and utility of these works.

Exploration for
Road from Forks
of the Marsh to
Loch Lomond.

To His Excellency the Lieutenant Governor, the sum of seventeen pounds six shillings and three pence to pay the Commissioner the balance of his account for exploring a line of Road from the Forks of the Marsh at Saint John to Loch Lomond.

Legislative Con-
tingencies.

To the Clerk of the House, the sum of two thousand five hundred and ninety four pounds seventeen shillings and four pence for the contingent expenses of the present Session.

Monies to be paid
by Warrant.

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

CAP. LX.

An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.
Passed 31st March 1840.

Great Road and
Special Grants.

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

Saint John to the
Nova Scotia Line.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of two thousand five hundred pounds for the improvement of the Road leading from Saint John to the Nova Scotia Line, to be apportioned as follows :—

One thousand two hundred and seventy one pounds for that part of the Road leading from Saint John to Hayward's Mills ;

One hundred and fifteen pounds for completing the Bridge at Hampton Ferry ;

Fourteen pounds to be paid to Thomas Dunfield, for building a Bridge at Salmon River, Sussex, during the Supervisorship of the late G. H. Hazen, Esquire ;

One hundred pounds from the head of the Marsh, near Ellison's, to Hammond River, near Beattey's ;

One thousand pounds for that part of the Great Road leading from Hayward's Mills to the Nova Scotia Line, such part of this sum to be expended on the Tan-tamar Marsh (the old road) as may be necessary to keep the same in repair.

Saint John to
Saint Andrews.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one thousand five hundred pounds for the improvement of the Great Road from Saint John to Saint Andrews.

Piers and landing
places, Harbour
of Saint John.

To the Mayor, Aldermen and Commonalty of the City of Saint John, the sum of one thousand five hundred pounds towards the Piers and Landing Places on the eastern and western sides of the Harbour of Saint John, in order to form a connection with the several Great Roads by the establishment of Steam Ferry Boats for the safe and speedy conveyance of Her Majesty's Mails and Passengers across the said Harbour.

To

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of two hundred pounds for the Great Road from Gagetown to Nerepis. Gagetown to the Nerepis.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred and fifty pounds for the Great Road from Dorchester to Shediac. Dorchester to Shediac.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred and twenty pounds for the Great Road from Shediac to Bend of Peticodiac. Shediac to Bend of Peticodiac.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of five hundred pounds for the improvement of the Great Road from Richibucto to Chatham; one half of which to be expended between Richibucto and Bay du Vin Rivers. Richibucto to Chatham.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of six hundred pounds for the Great Road between Newcastle and Bathurst; to be expended between Nipisiquid River and Miramichi River. Newcastle to Bathurst.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred pounds towards erecting a Bridge over Little River at Bathurst. Bridge over Little River at Bathurst.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred and fifty pounds towards erecting a Bridge over French Fort Cove, near the Town of Newcastle, in Northumberland. Bridge over French Fort Cove, near Newcastle.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one thousand five hundred pounds for the Great Road leading from Bathurst to Campbelltown; five hundred pounds of which to be expended in the County of Gloucester. Bathurst to Campbelltown.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of two thousand pounds to improve that part of the new line of Road on the west side of the River Saint John between Fredericton and Woodstock lying above Burgoyne's. West side River Saint John between Burgoyne's and Woodstock.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one thousand pounds to improve the Great Road between Fredericton and Woodstock; such amount of the said sum as is absolutely necessary to keep the Road in repair to be expended on the north side of the River. Fredericton to Woodstock.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one thousand five hundred pounds to provide for payment of Bridges already contracted for on the Road from Fredericton to Woodstock. Bridges on Road from Fredericton to Woodstock.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of five hundred pounds for the improvement of the Road from Woodstock to the Canada Line. Woodstock to the Canada Line.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of seven hundred pounds for the improvement of the Road from Fredericton to the Finger Board; three hundred pounds, a part of which sum, to open and improve that part of the Road leading from Washademoak to William Colwell's, and one hundred pounds for the Bridge over Esty's Creek, and a sum not exceeding sixty pounds to build a Bridge over Sterling's Creek. Fredericton to the Finger Board.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of three thousand five hundred pounds for the Great Road from Fredericton to Newcastle. Fredericton to Newcastle.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of two thousand five hundred pounds for the Road from Fredericton to Saint Andrews. Fredericton to Saint Andrews.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of four hundred pounds for the improvement of the Great Road from Shediac to Richibucto; Shediac to Richibucto.

Richibucto ; of this a sum not exceeding fifty pounds to be expended in preparing a passage or Draw in the Buctouche Bridge, for the transit of new Vessels.

Salisbury to Hopewell.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of six hundred pounds for the Road from Salisbury to Hopewell ; two hundred pounds of which to be expended between A. Steeves, in Hillsborough, and Calhoun's, and fifteen pounds to be paid to D. Tingley for work on the Shepody Bridge.

Woodstock to Houlton.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of two hundred pounds for the Road from Woodstock to Houlton.

Waweig to Saint Stephen.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of sixty pounds for the Road from Waweig to Saint Stephen.

Bridge over the Oromocto.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one thousand pounds towards a Bridge over Oromocto River, and for the Land and approaches thereto.

Hammond River to Hopewell.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of two hundred pounds for the Road from Hammond River to Hopewell ; one half of which sum to be expended in King's County, from Hammond River onwards.

Loch Lomond to Sussex Vale.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of five hundred pounds for the Road from Loch Lomond to Sussex Vale.

Oromocto to Gagetown.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred and fifty pounds for the Road from Oromocto to Gagetown ; thirty pounds of said sum to be expended on the Kemball Causeway, at Swan Creek.

Widening Mill Bridge.

To the Mayor, Aldermen and Commonalty of the City of Saint, the sum of five hundred pounds towards widening the Mill Bridge, and for the improvement of the Road to Indian Town.

Bend of Peticodiac to Richibucto.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one hundred pounds for the Road from the Bend of Peticodiac to Richibucto.

Grand Lake to Richibucto.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of six hundred pounds for the Road between Grand Lake and Richibucto ; the same to be expended on the line explored and laid out by Michael Harley.

Head of Bellisle to Kingston.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of six hundred pounds for the Road between head of Bellisle and Kingston, the same to be expended on the line explored and marked out by Messieurs Palmer and Jordan ; of which four hundred pounds to be laid out on that part of the Road lying between the head of Bellisle and James Gourey's, and the remainder, two hundred pounds, onwards from James Gourey's, by the Beaver Dam hollow, to the Great Road.

Fredericton to Saint John via Nerepis.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one thousand four hundred pounds for the Road from Fredericton to Saint John, via Nerepis ; of which, four hundred pounds to be laid out between Fredericton and Oromocto, and the remainder, one thousand pounds, from the Oromocto to Saint John, for that part of the Road and the Bridges thereon.

Royal Road.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of five hundred pounds for the improvement of the Royal Road so called.

Grand Falls round the Tamisquata Lake.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one thousand five hundred pounds for the improvement of the Road from Grand Falls round the Tamisquata Lake.

Woodstock to the River De Chute.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of two hundred and fifty pounds for the Road from Woodstock, through the Williamstown Settlement, to the River De Chute.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of two thousand five hundred pounds for the Road from Fredericton to Peticodiac; out of which such sum as may be necessary to be expended in erecting a Bridge over the Newcastle Stream.

Fredericton to Peticodiac.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of two hundred and fifty pounds for the Road from Red Rock to the Nerepis.

Red Rock to the Nerepis.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of seven hundred and fifty pounds for the Road from Oak Bay to the Bridge at Eel River; the same to be laid out between the Howard and Baillie Settlements, so called, on the said Road.

Oak Bay to the Bridge at Eel River.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of two hundred pounds for the Road from the Bridge at Brockway's, Magaguadavic, to the lower Bridge on the Saint Croix.

Bridge at Brockway's to the lower Bridge over the Saint Croix.

CARLETON BYE ROADS.

Seven pounds to improve the road on the lower line of the Woodstock Grant, near Eel River.

Bye Roads in Carleton.

Forty five pounds to improve the road near Judge Beardsley's, past M'Donald's to Ivey's, in the back Settlement, the same to be expended from the River out.

Ten pounds for the road near O'Donnell's, running in a southerly direction between the second and third tier of Lots.

Twenty pounds to improve the road from the lower line of the Glebe Lot in Woodstock to M'Kenzie's corner.

Seven pounds to improve the road from John Beardsley's to a back Settlement.

Twenty pounds to improve the road from Amos Turney's down the Meduxnickick, to intersect the Houlton Road.

Ten pounds to improve the road past William Bull's from Richmond Road to Hodgston Road.

Ten pounds to improve the road from C. Wolhaupter's to Fleming's.

Twenty pounds to improve the road from Richmond Corner to Hodgston Road.

Fifteen pounds to improve the Road and build a Bridge from M'Kenzie's Corner, past Purley's Mills, to Ivey's.

Thirty five pounds to improve the road from M'Kenzie's Corner, past Woodward's and Blue's, to Frazer Duff's.

Ten pounds for the road from Frazer Duff's to a Grist Mill.

Ten pounds for the road from Perley's Mill to Kirkpatrick's.

Ten pounds for the road from M'Kenzie's Corner to the Boundary Line.

Twenty pounds to improve a road from Hodgston Road, past Yerxa's and Ford's, to the further end of the Settlement.

Ten pounds to improve a road from the Hodgston, past Marsh's, to the Houlton Road.

Ten pounds to improve the road from the School House in the Irish Settlement, past Daly's, to the Hodgston Road.

Seven pounds to improve the road from Fleming's to Carson's.

Fifteen pounds for the road from M'Indoe's to Peabody's Mills.

Fifteen pounds for the road from Peabody's Mills to Falls of the Meduxnikick.

Ten pounds for the road from Falls of Meduxnikick towards M'Bride Settlement.

Fifteen pounds for the road from Richmond's corner to Peabody's Mills.

Thirty five pounds to improve the road from the Houlton Road near Hillman's, to George Gartley's; most of which sum to be laid out in building a Bridge and altering a road near the Swamp.

Forty

Carleton Bye
Roads,
Continued.

Forty pounds to improve and open the road past Baker's to Meduxnikick, to intersect the road from Sharp's to Wilson's.

Fifteen pounds to improve the road from George Garteley's to Meduxnikick.

Sixty pounds to improve the Road and Bridges from Patchell's Ferry to Daniel Shaw's, in Northampton.

Twenty pounds to improve the road from E. Cogswell's to the Newburgh Settlement.

Fifteen pounds to be laid out on a cross road in the said Settlement.

Thirty eight pounds to improve the Road and Bridges from Daniel Shaw's to George M'Gee's.

Sixty seven pounds to improve the road from George M'Gee's to the Begaguimick, the principal part to be expended on the Deep Creek Hill.

Ten pounds to improve the road from the mouth of Begaguimick on the southerly side up to James Bulyea's.

Five pounds eight shillings and six pence to improve the road from Samuel Estabrook's, past M'Burney's.

Five pounds eighteen shillings to Benjamin Noble, to enable him to pay Samuel Hayden for the balance due on his contract.

Twelve pounds to improve the road from the School House to James Clark's, in Brighton.

Fifty pounds to improve the road from the mouth of the Begaguimick, on the north side, to the Cold Stream.

Twelve pounds for the road from the mouth of the Cold Stream to the further end of the Settlement on the said Stream.

Ten pounds for the road from the Cold Stream up the Begaguimick.

Fifteen pounds to improve the road from the Cold Stream to the River Saint John.

Ten pounds to improve the road from James Dyer's to a back Settlement near Loveley's.

Fifty pounds thirteen shillings and six pence to Newman Raymond, to assist him in paying off the balance due for building a Bridge near Dyer's.

Seven pounds to improve the road from Monquot to the back Settlement.

Thirty pounds for the road from Begaguimick to the Monquot.

Ten pounds to improve the road from John Wright's Farm to a back Settlement in Andover.

Thirty pounds to improve the road now opened or that may be opened according to Law, from the Monquat Stream to Richard Wharton's.

Sixty pounds to improve the road from Richard Wharton's to the Tobique.

Fifteen pounds for the road from the Tobique to Salmon River.

Ten pounds to improve the road from Thomas Gee's to the back Settlement in the Parish of Wicklow.

Eight pounds to improve the road from the eight mile Tree on the Aristook Portage to the River Saint John.

Ten pounds for the road from Benjamin Tibbett's to a back Settlement.

Ten pounds to improve the road from Thomas Pomfrey's to a back Settlement.

Ten pounds to improve the road from O'Connor's Creek to a back Settlement.

Ten pounds to improve the road from the main River to a back Settlement, called the Chictehawk Settlement.

Fifty pounds to improve the road from Bowyer's Mill, past Tracey and Burpe's Mill to Big Presqu' Isle, near Broadstreet's.

Fifteen pounds to improve the road from Charles Lewis' in a northerly direction, past William Stewart's.

Thirty

Thirty pounds to improve the road from M'Kean's to the further end of the Settlement. Carleton Bye Roads, Continued.

Twelve pounds to improve the road from James Jones', above the Little Presqu' Isle, to the back Settlement.

Thirty five pounds to improve the road from Burpe's Mill near Boyer's in Wakefield; the principal part of this sum to be expended near the Mill.

Twenty pounds to improve the road and complete the Bridge near Simonson's.

Twenty pounds to improve the road from near William Mallory's, in a southerly direction, to the Grist Mill.

Thirty pounds to improve the road near Hannah's in Jacksontown, past Payson's Mill to William Lindsay's.

Twenty pounds to improve the road from Patrick Murphy's past Lindsay's.

Twenty pounds to improve the road from Lindsay's, past M'Lauchlan's to the Saw Mill.

Ten pounds for the road from William Lindsay's to William Bell's on the Meduxnikick.

Fifteen pounds for the road from James M'Graw's, past Chapman's to the late James Curran's Farm.

Thirty pounds to improve the road from Henry Sharp's, past George Wilson's and Martin's to Bell's; a part to be laid out on the Deep Gully and the road which is not in dispute.

Sixty pounds to improve the road from Jacob Estabrook's through the Williamstown Settlement.

Ten pounds to improve the road from Johnston's to Dunn's.

Ten pounds to improve the road from Rufus Payson's through to the upper School House.

Ten pounds to improve the road from R. Hume's to J. Tracey's.

Twelve pounds to improve the road from William Mallory's to C. Palmer's.

Twenty pounds to open a road near the late James Curran's Farm to Elisha Baker's, near the Meduxnikick.

Ten pounds for the road from Alexander Lindsey's to William Phillip's a new Settlement.

Ten pounds to improve the road from Charles Palmer's to Little Presqu' Isle.

Seven pounds to improve the road from William Rourke's to John Taylor's, in a back Settlement in the Parish of Kent.

Twelve pounds to improve the road from Marvin's Corner near the Court House; principal part to be laid out on the new part of the road.

KENT BYE ROADS.

Forty five pounds for the road from Point Sapine to Kouchibouguac; three pounds sixteen shillings and six pence of which to be paid to Jock Daigle for labour done in one thousand eight hundred and thirty eight. Bye Roads in Kent.

Thirty pounds for the road from Point Edward to the Ship Yard.

Thirty five pounds for the road on the south side of Kouchibouguac River.

Fifteen pounds for the road from Kouchibouguac to Little River.

Ten pounds for the road on the south side of Kouchibouguac above the Post Road.

Ten pounds for the road from Taddy Babino's to the Post Road.

Fifteen pounds for the road on the north side of Kouchibouguacis River from the Rapids up.

Bye Roads in
Kent,
Continued.

Twenty pounds for the road on the south side of Kouchibouguacis River above the Post Road.

Twenty five pounds for the road on the south side of the Aldoune River ; of which fifteen pounds to be expended above the Mill.

Twenty pounds for the road on the north side of Richibucto River, from the cross road at Hughes' to Mill Creek.

Twenty five pounds for the road from Mill Creek to the Indian line ; of which fifteen pounds is to be expended between Carruthers' upper line and the Indian line.

Ninety pounds for the road from Mill Creek to Molus River.

Twenty pounds for the road from Child's Creek to East Branch Bridge.

Thirty pounds for the Bridge over Big Simmons Creek, on the road leading to the Cape.

Ten pounds for the road from Richibucto to the Village.

Ten pounds for the road from the Village to Little Chockpish.

Fifteen pounds for the road from Little Chockpish River to the Big Chockpish.

Ten pounds for the road leading from the cross road at Murray's to Galloway's.

Fifteen pounds for the road from John Scott's in Galloway to the east Branch.

Ten pounds for the road from Molus River to Bass River.

Twenty pounds for the road in rear of Kelleck's to the Mills.

Twenty five pounds for the road from Pine's to the Coal Branch ; one half to be expended between Trout Brook and the Coal Branch.

Fifteen pounds for the road from Smith's up the Coal Branch.

Forty five pounds for the road from the Coal Branch to the west Branch.

Twenty pounds for the road from the west Branch to the south Branch ; two pounds eighteen shillings and eight pence of which to be paid William Doherty for a balance due for work on the south Branch Bridge.

Fifteen pounds for the road from west Branch to the Town Plot.

Ten pounds for the road from N. Crystal's up the south Branch.

Twenty five pounds for the road from the south Branch to the east Branch Bridge.

Fifteen pounds for the road from Middle Island Creek to Bell's Creek.

Fifteen pounds ten shillings to pay the balance due on Indian Creek Bridge.

Fifteen pounds for the road on the south side of the Chockpish River, two thirds of which to be expended above the Post Road.

Twenty five pounds for the Road and Bridge from Chockpish to Buctouche by Oliver Myer's.

Fifty pounds for the Road and Bridges on the north side of big Buctouche River, above the Post Road.

Ten pounds for a road from the M'Intosh Settlement to the new Settlement in the third tier of Lots.

Twenty pounds for the road on the south side of Big Buctouche River near the Head of the Tide.

Twenty pounds for the road on the north side of Little River.

Twenty pounds for the road from the head of Little Buctouche to the Thibedaux Settlement.

Twenty pounds for the road from Buctouche to Cocagne by the shore.

Fifteen pounds for the road from Cocagne River to the Thibedaux Settlement.

Forty pounds for a Bridge over the Creek at Bogg's and Hartshorn's Mill, upon condition that twenty pounds is given in labour or materials by the inhabitants of the District for that purpose.

Fifty pounds for the Road and Bridges on the south side of Cocagne River.

Fifteen

Fifteen pounds for the road from the Bridge over the Creek at Robicheaux's down round the Cape. Bye Roads in Kent, Continued.

Ten pounds for the road through the Cape.

Ten pounds for the road from Peter Babinot's to Thomas Taylor's on the north side of Shediac River.

Twenty four pounds ten shillings to William M'Leod to enable him to pay the balance due to Charlemang Arseneaux for repairs done on Daigle's Creek Bridge.

GLOUCESTER BYE ROADS.

Eighty pounds for the road between Tracadu and Pokemouche. Bye Roads in Gloucester.

Thirty pounds for the Bridge over Lousier's Brook.

Thirty pounds for the Carraquet Lower Portage.

Forty pounds for the road from Carraquet to Shippegan, by Saint Simon's.

Seventy pounds for the road from Carraquet to Waterloo.

Twenty pounds for the road from New Park, westwards.

Eight pounds for the Hornibrook Road.

Eight pounds for the Landing at Patrick Sisk's.

Twelve pounds to finish the Bridge over Teague's Brook.

Twenty pounds for the road from Bass River to Watson's Bridge.

Twenty pounds for the repairs of Watson's Bridge and approaches thereto.

Twenty pounds for the road between M'Carthy's and William Ellis'.

Eight pounds for the road to the landing at Lot number twelve.

Thirty one pounds ten shillings for the Bridge over Gahen's Brook and approaches.

Ninety eight pounds ten shillings for the road between Bathurst and Bass River.

One hundred pounds for the road from Bathurst towards the Babino River.

One hundred and twenty five pounds for the Bridge over Doucett's Cove.

Fifty pounds for the road in the Tettagouche and Kinsale Settlements.

Sixty pounds for the roads and explorations in the New Dunlop Settlement.

Forty pounds towards erecting the Bridge over Little River.

Sixty pounds for the Roads and Bridges in Youghall Settlement.

One hundred and nineteen pounds for cutting down the Hills and filling up the Glebe Brook in the rear of Bathurst.

WESTMORLAND BYE ROADS.

Forty pounds for the road from Benjamin Landrie's to William Read's. Bye Roads in Westmorland.

Ten pounds for the road from William Read's to Thomas Ayer's.

Twenty five pounds for the road from the main road on Sackville Great Marsh to Point Migic.

Ten pounds for the road from Philip Chapman's to Thomas Oulton's, Junior.

Fifteen pounds for the road from Thomas Oulton's, Junior, to the Emigrant Road.

Fifteen pounds for the road from Thomas Oulton's, Junior, to Joseph Murray's.

Ten pounds for the road from George Richardson's to Crossman's.

Ten pounds for the road from Tedish to Shemogue.

Fifteen pounds for the road from John Anderson's to James Cadman's, crossing the Little Shemogue.

Twenty five pounds for the road from Sackville to Aboushagan.

Twenty pounds for the road from the Chapel in the Barrichoie to the Sackville Road, including Bridges, twelve shillings of which to be paid David Cornea.

Forty

Westmorland
Bye-Roads,
Continued.

- Forty pounds for the road from Gaspereau to Cape Tormentine.
 Twenty pounds for the road from Gaspereau to Great Shemogue.
 Fifteen pounds for the road from the Great Road to Grand Aunce, by second Westcock Hill.
 Fifteen pounds for the road from Ephraim Raworth's to Cape Spear.
 Ten pounds for the road from James Purdy's to Cook's.
 Twenty pounds for the road from Aboushagan Road to David Cook's.
 Twenty pounds for the road from the Shediac Road to the French Settlement.
 Fifty pounds for the road from Wood Point to Cape Maranguin; ten pounds of which to be expended on the Causeway at Peck's Creek.
 Fifteen pounds for the road from Widow Kinnear's to Fairfield.
 Ten pounds for the road from Joseph Herbert's, in Tedish, to the Kouchibouguac Lake Settlement.
 Ten pounds for the road from George Dobson's to the Emigrant Road.
 Fifteen pounds for the road from Townsend's to Bay Verte.
 Twenty pounds for the road from Charters' to Benjamin Landrie's.
 Ten pounds for the road from John Raworth's to the Emigrant Road.
 Sixty pounds for the road from Square Lake to Point Migic.
 Ten pounds for the road from Beech Hill to Lander's.
 Fifteen pounds for the road from Marang Tarrio's to Gallang's, and over the Kouchibouguac Stream.
 Ten pounds for the road from Josiah Hick's to Toler's Island.
 Fifteen pounds for the road from Cott's Island to the Road on the Great Marsh.
 Fifteen pounds for the road from Jollicour to the road from Square Lake.
 Ten pounds for the road from Thomas Anderson's, the fourth, to Dorchester Road.
 Ten pounds for the road from Tedish to Little Cape.
 Five pounds for the road from Belonia Budrot's to a back Settlement.
 Twenty pounds for the road from Bay Verte to Robert Dobson's.
 Ten pounds for the road from Guiton's, up the east side of the Memramcook River.
 Twenty five pounds for the road from Philip Chapman's to Great Shemogue.
 Ten pounds for the road from Longchester's to Hann's Brook.
 Ten pounds for the road from Fawcett's to Thomas Ayer's.
 Ten pounds for the road from Great Shemogue to Square Lake.
 Fifteen pounds for the road from Edward Chappell's to Gooden's.
 Ten pounds for the road from John Trenholm's to the Main Road.
 Thirty five pounds for Gaspereau Bridge; thirty one pounds fifteen shillings and seven pence of which to be paid John Trenholm.
 Ten pounds for the road from the Aboushagan Road to Miles Sears'.
 Five pounds for the road from David Armour's to Daniel Young's.
 Five pounds for the road from Joseph Budrot's to Samuel Haven's.
 Ten pounds for the road from C. Kinnear's to Cornea's Meadow Lot.
 Fifteen pounds for the Kouchibouguac Bridge.
 Ten pounds for the road from John Richardson's to James Kay's.
 Ten pounds for the road from Thomas Taylor's to Peter Babinot's, north side Shediac River.
 Ten pounds for the road from Dorchester Road to Crossman's.
 Ten pounds for the road from Gallang's Road to the south east Branch of Aboushagan.
 Ten pounds for the road over Budrot's Marsh.
 Ten pounds for the Bridge and Road over the Cornea Marsh. Five

Westmorland
Bye Roads,
Continued.

Five pounds for the road from the Great Road to Peter Jonah's.
Five pounds for the road from the main road near Stoney Creek to Thomas Rogers'.
Ten pounds for the road from Cook Smith's in Dorchester to the Sackville Town Line.

Ten pounds for the Dorchester Island Marsh Road.
Twenty pounds for the road from Jonathan Cole's to the Joggin's.
Five pounds for the Marsh Road from the Cape Road to Cole's Point.
Ten pounds for the road from John Palmer's to second Westcock Hill.
Ten pounds for the road from the Great Road Dorchester, through the Chapman Mill Settlement.

Ten pounds for the road from near Gabriel Herbert's to Dover.
Ten pounds for the road from Dover to Beliveau Village.
Ten pounds for the road from Beliveau Village to the Chapel.
Thirty five pounds for the road from Ralph Carter's to the Peticodiac River.
Five pounds for the road from the Chapel at Dorchester to the Cove.
Five pounds for the road from the Chapel Road to Lorang Lezere's.
Sixty pounds for the road from the Bend to Irishtown; of which sum ten pounds to be paid to James Kennedy.

Fifteen pounds for the road from Irishtown to the French Settlement.
Twenty pounds for the road from the Shediac Road, through the French Minudie Settlement.

Ten pounds for the road from the Great Road to Brown's Mill by P. Kearneau's.
Thirty pounds for the road from the Great Road to Butternut Ridge.
Forty pounds for the road from the Bend to the Mountain Settlement.
Ten pounds for the roads connected with the Mountain Settlement.
Fifteen pounds for the road from Robert Colpitt's, Junior, to the King's County line, near J. Hoyt's.

Five pounds for the road from James Crandall's to Bell's Farm.
Fifteen pounds for the road from George Colpitt's up Coverdale River.
Fifteen pounds for the road from Robert Scott's to North River.
Five pounds for the road from the Great Road to Henry Steeve's.
Five pounds for the road from the Round Hill to Henry Steeve's.
Twenty five pounds for the road from Henry Steeve's to Irvine Settlement.
Five pounds for the road from the Milton Road to John H. Steeve's.
Ten pounds for the road from Alexander Cane's to George Colpitt's Mill.
Five pounds for the road from the Haley Settlement Road to Hezekiah Woodworth's.

Five pounds for the road from Dover to William M'Farlane's.
Ten pounds for the road from William Chapman's to Timothy Horseman's.
Forty pounds for the road from Hamilton's in Hopewell to Hillsborough.
Fifty pounds for the road from M'Latchey's Bridge to Stoney Creek, thence to Mill Creek.

Thirty pounds for the road from James Gunning's to Henry Steeve's; of which sum fourteen pounds ten shillings to be paid to John Briggs for the ascertained value of land over which the road passes; and ten pounds to be expended in protecting the road over the Chapman Marsh.

Twenty pounds for the road from Chapman's, up Turtle Creek to Milton's.
Fifteen pounds for the road from Thomas Colpitt's Mill through the Coverdale River Road, and thence to Robert Colpitt's.

Fifteen pounds for the road up Pollet River to John Geldart's; of which sum ten pounds to be expended between John Scott's and Nathaniel Smith's.

Westmorland
Bye Roads,
Continued.

- Ten pounds for the road from the School House to Young Sherman's.
 Ten pounds for the road from Abner Taylor's to the Lewis Settlement.
 Twenty pounds for the road from Gilbert Forsyth's, in New Horton, to Cape Enrage.
 Forty pounds for the road from Germain Town to Point Wolfe Harbour.
 Twenty five pounds for the road from New Ireland to Salmon River.
 Ten pounds for the road from William Fillmore's to Daniel Copp's, on the Ridge.
 Ten pounds for the road from John Ritchie's to Stephen Styles' on Crooked Creek.
 Ten pounds for the road from Ezra Peck's to the Memel Road Settlement; of which sum five pounds to be paid to John Rogers.
 Twenty five pounds for the road to the Caledonia Settlement, from Hopewell.
 Fifteen pounds for the road from Ezra Peck's through the Haley Settlement.
 Ten pounds for the road from the Great Road to Aaron Robinson's.
 Five pounds for the road from the New Ireland Road to Hugh M'Kinley's.

CHARLOTTE BYE ROADS.

Bye Roads in
Charlotte.

- Fifteen pounds for the road from Letete Point to the School House, near M'Nichol's Mill, in Saint George.
 Eight pounds for the road from the School House, near M'Nichol's Mill, to Alexander Dick's, in Saint George.
 Fifteen pounds for the road from Philo Seely's Farm to the Lime Kilns at L'Etang Harbour in Saint George.
 Fifteen pounds for the road from Archibald M'Vicar's lower line to Henry Cook's, at Back Bay Settlement in Saint George.
 Eight pounds for the road from M'Lauchlin's Farm, on L'Etang River, to Nathaniel Spinney's in Saint George.
 Fifteen pounds for the road from Benjamin Hanson's Farm to the Main Road near the Red Store in Saint George.
 Thirty pounds for the road from M'Carrol and Boyd's to Henry Seeley's, on the eastern side of Lake Utopia.
 Eight pounds ten shillings for the road from Henry Seeley's to the Red Rock Mill in Saint George.
 Fifteen pounds for the road from the Upper Mills to Isaac Thorn's, on the eastern side of the Magaguadavic, in Saint George.
 Ten pounds for the road from the Upper Mills to the Red Rock Mill in Saint George.
 Forty pounds for the road from the Upper Mills to the old Fredericton Road, on the western side of the River, in Saint George.
 Fifteen pounds for the road from the old Fredericton Road to the County Line, near the Flume Ridge in Saint George.
 Fifteen pounds for the road from Pomeroy's to James M'Clymant's Farm, on the old Fredericton Road in Saint George.
 Twelve pounds for the road from Philo Seeley's Farm to John M'Dermid's, in Saint George.
 Ten pounds for the road from the Fresh Water Landing, near Captain Jones' Farm, on the western side of the Magaguadavic, in Saint George.
 Eleven pounds to be reappropriated for the road from James Murphy's to the road leading from Philo Seeley's to the mouth of the L'Etang River, in Saint George.
 Fifteen

441

- Fifteen pounds for the road from Thomson's Mills to the Church in Pennfield.
- Twelve pounds for the road from Hall's Mill to Beaver Harbour in Pennfield.
- Fifteen pounds for the road from Beaver Harbour to Bucknam's Mill in Pennfield.
- Thirty five pounds for the road from Crow Harbour Mill to the new Settlement at M'Dowall's in Pennfield.
- Eighteen pounds for the road from Seeyle's Cove to the main road near M'Kay's in Pennfield.
- Eight pounds for the road from Bucknam's to Woodland's in Pennfield.
- Twelve pounds for the road from the Saint John Road to the new School House in Pennfield.
- Eight pounds for the road between Thomson's Farm and the Saint John Road, near Goodall's in Pennfield.
- Twelve pounds for the road from Black's Harbour to John Crickett's in Pennfield.
- Ten pounds for the road from Widow M'Callum's to Doude's Cove, near the mouth of LeProe River in Pennfield.
- Ten pounds for the road from the Great Road to Maces Bay in Pennfield.
- Eleven pounds for the road from the head of Camp Creek to Traynor's Cove in Pennfield.
- Ten pounds for the road from Black's Harbour towards the Church in Pennfield.
- Ten pounds for the road from John Cricket's, Junior, towards Philip Justison's in Pennfield.
- Ten pounds for the road from Mrs. Boyd's Corner to the Saint John Road, eastward, in Pennfield.
- Twenty six pounds for the road from Edwin Foster's to the Parish Line in Saint David.
- Ten pounds for the road from John Nisbett's in Saint David, to Simmons' in Saint James.
- Ten pounds for the road from Davis Collins' to Gardner's in Saint David.
- Ten pounds for the road from Jacob Reed's in Saint David to the Great Road.
- Twenty five pounds for the road from Cotterell's Mill to the head of Oak Bay in Saint David's.
- Ten pounds for the road from Mergas Anderson's to Ferguson's in Saint David.
- Ten pounds for the road from Thomas Mitchell's to the main road in Saint David.
- Ten pounds for the road from Robert Davidson's to the main road in Saint David.
- Ten pounds for the road from William Malkson's to the main road in Saint David.
- Ten pounds for the road from John Wilson's, Junior, to the main road in Saint David.
- Ten pounds for the road from Mark's Farm in Saint David to Denny's Stream.
- Ten pounds for the road from Daniel Bellmore's in Saint David to the New Road.
- Ten pounds for the road from Cotterell's Mill in Saint David to Moses Reid's.
- Ten pounds for the road from William Hill's to Daniel Hill's in Saint David.
- Forty pounds for the road from the Rolling Dam to the eastern line of the Parish of Saint Patrick.
- Thirty pounds for the road from the Rolling Dam by the Kirk, toward's Peter Morrison's in Saint Patrick.
- Twenty pounds for the road from the late William Wilson's Farm towards the Rolling Dam in Saint Patrick.
- Twenty five pounds for the road from the Rolling Dam in Saint Patrick towards Bartlett's.

Bye Roads in
Charlotte,
Continued.

Twenty

*Bye Roads in
Charlotte,
Continued.*

Twenty five pounds for the road from Chase's Corner in Saint Patrick towards Edwin Foster's.

Sixteen pounds to remunerate the Commissioner for new covering the Rolling Dam Bridge.

Fifteen pounds for the road from Saint Patrick's Lake towards William Cressey's.

Ten pounds for the road from the Great Road to Hugh Burns' in Saint Patrick.

Twelve pounds for the road from Henderson's Crotch to John Cuning's in Saint Patrick.

Forty eight pounds ten shillings towards the building of a Bridge over the River Digdeguash at the point of intersection of the two lines of road, the one leading from Roix's to Saint Stephen, and the other from Pleasant Ridge to Saint Andrews.

Twenty five pounds for the road from the main road leading from the Bocabec Lake to the Grove Settlement, to continue and clear out the same to the new road to Pleasant Ridge; six pounds of the said sum to be laid out between Kyle's Farm and the Crotch of the said road.

Ten pounds for the road from the Chiputnecticook Ridge to Daniel Campbell's in Saint James.

Ten pounds for the road from John Pomeroy's to the Kirk in Saint James.

Twenty pounds for the road from John Pomeroy's to the Little Ridge in Saint James.

Ten pounds for the road from Hitching's Mill to the Little Ridge in Saint James.

Fifty pounds for the road from Samuel D. Watson's to Hitching's Mill in Saint James.

Fifteen pounds for the road from Spence's to Clarke's Point in Saint James.

Fifteen pounds for the road from the Kirk over the Basswood Ridge to Oak Hill in Saint James.

Twenty pounds for the road from the Long Bridge over the Old Ridge and Oak Hill in Saint James to the Canous Stream.

Twenty seven pounds ten shillings for the road from Peak's to the farthest part of the Baillie Settlement in Saint James; nine pounds of which to be laid out on the Causeway near Sherman's Oat Mill, and nine pounds on the Gardner Hill.

Ten pounds for the road from the main road, through the burnt land across the Upper Moannes Bridge to the Kirk in Saint James.

Twenty pounds for the road from the Lynnfield Road to Mrs. M'George's and thence to the Baillie Settlement Road.

Ten pounds to straighten the road from the Fenderson Bridge to Daniel Gitchell's in the Lynnfield Settlement, Saint James.

Ten pounds to straighten and improve the road from the Dewolf Dam to Ewart's in Saint James.

Ten pounds for the road from Mill Town to Richard Barter's in Saint Stephen.

Thirty pounds for the road from Samuel Stuart's to the Basswood Ridge in Saint James.

Forty pounds for the road from the late James Symond's to the farthest extremity of the Little Ridge in Saint James.

Twenty pounds for the road from the Burnt Hill to the Moannes Settlement, and to fill up a ravine near Jacob Libby's in Saint Stephen.

Ten pounds for the road from the Ledge to the head of Oak Bay in Saint David.

Thirty pounds for the new road from the Ledge to Oak Point in Saint Stephen.

Twenty

Twenty pounds for the road from Burnt Hill to Hill's Meadows in Saint Stephen. Bye Roads in Charlotte, Continued.

Twenty pounds to complete the opening of the road from Roix's, through the Parish of Saint Patrick, towards the head of Oak Bay in Saint David.

Ten pounds for the Upper Indian Point Road in Saint Andrews.

Forty one pounds for the continuation of the Frye Road, towards Connick's, in Saint Andrews Parish.

Fifteen pounds for the road from the Saint Andrews Road to Chamcook Lake, through the Greenlaw Settlement in Saint Andrews Parish.

Forty pounds for the road from the Widow Connick's to William Eill's Farm, to avoid the Hills on that road in Saint Andrews Parish.

Five pounds for the road from Saint Andrews to Joe's Point in Saint Andrews Parish.

Seven pounds for the road leading to the Bar at Minister's Island, in Saint Andrews Parish.

Ten pounds for the road leading from Hugh Thompson's, by the old road, to John Wilson's in Saint Andrews Parish.

Ten pounds for the road from the Poor House to John M'Curdy's, in Saint Andrews Parish.

Seventeen pounds for the road from Big Beach to Curry's Cove in the Island of Campo Bello.

Seventeen pounds for the road from Curry's Cove to Todd's Field in Campo Bello.

Thirty four pounds for the road from Welch Pool to Ship Cove in Campo Bello.

Forty four pounds for the road from North West Harbour Bridge to Clam Cove, and thence to the North Harbour Public Landing in Deer Island.

Ten pounds for the road from the Upper Settlement by Seal Cove in Grand Manan.

Fifteen pounds for the road from Seal Cove Bridge, southerly, in Grand Manan.

Fifteen pounds for the road from Grand Harbour to Nathan Guptan's in Grand Manan.

Twenty pounds for the road from the Mill at Green's Brook to the Dock at Long Island Bay in Grand Manan.

Twenty pounds for the road from Seal Cove Heath to Seal Cove School House in Grand Manan.

Fifteen pounds for the road from John Dogget's to Woorster's Shop in Grand Manan.

Twelve pounds for the road from Abner Bingham's to John Sprague's, Junior, on the Hill Road in Grand Manan.

SUNBURY BYE ROADS.

Bye Roads in Sunbury.

Forty pounds for the road from George Boon's to Ralph Seely's.

Seven pounds ten shillings for the road from Isaac Cogswell's to the Garey Road.

Ten pounds for the road from George Morrow's House to the South Branch Road.

Twelve pounds ten shillings for the road from Jeremiah Smith's to the Garey Road.

Twenty pounds for the road from Richard Kimball's Farm to John Bell's.

Ten pounds for the road from South Branch Road to Scoullar's Mills.

Ten

Bye Roads in
Sunbury,
Continued.

- Ten pounds for the road to a new Settlement, near Walter Patterson's.
- Twenty pounds for the road from South Branch Bridge to Thomas Hartt's.
- Forty five pounds for the road from Thomas Hartt's to Solomon Tracey's, and to build a Bridge over the Morances Stream.
- Fifty pounds for the road from Rushagonis to Hartt's Mills.
- Fifteen pounds for the road from Hartt's Mills to Diamond Square.
- Fifteen pounds for the road from Burpe's Mill, through the Gordon Settlement.
- Fifteen pounds for the road from William Dow's to J. M. Wilmot's Farm.
- Forty pounds for the road from Rushagonis to William Dow's.
- Twenty pounds for the road from John Bell's to Burpe's Mill.
- Ten pounds for the road from the road near Jones' at Rushagonis, to the Oromocto River, opposite John Wood's.
- Forty pounds for the road from Ralph Seely's to the Widow Kirkpatrick's; the balances due for building Bridge at Back Creek, and also to raise the road near John Seely's, to be taken out of the same.
- Thirty pounds for the road from the Widow Kirkpatrick's to the County Line between Queen's and Sunbury.
- Twenty pounds for the road leading from Thomas Hartt's to Thomas Mersereau's.
- Ten pounds for the road leading from the South Branch Road to John M'Lauchlan's.
- Ten pounds for the road from Thomas Hartt's to the Public Landing.
- Fifteen pounds for the road from John Peabody's to John Morgan's, the balance due Thomas Smith, Junior, for building a Bridge at Thomas Smith's, to be paid out of the grant for last year not yet expended.
- Ten pounds for the road from Jeremiah Gillan's to Abner Mersereau's.
- Fifty pounds for the road from the French Lake Road to the Little River Mills in the Parish of Sheffield.
- Twenty pounds for the road from Oak Point to Sand Point.
- Fifty five pounds for the road from the Highway in Burton at or near Jacob Smith's to the Nerepis Road, the balance due the Commissioner for repairing the road to Stephen Burpe's upper line to be paid out of the same.
- Ten pounds for the road from Hamilton's Road to the Little River Road.
- Twenty pounds for the road from William Boon's to Thomas Stennick's.
- Ten pounds for the road from Scoullar's Mills to Clapman Smith's, Junior.
- Ten pounds for the Bridge at the Blind Thoroughfare.
- Five pounds for the road from William Armstrong's to James Mills'.
- Ten pounds for the road from Andrew Smith's to James Johnston's.
- Ten pounds for the road leading from John Nason's, Senior, Farm to the Rushagonis Road.
- Five pounds for the road opposite Charles Duplissa's to the Highway in Blissville.
- Fifty pounds to pay the balance due for building a Bridge over the North Branch of the Oromocto.
- Ten pounds for the road from the Nerepis Road to Nevers' Mill.
- Ten pounds for the road from John Mersereau's Farm at Shaw's Creek, to the Oromocto.
- Twenty pounds from the Garey Road to a new Settlement above Nevers' Mill.
- Fifteen pounds from French Lake to Burpe's Mill in Sheffield.
- Fifteen pounds to assist in building a Bridge over Burpe's Mill Stream in Sheffield.
- Ten pounds for a road from Patrick M'Lauchlan's to the South Branch Road.
- Fifteen pounds from Jeremiah Tracey's, Junior, to Edmund Creekmore's.

NORTHUMBERLAND BYE ROADS.

Bye Roads in Northumberland.

Fifteen pounds to open and explore a road from Lower Neguac to Stymist's Mill in the Parish of Alnwick.

Ten pounds to open and explore a line of road from White's Brook, below Oak Point, back to the road from Bartibog to Tabusintack.

Three hundred and forty six pounds towards improving the road from Bartibog to Burnt Church ; of which sum two hundred and three pounds six shillings and ten pence to reimburse Alexander Goodfellow the amount over expended by him.

Twenty pounds to improve the road from M'Innes' Creek to Point Aux Car.

Ten pounds to improve the road from M'Knight's Mill, Napan, to M'Innes' Creek.

Four pounds ten shillings to pay John Creighton the balance of his contract for the erection of a Bridge across Napan River.

Ten pounds to assist in the erection of a Bridge on the Black River at Weed's Landing.

Ten pounds to continue and connect the rear road in the Parish of Chatham with the road leading to the back Lots in rear of John Henderson's Farm.

Ten pounds to open a road in front of Carrol's and Fitzpatrick's Farm on the third tier of Lots.

Ten pounds to improve the road to the rear Lots next below the Parsonage, Chatham.

Ten pounds for the road from William Dickens' residence to Bay du Vin River at the City landing.

Forty pounds towards improving the road run by C. J. Peters, Esquire, on the north side of Black River, from the Richibucto Road to the Bridge across the Black River.

Ten pounds to improve the road between Black River Bridge and the Little Branch Bridge.

Twenty pounds to assist in building a Bridge across Miller's Brook near Little Branch Bridge, and cutting down the steep banks leading thereto.

Ten pounds to improve the road between Little Branch Bridge and Horton's Creek.

Thirty pounds to improve the road from Horton's Creek to John M'Donald's Farm on the Bay du Vin River.

Twenty pounds to improve the road from John M'Donald's Farm, to Kingston's Farm on Bay du Vin River.

Ten pounds to open and improve the road between Little Branch School House and the upper Settlement.

Fifteen pounds to improve the road from Dickens' Farm to Bay du Vin River Mills.

Ten pounds to open and improve the road surveyed from the Hardwood Lots, near Escuminac, to the shore on the front of Lot Number Nine owned by Henry Sergeant.

Fifty five pounds towards the road from George Williston's Farm to Eel River ; five pounds of which to be expended in opening the road from George Williston's property to Alexander Williston's upper line.

Fifteen pounds to improve the road leading from Napan between Wilson's and Carruther's Lots to Forrest's, at the Rock Heads, Chatham.

Twenty pounds towards improving the road from William Hogan's Farm to M'Allister's in the Parish of Blissfield.

Fifteen

Bye Roads in
Northumberland,
Continued.

Fifteen pounds towards exploring and opening a road from Cain's River on the south side of the South West Branch of Miramichi up till it strikes the road to the Settlement on Cain's River, coming out at John Donalds'.

Thirty pounds towards improving the new line of road on Cain's River.

Twenty five pounds to improve the road from Doak and M'Laggan's Mills to the upper Settlement on Bartholomew's Mills.

Twenty five pounds to improve the road from Doak and M'Laggan's Mills to the mouth of the Dungarven on Renous River.

Ten pounds to improve the road from Bartholomew's Mills to the Forks.

Twenty pounds to improve the road on the north side of Renous River between Indiantown and Lee's Farm.

Twenty pounds to improve the road on the north side of Renous River from Lee's Farm to James Donaldson's Farm.

Sixty pounds to improve the road from Cuppage and White's to James Holme's Farm on the Little South West.

Thirty five pounds to improve the road from Cuppage and White's to Beaubair's Point.

Twenty pounds to improve the road from the North West to the South West Branch of Miramichi through the Williamston Settlement.

Ten pounds to improve the road from the Meeting House below David Tozer's to the M'Lean Settlement, Williamston.

Ten pounds to improve the road from Jared Tozer's upper line from the North West to the lower Williamston Settlement.

Twenty pounds to explore and open a line of road from Fraser's Lot, head of the North West, to Ledden's Red House.

Twenty pounds to improve the road from the New Road leading through Menzie's and Beachum's Lots on the north side of the North West.

Seventy pounds to complete the road through Stewart's and Watt's Farms on the north side of the North West, and to repair the Bridge across M'Kay's Cove, and to pay the balance due to James Laurie.

Forty pounds to improve the road laid out by D. Crocker on the south side of the South West, and the Bridge near Doyle's and Tobin's Farm.

Twenty five pounds to improve the road on the east side of Barnaby's River to Hutchison's Farm.

Ten pounds to improve the road on the east side of Barnaby's River from Hutchison's Farm to John Morrison's.

Fifteen pounds to improve the road from Saunders' Grist Mill to the Settlement on the right hand Branch of Barnaby's River.

Twenty pounds to improve the road on the south side of Barnaby's River to the Semiwagan Ridge.

Twenty pounds to improve the road between Nelson Village and Barnaby's Island.

Seventy five pounds to improve the road from George Flitt's Farm to Barnaby's River, through the Nouland Settlement; of which sum sixty six pounds and three pence to be paid David Crocker, being the balance due him.

Ten pounds to improve the road from Sutton's Barn to the third tier of Lots.

One hundred pounds to improve the road from Newcastle to Chaplain's Island.

Nineteen pounds ten shillings to improve the road from Wild Cat Brook, through the Indian Reserve, to Peabody's Farm, New Richmond.

Fifteen pounds towards the erection of a Bridge across Green Brook near M'Mahon's Farm.

Thirty

Thirty pounds towards exploring and opening a road continuing the road in rear of Morefield's, along the front of the second tier of Lots, to the Bathurst Road. Bye Roads in Northumberland, Continued.

Ten pounds to improve the road leading to Richard Coulter's Farm from Dixon's Ferry.

Ten pounds to continue the road between Edgar's and Woodside's Lot, and to continue the same to the Lamont and Jessamine Settlements.

Fifteen pounds to cut down the Steep Hill and continue the road from Duncan Stewart's Lot towards Morefield's.

Twenty pounds to improve the road from Cassey's to Rust's Farm, and from thence to the Chaplain Island Road.

Twenty pounds to improve the road up the north west from where it strikes off above Fiddes' through the Indian Reserve.

KING'S BYE ROADS.

Ten pounds for the Bridge over the Pequoket Brook on the road between Hampton Ferry and the Court House. Bye Roads in King's.

Ten pounds for the road from Pickett's by Ketchum's Brook to the shore road, Kennebeckasis.

Ten pounds for the road from Isaac Perry's to John Dixon's.

Twenty pounds for the road from Captain Perry's to the Great Road near George Raymond's.

Fifty pounds for the new road by the Point of the Mountain, between Waddle's Mill and Justus S. Wetmore's.

Fifteen pounds for the road from Wetmore's Mill, Kennebeckasis, to the Midland on the road to Crawford's, Long Reach.

Fifteen pounds for the road from White's Mill to the Midland on the road to Henry Williams', Long Reach.

Ten pounds for the new road from Roulston's by White's Mill Bridge to its junction with the old road.

Ten pounds for the neck road from near Seely's Point, Long Reach, to the Kennebeckasis.

Ten pounds for the road along the west side of Long Island, Kennebeckasis.

Ten pounds to Benjamin White, Commissioner in one thousand eight hundred and thirty nine, to enable him to pay the balance of a contract for a Bridge and approaches on south east side of Long Reach.

Ten pounds for the Midland Road between Samuel Kingston's and the neck road.

Ten pounds for the road from the Public Landing near Nathaniel Gorum's to the main Kingston Road.

Fifteen pounds for the road between Kiersted's on Kingston Creek and Bates' Mills.

Fifteen pounds for the road from Alexander Black's to the Court House.

Ten pounds for the road from Erbe's Landing to Peter M'Kenzie's.

Fifteen pounds for the road from Pickett's Mill to Bellisle; ten pounds thereof to be expended between the Lake Bridge and the Pier's Road.

Ten pounds for the Pequoket Road.

Ten pounds for the road from the Fowler Settlement to that of Mitchell and others in Westfield.

Fifteen pounds for the road from the Nerepis Road to Woodward's Mills.

Bve Roads in
King's,
Continued.

Ten pounds for the road from Bilberry Point to Kennedy's Mill on the eastern Nerepis road.

Ten pounds for the road from Goose Creek to Salmon Rock.

Ten pounds for the road from the Long Reach to the Cheyne Settlement.

Fifteen pounds for the road from the second tier of Lots to Stephen Cronk's, and thence to Creagh's; one half of said sum to be expended between Cronk's and Creagh's.

Ten pounds for the back road from the Greenwich Parish line to Cheyne's.

Ten pounds for the road from Cheyne's to the Salmon Rock.

Ten pounds for the road from the Kingston Parish Line to Beattie's Point, at the entrance of the Milkish Creek.

Ten pounds for the road from M'Coy's eastern line to Robert M'Cluskey's eastern line, near Land's End.

Twenty pounds for the winter road from James B. Lyon's, Long Reach, to the Milkish.

Ten pounds for the road from the School House, near Harding's, to Land's End.

Ten pounds, one half of said sum to be expended between Hugh Morris' and Anderson Worden's, the remainder to reimburse Isaac Harrison for repairing the Bridge over Armstrong's Creek.

Ten pounds for the road from the County line, near John Jones', to William Vanwart's in Greenwich.

Ten pounds for the road from the Widow Flewelling's lower line towards Charles Richard's.

Ten pounds to cut down Flaglor's Hill, and improve the turn of the road near the Bridge.

Six pounds to improve the Public Landing at Jones' Creek, and the road thence towards the Bridge.

Fifteen pounds for the road from Bicket's to Hickey's in second tier of Lots.

Ten pounds for the road from Hickey's, by Andrew Hamilton's, to the County line.

Ten pounds for the road from the Cross Roads to the Widow Sterrett's, and thence towards George Bogle's.

The sum of ten pounds for the Yorkshire Road, between the County line and the Widow Lynch's.

Fifteen pounds for the Menzie Settlement Road; five pounds thereof to be expended between the School House and Johnston's Mill, the remainder to improve the road commencing at Wayland's and thence towards the Yorkshire Road.

Ten pounds for the new road between Joseph Wallis' and Thomas Wallis'.

Fifteen pounds for the road from James M'Keel's, through second tier of Lots, to the Westfield Parish line, out of which sum a Bridge to be built near Lemuel Crabb's.

Ten pounds for the Causeway near Worden's Field, and otherwise to improve the road between the Settlement in rear of Greenwich Hill and the Shore.

Ten pounds for the road from Jenkin's to Thomas Brayman's.

Ten pounds for the road from John Vanwart's to the County Line towards the London Settlement.

Ten pounds for the new road from the Widow Merritt's across the Lots to the road running along the side of the Jenkin's Lot.

Ten pounds for the new road from Robert Jones', leading by the side of Jesse Jones' Cove to the River.

Ten pounds for the road from James Lake's north west of Bellisle to the Settlement of John Ricker and others.

Ten

- Ten pounds for the road from Spragg's Point to the Henderson Settlement.
- Ten pounds for the road from Donald Buchanan's to the junction of the road leading from Hatfield's Point to the School House.
- Ten pounds for the road leading from the Big Brook by William Wetmore's to James Lake's.
- Ten pounds for the road from Ely Northrup's to the eastern Scotch Settlement.
- Ten pounds for the road from the eastern Scotch Settlement road to the County line towards the Waterloo Settlement.
- Ten pounds for the road from the School House near M'Lauchlan's to the County Line toward Shearer's.
- Ten pounds to complete the Bridge between Peter Spragg's and the Baptist Meeting House.
- Ten pounds for the road from the Scotch Kirk to Donald M'Lauchlan's in east Scotch Settlement.
- Ten pounds for the road from the Scotch Kirk to Forbes' in the western Scotch Settlement.
- Ten pounds for the road from Thomas Henderson's by Ingram's and Gardener's to the road leading from Maxwell's to Redstone's Mill.
- Twenty five pounds for the main road from the head of Bellisle to English's leading towards the Mill Stream.
- Ten pounds for the road from Edward Kirk's to the School House at Isaac Crawford's on the road leading from the Bellisle to the Mill Stream.
- Ten pounds for the road from English's on Bellisle towards the Mill Stream by way of Sharp's.
- Ten pounds for the Guthrie Road.
- Ten pounds for the road from Doctor C. Wilson's to John Foster's.
- Ten pounds for the road from Redstone's Mill by Burnett's towards the English Settlement.
- Twenty five pounds for the road from Hale's Corner to Hase's in Norton.
- Ten pounds for the road from R. Colpitt's to Thomas Coate's Mill; out of which sum six pounds to be paid to John Price, Junior, to enable him to fulfil contracts for labour done on the said road.
- Ten pounds for the road from Amos Sartell's to James Howe's.
- Forty pounds to build a Bridge over the Stream near Rulon's.
- Ten pounds for the road from Kelly's by way of Duncan Kier's to M'Comb's place.
- Ten pounds for the road from Barney Mulholland's to the School House on the road from Moses Hodges' to the Salt Spring Settlement.
- Ten pounds for the road from Thomas Saunders' to Isaac Monger's.
- Ten pounds to aid in opening a road from James Prince's to the Main Bye Road.
- Ten pounds for the road from the Church at Gondola Point by John Wright's to the Post Road.
- Fifteen pounds for the road leading from George Prince's to the Post Road.
- Fifteen pounds for the road between Gondola Point Church and Sherwood's Cove.
- Ten pounds for the new line of road leading from Palmer's Road (so called) to the School House in Golden Grove Settlement.
- Ten pounds for the road from Golden Grove School House to the County line towards Saint John.

Bye Roads in
King's,
Continued.

Ten pounds for the road from Thomas Palmer's to the County line towards the head of the large Loch Lomond.

Ten pounds for the road from the late James Smith's Mill to Saint John County line towards the second Loch Lomond.

Ten pounds for the road leading from the late James Smith's Mill to the Golden Grove near Hasting's.

Ten pounds for the road from the South Stream Bridge by John M'Affee's to the County line.

Ten pounds for the road from near Charles Robinson's Hammond River to Andrew Bull's.

Fifty pounds for the new road from Barnes' to the Church near Upham's.

Ten pounds for the road from the Hammond River to the County line towards Quaco by James Tabor's.

Ten pounds for the road from near W. R. Sentill's Mill to Hammond River.

Fifteen pounds for the new line of road leading from the Shepody Road near Noah Tabor's to the County line towards Quaco.

Ten pounds to rebuild the Bridge over the Brook near Samuel Lackie's.

Ten pounds for the road from John Robinson's to James Campbell's.

Ten pounds for the road from James Campbell's to Patrick Smith's.

Ten pounds for the road from Patrick Smith's to Deforest's Lake.

Ten pounds for the road from Deforest's Lake to John Sherwood's Mill.

Ten pounds for the road from William Scott's to Aaron Scott's.

Thirty eight pounds to pay for a new Cutwater and sundry repairs to the Hammond River Bridge, near Barnes'.

Ten pounds for the road from Samuel Godard's to William Gray's.

Ten pounds for the road from Antone Clane's to Haley's.

Ten pounds for the road from James Hayward's to the South Branch Road near Godard's.

Fifteen pounds for the road from Beckwith's to Charles Gayley's.

Fifteen pounds for the road from Beach's to Beckwith's.

Ten pounds for the road from Lockhart's to Perry's.

Ten pounds for the road from Perry's to Josiah Keith's.

Ten pounds for the road from Perry's to Queen's County line.

Ten pounds for the road from Bigford's to the new road leading from Sussex to Saint John.

Ten pounds for the road from near Hayward's Mills to the Settlement of John Abraham and others.

Ten pounds for the road from Peter Freyer's upwards to William Price's.

Fifteen pounds for the road from the Campbell Settlement to the Salt Spring Settlement in Upham.

Ten pounds for the road from Daniel Baxter's to Sidney Baxter's.

Ten pounds for the road from John Drury's to Campbelltown.

Fifteen pounds for the road lying on the line between Thomas Herritt's and Abraham Fairweather's.

Ten pounds for the Bridge and Road passing Walton's Mills.

Twenty pounds for the Bridge and Road from John Snider's, on Mountain, to the School House near Folkin's at the Mill Stream.

Twenty pounds for the road from near William Ryley's place to David Kierstead's.

Fifteen pounds for the road from Ezekiel Foster's to the Queen's County line, through the English Settlement.

Fifteen pounds for the road from Abel English's to the junction of the road near E. Foster's. Bye Roads in King's, Continued.

Ten pounds for the road from Joel Fenwick's to Ezekiel Foster's.

Ten pounds for the approaches to the Bridge near Ulis Haney's over the Mill Stream; of which five pounds to be laid out between William M'Leod's, Junior, and Ulis Haney's.

Twenty pounds for the road from near James Caruth's to near Coate's Mill by way of John Spellane's.

Ten pounds for the road from near James Knowles' to the road near Jacob Wright's by way of Conal O'Boyle's.

Ten pounds for the road running through the White Mountain Settlement extending to the Main Smith Creek Road.

Ten pounds for the road from George Manning's to John Dobson's, Junior.

Fifteen pounds for the road from the Post Road near Samuel Stockton's to Smith's Creek by way of Jacob Snider's.

Ten pounds for the road from Moses Chamber's, Junior, to William Kyle's at the Cedar Camp.

Ten pounds for the road from near Smith Chapman's to William M'Knight's.

Ten pounds for the road from Ellison's to the Norton line by way of Sproul's.

Ten pounds for the road from William Sinnett's to the Methodist Chapel at the Mill Stream.

Ten pounds for the road from John Little's to Thomas Murray's on the New Canaan Road.

Ten pounds for the road from Charles Gayley's to John Ryan's.

Six pounds for improving a Hill near Richard Roche's.

RESTIGOUCHE BYE ROADS.

Bye Roads in Restigouche.

Fifty pounds for the road from James Christopher's to Flat Lands.

One hundred pounds for the road from the Glebe Lot to James Christopher's Brook.

Sixty pounds to build a Bridge over Pratt's Brook and approaches.

Thirty pounds to build a Bridge over Pollock Brook and approaches.

One hundred pounds for the road from Christopher's Brook to the Settlement on the Portage road leading to the Forks of the Upsalquitch River.

Twenty pounds for the road leading to the Sugar Loaf Mountain Settlement.

Twenty pounds for the road from Maple Green to the Settlement in rear.

Thirty pounds for the road from the Town of Dalhousie to the Crocker line, so called, in rear of H. Montgomery's.

Sixty pounds for the road from the Settlement at Eel River Forks to the Great Road near Dalhousie.

Forty pounds to open a road on the south side of Eel River Gully to the Settlement at the Forks.

Thirty pounds for the road to the Mountain Brook Settlement, to be expended on the line leading in between Craigh and Laviolette.

Thirty pounds for the road leading to Glenburnie Mill Settlement.

Ten pounds for the road leading from the Mill Road to Trafalgar Brook, near Donald Fraser's.

Thirty pounds for the road leading to the Settlement on River Charlo, in rear of Alexander M'Pherson's.

Thirty pounds for the road to commence where the line dividing Lots Numbers

Bye Roads in
Restigouche,
Continued.

Ten and Eleven intersects the new line of the Great Road (leading from Branches' to River Charlo), and from thence following the said dividing line to the shore of the Bay de Chaleur.

Fifteen pounds for the road leading in from the Great Road on the line between Lots Numbers Ten and Eleven, above mentioned, to the Settlement in rear, near Murdoch's.

Twenty pounds for the road from Nash's Creek to the Settlement in rear.

Fifty pounds for the road to Doyle Settlement, leading in on the line dividing Lots Numbers Six and Seven.

Ten pounds for the road leading in between Branches' and M'Kenzie's.

Ninety pounds to open the road from the Flat Land Settlement, on the south side of the Restigouche River up the mouth of the Upsalquitch River.

SAINT JOHN BYE ROADS.

Bye Roads in
Saint John.

One hundred and thirty pounds for the road from Blakslee's Farm to Little River; of which one hundred and twenty one pounds eleven shillings and five pence to be paid to R. Calvert, for balance of Bridge over Little River.

Fifty pounds for the road from Frog Pond to Loch Lomond.

Twelve pounds for the road from Black Settlement Road to Garnet's.

Fifty pounds for the road from Garnet's to Emerson's Creek, Mountain Road, so called.

Twenty pounds for the road from Little River to Mispic, onwards.

Twenty five pounds for the road from Little River to Loch Lomond.

Forty pounds for the road from Little River to Black River, to be expended from east side of Calvert's Farm to Black River.

Twenty five pounds for the road from the old Westmorland Road, through the Golden Grove Settlement, and to build a new Bridge over Wooten's Mill Stream.

Twenty pounds for the road from the Bridge at Cody's to head of first Lake.

Sixty pounds for the road from head of first Lake to Quaco.

Twelve pounds for the road from Mispic Mills to Cape Spencer.

Twenty five pounds for the new road opened by Brown and others, past Brown's Mill to Tynemouth.

Fifteen pounds for the road from Black River to Emerson's Creek, and thence to Gardiner's Creek, including a Causeway from the new Bridge over Emerson's Creek to the Hill at the School House, south side.

Five pounds to improve Wallace's Hill, Black River Settlement.

Ten pounds for the road from Cother's Road, so called, to County line, towards late Miller Smith's.

Fifty pounds for the road from Black Settlement Road to Wilmot's Farm on Quaco Road, Back Road, so called.

Twenty pounds for the road from the Quaco Road, through Ryan's Settlement, to the New Shepody Road.

Ten pounds for the road from the Valley Road, near Millican's, to the County Line, towards Hammond River.

Twenty pounds for the road from Quaco to the County Line, near Tabor's, Old Quaco Road.

Twenty pounds for the road from Dipper Harbour School House to the Saint Andrews Road.

Ten pounds for the road through Bloomsbury Settlement to intersect the M'Britainny Road.

- Fifteen pounds for the road from John Davidson's to the Old Quaco Road.
- Ten pounds for the road from Millican's Road past Cain's to County Line, to be expended from County Line past Cain's. Bye Roads in Saint John, Continued.
- Ten pounds for the road from Quaco Road to Tynemouth, by John Brown's.
- Ten pounds for the road from Black Beach to Pisarinco.
- Ten pounds for the road from Sand Cove to Main Road.
- Twenty pounds for the road from Quaco Road to Barns' Mill, Mill and Church Road, to be expended from Quaco Road onwards.
- Twenty five pounds for the road from Cody's to the School House in Hibernia Settlement.
- Twenty pounds for the road from the above School House to the Forks of the road opened by Brown and others.
- Twelve pounds for the Bridge across the Creek at Craft's Mill, on the road to Saint Andrews.
- Fifteen pounds for the Bridge over Gardner's Creek.
- Ten pounds for the road from Mahar's west line to Harding's Mill.
- Twenty five pounds for the road from Highway near Delany's to the Kennebecasis.
- Fifteen pounds for the road leading to Sand Point.
- Twenty five pounds for the road from Indian Town to Kennebecasis, opposite the Brothers'.
- Ten pounds for the road from Boar's Head to the road near M'Croskin's.
- Twenty five pounds towards completing the Bridge over Spoon Cove, on the Highway near Indian Town, past M'Kay's Mill.
- Fifteen pounds for the road from the Narrows of Musquash to the Saint Andrews Road.
- Fifteen pounds for the road from Black Beach to the Saint Andrews Road, by way of the Irish Settlement.
- Ten pounds for the road from Hatfield's Mills to John M'Namara's.
- Ten pounds for the road from the Settlement near Menzie's to the Saint Andrews Road.
- Fifteen pounds for the road from the Quaco Road to the County Line near Read's Farm, Cother's Road, so called.
- Ten pounds for the road from Barry's Mills to the Loch Lomond Road.
- Ten pounds for the road from M'Britainny's Road, past M'Claren's Mill, to Bay Shore.
- Twenty pounds for the road from the Shepody Road, at or near Schoale's, to the Great Salmon River.
- Twenty pounds for the road from Great Salmon River to Quaco.
- Twenty pounds for the road from Great Salmon River to the Shepody Road.
- Twenty pounds for the road from the Bridge at Tynemouth, leading across the Marsh, and thence to Quaco, by the Shore Road.
- Fifteen pounds for the road from the Forks of the M'Britainny's Road to Tynemouth, by way of Frazer's Mill.
- Twenty five pounds for the road from Power's Farm to Quaco, new Quaco Road.
- Twelve pounds for the road from the Hibernia Settlement to the Quaco Road.
- Ten pounds for a Bridge over the Stream on the road leading to Ellison's, past Smith's, in vicinity of Black River.
- Five pounds to assist the inhabitants to build a Bridge over Mispic Stream, on the road leading down the east side of said Stream.

Bye Roads in
Saint John,
Continued.

Fifteen pounds for the road explored from Stanley's to West Beach.

Ten pounds for the road from Black River Road to Mount Prospect.

Thirty pounds towards reimbursing Hugh M'Kay for Bridge over M'Kay's Mill Stream.

Seven pounds to improve the Portages between the different Lakes (Loch Lomond) to facilitate Winter travelling.

Bye Roads in
Queen's County.

QUEEN'S BYE ROADS.

Ten pounds for the road from Inches' Corner to the Morrell Road in the Jerusalem Settlement.

Ten pounds for the road leading from David Spete's to Henry Lyons' so called.

Ten pounds for a new line of road leading from Henry Lyons' Road, on the line between Isaac M'Keel's and Robert Loury's to the Jerusalem Settlement.

Twelve pounds ten shillings for the road leading from Morrell's Corner in the Jerusalem Settlement to Henry Lyon's Bridge.

Ten pounds for the road leading from Elder's Corner on the George Lyon's Road to the Jerusalem Settlement.

Ten pounds for the road leading northerly from Park's Corner to the Gagetown Road.

Ten pounds for the road leading from Scovil Roberts' Corner to the New Ireland Settlement.

Fifteen pounds for a new line of road on the eastern side of the Nerepis Road through the Robb Settlement, and from thence to the Bridge on the Gagetown Road, and for a Bridge over a Stream crossing the above road called the North East Branch.

Ten pounds for the road leading from the Gagetown Road to the Nerepis Road by way of Gabriel Fowler's.

Ten pounds for improving the George Lyon's Road.

One pound three shillings to Joseph B. Perkins' to remunerate him for an over expenditure last year on the road from Parks' Corner to Burgess' Corner.

Fifteen pounds for the road between William Polly's across the Nerepis to meet the road running parallel to the Gagetown Road between Corbett's Road and Hugh Quinn's.

Ten pounds for improving that part of the New Ireland Road leading to Sanburn's Mill between John Matthews' and Roberts' Corner.

Seven pounds ten shillings for the road from Sanburn's Mill to Robert Davis' Mill.

Twenty five pounds for the road from Ocnabog Bridge to Brown's and thence to New Ireland.

Thirty two pounds ten shillings for improving the road between Samuel S. Peters' and Great Valley Brook on the main road leading to Gagetown.

Twenty pounds for improving the road leading to the Ocnabog Bridge between the second and third tier of Lots in the New Ireland Settlement.

Twenty five pounds for the road from William Clark's, Little River, to the Jerusalem Settlement.

Fifteen pounds for the road from Burgess' Corner past William Redstone's Mill to Park's.

Fifteen pounds for the road from William Jones' upper line to the Gagetown Road on the western side of the Nerepis River.

Ten pounds for the road from Mahood's Corner towards the main river to the King's County line.

Ten

455

Ten pounds for the road from William Graham's to the King's County line by way of Polly's Corner. Bye Roads in Queen's, Continued.

Seven pounds ten shillings for the road from Thomas Wetherall's, Salmon Creek, to Thomas Thorn's.

Seven pounds ten shillings for the road from Salmon Creek School House to Owen Mullaly's, Waterloo Settlement.

Seven pounds ten shillings for the road from the New Post Road to Richard Griffith's, Waterloo Settlement.

Five pounds for a Bridge across the North Branch of Lewis Cove on the above road.

Five pounds for a Bridge across Salmon Creek at Thomas Wetherall's Mill.

Eight pounds ten shillings to complete the Causeway and Bridge over the Beaver Dam in the Parish of Wickham.

Twenty pounds for the Highway leading from Robert Golding's to the lower part of the County.

Fifteen pounds to complete the Causeway near Vanwart's Mill.

Ten pounds for the road leading from Murray's Mill in the English Settlement to the Waterloo Settlement, east.

Five pounds for the road between Thomas Robertson's and Mill Brook in the Parish of Wickham.

Seven pounds ten shillings for the road between Mill Brook and John Shaw's Mill.

Five pounds for the road from Andrew Somerville's to the County line.

Twelve pounds ten shillings for the road from John Huggard's Bridge to the Post Road near Farmer's.

Five pounds for the road from Lewis' Cove to John Shaw's Mill.

Ten pounds for the road from the County line near William Henderson's to John Wilson's.

Ten pounds for the road from the Cross Road near Thomas Keaton's to the Shannon Settlement.

Twenty five pounds for the road from Oak Point to Thomas Ellison's.

Ten pounds for the road from Oak Point to the Washademoak.

Ten pounds for a Bridge and Causeway near Samuel Burns'.

Five pounds for the road from Shaw's Mill Brook to the Cross Road.

Twelve pounds ten shillings for the road from John Thompson's to Ebenezer Perry's, Washademoak.

Seven pounds ten shillings for the road from John Thompson's, Salmon Creek, to Hall's, English Settlement.

Twelve pounds ten shillings for the road from George Burk's to Archibald M'Vicar's, Coal Creek.

Ten pounds for the road from George Burk's to Number Twenty Brook, south side of Grand Lake.

Twelve pounds ten shillings for raising on the Bridge across George Burk's Brook.

Fifteen pounds for the road from Cumberland Bay Bridge to George Burk's.

Ten pounds for the road on the south side of Cumberland Bay, from Main Road to Branscomb's Mill.

Thirty pounds for the road from Cox's Point to Branscomb and M'Lean's Mill, and from the Mill to the Bridge.

Twelve pounds ten shillings for the road from Abraham M'Guigan's upper line to Thomas Gilbert's:

Bye Roads in
Queen's
Continued.

Fifteen pounds for the Bridge over Wasson's Creek, on the Road from Jemseg to Coal Creek, and removing the Hill at the Bridge.

Ten pounds for the road from Wiggin's Mill to James Spence's, Cumberland Bay.

Fifteen pounds for the road from the first range Settlement at the head of the Grand Lake to Cumberland Bay, on the line between Joseph Barton's and Conrad Miller's, on the north side of Cumberland Bay.

Seven pounds ten shillings for the road from Humphrey's Mill Brook to M'Donald's Mill.

Five pounds for the road from the Forks of New Canaan River up to M'Donald's Mill.

Ten pounds for the road leading from David or Samuel Cole's to Donald M'Donald's Mill, south side, and from Donald M'Donald's to the County Line on the Mill Stream Road.

Ten pounds for the road from Cumberland Bay Road, Lot Number Thirty three, to Young's Cove.

Five pounds for the road from the English Settlement to Murray's Saw Mill, Long Creek.

Five pounds for the road from John James to Murray's Grist Mill.

Five pounds for the road from John Henderson's to the English Settlement.

Five pounds for the road from Long Creek to the M'Farlane Settlement.

Five pounds for the road from James Green's to Lower Nerepis Road.

Five pounds for the road from White's Ferry to Widow Watson's.

Ten pounds for the road from Salmon Creek to East Waterloo Settlement commencing at Thomas Wetherall's Saw Mill.

Seven pounds ten shillings for the road leading to the Post Road from Washademoak Lake from Isaac Worden's to Thomas Shearer's.

Twelve pounds ten shillings for the road from King's Brook to Benjamin Fairweather's on the north west side of the Washademoak.

Sixty pounds for the road from Dykeman's Brook to Cox's Mill; one half to be expended on that part of it between Wiggin's Mill and Wasson's Mill.

Seven pounds ten shillings for the road from Wigwam Brook to Nehemiah Bulyea's on Washademoak Lake.

Ten pounds for the road from William Sharp's to the old Post Road.

Ten pounds for the road from David Mason's to Nerepis Brook south side of Washademoak Lake.

Ten pounds for the road from Stewart's to Shearer's.

Ten pounds for the road from John Wilson's to King's County line.

Ten pounds for the road from James Starkey's to John Seacord's.

Ten pounds for the road from mouth of Long Creek to Obadiah Starkey's.

Ten pounds for the road from James W. Cody's to Patrick M'Macklin's.

Ten pounds for the road from Vincent's to Washademoak Lake.

Ten pounds for the road from Oliver Starkey's to David Phillips'.

Ten pounds for the road from John Starkey's to Mordecai Starkey's.

Ten pounds for the road from Thomas Murray's Grist Mill to the King's County line.

Ten pounds for the road from Thomas Murray's Mill to John Johnston's, commencing at the Forks of the road on south east side of said Mill.

Ten pounds for the road from Long Creek to the County line commencing at John Johnston's.

Fifteen pounds for the road from Allen M'Lean's to Cumberland Bay Bridge.
Five

Five pounds for the road from Richard Barton's to Thomas Harrison's.

Five pounds for the road from Conrad Miller's to Andrew Barton's; and ten pounds to remunerate Thomas Cox for an expenditure on this road last year.

Bye Roads in
Queen's,
Continued.

Seven pounds ten shillings for the road from Cox's Point to Conrad Miller's.

Twelve pounds ten shillings for the road from Joseph Barton's to Elkin's.

Ten pounds to build a Bridge over the Brook below Cornelius M'Namara's between Cox's Point and Coal Creek.

Seven pounds ten shillings to remove the Hill and raise the Bridge at Number Twenty Brook.

Fifteen pounds to explore a line of road from Cumberland Bay to Coal Creek.

Five pounds for the road from lower Mills to upper Mills on east side of Newcastle.

Five pounds for the road to Justin Austin's by way of Coakly's.

Twenty pounds for the road on the south east side of the Washademoak Lake commencing at John Craft's to the road leading to John Shaw's Mill.

Ten pounds for the road from Joseph Joice's to Hugh Parker's, Waterloo Settlement Road.

Ten pounds for the road from M'Surley's, Waterloo Settlement, to Alexander's.

Five pounds for the road from Cox's Point to Beaver Pond.

Five pounds to gravel the Bridge over a Slough on the said Road.

Five pounds for the road from John Granville's upper line to William Melroy's.

Five pounds for the road from Jenkin's upper line to Elkin's lower line.

Seven pounds ten shillings for the road from George Clark's to Cumberland Bay Bridge.

Six pounds for the cross road leading from the Point near David and John Sypher's to the main road.

Fifteen pounds for the road leading from Sypher's Pond to M'Mahon' at Little River.

Fifteen pounds for the road on the north side of Coal Creek commencing at John Lackey's towards the Mills on that Stream.

Forty pounds for the main road from Maquapit Lake to Newcastle, and from thence to Hardwood Ridge.

Ten pounds for the Bridge over a Gully near the Parsonage House in Canning.

Ten pounds to raise and gravel the road on Coy's Point.

Five pounds for the road leading from the new Church to Grand Point.

Twelve pounds ten shillings for the road leading from Jemseg Creek up the Grand Lake, near James Drost's.

Ten pounds for a Bridge over Cranwell's Brook on a new road in the Parish of Waterborough, connected with the Main Road leading up the Lake.

Five pounds for a Bridge over a Creek on the same road near W. White's.

Seven pounds ten shillings for the road leading from Grand Lake, near Gilbert White's, to the back Settlement commonly called the Den.

Twelve pounds ten shillings for the road leading from Richard Cox's Mill, through the back Settlement by Samuel Knight's, intersecting the Great Road leading from Washademoak to Jemseg.

Twelve pounds ten shillings for the road from James Colwell's Farm to the cross road at Gershom Clarke's, on the south east side of the Maquapit Lake.

Twenty pounds for the road from Young's Cove to Washademoak, near Frederick Jenkins'.

Fifteen pounds for the road from Lounsbury's Ferry to the Military Road, so called.

Ten

Bye Roads in
Queen's, County.
Continued.

Ten pounds for the road from Vail's Ferry to the Nerepis Road.

Fifteen pounds for the road to be laid out from the Public Landing, below Jagetown, to the Main Road.

Fifteen pounds for the road from Thomas Carney's, past Simpson's Bridge.

Twenty six pounds for the Bridge over Duck Creek, in the Parish of Gagetown.

Fifteen pounds seventeen for the road from the Sunbury line through the Co-ram and Trafton Settlements, to the Nerepis Road.

Ten pounds granted at the last Session for a road between R. Golding's and John Murdock's to the Bald Hill Settlement, to be applied on the line between Lots Numbers ten and eleven, in the grant to Day and others, from the Highway to the rear.

YORK BYE ROADS.

Bye Roads in
York County.

Thirty five pounds for the new road lately explored from the River Saint John, near Shaw's, to the Howard Settlement.

Five pounds to improve the road from the Howard Settlement to Dow's Mills.

Ten pounds to open and improve a road from the River Saint John to the Roxborough Settlement.

Thirty pounds to improve the road to the Magundy Settlement, through the Poquiock Settlement; out of which a sum not exceeding ten pounds to repair the Bridge and improve the Road between the River and the Poquiock Settlement, and the balance to build the Bridges and improve the Road leading to Magundy.

Five pounds to improve the road through the Poquiock Settlement, from the cross road to the rear of Carson's Farm.

Twenty five pounds to improve the road from Carson's Corner to Wilson's Mills, to commence at the further end of the road and work towards the Poquiock Settlement.

Forty pounds for the road to the Magundy Settlement; a small sum of which to be appropriated in making an embankment near Wilson's Mills, and the remainder, except what may be absolutely necessary to keep the road in repair after exhausting the Statute Labour, to be expended on the new road leading to Magundy.

Ten pounds to improve the road leading from Donnelly's Base Line to Lake George.

Fifty pounds to alter and improve the road leading from the Magundy Settlement to the Magaguadavic Ridge, commencing at the rear corner of Lockhart's Field.

Fifteen pounds to improve the road leading from the School House, Magundy, to James Brown's.

Thirty five pounds to open a road and improve the same connecting the Smithfield Settlement with the Newmarket Settlement; three pounds of which to be expended towards Abram's.

Fifteen pounds for the road leading from Gilman's Mills to the Smithfield Settlement.

Twenty five pounds for the road from Lawrence Grant's to the Campbell Settlement.

Twenty five pounds for the road leading through the Upper Caverhill Settlement towards the Lower Settlement.

Twenty five pounds for the road leading to and through the Lower Caverhill Settlement towards the Upper Settlement.

Fifteen

Fifteen pounds for the road from Mitchell's to Adam Jackson's, thence to Fleming's. Bye Roads in York, Continued.

Sixty five pounds for the road from Adam Jackson's to the River Saint John.

Twenty five pounds for the road from William Grey's to the mouth of the Mactaquack.

Fifty pounds for the road from the mouth of the Mactaquack to Mauseroll's Ferry.

Fifty pounds for the road from Humphrey Sisson's to James Whitehead's.

Twenty five pounds for the road from the Tripp Settlement to the Keswick.

Fifteen pounds for the road from Darius Burt's to Gould Crouse's.

Ten pounds for the road from the School House beyond Moses Lawrence's to William Estey's.

Thirty pounds towards erecting a Bridge over the Keswick at Burt's or Estey's at the discretion of the Commissioner.

Five pounds for the road leading to the Hurlet Settlement.

Five pounds for the road leading from the Royal Road to Parker's farm.

Ten pounds for the road leading to Charles King's.

Thirty five pounds for the road from William John's through the Bird Settlement; seven pounds ten shillings of which to be laid out on the north line, and half of the remainder between the Bird Settlement and the Cardigan.

Seventy pounds for the road leading from the south branch of the Tay to Stone's; a sum not exceeding ten pounds to be expended in altering if necessary and improving the road leading towards Stanley by Mick's, and a like sum to improve the road through Cardigan.

Fifteen pounds for the road leading from Cardigan to Stanley, commencing beyond Evan George's Farm.

Seven pounds ten shillings for the road from the Tay Creek to Larkin's.

Five pounds to open a road from the Cardigan to Davidson's.

Twenty pounds to assist in altering and improving the Nashwaak Road at the Meeting House and around Clarke's Hill, in addition to the grant last year.

Sixty pounds to open and improve the road leading from the Great Road to Northumberland to the River Nashwaak.

Twenty five pounds for the road leading from the Alms House in Fredericton to the New Maryland Settlement.

Twenty pounds for the road leading from the continuation of Smyth Street towards the Glebe; half of which to be appropriated in improving the road across the rear of the lot to the New Maryland Road.

Sixty pounds for the road from Fredericton to the New Maryland Settlement.

Fifteen pounds to erect a Bridge on the New Maryland Road near Watts'.

One hundred pounds to improve the road from the Rushagonis Stream to the Saint Andrews Road; a sum not exceeding eight pounds of which to be expended in exploring that part of the road which is unexplored.

Twenty pounds for the road from the School House in New Maryland to the County line.

Fifteen pounds to repair the Bridge across the Mill Stream.

Ten pounds to open a road from Morgan's to Beaver Dam.

Ten pounds to improve the road on the south west side of the Rushagonis.

Ten pounds to improve the road from the Little Settlement to the Haawell.

Fifteen pounds to improve the road leading from the Settlement in the rear of M'Leod's Hill to the Nashwaaksis, by the Royal Road.

Bye Roads in
York,
Continued.

Twenty pounds to open a road from the Bridge on the Nashwaak River towards Stanley.

Fifteen pounds to improve the road from Hughes' by the Taxes River.

Five pounds to improve the road from the Tay Creek to Campbell's.

Twenty pounds to improve the road and make embankments on the Nashwaak around Weade's Hill.

Five pounds to improve the road from Harris' to the Keswick.

One hundred pounds to the Justices of the Peace for the County of York, to assist them in paying the damages for the road laid out between John M'Gibbon's and the lower part of Douglas.

Twenty pounds to repair the old Bridge across Garden's Creek in Kingsclear, and improve the road upwards.

Fifty pounds in aid of individual subscription in completing a Wharf and Ferry Landing at the Phoenix Square in Fredericton.

One hundred and twelve pounds ten shillings to remunerate Jacob M'Kean, in part, for the erection of Bridges on the road leading from John M'Gibbon's to Shepherd's.

Money to be expended by Commissioners appointed by the Government with advice of Council.

Duty of Commissioners in expending the money.

II. And be it enacted, That the said several and respective sums of Money and every part thereof, shall be expended under the direction of such Supervisors and Commissioners as His Excellency the Lieutenant Governor or Commander in Chief, by and with the advice of the Executive Council, may be pleased to appoint, and shall be paid to the several and respective persons who shall actually work and labor in making, completing and repairing the said several Roads and Bridges, or in furnishing materials therefor at the most reasonable rates that such labor and materials can be provided; and every Commissioner so to be appointed shall, as early in the season as may be, carefully examine the part of the Road where any sum of money is to be expended, and shall lay out and mark off such allotment or allotments as may conveniently be contracted for, in order that the making or repairing of the same may be let by auction to the lowest bidder; and in all such cases such Commissioners respectively are hereby required to put a sufficient number of notices not less than ten days previous to such sale, in three or more of the most public places in the neighbourhood where the work is to be done, which notice shall specify and describe the work so to be performed, and also the place, day and hour when and where the same will be let at auction as aforesaid; and it shall further be the duty of such Commissioners respectively to attend personally at the time and place so appointed, and there to let out to the lowest bidder such allotment or allotments, and at the same time to enter into written contracts for the faithful performance of the work in time and manner set forth in such contracts; and in cases where the work required to be performed cannot be conveniently let at auction, it shall be the duty of said Commissioners to agree with fit and proper persons to perform the same by days labor, 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 the expenditure of such monies, and shall produce receipts in writing from the several and respective persons to whom any part of the said money shall be paid, as vouchers for such payment, and render an account thereof upon oath, (which oath any of the Justices of the Peace in the several Counties is hereby authorized to administer,) 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.

Money to be paid by the Treasurer by Warrant.

III. And be it enacted, That the before mentioned sums of money shall be paid by the Treasurer out of the monies in the Treasury, or as payments may be made

made at the same, by Warrant of His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of Her Majesty's Executive Council, for which Warrants no fee or deduction shall be demanded or taken from the persons in whose favour they may issue.

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

Compensation to Commissioners.

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

Money to be expended before the first of October.

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

No money to be expended on alterations not recorded.

CAP. LXI.

Amended by 7 Vic. c. 41

An Act in amendment of the Law relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates.

Amended by 4 Vic. c. 40. Passed 31st March 1840.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Surrogates already appointed or hereafter to be appointed by the Lieutenant Governor or Commander in Chief, in the several and respective Counties in this Province, shall have power to take the Probate of Wills, and to grant Administration on the Estates of deceased persons in the manner heretofore accustomed, subject nevertheless to the rules and directions hereinafter prescribed, and shall continue in office and be in all respects authorized to act as such Surrogates, until some other person shall be appointed in his stead, without taking out any new Commission on the change of the person administering the Government of this Province.

Surrogates to take Probate of Wills, and grant Administration as heretofore, and continue in Office until others be appointed.

See further 4 Vic. c. 40 7 Vic. c. 41

II. And be it enacted, That the Court of Chancery in this Province shall have appellate jurisdiction of all matters cognizable by the said Surrogates for the respective Counties, and shall also have the powers and jurisdiction hereinafter prescribed.

Court of Chancery to have appellate jurisdiction.

III. And be it enacted, That the Lieutenant Governor or Commander in Chief for the time being, shall and may appoint a Register of Probates in the several and respective Counties of this Province, who shall have the care, custody and keeping of all books and papers belonging to the Surrogate Court or the Probate Office in the County for which he shall be appointed.

Register of Probates to be appointed for the several Counties.

IV. And be it enacted, That every Surrogate or Register shall respectively be sworn to the faithful performance of the duties of his office, before he enters thereupon.

Surrogates and Registers to be sworn.

V. And be it enacted, That the said Court of Chancery shall and may from time to time make, establish, alter and amend rules and forms of practice and proceedings,

Court of Chancery to establish rules and forms of practice.

proceedings, as well for that Court in matters made cognizable before it by this Act, as for the said Surrogate Courts, in such manner as the Court of Chancery shall see fit, provided that such rules and forms be in no wise repugnant to this Act.

Surrogate not to proceed where he is interested, as next of kin, &c.

VI. And be it enacted, That no Surrogate shall admit to Probate any Will, or grant Letters Testamentary, or of Administration, in any case or upon any Estate where he shall be interested as next of kin to the deceased, or as Executor or Legatee under such Will.

Where the Surrogate is so interested a Surrogate *pro hac vice* to be appointed.

VII. And be it enacted, That where any Surrogate who would otherwise be authorized to act, shall be so interested, the Lieutenant Governor or Commander in Chief for the time being, shall and may on the application of any party entitled to such Probate or Administration, specially appoint some other person within the said County Surrogate *pro hac vice*, who shall be vested, as regards such Estate, with all the powers and authority incidental thereto.

Executor of the Will of an Executor not to be *ipso facto* Executor of the Will of the first testator.

VIII. And be it enacted, That from and after the passing of this Act, when any sole or surviving Executor of any last Will and Testament may die testate, leaving an Executor of his last Will and Testament, such last mentioned Executor shall not *ipso facto* be the Executor of the last Will and Testament of the first Testator; but in such case, Administration *cum testamento annexo* may be granted in the same manner as if such first Executor had died intestate, any law or usage to the contrary notwithstanding.

Persons aggrieved by the decree of a Surrogate may appeal to the Court of Chancery.

IX. And be it enacted, That any person aggrieved by any order, sentence, decree or denial of any Surrogate, may appeal therefrom to the said Court of Chancery; Provided that the appeal be filed in the Registry of such Surrogate Court within thirty days after the making of such order, sentence, decree or denial; and that the party appealing do, at the same time with the appeal, file in the Registry of such Surrogate Court, a Bond to the said Surrogate with two sufficient sureties, in the penal sum of thirty pounds, conditioned for the payment of such costs as shall be awarded against him by the said Court of Chancery, upon such appeal: and such appeal when so perfected, by the filing of such bond therewith, shall suspend all proceedings upon the decision appealed from, until the appeal be determined.

Appeal being perfected, Surrogate to transmit a copy of the appeal, documents and reasons of his decision.

X. And be it enacted, That upon such appeal being perfected, and upon the Fees allowed by Law for the services in this Section required being paid, such Surrogate shall immediately transmit to such Court of Chancery a copy of such appeal, and of all papers, documents and testimony produced before him in relation to the subject of such appeal, duly certified under the Seal of the Surrogate Court, with a statement of the decision made by him, and the reasons of such decision.

Court of Chancery may proceed against the Surrogate delaying to transmit the appeal, as for a contempt.

An appeal may be allowed on special cause shewn.

XI. And be it enacted, That the said Court of Chancery, on due proof of an appeal from the decision of a Surrogate having been perfected, and of the neglect or unreasonable delay of such Surrogate to transmit such appeal, with the copies as above directed, and the said fees having been paid or tendered, may proceed to enforce such return by attachment as for a contempt of such Court: and the said Court of Chancery may at any time within six months after the time herein before limited for filing and perfecting such an appeal in the Surrogate Court, upon special cause shewn, and on such terms as it may appear just to prescribe, allow an appeal, in which case the same proceedings shall be had as if the appeal had been originally entered in the Surrogate Court.

Discretionary power as to the payment of costs vested in the Court of Chancery.

XII. And be it enacted, That it shall be in the discretion of the said Court of Chancery, as well in cases of appeal as in any other proceeding relating to the Estates

Estates of deceased persons, before such Court, to award costs to be paid personally by the parties against whom such costs shall be awarded, or out of the Estate which may be the subject of the proceeding, as the said Court may direct; and payment of such costs may be enforced against appellants by a suit upon the Bond hereinbefore directed to be given for that purpose, and against other parties by process of Attachment: Provided that no attachment shall issue until proof be made by affidavit of a personal demand of such costs, and of a refusal or neglect to pay the same, and that no suit on such Bond shall in any case be commenced without the order of the said Court of Chancery.

XIII. And be it enacted, That if upon the hearing of any matter relating to the Estate of a deceased person by the Court of Chancery, whether upon appeal or upon application to sell real estate for the payment of debts as hereinafter directed, or otherwise, any question of fact shall arise, which, in the opinion of the said Court, cannot be satisfactorily determined without a trial by Jury, such Court shall have authority to order a feigned issue to be made up in the Supreme Court, and to prescribe the manner of making up such issue, so as to present the question in dispute, and to direct the County in which the same shall be tried; and the Supreme Court shall have power to grant new trials of such issues, as in personal actions pending in that Court, and the final determination of such issue shall be conclusive as to the facts therein controverted in the proceedings before the Court of Chancery; and it shall be in the discretion of the said Court of Chancery to order and direct by whom and in what manner the costs and expenses attending any such issue shall be paid.

Questions of fact may be referred to the Supreme Court for trial by Jury.

Costs.

XIV. And be it enacted, That if in any such matter pending before the said Court of Chancery, any question of law shall arise upon which such Court should wish to have the opinion of the Supreme Court, such Court shall have authority to order a case to be stated for the opinion of the Supreme Court, and to prescribe the manner of stating such case; and the Judges of the Supreme Court, after the case has been argued and considered by them, shall certify their opinion thereupon to the said Court of Chancery; and the said Court of Chancery shall have the like discretion as to the costs and expenses attending such cases, as before provided with regard to feigned issues.

Questions of Law may be stated for the opinion of the Supreme Court.

Costs.

XV. And be it enacted, That the said Surrogate Courts shall have power to issue Subpœnas to compel the attendance of any witnesses, or the production of any paper material to any enquiry pending in any such Courts, (which Subpœna shall be according to the Schedule to this Act annexed, or in words to the like effect), and shall also have power to punish disobedience to any such Subpœna, and to punish witnesses for refusing to testify after appearing, in the same manner and to the same extent as Courts of Record in similar cases.

Surrogate Courts may issue Subpœnas for witnesses and production of papers.

XVI. And be it enacted, That Citations issued out of the Surrogate Courts for the respective Counties, shall be served in the following manner (except in cases otherwise specially provided for by law) that is to say: by posting up the same in three such public places in the County as the Surrogate may direct, at least three weeks before the return of the Citation, and by publishing the same once in each week for three successive weeks in a newspaper published in the County, if there be any such newspaper, or if in any case the Surrogate shall think special personal service to be requisite, and shall so direct, and the person to be cited can be found within the County or has a known place of abode therein, the Citation shall be served by delivering a copy thereof to each person to be cited, or by leaving such copy at his place of abode with an adult person residing in the house, who shall at the same time be informed of its contents and meaning, and the service

Service of citations in Surrogate Courts.

service of Citations shall in all cases be made to appear by affidavit duly made and filed before the Surrogate.

Process to be executed by Sheriffs as if issued by a Court of Record.

XVII. And be it enacted, That every Sheriff, Constable or other Ministerial Officer to whom any Citation, Subpoena, Attachment or other Process duly issued by any such Surrogate Court, may be directed or delivered for the purpose of being executed, shall execute the same in the same manner as if issued by a Court of Record, and for any neglect or misfeasance therein, shall be subject to the same penalties, actions and proceedings as if the same had occurred in relation to process issued by Courts of Record.

Testimony to be taken in writing.

XVIII. And be it enacted, That the testimony taken by any Surrogate in relation to the proof of any Will, in any controversy before him relating to any matter of which he has cognizance, shall be reduced to writing, and shall be entered into a book to be kept for that purpose.

Surrogate not to be Counsel in any matter pending before him. Surrogate may award and tax costs.

XIX. And be it enacted, That no Surrogate shall be Counsel, Attorney or Proctor for any party, in any matter pending or to be brought before him.

XX. And be it enacted, That any Surrogate shall have power to award and tax costs against any party, against whom a decision may be made in any matter contested before such Surrogate, to be paid personally or out of the Estate of the deceased, as he in his discretion may order, which taxation and order shall have the like effect as a Judgment in a Court of Record, upon which Execution may be awarded by such Surrogate, agreeably to the form in the Schedule hereto annexed or in words to the like effect: Provided always, That any such taxation and order may be reviewed by the Court of Chancery, upon notice given to the party in whose favour such taxation and order may be made, without any appeal being entered and perfected.

Taxation and order may be reviewed.

Surrogate of the County to have the sole right of taking Probate, &c. of deceased inhabitants.

XXI. And be it enacted, That the Surrogate of each County shall have sole and exclusive power to take the Probate of Wills, and to grant Administration on the Estates of deceased persons, who at or immediately previous to their death, shall be inhabitants of such County, in whatever place the death of such persons may have happened.

Jurisdiction when the deceased may not have been an inhabitant.

XXII. And be it enacted, That in cases when the deceased person was not, at or immediately previous to his death, an inhabitant of any County of this Province, the Surrogate of any County in which such deceased person may have left assets, shall have power to take the Probate of Wills and grant Administration of the Estate; and the Surrogate who shall so take the Probate of the Will or first grant Administration of the Estate, shall be deemed thereby to have acquired jurisdiction, in exclusion of the jurisdiction of any other Surrogate over such Estate, and shall be vested with all the powers incidental thereto.

Letters Testamentary or of Administration to be applied for by Petition.

XXIII. And be it enacted, That every person wishing to obtain Letters Testamentary or of Administration, shall apply to the Surrogate by Petition in writing setting forth according to the best of the knowledge and belief of the applicant, the time and place of the death of the deceased person, and such other particulars as may be necessary to support the application, together with the amount of the Estate both real and personal of the deceased person; which Petition shall be verified before the Surrogate by the oath of the applicant, and the Surrogate may if he see fit examine any other person upon oath, as to the facts necessary to be enquired into on granting Letters Testamentary or of Administration; and if there shall be any person having prior right by Law to Administration, either with the Will annexed or in case of intestacy, the applicant shall produce, prove and file in the Surrogate Court a written renunciation of the persons having such prior right to Administration, and if such applicant shall fail so to do, then and in such case, before

before any Letters of Administration be granted, a Citation shall be issued to all persons having such prior right to shew cause, at a day to be therein specified, why Administration should not be granted to such applicant.

XXIV. And be it enacted, That from and after the passing of this Act, the Bond taken from Administrators on the granting of Administration, shall be given to the Surrogate Judge of Probates who grants such Administration, any usage to the contrary notwithstanding, and two or more competent sureties to be approved of by the Surrogate, shall join in such Bond with the Administrator; and such Bond shall be according to the form and with the condition prescribed in the Schedule to this Act annexed, or in words to the like effect, and shall be filed in the Registry of the Surrogate Court which grants the Administration, before the Letters of Administration are issued.

Bond from Administrators to be given to the Surrogate.

Sureties.

Form.

XXV. And be it enacted, That if objection should be made by any Creditor of a Testator, or any Legatee, relative, or other person interested in his Estate, against granting Letters Testamentary to one or more of the persons named in the Will as Executors, the Surrogate shall enquire into such objection, and if it appear that the circumstances of any person named as such Executor are such that in the opinion of the Surrogate they would not afford adequate security to the Creditors, Legatees or relatives of the Testator, for the due Administration of his Estate, he may refuse Letters Testamentary to any such person, until he shall give the like Bond as is required of Administrators in cases of Intestacy.

Bonds may be required from Executors in certain cases.

XXVI. And be it enacted, That the Surrogate on granting Letters of Administration, and also when he may consider it proper and necessary on granting Letters Testamentary, and as often afterwards as he may think necessary, shall by a Warrant of Appraisement, appoint two or more disinterested persons to estimate and appraise all the real and personal Estate of the Testator or Intestate; and such Appraisers shall be entitled to receive a reasonable compensation for their services, to be allowed by the Surrogate, not exceeding ten shillings per day for each appraiser for the time they may be actually employed.

Appraisers to be appointed.

Compensation.

XXVII. And be it enacted, That when appraisers are so appointed, the inventory shall be made by the Executor or Administrator, with the aid of such appraisers, and when property shall be in different and distant places, two or more inventories may be made, and shall with the Warrant of Appraisement be returned and filed with the Register of Probates, within three months from the time of granting the same, unless a further time be given by the Surrogate.

Inventory to be made by the Executor, &c. with the aid of the Appraisers.

XXVIII. And be it enacted, That before proceeding to the execution of their duty, the Appraisers shall take an oath, to be administered either by the Surrogate or any person authorized to take Affidavits to be read in the Supreme Court, that they will truly and impartially appraise the Real and Personal Estate which may be exhibited to them, according to the best of their knowledge and ability: the taking of which oath shall be certified on the Warrant of Appraisement by the person who administered the same.

Appraisers to be sworn.

XXIX. And be it enacted, That the Inventory shall contain a true and perfect description and estimate, of all the Real Estate, Goods, Chattels and Credits of the deceased person, as well in possession as in action, and shall also specify the names of all the debtors of the deceased known to the Executors or Administrators, together with the nature of the debt, and the security therefor, whether by Judgment, Bond, Mortgage, Promissory Note, Book Debt or otherwise; and the date of each security, the sum originally payable, and the payments, if any, which have been made thereon; and shall distinguish those debts which in the opinion of the Appraisers are doubtful or desperate; and shall also contain an account of all

Contents of the Inventory.

all monies, whether in specie or Bank Bills, belonging to the deceased, which shall have come to the hands or knowledge of the Executor or Administrator; and if no such monies shall have come to his hands or knowledge, the facts shall be so stated in the Inventory, and the Inventory shall be verified by the oath of the Executor or Administrator before the Surrogate.

Claims against Executors or Administrators not to be discharged by their being named such.

XXX. And be it enacted, That the bare naming of any person Executor in a Will or the granting of Administration to any debtor of any Intestate, shall not operate as a discharge of any just claim which the Testator or Intestate had against such person; but such claim shall be included among the credits and effects of such deceased person in the Inventory; and such Executor or Administrator shall be liable for the same, as for so much money in his hands at the time such debt or demand shall be due and payable, and shall apply and distribute the same as part of the personal Estate of the deceased.

Inventory not being filed within the time limited, a citation may be issued.

XXXI. And be it enacted, That in case of an Executor or Administrator failing to return the Inventory within the time limited for that purpose, he may be required so to do by a Citation from the Surrogate: such Citation to be issued on the application of some person having an interest in the Estate of the deceased as Creditor, Legatee or next in Kin, or of some person in behalf of a Minor having such interest, or of any surety upon an Administration Bond.

Further Inventories and appraisements to be made of property not included in the first Inventory;.

XXXII. And be it enacted, That whenever property of any kind not mentioned in any Inventory that shall have been made, shall come to the possession or knowledge of an Executor or Administrator he shall cause the same to be appraised in manner aforesaid, and an Inventory thereof to be returned within three months after the discovery thereof; and the making of such Inventory and return, may be required in the same manner as in the case of the first Inventory.

Debts to be paid according to their legal priority.

XXXIII. And be it enacted, That every Executor or Administrator shall proceed with diligence to pay the debts of the deceased according to their legal priority in the order of classes; and all debts of the same class shall be paid in equal proportion, and no preference shall be given in the payment of any debt over debts of the same class, nor shall a debt due and payable be entitled to a preference over debts not due; nor shall the commencement of a suit for the recovery of any debt, or the obtaining of a Judgment therein, entitle such debt to any preference over others of the same class; nor shall any debt of an Executor or Administrator, be entitled to any preference over others of the same class; Provided always, that all allowances made by the Surrogate to any Executor or Administrator for expenses and services shall have priority in payment to any debts of what class soever.

Pleadings by an Executor or Administrator, in suits.

XXXIV. And be it enacted, That in any suit against an Executor or Administrator, the Defendant, if he plead that he has fully administered, may shew under a notice for that purpose to be given with such plea, (which notice may be proved to have been delivered on the trial, either *ore tenus* or by affidavit of the person delivering the same,) that there are debts of a prior class unsatisfied, or that there are debts unpaid of the same class with that on which the suit is brought, and the Defendant shall on such issue be chargeable only for such part of the assets in his hands, as shall remain after satisfying the debts of the prior class, and as shall be a just proportion to the other debts of the same class with that on which the suit is brought; Provided always, that the Defendant shall not be allowed to give evidence under such notice of any such debt not particularly specified in the notice, and that the Plaintiff may shew in reply to the evidence of such debt, any matter of which he could have availed himself in pleading; and the Plaintiff may as in other cases, take judgment for the whole or part of his debt

debt to be levied of future assets; and in any proceedings upon such judgment for future assets the Defendant shall be chargeable only with the just proportion of such future assets, payable to the Plaintiff upon the principle hereinbefore prescribed for the payment of debts of deceased persons.

XXXV. And be it enacted, That an Executor or Administrator shall render an account of his administration to the Surrogate, within eighteen months from the date of the Letters Testamentary or of Administration, and may after the expiration of that time be required so to do by a citation to be issued on the application of any such person as is hereinbefore described as entitled to require the return of an Inventory; but the Surrogate may, for reasonable cause, allow further time for rendering such account.

Accounts to be rendered within eighteen months from date of Letters.

XXXVI. And be it enacted, That on making such account every Executor or Administrator shall produce vouchers for all debts and legacies paid, and for all funeral charges and just and necessary expenses; and that such Executor or Administrator may be examined upon oath by the Surrogate, touching any property or effects of the deceased, which have come to his hands or knowledge, and the disposition thereof; and that such Executor or Administrator may be allowed any item of expenditure not exceeding five pounds, for which no voucher is produced, if such expenditure is supported by his own oath positively to the fact of payment, specifying when and to whom paid, and if such oath be uncontradicted.

Vouchers for payments to be produced.

Executor or Administrator may be examined on oath.

XXXVII. And be it enacted, That the Surrogate in passing any account of any Executor or Administrator, may make allowance to any Executor or Administrator for property of the deceased which hath perished or been lost in part or in the whole, without the fault of such Executor or Administrator, provided that such allowance shall not be conclusive on the rights of any party contesting the question.

Allowance may be made for property lost without fault.

XXXVIII. And be it enacted, That no Executor or Administrator shall make any profit by the increase or income of any part of the Estate, but shall charge himself with such increase in his account.

Increase of estate to be accounted for.

XXXIX. And be it enacted, That the Surrogate may allow to Executors and Administrators, over and above all such actual and necessary expenses as may appear just and reasonable, a reasonable commission, not exceeding five per cent. on the amount received by them.

A Commission over and above expenses may be allowed.

XL. And be it enacted, That when any provision shall be made by any Will for specific compensation to an Executor, the same shall be deemed a full satisfaction for his services, in lieu of the aforesaid allowance, or his share thereof, unless such Executor shall, by writing to be filed with the Surrogate, renounce all claim to such specific legacy.

Compensation allowed in a Will to be deemed full satisfaction.

Exception.

XLI. And be it enacted, That whenever any Executor or Administrator shall have rendered and filed his account, whether upon or without being cited so to do, a Citation shall issue requiring the Creditors and next of kin of the deceased, and all persons interested in the Estate, to appear before the Surrogate on a day to be therein specified, not less than thirty days from the time of issuing such Citation, to attend the passing and allowance of such account, and such Citation shall be published once in each week for four weeks successively, in a newspaper printed in the County, (if any such there be,) and copies of such Citation shall be posted up in such three of the most public places in the County as the Surrogate shall direct, thirty days before the day named in the Citation for the passing and allowance of the account; and such Citation shall be also published in such other newspaper printed in any other County where Creditors or other persons interested in the Estate may reside, as the Surrogate may direct.

Accounts being rendered creditors, next of kin &c. to be cited to attend the passing thereof.

Accounts may be contested.

XLII. And be it enacted, That any Creditor, Legatee or other person interested in the Estate of the deceased, may attend the passing of such account, and contest the same; and any such person, as well as the Executor or Administrator, may have Subpœnas from the Surrogate Court to compel the attendance of witnesses; and the hearing of the allegations and proof of the respective parties may be adjourned from time to time as may be necessary.

26 G. 3, c. 11, s. 10, 18 and 19 repealed, but proceeding had thereunder to remain valid.

XLIII. And be it enacted, That the tenth, eighteenth and nineteenth Sections of an Act made and passed in the twenty sixth year of the Reign of King George the Third, intituled "An Act relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates," be and the same are hereby repealed, save and except that all proceedings heretofore had, under and by virtue of the said tenth, eighteenth and nineteenth Sections, and all Licences granted to any Executor or Administrator for the sale of Lands, made before the passing of this Act, and all proceedings to be had thereunder shall be and remain valid and effectual to all intents and purposes, in the same manner and to the same extent as if this Act had not been made and passed.

Court of Chancery may grant Licence to sell real estate for payment of debts when the personal estate is insufficient.

XLIV. And be it enacted, That in case the personal Estate of any deceased person shall not be sufficient to pay his debts, and it be found necessary to apply the Real Estate of such person in payment of such debts, the said Court of Chancery shall have cognizance of the matter, and shall be authorized and empowered to grant a Licence to the Executors or Administrators for the application of the Real Estate for that purpose, as hereinafter mentioned.

Application by Executor or Administrator for Licence to sell real estate to be by Petition. Recital.

XLV. And be it enacted, That in order to obtain such Licence, the Executor or Administrator shall at any time within three years after the granting of the Letters Testamentary or of Administration, apply to such Court of Chancery by Petition, setting forth in such Petition the amount of personal property which has come to the hands of such Executor or Administrator, the debts so far as they can then be ascertained against the Estate of the deceased person, a description of the real estate of the deceased, with the value of the respective lots or parts thereof, and whether occupied or not, and if occupied, the names of such occupants, so far as may have come to his knowledge, and the names and ages of the heirs and devisees (if any) of the deceased, which Petition shall be verified by the oath of the Petitioner, taken and certified thereon by the Surrogate, and there shall also be annexed to such Petition a certified copy of the inventory and appraisement on file, and in case he died testate, a copy of the Will.

inserted in the letters granted pursuant to the Act by 4th Dec. C. 40

Court to have cognizance of the matter of the Petition.

XLVI. And be it enacted, That the said Court of Chancery shall thereupon have cognizance of the matter of such Petition, and after giving notice to the parties interested, either personally or by advertisement in any newspaper in the Province, as such Court may order and direct, shall proceed to hear and examine the allegations and proofs of the Petitioner, or any person interested in such real estate, who may think proper to oppose such application, and also the validity or legality of any debt or demand which may be represented as existing against the Testator or Intestate.

Court may grant Licence to sell the real estate in whole or part.

XLVII. And be it enacted, That when in any case after due examination, the said Court of Chancery shall be satisfied that the personal estate of the Testator or Intestate is insufficient for the payment of debts, it shall be lawful for such Court to grant a Licence in general terms for the sale of such real estate, or such part thereof as may be sufficient to pay the said debts, or to specify in such Licence the particular parts or portions of the real estate so to be sold; and in cases where Licence is given to sell only a specified part of the real estate, such Court may from time to time proceed to grant further Licence to sell a further part, or all such real estate, if necessary, for the payment of such debts. XLVIII.

As much as relates to the application being made within three years repealed by 7th Dec. 1841. extend to 7

XLVIII. And be it enacted, That the said Court of Chancery, upon the application of any Creditor, made after the expiration of one year, and before the expiration of three years from the time of granting Letters Testamentary or of Administration, and shewing probable cause for believing that there will not be sufficient personal assets to pay the debts of the Testator or Intestate, may proceed to examine into the matter, as in the case of such application on the part of an Executor or Administrator, due notice thereof being given to parties interested, as prescribed in the forty sixth Section of this Act; and if after due examination, such Court shall be satisfied that the personal estate of such Testator or Intestate is insufficient for payment of the debts, it shall be lawful for such Court to grant Licence to sell all or part of the real estate, in the same manner as if the application had been made therefor by such Executor or Administrator.

Court may proceed upon the application of a creditor, and grant Licence in same manner as on application of an Executor or Administrator.

XLIX. And be it enacted, That if it shall appear to the said Court of Chancery that it will be for the advantage of the heirs or devisees of any Testator or Intestate, and will not be injurious to Creditors, to lease the real estate or any part thereof for any term not exceeding twenty one years, in lieu of selling the same for the purpose of raising money to pay debts, the said Court may so direct in such Licence, and any Lease executed by such Executor or Administrator in pursuance thereof, shall have the like force and effect as if executed by the Testator or Intestate immediately before his death.

Court may authorize the leasing of real estate in lieu of selling.

L. And whereas in cases of small Estates, the expense of proceeding in Chancery for Licence to sell or lease real estate may be disproportioned to the value of the property; Be it therefore enacted, That when the real estate required to be sold for the payment of debts of any Testator or Intestate shall not exceed the sum of one thousand pounds, the Surrogate Court shall have the like power and cognizance with the said Court of Chancery, to receive applications, to examine the matter, and to grant Licences to sell or lease such real estate of the Testator or Intestate: Provided, that if any person interested, should contest the granting of such Licence, and should appeal from any decision of such Surrogate in regard thereto, that then such Licence shall be held null and void; and no further proceedings shall be had thereunder; and upon such appeal the said Court of Chancery shall proceed as if upon an original application to sell or lease.

Surrogate Court to grant Licences to sell or lease real estate not exceeding £1000 in value.

LI. And be it enacted, That every Licence to sell or to lease real estate as aforesaid, shall be made in such form as the said Court of Chancery or Surrogate may prescribe, and shall be registered by the Register of the said Courts respectively, in a book to be kept for that purpose; and a copy of such Record, certified under the hand of any such Register, shall be evidence of such Licence in all Courts without further proof.

Proviso for contested cases.

LII. And be it enacted, That upon a Licence to sell or lease any real estate as aforesaid being granted, the Executor or Administrator shall be deemed entitled to all the rents and profits of the real estate of the Testator or Intestate, accruing from the time of his death, and shall and may have and maintain all actions and other lawful means for recovering the same; and all the proceeds of such real estate shall be legal assets in the hands of such Executor or Administrator for the payment of such debts: Provided always, That any rent becoming due after the death of the Testator or Intestate, and paid in good faith by any tenant to any heir or devisee, before notice of such Licence, shall not be recoverable from such tenant by an Executor or Administrator.

Licence to be in a prescribed form and be registered.

Rents, profits and proceeds of real estate to be assets for payment of debts.

Rents paid to any Heir or Devisee before notice of Licence not to be recoverable from the Tenant.

LIII. And be it enacted, That before any sale or lease be made of any real Estate by virtue of such Licence, the Executor or Administrator shall give thirty days public notice of such sale or letting, by posting up notifications in three at least

Public notice of any sale or lease under Licence to be given, and the selling or letting to be by Public Auction.

least of the most public places in the County where the land lies, and by publishing such notification once in each week for four successive weeks in a newspaper printed in such County (if any such there be); in which notification the several parcels of the lands and tenements to be sold or leased shall be particularly and appropriately designated, and whoever will give the most shall have the preference in such sale or letting, and such sale or letting shall be by public auction.

Bonds to be given by the Executor or Administrator before selling or letting under Licence.

LIV. And be it enacted, That before any Executor or Administrator do proceed to sell or lease any such Real Estate they shall first give Bond to the Surrogate Judge of the County where the Letters Testamentary or of Administration were granted, with two sufficient sureties to be approved of by such Surrogate, in such penalty, not exceeding double the amount to be raised by such sale or letting, as the said Surrogate may think fit to direct: which Bond shall be agreeable to the form and with the condition prescribed in the Schedule to this Act annexed, or in words to the like effect, and shall be filed with the Register of the said Surrogate Court before the completion of such sale or letting.

Deed or Lease to be executed by the Executor or Administrator.

LV. And be it enacted, That on the sale or letting of any such Real Estate under such Licence, the Executor or Administrator shall and may execute a Deed or Lease of the premises so sold or leased, in which the substance of such Licence shall be recited; which Deed or Lease shall have the like force and effect (except as to rent or profits up to the date thereof) as if made and executed by such Testator or Intestate immediately before his death.

Conveyances under this Act duly proved may be registered;

LVI. And be it enacted, That every conveyance made by any Executor or Administrator under the provisions of this Act, having been first duly acknowledged or proved, according to the laws relating to the Registry of Deeds, and affidavit having been made by such Executor or Administrator, before any Officer or Court duly authorized to take acknowledgements or proof of the execution of Conveyances, and indorsed on the said Conveyance, that the said premises mentioned in such Conveyance have been duly advertised and sold according to law, may be registered in the Registry Office where the Lands lie; and such Conveyance so registered, or a copy thereof, may be given in evidence in any Court of Law or Equity in this Province, in like manner with, and under the same Rules and Restrictions as any other registered Deed, and when so given in evidence, together with the proof as herein before mentioned of such Licence, shall be deemed and taken to be evidence that all the proceedings on which such Conveyance is founded were rightly had and done.

and the same, or a copy thereof, be given in evidence.

No Bond given under this Act to be put in suit without an order of the Court of Chancery. Proof of order.

LVII. And be it enacted, That no Bond given agreeably to the provisions of this Act, shall be put in suit without an Order of the Court of Chancery for that purpose to be made, on the application of some person interested in such Estate, either as Creditor, Legatee, Heir, or next of Kin; which order may be proved by a Copy thereof, certified under the hand of the Register of such Court, and shall have the effect of an assignment of such Bond *pro hac vice* to the party so interested and suing, and entitle him to proceed thereon in his own name as assignee thereof, in any Court of competent Jurisdiction in this Province, and the party so suing shall be entitled to recover, and also be liable to pay costs to be taxed in such suit as in ordinary cases: and such Court may make such order for the delivery of any such Bond for the purpose of being read in evidence in any Court, and being again returned to the Office where it is filed, as the ends of justice may require; and whenever any such Bond shall be so put in suit, recovery may be had thereon to the full extent of any injury sustained by the estate of the deceased person by the acts or omissions of such Executor or Administrator within the purview of the Bond, and to the full value of all the property of the deceased person

Bonds may be delivered to be read in evidence.

Recovery to be had thereon.

person within the purview of the Bond, received and not duly administered by such Executor or Administrator; and the amount recovered on such Bond (after deducting the necessary expenses attending recovery, to be allowed by the said Court of Chancery) shall be deemed assets, and shall be applied and distributed under the order and direction of the said Court of Chancery for that purpose to be made; and the said Court of Chancery may from time to time order such Bond to be put in suit as occasion may require: Provided always, That the whole amount to be recovered in any such suit or suits, shall never exceed the penalty of the Bond.

LVIII. And be it enacted, That the fees to be hereafter received for services and proceedings in the Surrogate Courts, shall be according to the Table in the Schedule to this Act annexed. Fees in Surrogate Courts to be according to the Table in Schedule.

LIX. And be it enacted, That the forms of Bonds, Warrants of Appraisement, Citations, Subpcenas, Executions and Attachments, shall be according to the forms in the Schedule to this Act annexed, or in words to the like effect. Form of Bonds, Warrants, &c. as in Schedule.

SCHEDULE.

No. 1.—Administration Bond.

Know all Men by these Presents, That We are held Administration Bond.
and firmly bound unto the Surrogate Judge of Probates in and for the County of Administration Bond.
in the sum of Pounds of lawful money of the said
Province, to be paid to the said Surrogate Judge of Probates for the time being; for which payment to be well and truly made, We bind ourselves, and each of us by himself for and in the whole, our and each of our Heirs, Executors and Administrators, firmly by these Presents. Sealed with our Seals, dated this day of , in the year of our Lord one thousand eight hundred and

The Condition of this obligation is such, that if the above bounden Administrator of all and singular the Goods, Chattels and Credits of deceased, do make or cause to be made a true and perfect Inventory of all and singular the Real Estate, Goods, Chattels, and Credits of the said deceased which have or shall come to the hands, possession or knowledge of the said or into the hands or possession of any other person or persons for , and the same so made do exhibit or cause to be exhibited into the Registry of the Surrogate Court for the said County of on or before the day of
next ensuing; and the same Goods, Chattels and Credits, and all other the Goods, Chattels, and Credits of the said deceased at the time of his death, which at any time after shall come to the hands or possession of the said or into the hands or possession of any other person or persons for , do well and truly administer according to Law; and further do make or cause to be made a true and just account of the said Administration, at or before the day of
, and all the rest and residue of the said Goods, Chattels, and Credits which shall be found remaining upon the said Administrator's account, the same being first examined and allowed of by the said Surrogate Court or other Court of competent authority in that behalf, do deliver and pay unto such person or persons respectively as the said Surrogate Court, or other Court of competent authority in that behalf, by decree or sentence, pursuant to the true intent and meaning of the Act or Acts of the General Assembly of the said Province for the settlement and distribution of the Estate of Intestates, shall limit and appoint. * And if it shall hereafter appear that any last Will and Testament was

was made by the said deceased, and the Executor or Executors therein named, do exhibit the same into the said Surrogate Court, making request to have it allowed and approved accordingly, if the said above bounden being thereto required, do render and deliver the Letters of Administration (Probate of such Testament being first had and made,) unto the said Surrogate Court.* Then this obligation to be void and of no effect, or else to remain in full force and virtue.

Sealed and delivered }
in presence of }

[The Bond when given by any Executor to be in like form, substituting, Executor, &c. for Administrator, &c., and omitting the words between the asterisks.]

No. 2.—*Bond on Appeal.*

Bond on Appeal.

[The Bond to be taken for £30 payable to the Surrogate in the same manner as Administration Bonds, and conditioned as follows:]

Whereas the above bounden hath appealed from the decision of the said Surrogate Judge of Probates, made in a certain matter pending before him :

Now the condition of this obligation is such, that if the said shall well and truly pay such costs arising from such appeal, and to such person as the Court of Chancery may order and direct, then this obligation to be void, otherwise to remain in full force.

Sealed and delivered }
in presence of }

No. 3.—*Bond on Sale of Real Estate.*

Bond on sale of
Real Estate.

Know all Men by these Presents, That We
(as in Administration Bond.)

Whereas Licence has been granted by the Court of Chancery (or Surrogate Court in and for the County of as the case may be) to the above bounden Executor of the last Will and Testament (or Administrator of all and singular the Goods, Chattels and Credits, as the case may be,) of deceased, to sell (or lease, as the case may be,) Real Estate of the said deceased, for payment of debts.

Now the condition of this obligation is such, That if the said Executor (or Administrator) as aforesaid, do and shall well and faithfully apply all monies arising from the sale (or lease) of any of the Real Estate of the said deceased, or otherwise from the rents and profits thereof, in payment of the debts of the said deceased, agreeably to Law, and shall well and truly account for the same in Administration account before the Surrogate Court for the County of or other Court of competent authority in that behalf, and shall pay any surplus of such monies which shall be found remaining in his hands upon such accounting, unto such person or persons as the said Surrogate Court for the said County of or other Court of competent authority in that behalf shall by decree or sentence, pursuant to the true intent and meaning of the Act or Acts of the General Assembly of the said Province, in such case made and provided, limit and appoint, then this obligation to be void and of no effect, otherwise to remain in full force and virtue.

Sealed and delivered }
in presence of }

No.

No. 4.—*Warrant of Appraisement.*

New Brunswick, County of
 To A. B. &c. Greeting: You are hereby appointed and empowered to take an Inventory of all the Real Estate, goods, chattels and credits, of which late of in the County aforesaid, Yeoman, died, seised or possessed within the Province, and according to your best skill and judgment truly appraise the same, which, when completed, you are to deliver to the Executor (or Administrator) of the said deceased, to be returned, together with this Warrant, in three months from the date hereof. Given under my hand this 184 day of

ss.

Warrant of Appraisement.

B. P., *Surrogate, &c.*

ss. The above named Appraisers personally appeared before me, and made oath that they would faithfully and impartially perform the services to which they are appointed by the above Warrant.

A. L. *Commissioner, &c.*

No. 5.—*Citation.*

New Brunswick. ss. To the Sheriff of the County of or any Constable within the said County, Greeting: Whereas A. B., Executor (or Administrator, or other person interested, as the case may be,) hath prayed that may appear and (here state in short form the object,) You are therefore required to cite the said (and all others interested, as the case may be,) to appear before me at a Court of Probate to be held at within and for said County, on the day of next, to (here state in short form the object.) Given under my hand and the Seal of the said Court, this day of 184

Citation.

A. Z., *Surrogate, &c.*

A. F.,
Register of Probates for said County.

No. 6.—*Subpœna.*

ss. To Greeting: You are hereby required to appear before me, at a Court of Probate to be held at within and for said County, on the day of to testify and give evidence what you may know touching (here state shortly the object,) hereof fail not. Given under my hand this day of 184

Subpœna.

B. P., *Surrogate, &c.*
County of

No. 7.—*Execution.*

Surrogate Court. ss. To the Sheriff of the said County of Greeting: You are hereby required (or in case it be an alias Execution, as before,) to levy of the goods and chattels of within your Bailiwick, the sum of for costs awarded in favour of in a certain proceeding lately had before me as Surrogate Judge of Probate in and for said County, and have that money before me at my Office in within thirty days from the date hereof, to be rendered to the said and for want of such goods and chattels

Execution.

chattels whereon to levy, you will take the body of the said and deliver him to the keeper of the Gaol of said County, and the said keeper will take the said in custody, and him safely keep, until the said sum, and your costs of levying this Execution be paid. And make return hereof within thirty days from the date hereof. Given under my hand this day of 184 .

A. L. Surrogate.

O. P., Register.

No. 8.—Attachment.

Attachment.

Surrogate Court.

County of ss. To the Sheriff of Greeting;
 You are hereby required to attach by his body, if found within your Bailiwick, and him safely keep, so that you may have his body before me at my Office in on the day of next coming, to answer concerning a contempt, by him lately committed, in neglecting to appear before me, pursuant to a Subpœna issued in that behalf, (or in case it be for refusing to testify after appearing, for refusing to testify before me,) in a certain matter lately pending before me as Surrogate Judge of Probate for said County, and have there then this Writ. Given under my hand this day of 184 .

A. F., Surrogate.

O. P., Register.

Table of Fees to be taken and allowed in the Surrogate Courts.

FOR THE SURROGATE.

Fee Table.
Surrogate.

Examining Petition for Letters of Administration or Probate of a Will, and granting Order for the same,	£0	6	8
Every Fiat for Appraisers or Bondsmen,	0	2	6
Every Order not herein specially provided for,	0	2	6
Certificate endorsed on Will, of the proof thereof,	0	6	8
Certificate endorsed on Will, of Oath to Executors,	0	3	4
For the Probate of a Will or Letters of Administration, where the Estate does not exceed £300,	0	16	8
Where above £300 and not exceeding £1000,	1	3	4
Above £1000,	2	6	8
Signing Warrant of Appraisement,	0	2	6
Citation, including order for the same,	0	3	4
Every Subpœna, Attachment, Execution or other process, not otherwise provided for, including Order for the same,	0	2	0
Letters <i>ad colligendum</i> ,	0	10	0
Sentence or decree in ordinary cases of granting Licence to sell Real Estate, passing Accounts, or of distribution, &c.	1	3	4
Sentence or decree for Probate of a Will, Letters of Administration, or on granting Licence to sell Real Estate, passing Accounts, or distribution, &c. where there is a contest,	2	6	8
Transmitting Appeal, with statement of reasons,	1	3	4
Taking Testimony in Writing, each Witness, if Testimony does not exceed three folios,	0	3	4
Every folio above,	0	1	0
Examining and taxing Costs,	0	2	6
Every Oath,	0	1	0

REGISTER'S

REGISTER'S FEES.

Filing Petition for Probate of Will or Letters of Administration, and Order of Surrogate thereon,	£0	1	0	Register.
Entry of Order for Probate or Letters of Administration and every other Special Order not herein otherwise provided for,	0	2	6	
For the Probate of a Will or Letters of Administration, where the Estate is under £300,	0	15	0	
When above £300 and not exceeding £1000,	1	0	0	
All above £1000,	1	6	8	
Copy of Will annexed to Probate, per folio,	0	1	0	
Registry of Will in Book, per folio,	0	0	9	
Preparing Bond of Administration, or on sale of Real Estate, or for payment of Costs on Appeal,	0	6	8	
Preparing Citation and Seal,	0	4	0	
Each copy thereof to be served,	0	2	0	
Preparing Affidavit of service of Citation or other process, or any other necessary Affidavit,	0	1	0	
Warrant of Appraisement and Seal,	0	4	0	
Filing every Paper, except Vouchers filed with Accounts,	0	0	6	
Filing every Account and Vouchers,	0	3	4	
All copies of Papers, for first folio,	0	1	0	
Every additional folio,	0	0	6	
Certificate under the Seal, including the Seal,	0	5	0	
Entry of every Order or Decree in the Registry Book, not specially provided for, per folio,	0	0	9	
For every inspection of original Will, and attending the party inspecting the same,	0	2	0	
Every search in every other case,	0	1	0	
Preparing Subpœna and Seal,	0	2	6	
Every Copy or Ticket required,	0	1	0	
Entry of Caveat or Appeal,	0	3	4	
Preparing every Execution, Attachment or other process not specially provided for,	0	2	0	
Certificate of Licence for sale of Real Estate,	0	5	0	

PROCTOR AND ADVOCATE'S FEES.

Taking instructions from Client to commence or defend any proceeding in a Surrogate Court,	£0	15	0	Proctor and Advocate.
Preparing every Petition, Allegation or other Paper necessary to be prepared by him, per folio,	0	1	6	
Every additional copy thereof, per folio,	0	0	6	
Every necessary attendance on the Surrogate,	0	6	8	
Every hearing or argument before the Surrogate not less than half a guinea, nor more than three guineas, at the discretion of the Surrogate.	0	1	0	
Serving every Notice, or other Paper, on each person,				

SHERIFF OR OTHER MINISTERIAL OFFICER'S FEES.

Serving Citation or other process, (Subpœna excepted) on each person,	£0	2	6	Sheriff.
Posting up same in three public places, directed by Surrogate,	0	5	0	
Serving Subpœna on each person,	0	1	0	
Mileage the same as in other Courts.				

CAP.

*Repealed by C. 62 - 1862 - which
was then passed - which*

CAP. LXII.

An Act to make more effectual provisions for the Regulation of Seamen in this Province.

Passed 31st March 1840.

Preamble.

WHEREAS it is expedient that the laws now in force for the regulation of Seamen in this Province should be repealed, and other and more effectual provision be made in lieu thereof;

7 G. 4, c. 12, repealed.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the seventh year of the Reign of His Majesty King George the Fourth, intituled "An Act to repeal all the Laws now in force for the regulation of Seamen, and to make more effectual provision for that purpose," be and the same is hereby repealed.

No capias to be issued against a Mariner for a debt contracted without the allowance of his Master until the voyage be performed.

II. And be it enacted, That if any person shall trust or give credit to any Mariner or Seaman belonging to any ship or vessel, without the knowledge and allowance of the Master or Commander thereof, no capias or other process for the arrest of the person of such Mariner or Seaman for any debt so contracted, shall be issued against or served upon the person of such Mariner or Seaman until he shall have performed the voyage which he may be then entered upon, and be discharged of the same; and every such process so issued shall be deemed and adjudged utterly void in Law; and any one Justice of the Court from whence such process shall issue, or Justice of the Peace (in case the debt demanded may not exceed five pounds,) to whom it shall be made to appear that any Mariner or Seaman is committed or detained upon process granted for any such debt contracted whilst he was engaged, and actually entered and on pay, on any voyage, shall forthwith order his release.

Mariner arrested to be discharged.

Any Mariner having shipped himself on board of any Vessel, or belonging to a vessel arriving, who shall neglect his duty, &c. may be committed to Prison.

III. And be it enacted, That if any Mariner or Seaman having shipped himself on board of any ship or vessel which hath been launched, or is actually preparing for sea, to proceed on any voyage, or belonging to any vessel arriving in the Province and upon pay, shall neglect his attendance, or refuse to do his duty on board, or shall absent himself without leave from his said service, upon complaint thereof made on oath or affirmation, (in the case of persons allowed by law to affirm,) by the owner, consignee, or master or other officer of said ship or vessel, to any justice of the Peace within the said County, such Justice is hereby empowered to cause such Mariner or Seaman to be forthwith brought before him by Warrant, and upon conviction of his neglecting his attendance, or refusing to do his duty on board, or absenting himself without leave as aforesaid, to commit such Mariner or Seaman to prison, that he may be secured and forthcoming to proceed on the voyage he has so agreed for, and to be delivered by order of the Justice who committed him, or some other Justice in the same County, and all necessary charges attending his being so secured, and which have been actually paid by the said owner or master, may be deducted from such Mariner's or Seaman's wages, as the same may become due, and it shall be the duty of the owner or the master or the officer or consignee of such ship or vessel complaining as aforesaid, to supply for the use of the said Mariner or Seaman all necessary bedding, provisions and maintenance during the time of his detention in prison as aforesaid, and pay to the gaoler of said prison his lawful fees on receiving and discharging such Mariner or Seaman; and in default thereof, the said gaoler may make the supplies aforesaid, and maintain an action therefor, together with the fees aforesaid, against the owner of the said vessel, or the master or the officer or consignee complaining as aforesaid, in any Court of Record, or if the same shall not exceed five pounds, before any Justice of the Peace, according to the provisions

All charges attending his being secured to be deducted from his wages.

Mariner to be supplied with bedding, &c. while in Prison.

of the Act, intituled "An Act to regulate proceedings before Justices of the Peace in Civil Suits."

IV. And be it enacted, That if any master or commander of any ship or vessel or any other person or persons, shall hire or engage, harbour or conceal any Mariner or Seaman who shall have signed any former contract or articles, knowing him to have deserted from or to belong to any other ship or vessel in the Province, every such master, commander or other person or persons so offending, and being thereof convicted before any two of Her Majesty's Justices of the Peace for the County where the offence is committed, upon the oath or affirmation, (in the case of persons allowed by Law to affirm,) of one or more credible witness or witnesses, or confession of the party charged, shall forfeit and pay such sum as the said Justices shall adjudge, not exceeding ten pounds and not less than two pounds, to be levied by warrant of distress and sale of the offender's goods, under the hand and seal of such Justices, and when recovered one moiety to be paid to the person so prosecuting for the same, and the other moiety to the County Treasurer where the offence is committed, for the use of such County; and if there be no goods or chattels of such offender whereon the said penalty may be levied, it shall and may be lawful for such Justices, by Warrant under their hands and seals, to commit such offender to the gaol of the County where such offence shall be committed, there to remain for a space of time not exceeding sixty days, and not less than ten days; and such Mariner or Seaman who shall desert at any time during the voyage on which he is engaged by written contract or articles, shall over and above the penalties and forfeitures to which he is now by Law subject, forfeit all the wages he may be entitled to on board the vessel entered by him after such desertion, to be detained by the master or owner of such vessel, to and for the use of the owner of the vessel from which he deserted, and to be sued for and recovered from him by such last mentioned owner by action of debt, or on the case, in any Court of Record, or before any Justice of the Peace, if the sum claimed do not exceed five pounds, agreeably to the above recited Act for regulating the proceedings of Justices in Civil Suits.

V. And be it enacted, That if proof be made upon oath or affirmation, (in the case of persons allowed by Law to affirm,) by the owner, agent or master of any ship or vessel, before any of Her Majesty's Justices of the Peace in this Province, that any Seaman or Mariner belonging to such ship or vessel, and who may have deserted or absented himself from the same, be kept or concealed on board of any other ship or vessel within any of the Harbours of this Province, or in any Tavern, pot house or other house or place within the County for which such Justice shall be appointed, or if oath or affirmation, (in the case of persons allowed by Law to affirm,) be made, that such owner, agent or master hath good reason to suspect, and doth verily believe that such Seaman or Mariner is so concealed as aforesaid, it shall and may be lawful for such Justice to issue his Warrant to any of the Constables or Peace Officers within the said County, to make search on board such ship or vessel, or in such Tavern, pot house or other place; and if such Seaman shall be found in such suspected place, that such Justice shall cause such Seaman to be brought before him, and upon conviction of his having so deserted or absented himself, shall cause such Seaman to be delivered over to the owner or master of the ship or vessel to which such Seaman shall belong, to be carried on board such ship or vessel, or to be committed to prison, as directed in the third Section of this Act.

VI. And whereas the practice of enticing Seamen to desert their ships is greatly promoted by the encouragement given to Tavern Keepers and others, by

Engaging or concealing a Mariner, knowing him to have deserted.

Penalty.

Recovery and Application.

For want of goods, offender to be imprisoned.

Mariner deserting shall forfeit his wages in vessel entered after desertion.

Recovery.

A Justice may issue a warrant to search upon proof by oath of the fact or suspicion that a Mariner is concealed on board a vessel in harbour, in a tavern, pot house, &c.

If such Seaman be found he shall be delivered to the owner, &c.

No money or reward shall be given to any person for procuring Seamen.

'by giving large sums to them for procuring Seamen;' Be it enacted, That from and after the passing of this Act, it shall not be lawful for any owner, master or agent of any ship or vessel, or other person, either directly or indirectly, to pay or give any money, hire or reward to any Innholder, Tavern Keeper, Shop Keeper or other person or persons, for the procuring of any Seaman or Seamen for any ship or vessel; and that it shall not be lawful for any Innholder, Tavern Keeper, Shop Keeper or other person or persons, to receive any money, hire or reward, either directly or indirectly, for the procuring such Seaman or Seamen; and that any money so to be paid, shall be considered as paid without consideration, and may be recovered back by action or suit in any Court having competent jurisdiction; and that all bonds, notes, bills, agreements, promises or engagements for paying or giving any money, hire or reward for the above mentioned purposes, shall be absolutely null and void to all intents and purposes whatsoever.

Money so paid may be recovered back.

Mariner not to be bound unless agreement be made in writing, &c.

VII. Provided always, and be it enacted, That no Mariner or Seaman shall be bound by entering or shipping himself on board of any ship or vessel, unless the agreement shall be in writing, and declare what wages such Mariner or Seaman is to have for so long a time as he shall ship himself for, and also shall express the voyage for which such Mariner or Seaman was shipped; any thing hereinbefore contained to the contrary notwithstanding.

Enticing or assisting Seamen to desert.

VIII. And be it enacted, That if any person or persons shall aid, entice or assist any Seaman to desert from any ship or vessel, or shall provide or procure, or cause to be provided or procured, for any Seaman the means or assistance to desert from any ship or vessel within the Province, or shall aid or assist any Seaman in the removal of their hammocks, clothing or apparel from on board of any ship or vessel, or shall convey any Seaman from any ship or vessel, without the sanction of the Master or commander of such ship or vessel, such person or persons so offending, for either of the said causes, shall upon conviction thereof be liable to the same penalties and forfeitures as contained in the fourth Section of this Act, to be recovered and applied as hereinbefore provided.

Penalty.

Recovery.

Proceedings in cases of the detention of a Mariner's clothes, chest, hammock or other property.

IX. And be it enacted, That if any person shall detain any Seaman or Mariner's clothes, chest, hammock or other property, it shall and may be lawful for any two of Her Majesty's Justices of the Peace, upon complaint made to them by any such Seaman or Mariner, on oath or affirmation, (in the case of persons allowed by Law to affirm,) to issue their Warrant, directed to any Constable of the County in which such Justices shall have jurisdiction, requiring the said Constable to bring such clothes, chest, hammock or other property before them, and to summon the person so detaining the same to appear before them, to answer for such detainer; and upon a full hearing of the case, on the oath or affirmation (in the case of persons allowed by Law to affirm) of the parties and their witnesses, taken *viva voce*, or on proof that the person required to be summoned could not be found, and that a copy of such Warrant was left at his last place of abode, the said Justices shall and may make such order touching the articles mentioned in the said Warrant, and so brought before them, and the delivery thereof to the party complaining, or the restoration thereof to the party charged with detaining the same, as may be reasonable and just; and in case the articles cannot be found, on proof thereof, and on the appearance of the party charged, and hearing all parties as aforesaid, or proof of the service of a copy of the said Warrant as aforesaid, then the said Justices shall and may order payment of the value thereof, together with the costs of prosecution, if the same shall to them appear reasonable and just, to be levied by warrant of distress and sale of the goods and chattels of the party upon whom such

479

such orders shall be made, to the use of the said Seaman or Mariner; and in default thereof, the said person so detaining the same, to be committed to gaol, there to remain without bail, until the payment of the sum so ordered, and costs aforesaid: Provided always, that no proceedings shall be had unless the value of the articles alleged to be detained shall not exceed ten pounds; and provided also, that no Innholder or Tavern keeper, or other such person shall be allowed to make any claim before the said Justices, for any lien on the said articles mentioned in the said Warrant, or any debt due from the said Seaman or Mariner, if it shall appear that the said Seaman or Mariner was at the time of such application a deserter from or belonging to any ship or vessel.

Proviso as to value of articles and lien of Tavern Keepers.

X. And be it enacted, That all prosecutions instituted for the recovery of any of the penalties imposed for the breach or breaches of any of the provisions of this Act, may be brought in the name of the owner or owners, master, agent or consignee of the ship or vessel to which such Mariner or Mariners, at the time of such breach or breaches shall belong, on account of whom such penalty or penalties shall be incurred.

Prosecutions for penalties may be instituted in the name of the owner, &c. of the vessel to which the Mariner shall belong.

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

Limitation.

Revised by 13th Dec
53
Cap.

CAP. LXIII.

An Act further to regulate proceedings in Replevin, by allowing damages in certain cases to the Defendant.

Passed 31st March 1840.

WHEREAS great injustice is sometimes committed by the wrongful Replevin of goods and chattels, in consequence of the party from whose possession such goods and chattels may be taken by Replevin not being entitled to recover damages where a return may be awarded; Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That if, upon the trial of any issue respecting the property in any action of Replevin, or of any other issue which, upon the same being found in his favour, will entitle the Defendant to judgment for the return of the goods and chattels replevied, or any part thereof, the Jury shall find such issue in favor of the Defendant, such Jury may if they shall think fit, give damages to the Defendant; and the Defendant may enter up his judgment thereupon with such damages and the costs of suit, and may issue execution for such damages and costs in like manner as he now may for the costs of suit only.

Jury may give damages to the Defendant where he would be entitled to judgment for return of goods replevied.

Judgment may be entered up for damages and costs.

II. And whereas it may often be of advantage to allow the goods and chattels which may be wrongfully replevied to be valued by the Jury at the trial of any such issue as aforesaid, and such value to be awarded to the Defendant in damages; Be it enacted, That in all cases where the property may not have been already restored to the Defendant, the Jury on the trial of any such issue as aforesaid may, at the instance and request of the Defendant in whose favour such issue may be found, award to such Defendant the value of the goods and chattels in damages; and in such case it shall be so specifically stated in the rendering of their verdict; and the Defendant shall be thereupon entitled to enter up his judgment for the recovery of such damages, and to issue execution thereupon, instead of entering up judgment *de retorno habendo* as heretofore accustomed; and upon the award of such value in damages and judgment thereupon, the Defendant's right and interest in such goods and chattels shall become vested in the Plaintiff.

Jury may award the value of the goods in damages at the request of the Defendant.

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III.

a) See 50 Geo. 3. c. 21 440 di 4. c. 38

480

Obligors in Replevin Bonds to be liable for the damages awarded.

Justices of Supreme Court to prescribe forms for Replevin Bonds and entering verdict or judgment.

Forms to be applicable to the Common Pleas.

Commencement of Act.

III. And be it enacted, That all obligors in Replevin Bonds to be made after this Act takes effect, shall become liable and bound to the payment of any such damages as may be awarded to the Defendant by virtue of this Act.

IV. And be it enacted, That the Justices of the Supreme Court, or any three of them, shall have power and they are hereby authorized and required at any Term of the said Court which may occur after the time of passing this Act, to frame and prescribe proper and suitable forms for the Replevin Bonds hereafter to be taken, and for the entering of any verdict or judgment pursuant to this Act, which shall be published in the Royal Gazette; and such forms shall, from the time of this Act taking effect, be observed and complied with in the same manner as if the same were in this Act specified and contained; and such forms shall be applicable to the Inferior Court of Common Pleas as well as the Supreme Court.

V. And be it enacted, That this Act shall commence and take effect on the first day of January in the year of our Lord one thousand eight hundred and forty one: Provided always, that in the mean time the Justices of the Supreme Court may frame and prescribe the forms mentioned in the fourth Section: Provided also, that nothing in this Act contained shall extend or be construed to extend to affect any proceedings in any action of Replevin commenced before this Act goes into operation.

CAP. LXIV.

Act in addition to the Acts for the amendment of the Criminal Law.

Passed 31st March 1840.

Offenders convicted of specified offences as misdemeanors may be sentenced to imprisonment with or without hard labor, be fined and required to find sureties for keeping the Peace.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That where any person shall be charged with and convicted of any of the following offences as misdemeanors, that is to say, of any riot, falsely making or counterfeiting any coin, uttering any counterfeit coin knowing the same to be counterfeit, any subornation of perjury, keeping any bawdy house, gaming house or other disorderly house, or of any act of open lewdness or indecency, in any such case the Court may sentence the offender to be imprisoned with or without hard labour in the Common Gaol or House of Correction for any term not exceeding two years, and may also, if it shall so think fit, fine the offender and require him to find sureties for keeping the Peace and being of good behaviour.

II. 'And whereas in and by the fourth, fifth, sixth and seventh sections respectively of an Act made and passed in the first year of the Reign of His late Majesty King William the Fourth, intituled "An Act for improving the administration of Justice in Criminal cases," it is enacted that the Justice or Justices or Coroner, as the case may be, by whom any examinations, informations, evidence, inquisitions, bailments and recognizances which are in and by the said respective sections of the said Act required, shall be taken, shall deliver or transmit the same to the proper Officer of the Court in which the trial is to be, before or at the opening of the Court; and whereas great inconvenience and detriment to the course of public justice are found to arise from the delays which occur in such delivery or transmission: for remedy whereof, Be it enacted, That the Justice or Justices or Coroner, as the case may be, by or before whom shall be taken any such examinations, informations, evidence, inquisitions, bailments or recognizances as are in the said respective sections of the said Act required or mentioned, shall deliver or transmit the same to the proper Officer of the Court where the trial is to be, forthwith after the same shall be taken, any thing contained

Examinations, Informations, bailments, recognizances, &c. to be delivered to the proper officer of the Court forthwith after the same shall be taken.

Section referred to
Act - c. 91

4
17
1 W. 4, c. 14.

contained in the said recited Act notwithstanding, upon pain of being deemed guilty of a contempt of such Court.

CAP. LXV.

See 26-G-3-e-3
76^m 4 e-15

An Act to amend the Law of Evidence in regard to the proof of Records and Letters Patent.
Passed 31st March 1840.

WHEREAS unnecessary expense is frequently incurred in the exemplification of Judgments in the Supreme Court; Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That when parts only of Records or Rolls of Judgments in the Supreme Court may be necessary to be given in evidence, exemplifications of such parts which may be so necessary, may be received in evidence in any Court in this Province, without requiring the whole of the Record or Roll to be exemplified.

Exemplifications of parts of Records of Judgments in the Supreme Court may be received in evidence.

II. And whereas much expense is often incurred in procuring exemplifications under the Great Seal of Grants of Land by the Crown in this Province; Be it enacted, That a copy from the Record of any such Grant in the office of the Secretary and Register of the Province, duly certified under the hand of such Officer, as having been examined by him with the Record, and found to be correct, or duly proved by any witness who shall have examined the same with the Record, shall be deemed and taken to be as good and sufficient evidence of such Grant or Letters Patent as an exemplification thereof under the Great Seal.

A copy of the record of any grant in the office of the Secretary and Register certified by the Secretary, or duly proved, to be deemed as good evidence as an exemplification.

III. And be it enacted, That in the proof of title from the Crown by an exemplification under the Great Seal, or by a certified or an examined copy as is hereinbefore provided, it shall not be necessary to exemplify or copy the conditions contained in such Letters Patent, on the part of the Grantees, their Heirs and Assigns, to be observed and performed, or any other clause in the said Letters Patent which may not be pertinent or relevant to the matter in question; and that no such exemplification or copy shall be rejected in evidence on account of the omission of such clauses, provided such omission do not prejudice the opposite party, or affect the merits in question.

In proof of title by exemplification or a certified or examined copy, it shall not be necessary to exemplify the conditions of the grant.

Proviso.

IV. Provided always, and be it enacted, That when the said Letters Patent or Grant refer to any Plat or Plan as annexed thereto, no exemplification or copy of such Letters Patent or Grant shall be received in evidence, unless there be annexed thereto a true transcript or copy of such Plat or Plan, unless it be proved by the certificate of the Secretary and Register or otherwise, to the satisfaction of the Court at which the evidence may be tendered, that there is no such Plat or Plan entered with the said Grant or Letters Patent in the said Office of the Secretary and Register.

A copy of the Plat referred to in the grant to be annexed to the exemplification unless it be certified that no plan has been entered with the grant.

V. And be it enacted, That Grants of Land heretofore made under the Great Seal of Nova Scotia, prior to the erection and establishment of this Province, and registered in the Office of the Secretary and Register pursuant to an Act passed in the twenty sixth year of the Reign of King George the Third, intituled "An Act for the registering of Letters Patent and Grants made under the Great Seal of the Province of Nova Scotia, of Lands now situate within the limits of this Province," may be proved by certified or examined copies thereof, or of the material parts thereof, in like manner as hereinbefore provided in respect to Grants passed under the Great Seal of this Province.

Grants of Land registered pursuant to Act 26, G.3, may be proved by certified or examined copies.

VI. And be it enacted, That the expense of any exemplification, or copy of any Roll, Record or Letters Patent, or any part thereof, or of any Plat or Plan given

Expense of an exemplification or copy of any Roll, Record or Letter

Patent may be allowed in taxing costs.

given in evidence by virtue of this Act, may be charged and allowed in the taxation of costs in whole or in part by the taxing Officer of the Court wherein the suit may be pending, whose decision thereupon may be reviewed by the Court as in ordinary cases.

CAP. LXVI.

An Act to incorporate the Chamcook Mill and Factory Company.

Passed 31st March 1840.

Preamble.
6 W. 4, c. 70.

WHEREAS an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to incorporate the Chamcook Mill and Factory Company," has ceased and determined by reason of the provisions of the third Section thereof not having been complied with: And whereas it is still considered that an extensive Manufactory of Cotton Wool into Cloth, and a more extensive manufacture of Lumber and other articles than is now established at Chamcook, in the County of Charlotte, is desirable, and that it will be essential to the success of the undertaking that an Act of Assembly again incorporating a Company for these purposes should be granted, and will tend materially to benefit the trade of this Province:

The Chamcook Mill and Factory Company incorporated.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That John Wilson, James Rait, Thomas Sime, Edward Wilson, E. D. W. Ratchford, Samuel Abbot, Joseph Walton, John M'Allister, Joseph Wilson and William Babcock, and all and every such other person and persons as shall from time to time become proprietors of Shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby erected into a Company, and declared to be a Body Politic and Corporate, by the name of *The Chamcook Mill and Factory Company*, for the purposes in the preamble to this Act mentioned, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

Capital to be £60,000.

II. And be it enacted, That the Capital Stock of the said Corporation shall consist of the sum of sixty thousand pounds, the whole amount of the said Stock to be divided into twenty four hundred shares of twenty five pounds each.

Act to be void if 20 per centum of Capital be not paid in, and certificate filed in the Secretary's Office within three years.

III. Provided always and be it enacted, That unless one fifth part of the said Capital Stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the Directors of the said Corporation, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer,) shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of such three years.

CAP. LXVII.

An Act to authorize the Justices of the Peace for the County of Charlotte to levy an assessment to pay off the County Debt.

Passed 31st March 1840.

Justices may assess for £750 to pay off the County debt.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of Charlotte, at any General Sessions of the Peace hereafter to be holden, be and they are hereby authorized and

483

and empowered to make such rate and assessment of any sum not exceeding seven hundred and fifty pounds, as in their discretion they may think necessary, for the purpose of paying off the Debt of the said County; the same to be assessed, levied, collected and paid, agreeably to any Acts now or hereafter to be in force for the assessing, collecting and levying of County Rates.

CAP. LXVIII.

See 5th Vic. c. 35

An Act relating to Wrecked Property.

Passed 31st March 1840.

Amended by 12 vic cap 47

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, to appoint and also to re-appoint and supply, where it may be expedient, in each of the Counties of this Province, where he shall think it necessary, one or more Commissioners of Wrecks and shipwrecked Goods; which said Commissioners before they enter on the duties of their office shall be sworn to the faithful discharge thereof by the Clerks of the Peace respectively of the several Counties for which the said Commissioners may be appointed.

Governor in Council to appoint Commissioners of wrecks and shipwrecked goods.

To be sworn.

II. And be it enacted, That the Commissioner or Commissioners for each County, or any two Commissioners (should more than two be appointed for any County), shall immediately on receiving information of any Shipwreck, or of the finding any Shipwrecked Goods or Property of any kind, to the amount or value of twenty five pounds or more, on any of the shores or waters within his or their County, or of any abandoned or wrecked Ship or Vessel, Property or Goods having been brought into his or their County, repair to the place where the said property may be found or brought, and in case the same shall not be in the custody of any owner, or agent of such owner, or other lawful authority, or any owner or agent or lawful authority as aforesaid shall so request, shall take charge thereof, and shall preserve and secure the same for the owner.

Commissioners on information of a Shipwreck or of finding wrecked property to the value of £25, to repair to the place and take charge.

III. And be it enacted, That the said Commissioner or Commissioners may employ as many persons as he or they shall think necessary to assist in preserving the property, and may appoint guards to secure the same, and shall and may have full power and authority to suppress all tumults and disorders; and if any person shall disobey any lawful order of such Commissioner or Commissioners, for the suppression of any tumults or disorders, he shall forfeit for every such offence the sum of ten pounds, to be recovered by action of debt, in any Court of Record in this Province, by and in the name of the said Commissioner or Commissioners to his or their use.

May employ persons to assist in preserving the property, appoint guards, and suppress tumults.

Penalty for disobeying a Commissioner.

IV. And be it enacted, That the said Commissioner or Commissioners shall on every such occasion take an inventory of all the Property that shall come to his or their possession; and when required by the owner of the Property or his agent, or by any Insurance Company or Underwriter, or other person interested in the said Property, shall make oath to the truth of such Inventory, and shall deliver a copy thereof, if required, together with all the said Property to the owner, agent or other person lawfully authorized to receive it as aforesaid: Provided that there shall first be paid, or secured to be paid to the said Commissioner or Commissioners a reasonable compensation for his or their services and expenses, and such duties and other charges as he or they shall have paid, or become liable to pay, upon or for the Property in question.

To take an inventory of property that shall come to their possession.

To attest on oath if required, and deliver property to the owner;

Compensation and expenses being first paid.

Owner not to be liable to pay any expenses to others than the Commissioners.
Exception.

V. And be it enacted, That no owner or other person or persons interested in any such Property, shall be liable to pay any person or persons, other than the said Commissioner or Commissioners, any charge for services or expenses in taking or securing the said Property, unless it be for property taken or secured before any Commissioner or Commissioners shall take charge of the said Property.

Intermeddling with property after the arrival of a Commissioner.

VI. And be it enacted, That if any person shall after the arrival of any such Commissioner or Commissioners take, detain or intermeddle with any Property, shipwrecked or found as aforesaid, except under the direction of such Commissioner or Commissioners, owner or agent, or other person or persons interested, he shall forfeit a sum not exceeding two hundred and fifty pounds for each offence, to be recovered in an action of debt which may be brought by the said Commissioner or Commissioners, owner, agent or party interested as aforesaid, in any Court of Record in this Province, to the use of such Commissioner or Commissioners, owner, agent or party interested as aforesaid.

Penalty.

Recovery.

If the Commissioners and owners of property cannot agree as to compensation and expenses, the same to be submitted to arbitration.

VII. And be it enacted, That if the said Commissioner or Commissioners, and the said owner or owners, agent or other person lawfully authorized to receive the said Property, shall not agree on the sum so due to the said Commissioner or Commissioners, as to the compensation to be allowed to him or them for his or their services, and for his or their expenses and charges as aforesaid, the same shall and may be submitted to three arbitrators, one to be chosen by each party, and the two so chosen to choose a third, and in case either shall omit or refuse to choose an arbitrator within six days from the time of such disagreement, the other party to name both, the award of whom shall be conclusive as to such compensation, expenses and charges.

Commissioners to publish particulars of Shipwrecks and goods found when no owner may be present.

VIII. And be it enacted, That the Commissioner or Commissioners aforesaid, as soon as may be after his or their arrival at the place where any Wreck or Goods shall be found, if there be no owner, agent or person lawfully authorized as aforesaid present, shall publish the particulars of the Shipwreck and of the Goods found, with such other material facts as he or they shall ascertain, in order that knowledge thereof may be given as soon as possible to the owner, agent or person interested; and if the said Commissioner or Commissioners shall neglect so to do, he or they shall forfeit the sum of one hundred pounds, to be recovered by action of debt at the suit of the owner, agent or other person or persons interested to his or their own use.

Penalty for neglect.

Commissioners may sell on due notice a sufficiency of property found to pay duties, &c.

IX. And be it enacted, That the said Commissioner or Commissioners may dispose of so much of the said Property by public auction, within thirty days after taking the same into his or their custody, and upon giving fourteen days public notice in one or more of the public newspapers of the County where the Goods or Wreck may be, or by handbills posted up in three or more of the most public places in the said County, and also on the morning of the day when the same shall be offered for sale, as shall be sufficient to pay all duties and other charges and expenses thereon which he or they shall have paid or become liable for to the Custom House or Treasurer of the Province.

When the property is of a perishable nature, it may be sold within sixty days.

X. And be it enacted, That when such Property is of a perishable nature, and may be reduced in value by keeping it for one year, and no owner, agent or other person or persons interested therein, shall appear to claim it within sixty days after it shall have been taken into the custody of the said Commissioner or Commissioners, and such particulars published as aforesaid, such Commissioner or Commissioners shall advertize the said Property in the manner hereinbefore mentioned, and shall sell the same by public auction to the best advantage.

XI.

XI. And be it enacted, That if no Owner, Agent, or other person or persons interested in such property, shall appear within one year after it shall have been taken into the custody of the said Commissioner or Commissioners, and published as aforesaid, and establish his or their claim thereto, the said Commissioner or Commissioners shall present to the Treasurer of the Province or Deputy Treasurer, an Inventory of the Property, or, if sold, an account of the sales, with an account of all monies paid by him for duties on the Property and for the expenses of securing and preserving the same; and he shall make oath to the truth of such Inventory and accounts, and shall pay and deliver to the said Treasurer, or Deputy Treasurer, the balance of such accounts, with all the said Property remaining in his hands for the use of the Province; Provided, that there shall first be paid or allowed to the said Commissioner or Commissioners, out of such balance, such compensation for his or their services as shall be just, to be ascertained, in case of disagreement between the said Commissioner or Commissioners and the said Treasurer or Deputy Treasurer, in the same manner that is hereinbefore provided for the adjustment of the like question between the said Commissioner or Commissioners and the owner of such Property.

If no owner appear within one year, and establish a claim, an inventory or account of sales to be furnished to the Province Treasurer or Deputy and balance paid over.

Commissioner's compensation to be first paid.

XII. And be it enacted, That if any such Commissioner or Commissioners shall for the space of sixty days after the expiration of the year hereinbefore limited for his accounting with the Treasurer or Deputy Treasurer neglect to present to the Treasurer or Deputy Treasurer the Inventory and accounts before mentioned, and to pay and deliver the balance due thereon, deducting the compensation aforesaid, together with all the said Property remaining in his hands, it shall be the duty of the said Treasurer to place the same in the hands of the Attorney General to prosecute therefor, in the name of and behalf of Her Majesty, for the use and benefit of the Province.

Commissioner to be prosecuted if accounts be not rendered and balance paid.

XIII. And be it enacted, That if any person shall exhibit any false Light or Signal, with intent to bring any Ship or Vessel into danger, or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any Ship or Vessel in distress, or shall by force prevent or impede any person endeavouring to save his life from such Ship or Vessel, (whether he shall be on board or shall have quitted the same,) every such offender shall be guilty of Felony, and being convicted thereof shall suffer death as a Felon.

Exhibiting false lights or signals or preventing any person to save his life from any vessel in distress, &c. deemed Felony, punishable with death.

Repealed April 30th by 5th of 1835. See p. 11.

XIV. And be it enacted, That if any person shall plunder, steal, or destroy any wrecked, stranded, or abandoned Ships or Vessels, or any Vessel which shall be in distress, or Goods, Wares, or Merchandize belonging to such Ship or Vessel, which shall be wrecked, lost, abandoned, or cast on shore on the Coasts of this Province, or shall be found adrift or floating in any of the Bays or Harbours thereof, such person shall be guilty of Felony, and being convicted thereof, shall be liable to be punished in the manner prescribed for Felony by "An Act for improving the administration of Justice in Criminal cases."

Plundering goods or vessels wrecked, &c. deemed Felony.

May Repealed 11th of 1835 p 29

CAP. LXIX.

An Act further to provide for the expenses of the Legislature.

Passed 31st March 1840.

WHEREAS to ensure a proper representation of all the various interests of the Province in the second branch of the Legislature, it is just and reasonable that some provision should be made to defray the expenses of such Members thereof attending in General Assembly as do not enjoy large Salaries by any office of emolument under Government;

Revised & continued during Session of 1857 by 14th of 1857 15

£150 for each Session of the General Assembly granted to the President of the Legislative Council.

Twenty shillings per diem, limited to £50 for each Session granted to each Member of the Legislative Council.

Exception.

Allowance for travelling charges.

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

Limitation.

Continued to April 1845 by 6th Dec. c. 27

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be allowed and paid out of the Treasury of the Province, to the President of the Legislative Council, the sum of one hundred and fifty pounds for each and every Session of the General Assembly.

II. And be it enacted, That there be allowed and paid out of the said Treasury, to each and every Member of the Legislative Council, except as is hereinafter excepted, for defraying the expenses of attendance in General Assembly, the sum of twenty shillings *per diem*, for the attendance of the Legislative Council, to be certified by the President thereof: Provided always, That no greater sum shall be allowed to any Member for any one Session than Fifty Pounds; and provided further, that each and every Member of the said Legislative Council, who may enjoy any place or office under Government, exceeding the clear yearly income of two hundred pounds, shall not be entitled to be certified by the said President, or entitled to payment for such attendance.

III. And be it enacted, That for defraying the travelling charges of the Members of the Legislative Council, there be allowed and paid out of the said Treasury the sum of twenty shillings *per diem* to each and every Member, allowing twenty miles for each day's travel: the same to be certified as directed in and by the second Section of this Act.

IV. And be it enacted, That the several and respective sums of money hereinbefore mentioned, shall be paid by the Treasurer, by Warrant of His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of Her Majesty's Executive Council, out of the monies now in the Treasury, or as payments may be made at the same.

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

CAP. LXX.

An Act to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of the rates of Pilotage, beyond the limits now prescribed by Charter.

Passed 31st March 1840.

Corporation of Saint John empowered to make Laws for the regulation of Pilots in respect to rates of Pilotage as distance money.

See 1846

Limitation.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, be and they are hereby authorized and empowered to make Laws and Ordinances for the regulation of the Branch Pilots of the Port of Saint John in respect to rates of Pilotage to be taken by them as distance money, extending to such parts of the Bay of Fundy in connexion with the Harbour of Saint John as they shall deem expedient, and under such penalties, restrictions and forfeitures as the said Common Council may see fit.

II. And be it enacted, That this Act shall remain and be in force until the first day of April, one thousand eight hundred and forty three.

CAP. LXXI.

An Act to amend the Act to alter the times for the appointment of Sheriffs and Supervisors of Great Roads.

Passed 31st March 1840.

7 W. 4, c. 6, s. 18.

Repealed by 50-51

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the eighteenth section of an Act made and passed in the seventh

487

seventh year of the Reign of His late Majesty King William the Fourth, intituled "An Act relating to the Great Roads of Communication through this Province;" and also so much of an Act made and passed in the first year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to alter the times for the appointment of Sheriffs and Supervisors of Great Roads," as applied to the appointment of Supervisors, be and the same is hereby repealed.

1 Victoria, c. 15, in part repealed.

II. And be it further enacted, That the several and respective Supervisors of Great Roads shall be appointed for and during the space of one year from the first of April in each and every year, and such appointments shall be made in the month of March in each and every year, and in case of death or removal from the Province, or refusal of any such Supervisor to act, or for other sufficient cause shewn to the Lieutenant Governor or Commander in Chief, for the removal of any Supervisor or Supervisors, it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of the Executive Council, to nominate and appoint for the remainder of the year some other fit and proper person to be Supervisor in the room of such person so deceased, or removed from the Province, or who shall refuse to act, or be removed from other sufficient cause.

Appointments of Supervisors to be for one year from 1st April, and to be made in the month of March.

Vacancies by death, removal, refusal to act, &c. may be supplied.

III. And be it enacted, That when it shall be made to appear to the Lieutenant Governor or Commander in Chief for the time being, that any Supervisor has neglected to render to the Secretary of the Province, accounts, duly vouched and attested, of the expenditure of all the monies received by him from the Treasury of the Province in the year preceding the commencement of the annual Session of the Legislature, at an early period of such annual Session, or who shall have drawn monies from the Treasury contrary to the rules made by the Lieutenant Governor in Council for the government of Supervisors, then and in such case it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, and he is hereby authorized and empowered, to displace such Supervisor, and appoint another fit person to be Supervisor in his stead.

Lieutenant Governor may displace (and appoint another in his stead,) any Supervisor neglecting to render accounts, or drawing money from the Treasury contrary to rules.

CAP. LXXII.

Repealed by 5th Vic c. 26 -

An Act to facilitate the means of supplying the City of Saint John with Water.

Passed 31st March 1840.

WHEREAS a Company incorporated under the authority and by virtue of several Acts of Assembly of this Province, called "The Saint John Water Company," has lately been established in the City of Saint John for the purpose of supplying the said City with Water; and whereas the operations of the said Company have been found very conducive to the security of property and the interest and convenience of the Inhabitants of the said City, and it is considered that further public advantages will be derived by authorizing the said Company to relinquish their Charter of Incorporation, and to place the future operations thereof under the controul of the Mayor, Aldermen and Commonalty of the City of Saint John:

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the President and Directors for the time being, of the Saint John Water Company, or the major part of them, at any time or times after the passing of this Act, by public advertisement in two or more of the Newspapers published in the said City, to require the Stockholders of the said Company to pay in all or such part of the residue of the Capital Stock now remaining

President and Directors of the Saint John Water Company may call in the outstanding Capital Stock.

On default of payment may proceed to recover or forfeit the shares.

remaining unpaid, as they the said President and Directors, or the major part of them shall think fit, by such instalments and proportions and at such times and periods, and in such manner as they the said President and Directors or the major part of them shall from time to time direct and appoint; and in case default shall be made in payment of any part of the residue of the said Capital Stock so to be required, it shall be lawful for the said President and Directors of the said Company for the time being, or the major part of them, to take all such measures to recover the same, or to provide for the forfeiture of the Shares in respect of which such default shall have been made as the said President and Directors might or could have lawfully taken with regard to defaults of a like nature made in respect of any part of the residue of the Capital Stock which has been required to be paid in previous to the passing of this Act.

To pay off all the Corporation debts except the Treasury Loan.

II. And be it enacted, That the said President and Directors shall, as soon as conveniently may be, pay off and discharge all the debts, liabilities and engagements of the said Company, of what nature or kind soever, excepting only the loan of five thousand pounds and the interest thereof, heretofore granted to the said Company from the Province Treasury, by virtue of an Act of Assembly, passed in the eighth year of the reign of His late Majesty King William the Fourth, intituled "An Act to grant a loan of five thousand pounds to the Saint John Water Company."

§ W. 4, c. 11.

Statement of the affairs of the Company to be made up.

III. And be it enacted, That it shall be the duty of the President and Directors of the said Company for the time being, within one month after the passing of this Act, to make up and prepare a just, true and correct statement of the whole of the affairs of the said Company, which said statement shall shew the whole amount expended and paid by the said Company for any purpose or purposes whatever, the debts, obligations and liabilities of and the claims against the said Company, and each and every of them, of what nature or kind soever, all sums of money from time to time received, and the times when the same may have been received, as well on account of the Capital or Stock of the said Company or otherwise howsoever, and all sums of money due and owing to the said Company; and likewise shall set forth and state all the property of the said Company, as well real as personal, and all other matters and things whatsoever relating to the said Company; which said accounts shall be verified under the respective oaths of the President and Secretary of the said Company, and shall be delivered to the Mayor of the said City for the time being, for the information of the said Mayor, Aldermen and Commonalty; and within fourteen days after such delivery of the said accounts, the President and Directors for the time being of the said Saint John Water Company shall nominate and appoint two fit and proper persons, not being Directors of the said Company for the time being, and the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, shall nominate and appoint three fit and proper persons, being Members of the said Common Council or otherwise, which five persons so nominated and appointed shall forthwith, on receiving notice of their appointment, proceed to investigate the whole affairs and operations of the said Company, and to examine and inspect the books, documents, papers, vouchers and writings relating to the business of the said Company, and also all the property, machinery and works of the said Company; and after such examination and inspection the said persons so nominated and appointed as aforesaid, or the major part of them, shall make a full report in writing under their hands of the state of the affairs and business, and also of the property, machinery and works of the said Company; one copy of which said report shall be furnished to the said President and Directors of the said

Contents.

To be verified on oath and delivered to the City Corporation.

After delivery, persons to be appointed by the Water Company and City Corporation to examine the same and all the property, machinery, &c. and report in writing.

Water

Water Company, and another copy thereof shall be delivered to the Mayor of the said City, for the use and information of the Common Council thereof.

IV. And be it enacted, That after the said reports shall have been finished and delivered as hereinbefore provided, in case an agreement for that purpose shall be made between the said Saint John Water Company and the said Mayor, Aldermen and Commonalty, it shall and may be lawful for the said Saint John Water Company, by good and sufficient assurances in the Law, to assign, transfer, convey and assure to the said Mayor, Aldermen and Commonalty of the City of Saint John, their successors and assigns for ever, all the lands, tenements and hereditaments, machinery, engines, water pipes, goods, merchandize, chattels, fixtures and effects of the said Company, of what nature or kind soever and wheresoever, and all their estate and interest therein, with all rights, privileges and appurtenances to the same belonging, for such sum or sums of money as a consideration for the same, and in such manner to be paid as may be fixed and determined by agreement between the said Mayor, Aldermen and Commonalty of the City of Saint John, and the said Saint John Water Company.

After reports finished and delivered, if an agreement can be made, the Water Company may assign all their property to the City Corporation in consideration of such sum as may be agreed on.

V. And be it enacted, That upon the said transfer and assignment to the said Mayor, Aldermen and Commonalty of the City of Saint John, of all the property and effects of the said Saint John Water Company, being completed in manner hereinbefore provided, and notice thereof published in two or more of the Newspapers printed in the said City of Saint John, then the establishment of the said Company by the name of the Saint John Water Company shall cease and be dissolved, and all the provisions contained in any Act or Acts of Assembly relating to the establishment, constitution and regulation of the said Company shall be void and of no effect, and the Directors then in office shall take immediate and effectual measures for dividing the securities or debentures hereinafter mentioned, to be received for the consideration money for such transfer among the Stockholders of the said Company, in proportion to their respective interests.

Upon the transfer being completed and public notice given, the Water Company to be dissolved and Acts of Assembly relating thereto void.

VI. And be it enacted, That upon the dissolution of the said Saint John Water Company as hereinbefore provided, it shall be the duty of the said Mayor, Aldermen and Commonalty of the City of Saint John, and they are hereby required, forthwith to proceed with and continue the operations for supplying the said City and its vicinity with Water, in manner contemplated by the said Acts of Assembly hereinbefore mentioned, and according to the true intent and meaning thereof; and the said Mayor, Aldermen and Commonalty of the City of Saint John shall have and exercise all the powers, privileges and authorities, and be subject to all the regulations and provisions mentioned and contained in the fifteenth, sixteenth, seventeenth and eighteenth Sections of the Act passed in the second year of the Reign of His late Majesty King William the Fourth, intituled "An Act to incorporate sundry persons by the name of the Saint John Water Company," so far as the same may be applicable to the said Mayor, Aldermen and Commonalty of the City of Saint John, and as fully and effectually to all intents and purposes as if the said Mayor, Aldermen and Commonalty of the City of Saint John had taken up and subscribed for the whole of the said Capital Stock within one calendar month after the passing of the said last recited Act, as mentioned and expressed in the nineteenth Section thereof.

Directors in Office to divide the securities hereinafter mentioned, among the Stockholders.

Upon the dissolution of the Water Company, the City Corporation to continue the operations for supplying the City with water, and exercise the powers and be subject to the regulations mentioned in the Act 2 W. 4. c. 26.

VII. And be it enacted, That the said Mayor, Aldermen and Commonalty of the City of Saint John do and shall, in every Street or Road through which the Pipes for conducting the Water shall be laid, make and provide proper vents and openings at convenient and proper places and distances from each other, for supplying Water whenever Fires shall happen in the said City or the vicinity thereof.

Vents and openings to be made for supplying water in cases of fire.

VIII.

City Corporation to cause accounts relating to the supply of Water to be kept separate from other City affairs.
To appoint persons to manage the operations.

To make rules for the persons employed and supplied with water.

City Corporation may issue notes or debentures for the payment of the Water Company.

To bear interest.

VIII. And be it enacted, That the said Mayor, Aldermen and Commonalty of the said City shall cause all the matters and accounts relating to or connected with the operations of supplying the said City and its vicinity with Water, to be kept separate and distinct from all the other affairs and accounts of the said City; and shall, for the purpose of carrying on such operations, nominate and appoint from time to time as to them in Common Council shall seem meet, one or more person or persons to superintend and manage the same under their directions; and such person or persons may displace and appoint others in his or their stead; and shall have full power and authority in Common Council to make, ordain, establish and declare, by ordinance or otherwise, such rules, regulations and orders for the due government and regulation of the persons employed or connected with such establishment and of all other persons whomsoever, as well with respect to the use of the Water as otherwise howsoever, and shall and may enforce obedience to such rules, regulations and orders, by penalties and fines, in the same manner as the said Mayor, Aldermen and Commonalty of the said City are empowered and enabled to do under and by virtue of any laws or ordinances made and ordained by them, in pursuance of the Charter of the said City.

IX. And be it enacted, That for the purchasing and paying for the rights and interests of the Stockholders in the said Company, and likewise for carrying on the future operations connected with the supplying the said City and its vicinity with Water, it shall and may be lawful to and for the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, by Resolution from time to time duly passed and entered in the minutes of their proceedings, to issue Notes or Debentures for such sum or sums of money, and in such amounts as they may deem advisable; the amounts named and expressed in such Notes or Debentures to bear Interest at and after the rate of six pounds per centum per annum, which Notes or Debentures shall be signed by the Mayor of the said City, and countersigned by the Chamberlain and Common Clerk of the said City, and shall be in the following form, namely:

Form of Notes or Debentures.

Number.

City of Saint John,
Province of New Brunswick.

Form.

Whereas by virtue of an Act of the General Assembly of the third year of the Reign of Queen Victoria, Chapter intituled "An Act to facilitate the means of supplying the City of Saint John with Water," authority was given to the Mayor, Aldermen and Commonalty of the City of Saint John, on the purchase by the said Corporation of the Stock of the Saint John Water Company, to give Notes or Debentures to the Stockholders of the said Company pursuant to the terms of the said Act, and [here insert Parish, County and Province, and occupation, as the case may be,] being the owner of Shares of the Capital Stock of the said Saint John Water Company, at £ per Share, amounting in the whole to the sum of £ [or in case of a loan for carrying on the operations of the said Saint John Water Company, of (here insert place of residence and other particulars as before,) having loaned to the said Mayor, Aldermen and Commonalty, for and on account of the said Saint John Water Company, the sum of £]

Now therefore, this Note or Debenture is chargeable, as respects the Interest of the sum mentioned in the said Note or Debenture, on all the estate, lands, tenements and hereditaments, revenues, goods, chattels and effects whatsoever and wheresoever, belonging to the said Mayor, Aldermen and Commonalty, or which shall

491

shall hereafter belong to the said Mayor, Aldermen and Commonalty, for the Interest which may be due on the said sum of £ at and after the rate of six per centum, the said Interest to be paid half yearly, agreeably to the provisions of the said Act; and this Note or Debenture is further chargeable as respects the said principal sum of £ on all the estate, lands, tenements and hereditaments, revenues, goods, chattels and effects which the said Mayor, Aldermen and Commonalty hold by transfer or otherwise from the said Saint John Water Company, and on the said last mentioned property only, for the said principal sum of £ payable at such time and times as the said Mayor, Aldermen and Commonalty shall, in Common Council, from time to time declare, pursuant to the provisions of the said Act; the said principal sum and interest money aforesaid, or either of them, to be paid to the said or to such person or persons as he or they shall authorize, by indorsement or writing on the face thereof, according to the form in Schedule A., to receive the same. Given under my hand this day of in the year, &c.

Debenture £
Half yearly Interest £

Mayor of the City of Saint John.
By order of the Common Council.
, Chamberlain.
, Common Clerk.

SCHEDULE A.
Form of Transfer.

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

Form of Transfer.

and shall be transferable by indorsement, and shall be redeemed and redeemable at such time or times as the said Mayor, Aldermen and Commonalty, in Common Council convened, shall from time to time appoint and determine; and the interest thereof at the rate aforesaid, shall be paid half yearly, on the thirty first day of December and thirtieth day of June in each and every year; and in case of delay or default in payment of such interest monies, it shall and may be lawful to and for the holder or holders of any such Notes or Debentures, from time to time, to compel the said Mayor, Aldermen and Commonalty, after demand being made for the payment of the same interest money upon the Chief Superintendent of the said Water Works, and also upon the Chamberlain of the said City, by action at Law or otherwise, to pay the same, with costs of suit and interest thereon from the time of such demand being made on the said Chamberlain; provided that no Note or Debenture for a less sum than one hundred pounds shall be issued by virtue or under the authority of this Act, any thing herein contained to the contrary thereof notwithstanding.

Interest to be paid half yearly.

Proceedings in case of default.

No Debenture to be for less than £100.

X. And be it enacted, That the Mayor, Aldermen and Commonalty of the City of Saint John may grant to the holders of any Debentures or Notes issued under and by virtue of this Act, in addition to the interest on the said Debentures or Notes, such a portion of the income or proceeds from the Water Stock as they, in Common Council, shall think proper, not exceeding however in the whole one fifteenth part of the gross proceeds or income from the said Water Stock.

City Corporation may grant to the holders of the Debentures a portion not exceeding one fifteenth of the gross proceeds from the Water Stock.

XI. And be it enacted, That for securing the payment of the said interest money at the times appointed therefor, all the estate, lands, tenements, hereditaments, revenues and properties whatsoever, either real or personal, of the said

City property made security for the payment of the interest.

Mayor,

Mayor, Aldermen and Commonalty whatsoever and wheresoever, shall be and they and every of them are hereby declared to be bound and answerable for the payment of the same.

Report to be made upon or before the third Monday in January in each year.

Particulars of Report.

XII. And be it enacted, That it shall be the duty of the said Mayor, Aldermen and Commonalty of the City of Saint John, to cause a Report to be made on or before the third Monday in January in each and every year, of the then state and condition of the said Water Works, which said Report shall contain an exact and particular statement of the Notes or Debentures given under the provisions of this Act, and the sums of money received on account thereof, and the names of the parties to whom such Notes or Debentures were given during the year ending the thirty first day of December then last past, and also a particular detailed statement of all sums of money received up to the said thirty first day of December in respect of the said Water Works, either for the sale of Water, or the privilege of using the said Water or the Pipes and Machinery, or otherwise howsoever, and the names of the parties from whom the same shall have been received, and also a statement of any sum or sums of money due, owing or payable for or in respect of the same, and the names of the parties by whom the same may be so due, owing or payable, and also a particular statement of the interest monies computed up to the said thirty first day of December, upon all the Debentures or Notes issued or sums of money borrowed under the provisions of this Act; and the said Report shall also specify what particular works have been done during the said year, and generally shall exhibit a full and complete account of all the affairs and business connected with the said Water Works; which Report shall be signed by the person superintending or in charge of the same, and attested to by him on oath before any Justice of the Peace in and for the City and County of Saint John and submitted to the Common Council of the said City.

If it appear by the Report that the receipts are not equal to the amount of interest payable on the Debentures, an assessment may be made for deficiency.

XIII. And be it enacted, That in case it shall appear by any such yearly Report so signed, attested and submitted as aforesaid, that the amount received in respect of such Water Works, either for the sale of Water, or for the privilege of using the said Water, or the Pipes or Machinery, or otherwise howsoever, shall not be equal to the amount of interest monies payable on the Debentures or Notes issued by virtue of this Act, and the expenses of superintending the said Water Works for the period ending on the thirty first day of December in each year, that then and in such case and so often as the same shall appear by any such annual Report, it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, at any time within thirty days after the said Report shall have been submitted to them, to determine, direct and order that the amount of the deficiency of funds for the payment of such interest money, together with the expenses of assessing, levying and collecting the same, shall be assessed and levied on the inhabitants on the eastern side of the Harbour of the said City, or in any district or districts thereof to be particularly described and set forth, and to direct, by warrant under their common seal, the assessors hereinafter mentioned to make a rate or assessment in due proportion upon all and every person or persons who do or shall inhabit, hold, occupy and enjoy any house, shop, warehouse or other tenement on the eastern side of the harbour aforesaid, or any district or districts thereof as above mentioned, and the said assessors are hereby required and authorized forthwith to make such rate and assessment; which same rate and assessment so to be made shall be levied and collected in the same manner as Parish or County Rates are or may be levied and collected, by virtue of any Act of Assembly in force within the said City and County at the time the same may be ordered to be levied and collected.

XIV.

XIV. And be it enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the said City, in Common Council convened, from time to time and as often as may be necessary and requisite under the provisions of this Act, to nominate and appoint three discreet persons, being freemen and freeholders of the said City, to act as assessors under this Act, who shall be sworn to the faithful discharge of such duty before the Mayor, Recorder, or either of the Aldermen of the said City; and any person so appointed who shall neglect or refuse to accept the said appointment or to become qualified to perform the duties thereof, or having become so qualified, shall neglect or refuse to perform his duty, shall for each and every neglect or refusal forfeit and pay the sum of ten pounds, to be recovered on conviction before any Justice of the Peace in and for the said City and County, and levied with costs of prosecution by distress and sale of the goods and chattels of such offender, by warrant under the hand and seal of such Justice, and paid into the hands of the Superintendent of the said Water Works, to be applied for such uses and in such manner as the rates and assessments collected under this Act, and for no other use whatsoever; and the said Mayor, Aldermen and Commonalty of the City in Common Council convened, shall and may appoint some other person or persons being Freemen and Freeholders of the said City, in the place or places of any person or persons so refusing or neglecting, and so often as such case shall happen, which person or persons so to be appointed in the place or places of such person or persons so neglecting or refusing, shall be liable to the like penalties for neglect or refusal as the said persons first appointed, to be in like manner recovered, paid and applied, and so as often as the case may happen.

City Corporation to appoint three persons to act as assessors under this Act.

Penalty for neglect or refusal to accept the appointment.

Vacancies to be supplied as often as they may happen.

XV. And be it enacted, That none of the property, either real or personal or otherwise, of the said Mayor, Aldermen and Commonalty of the said City of Saint John shall be liable and answerable for any of the debts, contracts or obligations of the said Saint John Water Company, except only the sum of five thousand pounds hereinbefore mentioned, loaned out of the Province Treasury as aforesaid.

None of the City property to be liable for debts of the Water Company except the Treasury loan.

XVI. And be it enacted, That if any person shall wilfully and maliciously break, damage, thrown down, destroy or injure any of the Pipes, Machinery, Fire Plugs, Apparatus, or any of the works already placed, erected, or established by the said Saint John Water Company, or which may be so placed, erected or established by the said Company, prior to the transfer of the interest and estates of the said Company to the said Mayor, Aldermen and Commonalty, or which may hereafter be placed, erected and established, and made under the provisions of this Act, or otherwise howsoever, by the said Mayor, Aldermen and Commonalty, for the purpose of supplying the said City and its vicinity with water, any such person shall be judged guilty of Felony, and every such person so offending and being thereof lawfully convicted, shall be liable to the punishment prescribed for Felony in an Act made and passed in the first year of the Reign of His late Majesty King William the Fourth, intituled "An Act for improving the administration of Justice in criminal cases."

Maliciously breaking or injuring any of the Pipes, &c. made felony.

XVII. And be it enacted, That this Act shall not go into operation nor take effect, until the same shall be accepted and consented to by the said Mayor, Aldermen and Commonalty of the City of Saint John, by a Resolution entered in the minutes of the proceedings of the Common Council within two months after the passing of the same, and also by the said Saint John Water Company, such acceptance and consent of the said Company to be signified by a Resolution entered on their Book of Minutes, and passed at some General Meeting of the Stockholders thereof, to be held within three months after the passing of this Act;

Act not to go into operation until accepted and consented to by the City Corporation and the Water Company, to be signified by Resolutions entered on their Book of Minutes.

at

at which Meeting all questions touching this Act, and all proceedings under the same may be decided by a majority of the votes of all the Stockholders then present, or represented by proxy, and the number of votes shall be in the proportion and according to the scale already established and provided by the Act of Assembly incorporating the said Water Company.

CAP. LXXIII.

An Act to incorporate the Saint John Orphan Benevolent Society.

Passed 31st March 1840.

The Saint John Orphan Benevolent Society incorporated.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Lewis Burns, Francis Collins, John Dougherty, James Gallagher, Henry Chubb, John Humbert, Henry Porter, Thomas Harding, Hugh Sharkie, Michael M'Donnell, John W. Scott, Richard Nowlan and their Successors, be and they are hereby erected into a body Corporate for the purpose of relieving, protecting, educating and binding out as Apprentices all such indigent Orphan Children as are already or which hereafter shall be received as fit and proper objects for relief and protection, and for no other purpose, by the name of *The Saint John Orphan Benevolent Society*, and shall have all the general powers and privileges incident to Corporations by Act of the General Assembly of this Province: Provided always, That the real estate which said Corporation may at any time hold, shall not exceed five thousand pounds.

Real Estate limited to £5000.

Corporation to have the like powers to bind out Orphan Children as the Overseers of the Poor have under 26 G. 3, c. 43, s. 2.

II. And be it enacted, That the said Corporation shall have in all respects the like power and authority, by and with the consent of two or more Justices of the Peace, to bind out any such Orphan Children as the Overseers of the Poor now have, under and by virtue of the second section of an Act made and passed in the twenty sixth year of the Reign of His Majesty King George the Third, intituled "An Act to regulate and provide for the support of the Poor in this Province."

CAP. LXXIV.

An Act to continue several Acts for the establishment and regulation of Boards of Health in the several Counties of this Province.

Passed 31st March 1840.

3 W. 4, c. 23.

5 W. 4, c. 47. continued.

15112

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 His late Majesty King William the Fourth, intituled, "An Act for the establishment and regulation of Boards of Health in the several Counties of this Province," and also an Act made and passed in the fifth year of the same Reign, intituled "An Act to continue and amend the Act for the establishment and regulation of Boards of Health in the several Counties of this Province," be and the same are hereby respectively continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty two.

CAP. LXXV.

An Act to repeal certain Sections of an Act, intituled "An Act for the more effectual prevention of Fires in the City of Saint John." 3 Victoria, c. 1.

Passed 31st March 1840.

WHEREAS the sixth and seventh Sections of an Act made and passed in the present year of Her Majesty's Reign, intituled "An Act for the more effectual prevention of Fires in the City of Saint John," from their retrospective nature are considered in their operation to be greatly injurious to many of Her Majesty's liege subjects, who have erected buildings prior to the passing of the said Act, and the necessity for reducing those buildings is not deemed to be of that importance to prevent the spreading of the ravages by Fire which at the time of passing the said Act may have been supposed;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the sixth and seventh Sections of the said recited Act, be and the same are hereby repealed. 3 Victoria, c. 1, s. 6 & 7, repealed.

CAP. LXXVI.

An Act to provide for a regular supply of Seamen for new Ships fitted out or loaded in this Province.

Passed 31st March 1840.

WHEREAS the great scarcity of Seamen in this Province, and the number of new Ships built, fitted out and loaded therein, renders it expedient that provision should be made to compel a portion of the Crews of such Vessels to be brought from the United Kingdom;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the first day of September next, it shall be the duty of every owner resident in this Province, or the agent of any owner not resident therein, of any new Ship or Vessel built within the same, or of any Ship or Vessel built without but brought into this Province for the purpose of loading or fitting for sea, to provide a certain number of the Crew necessary for such Ship or Vessel by procuring them from the United Kingdom of Great Britain and Ireland in the following proportions, that is to say: For every Vessel of the burthen of three hundred tons register, four men; and for every one hundred tons more the said Vessel may register, one man; said men to be able bodied Seamen, and shall be in addition to and over and above the Crew of such Vessel or Vessels in which the said Seamen shall be brought: Provided always, That if such owner or agent shall deem it expedient to procure as aforesaid a Master, Mate, second Mate or Carpenter for any such Ship or Vessel, such Master, Mate, second Mate and Carpenter, or either of them, shall be deemed and taken as an addition to the number of men required to be procured by the preceding part of this Section.

II. And be it further enacted, That the owner or owners resident in this Province, or the agent of the owner or owners not resident therein, of any new Ship or Vessel built within the same, or of any Ship or Vessel built in any of the Sister Provinces, but brought into this Province for the purpose of loading or fitting for sea, or some or one of them, shall make a report in writing, previous to the clearing at the Custom House of such Vessel for sea, upon oath before the Treasurer of the Province or the Deputy Treasurer of the District where such Vessel shall be fitted up, loaded or cleared out for sea, specifying the name of such new Vessel, the place where such new Vessel was built and the tonnage thereof, and the

Disallowed by Her Majesty in Council

Owners or Agent of new Vessels built or brought into this Province to be fitted for sea to provide a portion of the crew by procuring them from the United Kingdom.

Rate.

Report to be made to the Treasurer or Deputy of the District before clearing at the Custom House.

Contents of Reports.

Treasurer to grant a certificate of the Report being made to be filed at the Custom House previous to clearing.

the number and names of the Seamen brought into the Province for the purpose of forming the Crew or a part of the Crew of the said Vessel, and that they were actually procured as aforesaid for such Vessel over and above the customary Crew of the Vessel in which such additional Seamen have been brought; and upon making such report the said Treasurer or Deputy Treasurer shall grant to the party or parties making such report a certificate of such report having been made, which certificate when so granted shall be filed by the party or parties, or by his or their agent, to whom the same shall be so granted at the Custom House from which such Vessel shall be cleared for sea, prior to the said Ship being cleared, and the Collector or Sub-Collector or Officer of the Customs of the Port or place at which such certificate shall be filed or ordered to be filed, is hereby required to receive and file the same under the penalty of one hundred pounds for each and every refusal to file such certificate.

Penalty for not procuring the Seamen or making the Report as required by this Act.

III. And be it further enacted, That if any owner resident within this Province, or the agent of any owner not resident therein, of any new Ship or Vessel built within the Province, or of any Ship or Vessel built in any of the Sister Provinces but brought into this Province for the purpose of fitting the said Vessel for sea or loading, shall neglect to comply with the provisions of this Act by not procuring the number of Seamen, or not making or causing to be made the necessary report as aforesaid, and by the provisions of this Act required, the said owner or owners, or the agent of such owner or owners as aforesaid, shall forfeit and pay the sum of ten pounds for each and every Seaman he shall fail in bringing from the United Kingdom for the purpose of forming any part of the Crew of such Vessel, and the like penalty for each and every neglect or failure to file the certificates.

Recovery and application of penalties.

IV. And be it enacted, That the several penalties and forfeitures hereinbefore mentioned, may be prosecuted, sued for and recovered in the Supreme Court or in any of the Inferior Courts of Common Pleas in this Province by action of debt, bill, plaint or information by any one who shall prosecute for the same, and when recovered shall be paid one moiety to the person so suing and prosecuting, and the other moiety into the Treasury of the Province for the use and support of sick and disabled Seamen within the Province: Provided always, That in case any owner or agent as aforesaid shall make it appear at the trial of any action for any such penalty that the number of Seamen required under the provisions of this Act have been actually engaged and shipped on board of some one or more Vessel or Vessels from the United Kingdom, but who, by reason of death, capture, shipwreck or other unavoidable casualties shall not have arrived within this Province, then and in such case the said owner or agent shall not be liable to such penalty.

Proviso for casualties.

No head money to be demanded for Seamen under this Act.

V. And be it further enacted, That no head money on any Seamen shall be required by the Treasurer of the Province, or any Deputy Treasurer from the Master or Commander of any Vessel in which Seamen may be brought into this Province, agreeably to the provisions of this Act, any Act to the contrary thereof notwithstanding.

Making a false report or oath deemed perjury.

VI. And be it further enacted, That every person who shall be convicted of making a false report, and taking a false oath to any of the matters hereinbefore required, shall be deemed guilty of perjury and subject to all the pains and penalties inflicted upon persons guilty of the same.

Seamen procured under this Act and persons harbouring them to be subject to all the laws for the regulation of Seamen.

VII. And be it further enacted, That the several Seamen so procured under the provisions of this Act, and also any person or persons harbouring or concealing any such Seamen without a certificate of discharge from the person so bringing him or them into this Province as well as the Owner or Agent as aforesaid, shall be

be

497

be subject to all the provisions, forfeitures and penalties of all the laws which may be in force for the regulation of Seamen in this Province, notwithstanding the said Ship or Vessel for which such Seaman or Seamen may be imported, shall not be actually ready to proceed upon any voyage.

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

CAP. LXXVII.

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

Passed 31st March 1840.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That no person or persons shall cut, fell, haul, remove or destroy any white, yellow or red Pine, Spruce, Hemlock, Hacmatack, Beech, Birch Trees, Timber or Wood of any other description, standing or being on any part of the ungranted Crown Lands within this Province, without Licence first had and obtained from His Excellency the Lieutenant Governor or Commander in Chief of the Province for the time being or without right derived from the Crown so to do, under the penalty of not less than two pounds nor more than twenty pounds for each and every offence.

*Renew
Court by Justice
1860 by 14 via
Cap 29*

No Timber of any description to be cut or hauled from ungranted Crown Lands without Licence.

Penalty.

II. And be it further enacted, That all Timber, Logs, Trees or any description of Wood which shall or may be cut on or hauled from any part of the ungranted Crown Lands within this Province, without such Licence or right as aforesaid, and also all Deals, Plank, Boards or Scantling, Shingles, Clapboards, Staves or Lathwood which shall or may be made therefrom, or from Timber, Logs, Trees or any description of Wood on or hauled from any part of such Crown Lands, without such Licence or right as aforesaid, shall be and the same are hereby declared to be forfeited to the use of Her Majesty, Her Heirs and Successors, and shall be subject to seizure, prosecution and condemnation in manner hereinafter mentioned.

All descriptions of wood cut or hauled without licence, and all deals, &c. made therefrom to be forfeited.

III. And be it further enacted, That all such Timber, Logs or any other description of Wood which shall be cut on or hauled from any part of the ungranted Crown Lands within this Province, contrary to the provisions of this Act, and all Deals, Plank, Boards, Scantling, Clapboards, Staves or Lathwood which shall or may be made therefrom, or from any Timber or Logs found on any of such ungranted Crown Lands as aforesaid, contrary to the provisions of this Act, shall and may be seized, arrested and prosecuted by such person or persons as shall or may, from time to time, by warrant under the hand and seal of His Excellency the Lieutenant Governor or Commander in Chief of the Province for the time being, be appointed to seize the same.

All such Timber, &c. may be seized and prosecuted by persons appointed by Warrant of the Lieutenant Governor.

IV. And be it further enacted, That in all cases when any Timber or Logs, or Deals, Plank, Boards, Scantling, Shingles, Clapboards, Staves, Lathwood or any other description of Wood, shall be arrested, seized or taken, as liable to such seizure, forfeiture and condemnation under the provisions of this Act, the same shall in all cases be deemed and taken by the Court in which the same shall be prosecuted, to be forfeited as hereinbefore mentioned, unless it shall be made to appear to the satisfaction of such Court by some person owning or claiming the same, either that the same, if Timber, Logs or Wood of any other description was

In all cases of seizure the Timber, &c. to be deemed forfeited unless it be made to appear that it was cut from granted lands or under Licence.

was cut on or hauled from granted lands within this Province, or by and under a Licence or right as aforesaid to cut the same, or if Deals, Plank, Boards, Scantling, Shingles, Clapboards, Staves or Lathwood, that the same was made of Timber or Logs which were cut either on such granted lands or by and under a Licence or right to cut and haul the same as aforesaid.

All Timber, &c. seized to be deemed condemned, unless within 14 days notice of a claim be given to the seizing Officer.

V. And be it further enacted, That all Timber or Logs, Deals, Plank, Boards, Scantling, Shingles, Clapboards, Staves, Lathwood or any other description of Wood which shall be arrested or seized as liable to forfeiture under this Act shall and may be deemed and taken to be condemned, unless the owner or owners thereof or some person duly authorized by him or them shall within fourteen days after the day of seizing the same, give notice to the seizing Officer that he claims the same; which notice shall be in writing specifying and particularizing to what the said claim applies, and delivered to the Officer or person by whom such seizure shall have been made; and the same being so deemed and taken to be condemned shall and may be forthwith sold at Public Auction by the said Officer or person who shall have made such seizure after ten days notice of sale being given.

To be sold at public auction after ten days notice.

Assaulting, &c. a seizing Officer in the discharge of his duty, or cutting loose any Timber, &c. seized.

VI. And be it further enacted, That if any person shall by force or violence assault, resist, oppose, molest, hinder or obstruct any seizing Officer appointed under and by virtue of this Act, whilst in the exercise and discharge of his duty as such seizing Officer or any other person employed to aid and assist him in the exercise and discharge thereof, or who shall wilfully remove or cut loose any Timber, Logs, Trees or any description of Wood which may have been seized by such seizing Officer, such person shall on conviction thereof before any Court of Record in this Province, pay a fine not exceeding one hundred pounds nor less than forty shillings at the discretion of the Court before which such offenders shall be tried, which fines shall be paid to Her Majesty, Her Heirs and Successors for the use of the Province, and in case such fine be not paid, such person shall be imprisoned not exceeding twelve months nor less than ten days at the discretion of the Court.

Penalty.

Application.

Fines, penalties and forfeitures to be recovered and prosecuted in any Court of Record.

VII. And be it further enacted, That all fines, penalties and forfeitures incurred or to be incurred under the provisions of this Act, may be recovered and prosecuted to condemnation by action of debt, bill, plaint or information in any of Her Majesty's Courts of Record in this Province, in the name of Her Majesty's Attorney General or Solicitor General, and in every action or suit, the person against whom judgment shall be given for any fine, penalty or forfeiture under this Act, shall pay costs of suit; and every such action or suit shall and may be brought within one year after the offence committed and not afterwards: Provided always, That nothing in this section shall affect the case of any proceedings against Timber or Logs, Deals, Plank, Boards, Scantling, Shingles, Clapboards, Staves, Lathwood or any other description of Wood, not exceeding the value of one hundred pounds, before two Justices of the Peace, agreeably to the provisions of the following section of this Act.

Suit to be commenced within one year. Proviso.

Timber, &c. seized and claimed, not exceeding in value £100 may be prosecuted before two Justices of the Peace.

VIII. And be it further enacted, That all white, yellow or red Pine, Spruce, Hemlock, Hackmatack, Beech, Birch, Trees, Timber or Wood of any other description, seized as forfeited by virtue of this Act, and claimed by any person or persons in manner hereinbefore directed, provided the value thereof does not exceed one hundred pounds, may be prosecuted to condemnation in the name of the Surveyor General or the seizing Officer who shall have seized the same, or by information of Her Majesty's Attorney General or Solicitor General, before any two of Her Majesty's Justices of the Peace residing near the place where such seizure

seizure shall have been made, who are hereby required and directed to keep a book of Record, in which they shall fairly enter all causes tried before them under this Act, together with the evidence taken before them upon such trial.

IX. And be it further enacted, That in case of the arrest, seizure and prosecution of any Timber or Logs, Deals, Plank, Boards, Scantling, Shingles, Clapboards, Staves, Lathwood or any other description of Wood under this Act, if judgment of condemnation shall not pass, and the Court in which such prosecution shall be instituted shall certify that there was probable cause of seizure, such certificate shall be taken and received as a good and sufficient defence against any action to be prosecuted by any person or persons in any Court within this Province, against the Officer who made such seizure, and any Officer so prosecuted, shall in all cases be at liberty to plead the general issue, and give any special matter in evidence, the same as if such matter had been specially pleaded and set forth.

Certificate of Court of probable cause of seizure to be a bar to actions against the seizing Officer.

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

Limitation.

CAP. LXXVIII.

An Act to amend an Act intituled "An Act to provide for the purchase of a place for the residence and accommodation of the Governor or Commander in Chief of this Province." 56 G. 3, c. 7.

Passed 31st March 1840.

WHEREAS great inconvenience has arisen heretofore under the operation of the fifth Section of the Act to which this is an amendment;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the fifth Section of an Act made and passed in the fifty sixth year of the Reign of His Majesty King George the Third, intituled "An Act to provide for the purchase of a place for the residence and accommodation of the Governor or Commander in Chief of this Province," be and the same is hereby repealed; and in lieu thereof,

56 G. 3, c. 7, s. 5, repealed.

II. Be it enacted, That His Excellency the Lieutenant Governor or Commander in Chief for the time being, be and he is hereby authorised and empowered to appoint three or more Commissioners in each and every year to have the care and management of Government House, and the premises therewith connected, and to have the superintendence and control of any reparations and improvements to be from time to time made, under and by the authority of the General Assembly of this Province.

Three or more Commissioners to be appointed to have the care and management of Government House, and to superintend repairs and improvements.

CAP. LXXIX.

An Act to authorize the Justices of the Peace in and for the City and County of Saint John to make compensation to the Assessors of Taxes for the Parish of Portland for the year one thousand eight hundred and thirty nine.

Passed 31st March 1840.

WHEREAS by the fourth section of an Act made and passed in the first year of the Reign of Our Sovereign Lady the Queen, intituled "An Act to provide for the better Assessment of County and Parish Rates," it is among other things provided, that the Assessors of Rates for the several Towns and Parishes shall within sixty days after receiving the Warrant of Assessment, deliver

Preamble.

' deliver to the Collectors of Rates within their respective Towns and Parishes
 ' a list containing the names of all the parties rated within their several Districts,
 ' with the several amounts to be collected from every such person; and by the
 ' fifth section of an Act made and passed in the seventh year of the Reign of His
 ' late Majesty, intituled " An Act to provide for the collection of County and
 ' Parish Rates," it is provided that no Assessors shall be allowed a per centage
 ' unless the provisions of the said Act shall have been fully complied with: And
 ' whereas during the past year the labours to be performed by the Assessors of
 ' Taxes in the Parish of Portland, in consequence of the division of the said Pa-
 ' rish, were so great as to prevent a strict compliance with the requisites of the
 ' said Act, and the Assessors have thereby become deprived of any legal right to
 ' remuneration for the arduous duties performed by them; for remedy whereof;

Justices in Ses-
 sions authorized to
 compensate the
 assessors of taxes
 in Portland for the
 year 1839.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly,
 That it shall and may be lawful to and for the Justices of the Peace in and for the
 City and County of Saint John, in General Sessions assembled, to make an order
 for the payment of due compensation to the Assessors of Taxes in the said Pa-
 rish of Portland for the past year out of the monies levied, raised and collected
 for that purpose, in the same manner as if the said Assessors had in every respect
 strictly complied with the provisions of the said Acts; Provided that no greater
 rate per cent. on the amount ordered to be assessed shall be allowed them than
 is provided for in the said Acts.

*Amended by 8th vic
 c. 209 acting to depy
 expenses of fire
 department*

Amended by 15 vic. Exp. 5 of year act

An Act for the better extinguishing of Fires which may happen in the City of Saint John, and
 to continue a certain Act relating to the same matter therein mentioned.

Passed 31st March 1840.

Corporation au-
 thorized to estab-
 lish a Fire Depart-
 ment.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assem-
 bly, That it shall and may be lawful to and for the Mayor, Aldermen and
 Commonalty of the City of Saint John, in Common Council convened, by ordi-
 nance or otherwise, to establish a Fire Department in and for the said City, which
 said Fire Department shall consist of one Chief Engineer, and as many other En-
 gineers, Enginemen, Firemen, Hosemen, Axemen, and Hook and Ladder men
 as shall and may from time to time be elected, nominated and appointed by the
 said Mayor, Aldermen and Commonalty, in Common Council convened; which
 persons so to be elected, nominated and appointed as aforesaid, are hereby re-
 quired and enjoined always to be ready at a call by night as well as by day, to
 perform their several and respective duties, in the extinguishing of Fires that may
 happen or break out in the said City: Provided however, that the number of En-
 gineers so to be elected, nominated and appointed, shall not exceed ten for each
 and every Fire Engine, and belonging to the said City, and that the number of
 Firemen, Hosemen, Axemen, and Hook and Ladder men, shall not in the whole
 exceed four hundred men; and provided further, that not more than ten Engi-
 neers and fifty Firemen shall be attached to each Engine.

Members of the
 Department to be
 ready by day and
 by night to per-
 form their duties.

Number of Mem-
 bers limited.

Corporation may
 organize a Com-
 pany of hosemen,
 axemen and hook
 and ladder men.

II. And be it enacted, That the said Mayor, Aldermen and Commonalty, in
 Common Council convened, shall and may, if to them or the major part of them
 it shall seem meet, establish and organize one company of Hosemen, and also
 one company of Axemen, and also one company of Hook and Ladder men.

Members of the
 Department may
 be displaced and

III. And be it enacted, That the said Mayor, Aldermen and Commonalty, in
 Common Council convened, are hereby authorized and empowered to remove and

displace all or any of the members of the said Fire Department so to be elected, nominated and appointed as aforesaid, when and as often as they shall think fit, and others in the room and places of such as they shall remove or displace, to elect, nominate and appoint, and put in, and so from time to time as they, the said Mayor, Aldermen and Commonalty aforesaid, in Common Council convened, shall see convenient.

others appointed at the discretion of the Corporation.

IV. And be it enacted, That the persons so to be elected, nominated or appointed chief Engineer, Engineers and Enginemen, and the persons named and appointed by the said Mayor, Aldermen and Commonalty, in Common Council convened, Captain or head of the respective companies of Hosemen, Axemen, and Hook and Ladder men, and each and every of them, from time to time during the continuance of being in either of the same offices of chief Engineer, Engineer, and Enginemen, and Captain or head of the respective companies of Hosemen, Axemen, and Hook and Ladder men, and no longer, shall be and are hereby declared to be freed, exempted and privileged from the several offices of Constable and Surveyor of the Highways, and from being compellable to serve in the Militia except in case of invasion or other imminent danger, and from serving upon any Jury in the Court of Quarter Sessions, or in the Inferior Court of Common Pleas, or in the Courts of Nisi Prius and Oyer and Terminer, to be holden in and for the City and County of Saint John, or in the City Court of the said City of Saint John, and also shall be exempted and free from all Statute Labour on the Highways and Streets in the said City; and that the other members of the said Fire Department so to be elected, nominated and appointed as aforesaid, and each and every them, from time to time during the continuance as a member of the said Fire Department and no longer, shall be and are hereby declared to be freed, exempted and privileged from the several offices of Constable and Surveyor of Highways, and from being compellable to serve in the Militia, except in case of invasion or other imminent danger, and also shall be exempt and free from all Statute Labour on the Highways and Streets within the said City; and the names of such persons elected, nominated and appointed members of the said Fire Department, by virtue hereof, from time to time shall be registered and entered with the Clerk of the Peace for the said City; and if at any time, while this Act is in operation, any such person, being a member of the said Fire Department, shall be chosen, elected and appointed into any office or situation, or be required to perform any duties from which he, by virtue of this Act, is freed and exempted, that then such person producing his warrant of appointment and a certificate under the hand of the chief Engineer, or under the hands of two of the Engineers of his (at such time) being a member of and serving in the said Fire Department, and of the office or situation which he holds therein, to the person or persons by whom he shall be so elected or appointed, or by or before whom he shall be summoned, returned or required to serve, execute or hold any of the said offices or duties, shall be absolutely discharged from the same; and such election, nomination, return and appointment shall be utterly void and of none effect, unless such person shall voluntarily consent and agree to hold such office or perform such duties, from which he is hereby exempted, any order, custom, law or practice to the contrary hereof in anywise notwithstanding.

Heads of the Department exempted from the offices of Constable and Surveyor of Highways, service in the Militia and on Juries, and from Statute Labour.

Other members exempted from the offices of Constable and Surveyor of Highways, service in the Militia and from Statute Labour.

Names of Members to be registered with the Clerk of the Peace.

Warrants of appointment to be evidence of exemption.

V. And be it enacted, That every person who shall have served, between the age of twenty one years and fifty years, a member of the said Fire Department for the continued space of fourteen years in succession, and every engineman who before the passing of this Act may have faithfully served as such for an uninterrupted period of not less than fourteen years, shall be relieved by a resolution of said

Fourteen years service to entitle to exemption and privileges.

said Mayor, Aldermen and Commonalty in Common Council convened, in which resolution not less than two thirds of the members present shall agree, from further service in such Department, or as an engineman; such person so relieved shall have, use and enjoy the same privileges and exemptions in every respect, as are allowed to the officers of such Fire-Department and enginemen, by this Act.

City Corporation authorized to make rules with penalties.

VI. And be it enacted, That it shall and may be lawful to and for the said Mayor, Aldermen and Commonalty of the City of Saint John in Common Council convened, from time to time to make, establish and ordain such rules, orders, ordinances and regulations in respect to the government, conduct, duty and behaviour of the several members of the said Fire Department, and to the working, managing and frequent exercising, trying and using the Fire Engines of the said City, and the tools and other instruments and implements for the extinguishing of Fires which may happen or break out in the said City, and to impose and establish such reasonable fines, penalties and forfeitures upon them or any of them, for default or neglect of the duties, business and services thereby to be enjoined or required of or from them, as may from time to time be thought meet and convenient, not exceeding for any one offence the sum of ten pounds.

Sheriff and other Officers to repair to fires and use their authority.

VII. And be it enacted, That upon the breaking out of Fire within the City of Saint John aforesaid, the Sheriff and all under and Deputy Sheriffs, the high Constable, and all petty Constables and Marshals, upon notice thereof, shall immediately repair to the place where the fire shall happen, with their rods, staves and other badges of their authority, and shall be aiding and assisting, as well in extinguishing the said fires and causing the people to work, as also in preventing goods from being stolen, and shall seize and apprehend all ill disposed persons that may be found stealing or pilfering thereabouts, and all other suspicious, idle or disorderly persons; and that the said officers shall give their utmost assistance to help the inhabitants to remove and secure their goods.

Corporation authorized to organize a Fire Police.

VIII. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, by ordinance or otherwise, to establish and organize a Fire Police in and for the said City, which said Fire Police shall consist of such and so many persons, being Freemen and Freeholders of the said City, as the said Common Council shall from time to time appoint, and to remove and reappoint as may be by them deemed expedient; who shall be sworn to the faithful discharge of their duty as any other officer of the said Corporation is sworn.

Members to be sworn.

Company to be organized in the manner and under regulations made by an ordinance of the City.

IX. And be it enacted, That the said Common Council shall organize the said Company in such manner and under such regulations as by any ordinance of the said City they from time to time may ordain and direct, and shall have power to enforce such regulations, either by removing any person so appointed, or by fine, or both, as the said Common Council, in and by the said ordinance may establish; provided that no fine on any person belonging to such Fire Police shall exceed for any one offence the sum of ten pounds.

Fire Police to repair to fires, and protect property, &c.

X. And be it enacted, That whenever a fire shall break out within the said City, the said Fire Police shall immediately repair to the place where the fire may be, and protect all property which may be removing or removed to preserve the same from the flames, and for that purpose shall and may have full power to enter any house which may be on fire, or in immediate danger, or any lands or premises connected therewith, and prevent all depredation thereon, and arrest and remove or carry to the watch house or the common gaol any person who may be found committing or attempting to commit any felony or any breach of the peace, or any idle and disorderly person, or any person who shall intermeddle with any such

such property, or after notice shall refuse, when required, to assist either in carrying water, or obeying any other command of such Police for the purpose of suppressing the said fire or preserving any property.

XI. And be it enacted, That from and immediately after the breaking out of any fire in the said City, any one or more of the said Police, taking with him or them any one Justice of the Peace for the City and County of Saint John, may enter any dwelling house, store, out house or erection of any kind, or any yard or land, and search the same for goods, chattels or articles of any description, stolen or suspected to have been stolen at or during the continuance of the said fire, or missing in consequence of such fire; and any goods, chattels or articles found therein, under the circumstances aforesaid, shall and may have full power and authority to convey or cause to be conveyed to some safe place of deposit, or leave the same with the said Justice to be dealt with according to law.

After fires, Police empowered to search for stolen goods.

XII. And be it enacted, That whenever it shall appear that any person has had in his possession any goods, chattels or articles of any description whatever, which may have been stolen, missing, lost, or taken away at any fire, or after any fire, and before the same has been restored to the owner, for the space of twenty-four hours after the said fire shall cease, without notice to the owner thereof, or to some one of Her Majesty's Justices of the Peace, or of the said Police, such possession, without such notice, shall be deemed and adjudged *prima facie* evidence that such person has been guilty of larceny, and on conviction thereof shall suffer like punishment as in a case of larceny.

Having in possession goods taken away at a fire to be *prima facie* evidence of larceny.

XIII. And be it enacted, That an Act made and passed in the fifty ninth year of the Reign of George the Third, intituled "An Act in addition to and amendment of an Act, intituled, 'An Act to revive and make perpetual an Act authorizing the Mayor, Aldermen and Commonalty of the City of Saint John to make regulations for the more effectual prevention of Fires within the said City,' " together with this Act, shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty.

59 G. 3, c. 5, continued.

Limitation.

CAP. LXXXI.

An Act to limit the extent and regulate the building of Wharves on the eastern side of the Harbour of Saint John.

Passed 31st March 1840.

WHEREAS certain Commissioners were, by His Excellency the Lieutenant Governor, appointed to enquire into and report upon the state of the Harbour of Saint John, and have, in pursuance of such appointment, made a Report touching part of the said Harbour, and have caused a certain Plan of part of the said Harbour to be prepared; and the Mayor, Aldermen and Commonalty of the said City have, by Petition to the Legislature, applied for an Act to define and fix a permanent line in part of the said Harbour, to which the extension of Wharves shall be limited;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act no Wharf, Pier or erection of any kind or description whatsoever shall be built, erected or extended westwardly into the said Harbour of Saint John, on the eastern side thereof, beyond a line to be formed as follows, viz: commencing at the point formed by the westwardly prolongation of the southern line of the Wharf owned by Robert W. Crookshank, and a southerly continuation of the western line of the Pier at the end

No wharves or Piers to be erected on the eastern side of the harbour extending beyond a described line.

end of the southern Wharf of the north slip, which said point is seventy feet distant from the southwest corner of the said Robert W. Crookshanks' present Wharf, thence from said point in a direct line to the southwest corner of the Wharf now or lately the property of David Hatfield to the southward of the South Market Wharf, thence in a direct line to the southwest corner of Nehemiah Merritt's south Wharf, thence in a direct line to a point in the western prolongation of the south line of the Wharf of the late Richard Bonsal, distant sixty feet from the western end of the said Wharf, and thence in a direct line to a westwardly prolongation of the north line of Saint James Street, at the distance of one hundred and eighty five feet from the western side line of Prince William Street, measured on the north line of Saint James Street as marked on the said plan; and that the said plan so prepared by the said Commissioners shall be signed by them and filed in the office of the Secretary of the Province.

How wharves to be constructed and occupied.

II. And be it enacted, That all Wharves to be erected within or on the eastern side of the said line, shall be of squared Timber and close built, so as to prevent stone, rubbish or gravel from falling into the Harbour, and no ballast shall be allowed to be used in the building thereof but stone, and the tops of such Wharves to be planked or timbered in the same manner as the North and South Market Wharves; and such Wharves to the extent of forty feet from the fronts thereof respectively, to be for ever kept free and open for vessels to repair to, and load and discharge thereat, and no Houses or Stores shall at any time be erected on the said spaces, and no Lumber or Goods of any sort be permitted to remain on such spaces longer than twenty four hours.

No wharf to be built on the harbour front between Duke and Saint James Streets unless land be conveyed for the continuation of Saint John or Water Street.

III. 'Whereas the property fronting on that part of the Harbour of the City of Saint John, situate between Duke and Saint James Streets, would be greatly benefitted, and the Harbour made more commodious for loading and discharging goods, if a Street in continuation of Saint John or Water Street were to be laid out thereon;' Be it enacted, That it shall not be lawful for the owners of such property to build or authorize to be built any Wharf, Pier or other erection, on the beach or flats between the line of low water mark and the line for limiting the extension of Wharves described herein, unless such owner or owners shall have first conveyed to the Mayor, Aldermen and Commonalty of the said City, a space of not less than fifty feet in width through his or their property, ground or flats, for the sole and exclusive purpose of continuing Saint John or Water Street from Duke to Saint James Street, as aforesaid.

Two Slips for each block to be left as landing slips.

IV. And be it enacted, That no space between low water mark and the line defining the extent to which Wharves may be built, shall be leased or sold to any person or persons whomsoever, unless it shall first be stipulated that at least two Slips of not less than thirty five feet in width each, and one hundred and twenty feet or more in length, shall for ever be left open and kept as Landing Slips, with cart ways leading to the public Streets, for each block or space contained between Union and King Streets, King and Princess Streets, Princess and Duke Streets, Duke and Queen Streets, and Queen and Saint James Streets.

CAP. LXXXII.

An Act to authorize the granting of certain Tracts of Land, to the North American Colonial Association of Ireland, and to prescribe the terms and conditions thereof.

Passed 31st March 1840.

Preamble.

'WHEREAS it is desirable that reasonable encouragement should be afforded to the North American Colonial Association of Ireland to introduce and settle Emigrants into this Province;'

I.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of Her Majesty's Executive Council to sell and grant by private sale to a certain Company incorporated by an Act of the Imperial Parliament called the North American Colonial Association of Ireland, not exceeding one hundred thousand acres of the Crown Lands of this Province, being fit for agricultural improvements, for a sum not less than three shillings per acre, one third of such purchase to be paid upon the passing of the Grant, one third in three years, with interest, and the remaining one third in six years, with interest, from date of the purchase, which two last mentioned instalments shall be duly secured by bond or otherwise to the satisfaction of the Lieutenant Governor and Her Majesty's Executive Council: Provided always, That every such grant shall be subject to the right of the Crown to all Coals, and Mines, and Minerals in such lands so to be granted, and that all and every grant or grants that may be made to the said Association without containing a clause reserving such right to Her Majesty, Her Heirs and Successors shall and are hereby declared to be null and void, any thing herein contained to the contrary thereof notwithstanding.

Governor authorized to sell 100,000 acres of land to the North American Colonial Association.

Terms of payment.

Reservation of Coals, Mines and Minerals.

II. And be it enacted, That the said quantity of Land be granted in Lots not exceeding thirty nor less than five thousand acres in any one tract, and upon the following conditions:

Conditions.

Extent of each tract.

That every tract shall be surveyed under the direction of the Surveyor General of the Province, and a plan and return thereof made within twelve months after the application therefor, and that the said Association shall pay all the expenses of such survey, plans and returns;

Survey and expenses.

That three per cent. on each block or tract of land granted shall be cleared and prepared for cultivation within three years from the date of the grant thereof, and so on at the rate of three per cent. for every three years until nine per cent. of the whole block or tract be cultivated;

Improvements to be made.

That at least one in every eight lots of one hundred acres each, on each and every of the blocks of lands granted to the said Association be allotted, set apart, and occupied by *bona fide* Settlers, being emigrants and actually introduced into this Province by the said Association, within five years from the dates of the grants thereof respectively.

Settlement.

III. And be it further enacted, That in case the said Company or Association shall fail or neglect to cultivate, improve and settle upon the said blocks or tracts of lands, so to be granted as aforeaid, agreeably to the terms prescribed in the preceding Section, the said tracts or blocks of land respectively shall become forfeited, and upon inquisition found, revert to the Crown.

On failure of cultivation and settlement, land to revert to the Crown.

CAP. LXXXIII.

Further amended by 4th Dec. c. 49

An Act to alter and amend an Act, intituled "An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein."

Passed 31st March 1840.

WHEREAS by an Act made and passed in the third year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to authorize the widening and enlarging of certain Streets in the City of Saint John, and of laying out other Streets therein," it is provided, that the Commissioners appointed under the provisions of the said Act have full power to enter upon the

Preamble.

3 Victoria, c. 2.

‘ the lands and tenements in the district named in the said Act, for the purpose of
 ‘ widening, altering, straightening, enlarging and opening certain Streets, called
 ‘ Dock Street, Nelson Street, and Smyth Street, and to estimate the value of the
 ‘ lands required for widening, extending, altering, straightening, enlarging and
 ‘ opening the said Streets, and to assess and apportion three fourth parts of the
 ‘ amount of such estimated value on all the parties interested in any lands, tene-
 ‘ ments, and hereditaments within the said district, including the parties interested
 ‘ in such lands, tenements, and hereditaments required for the purpose of such
 ‘ Streets respectively, according to their best discretion, in proportion to the benefit
 ‘ accruing to such parties respectively from the improvement of the said Streets,
 ‘ and to file a plan, with the report of their doings, in the Office of the Common.
 ‘ Clerk of the said City of Saint John ; And whereas by the said Act, the remain-
 ‘ ing one fourth part of the estimated value of the said land and premises should
 ‘ be paid by the inhabitants of the said City, on the eastern side of the harbour of
 ‘ Saint John ; And whereas the Commissioners appointed in pursuance of the said
 ‘ Act have entered upon the duties required of them by the said Act, and among
 ‘ other things have widened Dock Street to the extent of sixty feet ; And whereas
 ‘ the widening of the said Street to sixty feet has been found injurious, and it is
 ‘ deemed advisable to reduce the width of the said Street called Dock Street to
 ‘ fifty feet, and also to alter the mode by which the assessment of value of the
 ‘ lands required for widening, extending, altering, straightening, enlarging and
 ‘ opening the said Streets, should be made ;’

Plans, &c. filed
 under 3 Victoria,
 c. 2, declared void.

I. Be it therefore enacted by the Lieutenant Governōr, Legislative Council and
 Assembly, That the plans and report, and estimate of damages of the Commis-
 sioners appointed under the aforesaid in part recited Act, and filed with the
 Common Clerk in the City of Saint John, be and the same are hereby declared to
 be null and void and of no effect.

So much of 3 Vic-
 toria, c. 2, as re-
 lates to the asses-
 sing of three
 fourths of the
 value of lands, &c.
 repealed.

II. And be it enacted, That so much of the said in part recited Act as requires
 three fourths of the amount of the estimated value of the lands, tenements and
 hereditaments required for widening, extending, straightening, enlarging, opening
 and laying out the said Streets, to be assessed upon any of the parties interested
 in any of the lands, tenements and hereditaments within the said district, including
 the parties interested in such lands, tenements and hereditaments, required for the
 purpose of such Streets respectively be and the same is hereby repealed.

Commissioners to
 extend Dock
 Street to fifty feet
 in width and
 make plans, esti-
 mates and report
 as required by 3
 Victoria, c. 2, s. 3.

III. And be it enacted, That the Commissioners heretofore appointed or here-
 after to be appointed, reappointed or supplied, according to the provisions of the
 said in part recited Act, for the purpose of widening the said Streets and estimating
 the damage arising therefrom, under and by virtue of the said hereinbefore in
 part recited Act, be and they are hereby authorized and empowered to extend
 Dock Street to the width of fifty feet in the whole, by adding ten feet only to the
 former width, from the eastern side of the said Street, and to make the like plans
 and estimates, as well for Dock Street as for Nelson and Smyth Streets aforesaid,
 as are contemplated in and by the third Section of the said Act, which said plans
 and estimates, with the report of the said Commissioners, when filed with the
 Common Clerk of the said City, shall have the like force and effect as the plan,
 estimate and report mentioned in the same third Section of the said Act.

How assessment
 of damages to be
 apportioned.

IV. ‘ And whereas the sum of three thousand pounds has been granted by the
 ‘ Legislature towards carrying into effect the contemplated alterations in the said
 ‘ Streets ;’ Be it therefore enacted, That the residue of the estimated damages be
 divided, apportioned, and assessed as follows : One third thereof be assessed upon
 and paid by all the parties interested in any lands, tenements and hereditaments
 within

within the district particularly described in the preamble of the said Act to which this is an amendment, including the parties interested in such lands, tenements and hereditaments required for the purpose of the said alterations; One other third part of the said residue to be assessed as directed in and by the sixth section of the said Act to which this is an amendment, and the remaining other third part to be paid by the Mayor, Aldermen and Commonalty of the said City out of the Corporate funds of the said City.

V. And be it enacted, That the time mentioned in the fifth section of the Act to which this is an amendment, for paying the respective persons and parties mentioned or referred to in the report of the Commissioners, be extended to six months after the filing of the report of said Commissioners under this Act.

Time for payment extended to six months after filing of the report.

CAP. LXXXIV.

An Act further to provide for a limited time for the support of the Civil Government of the Province.

Passed 31st March 1840.

WHEREAS it is necessary from the peculiar state of public affairs, that
 ‘ an additional sum should be granted to the present Lieutenant Governor of the Province, over and above his salary now chargeable upon the Civil List;

Preamble.

‘ Therefore, We, Her Majesty’s dutiful and loyal subjects the Commons of New Brunswick, in General Assembly convened, have freely and voluntarily resolved to give and to grant to the Queen’s Most Excellent Majesty, the sum of five hundred pounds sterling, annually, payable to the Lieutenant Governor of the Province, in addition to his salary now borne upon the Civil List of the Province, to commence on the first day of June in the year of our Lord one thousand eight hundred and thirty seven, and continue during his Administration of the Government; We therefore pray your Majesty that it may be enacted,’

I. And be it enacted by the Lieutenant Governor, Legislative Council and Assembly, and by the authority of the same, That there be and is hereby granted to the Queen’s most Excellent Majesty, out of the Revenues of this Province, the sum of five hundred pounds sterling, annually, from the first day of June in the year of our Lord one thousand eight hundred and thirty seven, as an addition to the salary now received by the Lieutenant Governor and chargeable on the Civil List of the Province, the same to continue until the term of his Administration of the Government shall cease.

£500 sterling, per annum, granted as an addition to the Salary of the Lieutenant Governor, from first of June 1837.

Limitation.

II. And be it enacted, That this Act shall not be in force until Her Majesty’s Royal Approbation be thereunto had and declared.

Suspending clause.

[*This Act was specially confirmed, ratified and finally enacted by an Order of the Queen in Council, dated the 22d day of May, 1840, and published and declared in the Province on the 29th day of July, 1840.*]

INDEX

TO ACTS OF THE GENERAL ASSEMBLY.

3D VICTORIA, A. D. 1840.

	PAGE.
ADMINISTRATORS,	
Claims against not to be discharged by their being named such (3 V. C. 61, S. 30), See further Title <i>Courts</i> , No. 5.	100
APPROPRIATION OF REVENUE,	
1. For the Ordinary Services of the Province (3 V. C. 58),	40
Money to be paid by the Treasurer by Warrant of the Lieutenant Governor (S. 2),	43
Chaplains; Sergeants at Arms; Clerks of Council and Assembly; Clerk's Assistants; Doorkeepers; Messengers; Province Treasurer, Clerk; Parish Schools; Light Houses, Apprehension of Deserters; J. Abrams, Tide Waiter Saint John; Master in Chancery; D. Jack; Tide Surveyor Miramichi; B. Chaloner, Tide Surveyor Saint John; Courier between Pokemouche and Bathurst—Gagetown and Nerepis; Messenger to the Treasury; Protection of the Revenue; Courier between Harvey and Great Road; W. Watts; Light Houses on Cape Sable, Seal Island and Brier Island; Courier between Pokemouche and Miramichi; Destruction of Bears and Wolves,	41
Grammar Schools; Messenger to the Executive Council; Madras Corporation,	42
2. For particular Services (3 Vic. C. 59),	43
Money to be paid by the Treasurer by Warrant of the Lieutenant Governor (S. 2),	43
Provincial Secretary, for Contingencies of Office; Sheriff of Charlotte; E. Briscoe, Infant School, Saint John; Free Female School in Fredericton; W. Watts; Index to Laws; M. Brannen; E. Fairchild; Dr. G. P. Peters; Province Agent; Adjutant General; Tide Waiter at Dalhousie; Tide Waiter at Bathurst; Free School in Saint John; J. Simpson; B. C. Chaloner, Gauger at Saint John; Tide Waiter at Richibucto; M. A. Smith; Speaker and Members of Assembly,	64
C. Williams; D. A. Lugin; Adjutants and Sergeant Majors of Militia; H. M. Attorney General; H. M. Solicitor General; Delia Berton; Sub Collector and Deputy Treasurer at Woodstock; Courier between Saint John and Saint Martins; Stages between Saint Andrews and Saint Stephens; Light House and Keepers House on Point Escuminac; Over advance for Light Houses; Over expenditure for protection of Revenue; Treasury Contingencies; D. W. Jack, Gauger at Saint Andrews; R. Watson, Gauger at Saint Stephen; L. A. Wilmot, Esq. Delegation expenses,	44
Hon. W. Crane, Delegation expenses; Indemnification for loss of Stores, 36th Regiment; Baptist Seminary; Geological Survey, (62); Provincial Contingencies; Grammar School, Northumberland, J. Sevewright; J. Whitehead; Tide Surveyor at Shippegan and Carraquet; Militia, under Captains Boyd and Mitchell; Extra Copies Province Laws; J. Marshall, head money,	45
W. H. Street; Restigouche Gaol and Court House; B. Dawson, Tide Waiter Bathurst; Scovil and Summers; Return duties on Goods destroyed by Fire at Saint John; Packet between Shediac and Bedeque,	46
T. Wallace, head money; Emigrants at Saint John; T. Lee and J. Agnew, Ferrymen; J. Fisher, Drawback; Black Refugees, Portland and Simonds; Transient Poor, Saint Andrews; Justices of Saint John for new Gaol; W. and J. J. Andrews, head money; Justices of Gloucester; Overseers of Poor, Kingston; Justices of Charlotte, Gaol; Jus- tices of York, Gaol; County line between Kent and Westmorland; Wharf in Hillsborough,	47
T. Wallace and J. V. Thurgar, Return Duties; Dr. S. Frye; Directors of the Charlotte	48

APPROPRIATION OF REVENUE,

2. For particular Services—*Continued.*

County Savings Bank; D. Muzrall, Ferry at Burgoyne's; Overseers of Poor, Chatham; Hon. J. Robertson, Return Duties; Overseers of Poor, Saint Patrick; D. Hatfield, Return Duties; Mechanics' Institute, Saint John; Drawback on Wine, H. M. 69th Regiment; Lunatic Asylum, Saint John; Corporation of Saint John, Return Duties; Public Wharf near Gagetown; Team Ferry Boat, N. and S. W. Miramichi,	49
Madras School at Saint Andrews; Ferry Landings on N. and S. side of the Richibucto; W. H. Scovil, Return Duties; H. D. C. Carman, Return Duties; Justices of King's, Gaol; A. M'Donald; H. Blakslee, Return Duties; Public and Steam Boat Landing in Fredericton; T. Woods; H. G. Dibblee; G. W. Cleary, Return Duties; J. R. Tupper, Return Duties; Breakwater in Enrage Bay; Return Duties on Wine, H. M. 36th Regiment; R. Foulis; J. Kerr and Company, Return Duties; York County, for transient Poor,	50
J. Blackhall; M. Harley; J. A. Street, Esq.; J. Gilmour, Esq.; P. Williston and Brothers, Drawback; Ferry between Dorchester and Hopewell; Widow of J. W. Jouett; Justices of Restigouche for J. E. Barry; R. S. Clarke; J. Albee, Esq., Steam Boat Slip; Missionary to Indians; M. Harned; J. M'Indoe; M. Dingee; M. Banks; Wharf at Shediac; W. P. Ranney, Return Duties,	51
Stage Coach from Dorchester to Miramichi; Stage Coach from Miramichi to Bathurst; W. J. Layton, Exploration; Micmac Indians; Fredericton Firewards; School House at Newcastle; Bridge over the Shediac; Woodstock Stage Coach Company; Saint Andrews and Saint John Stage Coach Company; Victoria Coach Company; J. Bradley and Associates; J. M. Kelly; Clearing out Loder's Creek,	52
Wharf in Sheffield; J. R. Tupper, Stages between Woodstock and Grand Falls; Packet between Bay Verte, Cape Traverse and Charlotte Town; Courier from Cape Tormentine to Great Road; Captain Priestly, Drilling Militia; Conveyance between Bend of Peticodiac and Shediac; Michael Mandeville, Stage between Dalhousie and Campbelltown; Bridge over the Magaguadavic; B. Rogers; Lieut. and Adj. Pratt; Bridge over River Charlo; Road Nashwaak to Keswick,	53
M. A. Black; D. Kilpatrick; E. C. Wilson; H. M'Lean; A. D. Thompson; E. Hailey; G. Powell; F. J. Earles; J. Killen; M. Hasson; J. M'Queen; J. Gibbons; M. Downing; C. Hitchins; John Orr; S. Gill,	54
D. Foster; D. Livingston; J. Jouett; R. Martin; E. Wilson; J. DeBourk; J. Millar; H. Rogers; D. Crocker; Horticultural Society, Fredericton; M. Albee; Removal of Rocks, Indian Town to Kennebecasis; Corporation of Saint John, widening Streets; Exploration, Point Wolf to Quaco,	55
Packet between Saint Andrews, Deer Island, Indian Island, Campo Bello and Grand Manan; Offices of Provincial Secretary and Clerk of the Pleas; T. Woods; King's County Bye Roads, reappropriation; Road, Burnt Church to Shippegan; Pokemouche to Shippegan; Bridge over Hammond River; Drain, Old Road, Tantamar Marsh; Ferry Wharf at Calhoun's in Hopewell; Indigent Indians; Wharf on the Saint Croix,	56
T. White, Ferry, Oak Point to Waweig River; W. Simpson, Ferry, Waweig to Oak Point; Chairman of Committee on Public and Private Accounts; E. L. Jarvis and Company, Return Duties; W. H. Street and W. P. Ranney; W. Hammond; D. Stewart; G. F. Campbell; Fredericton School House; Return Duties on Goods destroyed by Fire,	57
Steam Communication between Miramichi, Charlotte Town and Pictou; Quarter Master General of Militia; Ferryman at the Aristook; Exploration, Bellisle to Kingston; A. Goodfellow; Ferrying Mails across the Richibucto River; M. Harley, Exploration; A. Fowler; D. Clarke; H. Rigby,	58
Exploration, Red Rock to the Nerepis; G. Wightman, Exploration; J. Biggs, Return Duties; J. Crowley; Short Session expenses, 1839; Appraisers at Saint John; W. J. Layton, Meteorological Register; J. Fraser; D. Croker, Exploration; A. Goodfellow and D. Crocker, Exploration; J. E. Woolforde, Barrack Stores; Overseers of Poor Saint Stephen; Bridge across the Aristook; A. Wedderburn,	59
Loan, Disputed Territory Fund; W. Watts; A. Shanklin; X. Jouett; Province Hall, Extra Work; Agricultural Societies; J. Simpson, Printing,	60

APPROPRIATION OF REVENUE,

2. For particular Services—*Continued.*

Light House Keeper, Saint Andrews Harbour ; Relief, Madawaska ; J. Madgett and M. Dennison ; Northumberland Emigrants ; Apprehension of T. Leonard ; J. Street, Provincial Settler ; Road, Fredericton to Maryland ; Burnt Church, Grand Manan, expenses ; Joseph Read ; Justices of Saint John, House of Correction ; G. Atchison ; Removing Hollow and Hill near Gagetown Church,	61
Road, Gagetown to Nerepis <i>via</i> Corrigan's ; Auditing Casual Revenue Accounts ; Geological Survey, (46) ; Government House ; Bar at Jemseg ; Ferry Scow, S. W. Miramichi ; Widow of T. Burdon ; Road from Forks of Road from Ocknabog to M'Alister's on Road from Gagetown to Nerepis ; Wharf and Landing at Nixon's Ferry, Fredericton ; H. Chubb, Printing ; W. Clark, Settler ; Towing Path, Tobique to Grand Falls ; Missionaries at Madawaska,	62
Road, Groom's in Hampton to New Bridge in Norton ; Division Line between Sunbury and Queen's ; House of Assembly Library ; Return Duties on seizures ; Carleton Militia, in lieu of Coats ; Superintendent of Light Houses ; B. M'Donald ; R. Gowan ; D. W. Jack ; Accoutrements for Militia ; Exploration for Canal Line between Bay of Fundy and Gulf of Saint Lawrence ; Province Treasurer and Clerk,	63
D. M'Millan, School Books ; Militiaman's Guide and Officer's Instructor ; Exploration for Road from Forks of the Marsh to Lock Lomond ; Legislative Contingencies,	64
3 For opening and repairing Roads and erecting Bridges (3 Vic. C. 60),	64
Saint John to the Nova Scotia Line ; Saint John to Saint Andrews ; Piers and Landing Places, Saint John,	<i>ib.</i>
Gagetown to the Nerepis ; Dorchester to Shediac ; Shediac to Bend of Peticodiac ; Richibucto to Chatham ; Newcastle to Bathurst ; Bridge over Little River at Bathurst ; Bridge over French Fort Cove ; Bathurst to Campbelltown ; Westside River Saint John, between Burgoyne's and Woodstock ; Fredericton to Woodstock ; Bridges on Road from Fredericton to Woodstock ; Woodstock to the Canada Line ; Fredericton to the Finger Board ; Fredericton to Newcastle ; Fredericton to Saint Andrews, Shediac to Richibucto,	65
Salisbury to Hopewell ; Woodstock to Houlton ; Waweig to Saint Stephens ; Bridge over the Oromocto ; Hammond River to Hopewell ; Loch Lomond to Sussex Vale ; Oromocto to Gagetown ; Widening Mill Bridge ; Bend of Peticodiac to Richibucto ; Grand Lake to Richibucto ; Head of Bellisle to Kingston ; Fredericton to Saint John <i>via</i> Nerepis ; Royal Road ; Grand Falls and round the Tamasquata Lake ; Woodstock to the River de Chute,	66
Fredericton to Peticodiac ; Red Rock to the Nerepis ; Oak Bay to the Bridge at Eel River ; Bridge at Brockway's to the lower Bridge over the Saint Croix,	67
Bridge over the Shediac River, 52—Magaguadavic, 53—River Charlo, 53—Hammond River, 56—Berry's Creek in Quaco, 58—Aristook, 59.	
Road, Nashwaak to Keswick, 53 ; Indian Town to Kennebecasis, 55 ; King's County Bye Road reappropriation, 56 ; Burnt Church to Shippegan, 56 ; Pokemouche to Shippegan, 56 ; Old Road, Tantamar Marsh, 56 ; Reach to M'Camber's Creek at Quaco, 56 ; Fredericton to Maryland, 61 ; Removal of Hollow and Hill near Gagetown Church, 61 ; Gagetown to the Nerepis <i>via</i> Corrigan's, 62 ; Ocknabog and J. Gaunce's to M'Alister's on Road from Gagetown to Nerepis, 62 ; Groom's in Hampton to New Bridge in Norton, 63,	
Exploration, Point Wolf to Quaco,	55
Bye Roads in Carleton,	67
Kent,	69
Gloucester,	71
Westmorland,	<i>ib.</i>
Charlotte,	74
Sunbury,	77
Northumberland,	79
King's,	81
Restigouche,	85
Saint John,	86
Queen's,	88
York,	92

	PAGE.
APPROPRIATION OF REVENUE,	
3. For opening and repairing Roads— <i>Continued.</i>	
Money to be expended by Supervisors or Commissioners appointed by the Executive, (S. 2),	94
Their compensation, (S. 4),	95
How to be expended,	94
How drawn from the Treasury, (S. 3),	<i>ib.</i>
Within what time to be expended, (S. 5),	95
Not to be expended on alterations not recorded, (S. 6),	<i>ib.</i>
4. To provide for the expenses of the President and Members of the Legislative Council (3. Vic. C. 69),	119
See further Title <i>Legislative Council.</i>	
5. For the further support of the Civil Government (3 Vic. C. 84),	141
£500 sterling, <i>per annum</i> , from 1st June 1837, granted as an addition to the salary of the Lieutenant Governor,	<i>ib.</i>
Limited to the Administration of the present Lieutenant Governor,	<i>ib.</i>
BANKS,	
New Brunswick,	
Act 60 G. 3, C. 13, in part repealed, (3 Vic. C. 35),	16
Nine Directors to be annually chosen by the Stockholders, (S. 2),	17
Directors to choose a President,	<i>ib.</i>
Five to form a Board for business, (S. 3),	<i>ib.</i>
To exercise all the powers granted by the Act of Incorporation,	<i>ib.</i>
BEARS,	
Act 9 G. 4, C. 19, granting a bounty for the destruction of, continued by 3 Vic. C. 11,	8
BOARDS OF HEALTH,	
Acts 3 W. 4, C. 28 and 5 W. 4, C. 47, for the establishment and regulation of, continued by 3 Vic. C. 74,	129
BREAD, Assize of	
1. In Newcastle and Chatham,	
Act 1 W. 4, C. 37, regulating, continued by 3 Vic. C. 15,	9
2. In Saint Andrews and Saint Stephen,	
Acts relating to Saint Andrews repealed, 3 Vic. C. 28,	13
Justices may regulate, and impose Fines (S. 2),	<i>ib.</i>
Bake Houses and Shops to be examined by Clerk of the Market (S. 3),	<i>ib.</i>
Penalty for neglect of duty (S. 4),	<i>ib.</i>
Bread deficient in weight to be seized (S. 3),	<i>ib.</i>
Fines and Penalties, recovery and application of, (S. 5),	<i>ib.</i>
3. In Woodstock,	
Justices may regulate, and impose Fines (3 Vic. C. 48),	32
Clerk of the Market to inspect Bake Houses, &c. and seize Bread deficient in weight, (S. 2),	<i>ib.</i>
Penalty for neglect of Duty (S. 3),	<i>ib.</i>
Fines and Penalties, recovery and application (S. 4),	<i>ib.</i>
BUOYS AND BEACONS,	
1. Act 10 & 11 G. 4, C. 16, relative to, in Northumberland, Kent and Gloucester, continued by 3 Vic. C. 18,	10
2. Act 5 W. 4, C. 41, relating to the Inner Bay of Passamaquoddy, continued by 3 Vic. C. 26,	12
CARLETON COUNTY,	
Act 4 W. 4, C. 26, providing for the safe keeping of County Records, suspended as regards Carleton (3 Vic. C. 41),	22
CHAMCOOK MILL AND FACTORY COMPANY,	
Incorporated (3 Vic. C. 66.)	116
Capital to be £60,000, (S. 2),	<i>ib.</i>
When to be paid in (S. 3),	<i>ib.</i>

CHARLOTTE COUNTY,

1. Justices authorized to assess a part of Saint Stephen for building an Engine House, &c. (3 Vic. C. 36), 17
2. Justices authorized to assess to pay off the County Debt (3 Vic. C. 67), 116

CHURCH OF ENGLAND,

- Act 2 W. 4, C. 16, regulating elections of Church Wardens and Vestrymen in Saint Andrews, continued by 3 Vic. C. 24, 12

CIVIL LIST,

- £500 sterling, *per annum*, from 1st June, 1837, granted as an addition to the salary of the Lieutenant Governor (3 Vic. C. 84), 141
- Limited to the present Lieutenant Governor's Administration, *ib.*
- Act suspended until Royal Approbation be had (S. 2), *ib.*
- Memorandum of approval, *ib.*

CORPORATIONS,

- Act incorporating the Saint George Lime Company (3 Vic. C. 44), 23
- Incorporating the Chamcook Mill and Factory Company (3 Vic. C. 66), 116
- Incorporating the Saint John Orphan Benevolent Society (3 Vic. C. 73), 128
- Amending the Act incorporating the Bank of New Brunswick (3 Vic. C. 35), 16
- Reviving Act incorporating the Saint John Hotel Company (3 Vic. C. 43), 22

COUNTY ACCOUNTS,

- To be annually laid before the Grand Jury at the General Sessions next succeeding that at which the Parish Officers are appointed (3 Vic. C. 23), 11
- In Charlotte County at the Term at which the Parish Officers are appointed (S. 2), *ib.*

COURTS,

1. Chancery,
 - To have appellate jurisdictions of matters cognizable by the Surrogates (3 Vic. C. 61, S. 2), 95
 - To establish rules and forms of practice for the Surrogate Courts (S. 5), *ib.*
 - Appeal to, from Surrogate Courts allowed (S. 9-12), 96
 - May refer questions of fact and law in certain cases to the Supreme Court (S. 13, 14), 97
 - May grant licence to sell or lease real Estate of a deceased person when the personal is insufficient (S. 44), 102
 - Proceedings thereon, 102, 104
2. Supreme,
 - a. Commissions for taking affidavits to be read in, heretofore issued declared valid (3 Vic. C. 51), 34
 - May be issued either with limitation to one or more Counties, or without (S. 2), *ib.*
 - b. To prescribe forms of Replevin Bonds and entering up judgment (3 Vic. C. 63), 114
 - See further Title *Replevin*.
3. Circuit,
 - Act 5 W. 4, C. 46, providing for the services of the Clerk, continued by 3 Vic. C. 9, 7
4. Common Pleas,
 - a. July and January Terms in King's County altered to third Tuesday in October and first Tuesday in January (3 Vic. C. 19), 10
 - No Process to abate by reason of alteration, *ib.*
 - b. January and June Terms in York altered to second Tuesdays in January and June (3 Vic. C. 32), 15
 - No Process to abate by reason of the alteration, *ib.*
5. Surrogate,
 - Surrogates to take probate of Wills and grant Administration, and continued in office without taking out a new Commission on the change of the person administering the Government (3 Vic. C. 61, S. 1), 95
 - To be sworn (S. 4), *ib.*
 - Not to proceed when interested, as next of Kin, &c. (S. 6), 96
 - A Surrogate *pro hac vice* to be then appointed (S. 7), *ib.*
 - Not to be Counsel, &c. in matters pending before him (S. 19), 95
 - Appeal from, allowed to the Court of Chancery (S. 9-12), 96

COURTS,

5. Surrogate—*Continued.*

Empowered to issue Subpoenas (S. 15),	97
Citations, &c. how and by whom to be served (S. 16, 17).	<i>ib.</i>
Testimony in proof of a Will to be taken in writing (S. 18),	<i>ib.</i>
May award and tax costs, subject to review (S. 20),	98
Jurisdiction of, (S. 21, 22),	<i>ib.</i>
Letters Testamentary or of Administration to be applied for by Petition (S. 23),	<i>ib.</i>
Bond from Administrators to be given to the Surrogate, Sureties and Form (S. 24),	99
May be required from Executors in certain cases (S. 25),	<i>ib.</i>
Appraisers to be appointed on granting Letters Testamentary or of Administration (S. 26),	<i>ib.</i>
Compensation,	<i>ib.</i>
To be sworn (S. 28),	<i>ib.</i>
Inventory, how to be made (S. 27, 29),	<i>ib.</i>
Further Inventories and Appraisements to be made of property discovered (S. 32),	100
Claim against Executors or Administrators not to be discharged by their being named such (S. 31),	<i>ib.</i>
Debts to be paid according to their legal priority (S. 33),	<i>ib.</i>
Pleadings by Executors or Administrators in suits (S. 34),	<i>ib.</i>
Accounts to be rendered, and how passed (S. 35-42),	101
Licence to sell or lease real Estate when the personal is insufficient for payment of debts, how granted and executed (S. 44, 56),	102
Bonds given under Act 3 Vic. C. 61, not to be put in suit without order of the Court of Chancery (S. 57),	<i>ib.</i>
Fees in, (Schedule),	108
Forms of Bonds, Warrants, &c. (Schedule),	104
A Register of Probates to have the custody of all the Books and Papers of the Surrogate Court to be appointed for each County (S. 3),	95
Fees of, (Schedule),	109

CRIMES,

1. Exhibiting false lights or signals, or preventing any person from saving his life from a Vessel in distress, Felony, Punishment (3 Vic. C. 68. S. 13),	119
Plundering wrecked Goods or Vessels, punishable as Felony in Act 1 W. 4, C. 14,	<i>ib.</i>
2. Riot, Counterfeiting or uttering Counterfeit Coins, Subornation of Perjury, keeping a Bawdy House, Gaming House, Act of open Lewdness, Misdemeanors, Punishment (3 Vic. C. 64),	114

CRIMINAL JUSTICE,

1. Persons indicted of Felony may make their defence by Counsel (3 Vic. C. 40),	21
To be furnished with copies of the examinations of witnesses,	<i>ib.</i>
2. Examinations, informations, recognizance, &c. to be transmitted to the proper officer of the Court forthwith after being taken (3 Vic. C. 64, S. 2),	114

CROWN LANDS,

1. Timber cut or hauled from, without licence to be forfeited, and party liable to a penalty (3 Vic. C. 77),	131
May be seized and prosecuted by persons appointed by the Lieutenant Governor (S. 3),	<i>ib.</i>
Certificate of probable cause for seizure to be a bar to actions against Seizing Officer (S. 9),	133
Seized, to be deemed forfeited unless made to appear as cut from granted Lands or under licence (S. 4),	131
To be deemed condemned unless notice of claim be given within 14 days (S. 5),	132
To be sold at auction,	<i>ib.</i>
Penalty for assaulting, &c. a Seizing Officer, or cutting loose any Timber, &c. seized (S. 6),	<i>ib.</i>
Prosecutions for fines, penalties and forfeitures to be in a Court of Record (S. 7),	<i>ib.</i>
Or before two Justices of the Peace when the seizure does not exceed £100 in value (S. 8),	<i>ib.</i>
To be commenced within one year,	<i>ib.</i>
2. Governor authorized to sell 100,000 acres of, to the North American Colonial Association of Ireland (3 Vic. C. 82),	139
Terms of payment,	<i>ib.</i>
Coals, Mines and Minerals reserved,	<i>ib.</i>
Conditions as to the extent of each tract, survey and expenses, cultivation and settlement (S. 2),	<i>ib.</i>
On breach of, Land to revert to the Crown (S. 3),	<i>ib.</i>

DEBTORS,		
Act 6 W. 41, relating to insolvent confined, continued by 3 Vic. C. 31,		15
DISORDERLY HOUSES,		
Act 9 and 10 G. 4, C. 8, for the speedy punishment of Persons keeping, continued by 3 Vic. C. 27,		12
DISORDERLY RIDING,		
Act 6 W. 4, C. 25, to prevent, continued by 3. Vic. C. 8,		6
DISTILLERIES,		
Act 9 and 10 G. 4, C. 30, imposing duties on Liquors distilled in the Province, continued by 3 Vic. C. 4,		5
EVIDENCE,		
Exemplifications of part of Records of Judgments in the Supreme Court may be received in (3 Vic. C. 65),		115
Certified or proved copy of the record of a Grant to be as good as an exemplification (S. 2),		<i>ib.</i>
Conditions of Grant not necessary to be copied or exemplified (S. 3),		<i>ib.</i>
Plat referred to in Grant to be annexed unless it be certified that no plat has been entered (S. 4),		<i>ib.</i>
Grants registered under 26 G. 3, C. 3, may be proved by certified or examined copies (S. 5),		<i>ib.</i>
Expenses of exemplifications or copies may be allowed in taxing costs, (S. 6),		<i>ib.</i>
EXECUTORS,		
Executor of the Will of an Executor not to be <i>ipso facto</i> Executor of the Will of the first Testator (3 Vic. C. 61, S. 8),		96
Claims against, not to be discharged by their being named such (S. 30),		100
See further Title, <i>Courts</i> , No. 5.		
FELONY,		
Persons tried for, may make their defence by Counsel (3 Vic. C. 40),		21
To be furnished with copies of examinations of witnesses,		<i>ib.</i>
FERRIES,		
Act 5 W. 4, C. 38, regulating the ungranted, continued by 3 Vic. C. 12,		8
FIRES,		
1. In Newcastle and Chatham,		
Act 9 G. 4, C. 14, relating to, continued by 3 Vic. C. 17,		9
2. In Saint Andrews,		
Act 9 G. 4, C. 28. relating to the extinguishing of, continued by 3 Vic. C. 29,		14
3. In Mill Town,		
Firemen entitled to certain privileges and exemptions (3 Vic. C. 33),		16
Act 5 W. 4, C. 26, continued (S. 2),		<i>ib.</i>
4. In Saint John,		
Act 3 Vic. C. 1, S. 6 and 7, relative to removal of certain descriptions of Wooden Buildings repealed (3 Vic. C. 75),		129
See further Title <i>Saint John</i> , No. 3.		
FISH,		
Act 3 W. 4, C. 43, regulating the inspection, continued by 3. Vic. C. 24,		12
FISHERIES,		
1. Act 7 W. 4, C. 36, relating to the Herring, in Charlotte County, continued by 3 Vic. C. 2,		5
2. Act 7 W. 4, C. 23, relating to, in Northumberland, Kent and Gloucester, continued by 3 Vic. C. 16,		9
GLOUCESTER,		
Justices authorized to assess the County to repair public buildings (3 Vic. C. 42),		22
GOVERNMENT HOUSE,		
Commissioners to have the care and management of, and to superintend repairs, to be appointed (3 Vic. C. 78),		133
Act 56 G. 3, C. 7, S. 5, repealed (S. 1),		<i>ib.</i>

	PAGE.
HIGHWAYS,	
1. Acts 5 W. 4, C. 2 and 6 W. 4, C. 2, relating to, continued by 3. Vic. C. 45,	24
2. Supervisors, appointment of, (3 V. C. 71),	121
May be displaced for neglect to render accounts or drawing money from the Treasury contrary to rules (S. 3),	<i>ib.</i>
3. Act 6 W. 4, C. 25, to prevent disorderly riding on, continued by 3 Vic. C. 8,	6
INTESTATES' ESTATES,	
See <i>Title Courts</i> , No. 5.	
KING'S COUNTY,	
1. Justices of, authorized to contract for building a Gaol, and assess the County (3 Vic. C. 37),	18
2. January and July Terms altered to third Tuesday in October and first Tuesday in January (3 Vic. C. 19),	10
LANDLORD AND TENANT,	
Act 8 W. 4, C. 5, relating to, continued by 3 Vic. C. 20,	10
LEGISLATIVE COUNCIL,	
£150 per Session granted to the President of, (3 Vic. C. 69, S. 1),	120
20s. <i>per diem</i> limited to £50 per Session, granted to each Member not enjoying an office under Government exceeding £200 in yearly income (S. 2),	<i>ib.</i>
Travelling charges granted (S. 3),	<i>ib.</i>
Money to be paid by Warrant on the Treasury (S. 4),	<i>ib.</i>
Limitation of Act (S. 5),	<i>ib.</i>
LIGHT HOUSES,	
Act 7 W. 4, C. 34, S. 8, relative to Saint Paul's Island Light House repealed (3 Vic. C. 50),	33
LOTTERIES,	
Act 5 W. 4, C. 12, for suppression of, continued by 3 Vic. C. 5,	6
LUMBER,	
Act 7 W. 4, C. 10, regulating the exportation of, continued by 3 Vic. C. 15,	8
MILITIA,	
Act 1 Vic. C. 1, in addition to the Militia Law, continued by 3 Vic. C. 21,	11
NORTH AMERICAN COLONIAL ASSOCIATION OF IRELAND,	
Act to authorize the granting of Land to, and prescribing Terms and conditions (3 Vic. C. 74),	138
ORPHAN SOCIETY,	
See <i>Title Saint John Orphan Benevolent Society</i> .	
OYSTERS, in Westmorland and Kent,	
Penalty for taking, for the purpose of exportation (3 Vic. C. 53),	38
For not returning into the water Shells, Rubbish, &c. raked up (S. 2),	<i>ib.</i>
Recovery and application (S. 3),	<i>ib.</i>
PARISHES,	
Parish of Studholm in King's County, erected from part of Sussex (3 Vic. C. 30),	14
PASSAMAQUODDY, Inner Bay of	
Act 5 W. 4, C. 41, relating to the navigation of, continued by 3 Vic. C. 26,	12
PAWN BROKERS,	
Act 6 W. 4, C. 35, regulating, continued by 3 Vic. C. 13,	8
PILOTAGE,	
Saint John Corporation empowered to make regulations for, as distance money (3 Vic. C. 70),	120
POPULATION,	
Act for ascertaining (3 Vic. C. 52),	34
Copies to be sent to the Clerks of the Peace for distribution (S. 3),	<i>ib.</i>
Persons to take account of, to be appointed (S. 1),	<i>ib.</i>
To be liable as other Parish Officers,	<i>ib.</i>
Penalty for neglect or refusal of duty (S. 7),	36

	ix. PAGE.
POPULATION—Continued.	
How persons appointed to discharge their duty and make returns (S. 4),	35
Returns of, how to be disposed of (S. 5),	<i>ib.</i>
To be digested and abstract laid before the General Assembly,	<i>ib.</i>
Remuneration of Clerks of the Peace and others (S. 6),	<i>ib.</i>
Penalty for refusing or giving a false answer (S. 4),	<i>ib.</i>
Penalties, Recovery and Application of, (S. 8),	36
Schedule, Questions and Form of Return,	<i>ib.</i>
PORTLAND, Parish	
Justices for the City and County of Saint John authorized to compensate the assessors of Taxes for the year 1839 (3 Vic. C. 79),	133
PROBATE, Register of	
His appointment, duties and Fees (3 Vic. C. 61),	95 109
QUEEN'S COUNTY,	
Justices authorized to lease a piece of land situate in Gagetown (3 Vic. C. 69),	33
Monies to be for the benefit of the County,	<i>ib.</i>
RATES AND TAXES,	
1. Act 1 Vic. C. 7, for the better assessment of, continued by 3 Vic. C. 7,	6
2. Act 7 W. 4, C. 7, for the collection of, continued by 3 Vic. C. 34,	16
3. Assessors in Portland may be remunerated for services in 1839 (3 Vic. C. 79),	133
RECORDS,	
Proof of, by Exemplification or certified or examined Copies (3 Vic. C. 65),	115
See further <i>Title Evidence.</i>	
REPLEVIN,	
Damages may be given where Defendant entitled to judgment for return (3 Vic. C. 63),	113
Value of goods may be awarded in damages at request of Defendant (S. 2),	<i>ib.</i>
Obligors in Bonds, liable for the damages (S. 3),	114
Forms of Bonds and entering verdict or judgment to be prescribed by the Supreme Court (S. 4),	<i>ib.</i>
Applicable to the Common Pleas,	<i>ib.</i>
REVENUE,	
1. Duties granted for the use of the Province and support of the Government (3 Vic. C. 1),	1
To be in addition to those imposed by Acts of Parliament (S. 2),	<i>ib.</i>
Warehoused goods on which duties have not been secured to be liable to (S. 3),	<i>ib.</i>
To be repaid or Warehouse Bond cancelled, as to goods exported for the deep sea or Whale Fisheries (S. 4),	2
On seizures by Officers of Customs to be paid to Seizing Officer as a Bounty (S. 5),	<i>ib.</i>
Schedule of articles subject to,	<i>ib.</i>
exempted from,	3
2. Duty imposed on Wheat Flour imported from Nova Scotia (3 Vic. C. 57),	40
Governor and Council may suspend,	<i>ib.</i>
3. Act 9 and 10 G. 4, C. 30, imposing duties on Liquors distilled in the Province, continued by 3 Vic. C. 4,	5
4. Provisions of S. 6 of Act 7 W. 4, C. 5, extended to the Deputy Treasurer at Woodstock (3 Vic. C. 46),	24
SAINT JOHN,	
1. Trespasses,	5
Act 5 W. 4, (2 Sess.) C. 9, continued by 3 Vic. C. 5,	
2. Gaol,	18
Justices authorized to contract for building (3 Vic. C. 38),	19
May borrow not exceeding £3000 on negotiable certificates bearing interest (S. 2 and 3),	<i>ib.</i>
May assess for the interest and charges, &c.	20
Treasurer to give notice for calling in notes to be paid off (S. 5),	<i>ib.</i>
To receive one per cent. for his services (S. 6),	
3. Fires,	134
A Fire Department may be established by the City Corporation (3 Vic. C. 80),	136
Rules with penalties to be made (S. 6),	

SAINT JOHN,

3. Fires—*Continued.*

- Members of Fire Department to be ready by day and by night (S. 1), 134
 Number limited, *ib.*
 May be displaced and others appointed (S. 3), *ib.*
 To be entitled to certain privileges and exemptions (S. 4, 5), 135
 A Company of Hosemen, Axemen and Hook and Ladder men may be organized (S. 2), 134
 A Fire Police may be organized in manner and under regulations made by an ordinance of
 the City (S. 8 & 9), 136
 Members to be sworn, *ib.*
 Their duty and power to search for stolen Goods (S. 10, 11), *ib.*
 Having in possession Goods taken away at a Fire to be *prima facie* evidence of Larceny
 (S. 12), 137
 Sheriff and other officers to repair to Fires and use their authority (S. 7), *ib.*
 Act 59 G. 3, C. 5, continued (S. 13), *ib.*
4. Pilotage,
 Jurisdiction of the Corporation extended for the regulation of rates of Pilotage (3 Vic. C. 70), 120
5. Supply of Water,
 Corporation to appoint persons to examine and report on all the property, machinery, &c. of
 the Saint John Water Company (3 Vic. C. 72), 123
 Empowered to agree with the Water Company for a transfer of their Stock (S. 4), *ib.*
 How assent to transfer to be signified (S. 17), 127
 To continue the operations of the Water Company upon the dissolution thereof (S. 6), 123
 Vents and openings to be made for use in case of Fire (S. 7), *ib.*
 Separate accounts to be kept of all matters relating to, (S. 8), 124
 Persons to manage, to be appointed, *ib.*
 Rules for persons employed and supplied with water to be made (S. 8), *ib.*
 Debentures may be issued to pay the Water Company (S. 9), *ib.*
 Form of and of transfer, *ib.*
 To bear interest payable half yearly, *ib.*
 Proceedings in case of default in payment, 125
 City property made security for payment of interest (S. 11), *ib.*
 Report of state of Water Works, receipts and expenses to be made annually (S. 12), 126
 Assessments may be made for any deficiency of receipts to pay interest on debentures
 (S. 12), *ib.*
 Assessors, appointment of and penalty for refusal to act (S. 13), 127
 Corporation property not to be liable for the debts of the Water Company (S. 5), *ib.*
 Maliciously breaking or injuring any of the Works, made Felony (S. 16), *ib.*
6. Wharves,
 Line for extension of, in the harbour, defined (3 Vic. C. 81), 137
 How to be constructed and occupied (S. 2), 138
 Prohibited between Duke and Saint James Street, unless land be conveyed for the continua-
 tion of Saint John or Water Street (S. 3,) *ib.*
 Two slips for certain blocks to be left open as landing Slips (S. 4), *ib.*
- 7 Streets, widening of
 Plans, Report and estimate of damages filed under Act 3 Vic. C. 2, declared void (3 Vic. C. 83), 140
 So much of 3 Vic. C. 2, as relates to the assessing of three fourths of the value of lands, &c.
 required for enlarging, repealed (S. 2,) *ib.*
 Commissioners to extend Dock Street to fifty feet in width, and make plans, estimates and
 report to be filed with the Common Clerk (S. 3,) *ib.*
 Assessment of damages, how to be apportioned (S. 4,) *ib.*
 Time for payment of damages awarded extended, (S. 5), 141

SAINT JOHN HOTEL COMPANY,

Act 6 W. 4, C. 63, incorporating the, revived save the S. 9 (3 Vic. C. 43), 22

SAINT GEORGE LIME COMPANY,

Incorporated (3 Vic. C. 44), 23
 First meeting by whom and how to be called (S. 2), *ib.*
 Capital Stock to be invested (S. 3), *ib.*
 Act to be void if 15 per cent. be not invested and certificate filed within three years (S. 4), *ib.*

SAINT JOHN ORPHAN BENEVOLENT SOCIETY,	
Incorporated (3 Vic. C. 73,)	128
Real Estate limited to £5000,	<i>ib.</i>
To have the like power to bind out orphan children as the Overseers of the Poor have under Act 26 G. 3, C. 43,	<i>ib.</i>
SAINT JOHN WATER COMPANY,	
Empowered to call in their outstanding Capital Stock (3 Vic. C. 72),	121
To pay off their debts except the Treasury Loan (S. 2),	122
To make up a statement of their affairs to be submitted to the City Corporation (S. 3),	<i>ib.</i>
Persons to be jointly appointed to report thereon,	<i>ib.</i>
After report may agree with the City Corporation for a transfer of all their property (S. 4),	123
How assent to transfer to be signified (S. 17,)	127
To be dissolved after transfer completed (S. 5,)	123
Directors to divide securities received from the City Corporation,	<i>ib.</i>
Recourse against and liability of the Corporation Property (S. 9, 10, 11),	124
See further Title <i>Saint John</i> , No. 5.	
SAINT STEPHEN,	
A part of the Parish to be assessed for an Engine House, &c. (3 Vic. C. 36),	17
SCHOOLS,	
1. Parish,	
Act 7 W. 4, C 8, S. 6, repealed (3 Vic. C. 39),	20
Justices to certify twice in each year all the certificates of the Trustees,	<i>ib.</i>
Allowance made for support of,	<i>ib.</i>
Aggregate amount and number of Female Schools limited,	21
To be apportioned among all the Schools when the aggregate exceeds the limits,	<i>ib.</i>
Grant for support of	41
2. Grammar,	
Established in the County of Restigouche (3 Vic. C. 10),	7
Grant for support of,	43
3. Madras,	
Grant for support of,	<i>ib.</i>
SEAMEN,	
1. Act 7 G. 4 C. 12, making provision for the regulation of, repealed by 3 Vic. C. 62,	110
Not to be arrested until completion of the voyage, for a debt contracted during the same without the allowance of the master (S. 2),	<i>ib.</i>
Process issued against void, and manner of discharge,	<i>ib.</i>
May be committed to prison for neglect, &c. after having shipped (S. 3),	<i>ib.</i>
Charges to be deducted from his wages,	<i>ib.</i>
To be supplied with bedding, &c. by the master while in prison,	<i>ib.</i>
Penalty for engaging or concealing (S. 4),	111
Recovery and application,	<i>ib.</i>
To forfeit wages in vessels entered after desertion,	<i>ib.</i>
Search Warrant to be issued for (S. 5),	<i>ib.</i>
Enticing or assisting to desert, penalty (S. 8),	112
No reward to be given for procuring (S. 6),	111
May be recovered back,	112
Not bound unless agreement be in writing (S. 7),	<i>ib.</i>
Detaining the clothes, chest, &c. of, proceedings (S. 9),	<i>ib.</i>
No lien to be allowed on articles if the Seaman be a deserter,	113
Penalties, Prosecution for (S. 10),	<i>ib.</i>
2. Supply of, for new Vessels to be procured from the United Kingdom (3 Vic. C. 76),	129
No head money to be demanded (S. 5),	130
Report of Vessels and Seamen to be made to the Treasurer before clearing at the Custom House (S. 2),	129
Treasurer to grant a certificate to be filed at the Custom House,	<i>ib.</i>

SEAMEN,

2. Supply of, for new Vessels — *Continued.*

Penalty for not procuring the Seamen nor making report (S. 3),	130
Recovery and application (S. 4),	<i>ib.</i>
Making a false report or oath, deemed perjury (S. 6),	<i>ib.</i>
Seamen procured for new Vessels, and persons harbouring them subject to laws for the regulation of Seamen (S. 7),	<i>ib.</i>

SEWERS,

Special Commissioners to be appointed, where lands, &c. lie in two or more Parishes (3 Vic. C. 56),	39
Powers, duties, compensation and penalties for neglect of duty,	<i>ib.</i>
To supersede ordinary Commissioners so far only as two or more Parishes may be interested (S. 2),	40
Collectors under Acts 10 and 11 G. 4, may distrain within any part of the County for which they are appointed (S. 3),	<i>ib.</i>

SHERIFF,

Act 6 W. 4, C. 1, for regulating the office of, continued by 3 Vic. C. 55,	39
--	----

STEAM BOATS,

Not to ply by sea with passengers, without fire buckets and life preservers on board (3. Vic. C. 54),	38
Penalty, recovery and application, (S. 2),	<i>ib.</i>
Inspectors to board, and report offenders to the Lieutenant Governor (S. 3),	39
Act 8 W. 4, C. 7 continued (S. 4),	<i>ib.</i>

STUDHOLM,

Parish of, erected from part of Sussex in King's County (3 Vic. C. 30),	14
Officers to be annually appointed (S. 2),	<i>ib.</i>
Erection not to prevent the recovery of assessments (S. 3),	15

SUPERVISORS,

Appointment of, to be for one year from 1st April and to be made in the month of March (3 Vic. C. 71),	121
Vacancies by death, &c. to be supplied,	<i>ib.</i>
May be displaced for neglect to render accounts or drawing money from the Treasury contrary to rules (S. 3),	<i>ib.</i>

SURROGATES,

See Title *Courts*, No. 5.

TAVERN KEEPERS AND RETAILERS OF STRONG LIQUORS,

Acts 5 W. 4, C. 3, 1 Vic. C. 33 and 2 Vic. C. 39, repealed with reservation as to licences and recovery of value of liquors sold (3 Vic. C. 47),	24
Licences to, how and to whom to be granted,	25
Amount to be demanded, and application,	<i>ib.</i>
In Saint John (S. 21),	30
Confined to the place and person, for which and to whom granted (S. 11),	27
Provision in case of death or removal of person holding licence,	<i>ib.</i>
Recognizance to be entered on obtaining (S. 7),	26
May be annulled on conviction of holder for seducing Soldiers to desert, &c. (S. 16),	28
Regulations for, to be made by the Courts of General Sessions with penalties (S. 6).	26
Proceedings for breach of (S. 8 & 9),	<i>ib.</i>
Penalties for selling liquor under specified quantities without a Retail Licence or allowing it to be drunk on the premises (S. 10),	<i>ib.</i>
Permitting apprentices, servants or minors to remain drinking, or selling liquors to such (S. 13),	27
Selling liquor on Sunday (S. 14),	<i>ib.</i>
Or having in possession smuggled liquors (S. 15),	28
Harbouring artied Seamen or Apprentices (S. 17),	<i>ib.</i>
Recovery of, (S. 19),	29
Application (S. 22),	30
To apply to Tavern Keepers in Saint John (S. 21),	<i>ib.</i>

TAVERN KEEPERS, &c.—Continued.

Debts to Tavern Keepers for liquors beyond 5s. not recoverable (S. 12),	27
Securities to be void,	<i>ib.</i>
Pawns or pledges to be restored,	<i>ib.</i>
Lists of licenced persons to be given to the Clerk of the Parish (S. 18),	29
His duty and remuneration,	<i>ib.</i>
Act to be read at the opening of the General Sessions, and list of licenced persons given to the Grand Jury (S. 22),	30
Charge to Grand Jury,	<i>ib.</i>
Presentment by, and proceedings thereon (S. 20 & 22),	<i>ib.</i>
Costs of prosecution regulated (S. 23),	<i>ib.</i>
Forms of Summons, Convictions, &c. (Schedule),	31

TIMBER,

Act for the more effectual protection of, growing on Crown Lands (3 Vic. C. 77),	131
See further Title <i>Crown Lands</i> .	

TREASURY WARRANTS,

Act 4 W. 4, C. 42, providing for payment of interest on, continued by (3 Vic. C. 6),	6
--	---

WRECKED PROPERTY,

Commissioners to be appointed where necessary (3 Vic. C. 68),	117
To be sworn,	<i>ib.</i>
To take charge of, when exceeding £25 in value (S. 2),	<i>ib.</i>
May appoint guards and suppress tumults (S. 3),	<i>ib.</i>
Penalty for disobeying,	<i>ib.</i>
To take an inventory and account to the owner (S. 4),	<i>ib.</i>
Compensation to be submitted to arbitration if owner and Commissioner cannot agree (S. 7),	118
To publish particulars when no owner appears (S. 8),	<i>ib.</i>
To account to the Province Treasurer when not claimed (S. 11),	119
To be prosecuted on failure (S. 12),	<i>ib.</i>
Owners of, not to pay any expenses to others than the Commissioners (S. 5),	118
Exception,	<i>ib.</i>
Penalty for intermeddling with (S. 6),	<i>ib.</i>
May be sold to pay duties and expenses, and when of a perishable nature, (S. 9, 10),	<i>ib.</i>
See further Title <i>Crimes</i> .	

YORK COUNTY,

1. Act 6 W. 4, C. 16, further to provide for the County Treasurer, continued by 3 Vic. C. 22,	11
2. Terms altered to second Tuesdays in January and June (3 Vic. C. 32),	15