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*Geo. D. Young for
L. A. Insured by
July 1842*

THE
ACTS
OF THE
GENERAL ASSEMBLY
OF
HER MAJESTY'S PROVINCE
OF
NEW BRUNSWICK,
FROM THE TWENTY SIXTH YEAR OF THE REIGN
OF
KING GEORGE THE THIRD
TO THE
SIXTH YEAR OF THE REIGN
OF
KING WILLIAM THE FOURTH.



REVISED AND CORRECTED, WITH NOTES AND AN INDEX.
BY
GEORGE F. S. BERTON,
BARRISTER AT LAW.

FREDERICTON:
Printed by John Simpson, Printer to the Queen's Most Excellent Majesty.
1838.

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1

2

PREFACE.

THE House of Assembly in the first Session in 1835, addressed the Lieutenant Governor, praying that he would be pleased to order a revision of the Laws of the Province, with a suitable Index, to be prepared; after the close of the Session I was honored by His Excellency's commands to carry into effect the wishes of the Assembly, and immediately proceeded with my task; during the year the publication proceeded as far as page 416; after the Session of 1836 I made such corrections in that part of the work which still remained unprinted as the Acts of the Session rendered necessary, and the printing was completed in that year. In the following winter a disastrous fire occurred in Saint John, and the whole edition except about 200 copies, the property of the printer, was consumed in the warehouse of the binder. Upon that occasion I submitted to the House of Assembly and to the Lieutenant Governor the propriety of directing the revision to be completed to the end of the Session of 1837, but in pursuance of the Address of the House, a reprint of the edition which had been consumed was ordered, and the body of the work was accordingly reprinted by Mr. Simpson in Great Britain; the Titles, Index and Appendixes were subsequently printed in Fredericton; the work therefore stands revised from the commencement as far as page 416 to the end of the Session of 1835, and the remainder of the work to the end of the Session of 1836. As many of the Acts have been repealed or altered since the publication of them, I have added a table which will enable the reader to correct the volume to the present time. My instructions directed me in preparing the revision to act under the direction of His Honor the Chief Justice; it is proper that I should acknowledge the great assistance and kind attention I received from His Honor, not only in directing the general form and manner of the work, but on every occasion of difficulty or doubt when I found it necessary to refer to him during its progress.

G. F. S. BERTON.

Fredericton, July 1838.

GENERAL INDEX
 TABLE

Showing the Acts in this Volume which have expired since the publication, or been altered, amended or repealed by subsequent Acts, compiled to the end of the Session of 1838.

- 26 G. 3, c. 1. *Hopewell*. Divided. See 1 Vict. (1838) c. 23.
Gagetown and Hampstead. Parish of Petersville erected, 1 Vict. (1838) c. 35.
 c. 3. *Registry of Deeds*. See in addition 7 W. 4, c. 15.
 c. 6. *Juries*. See in addition 6 W. 4, c. 47.
 c. 6. *Special Juries*. See 7 W. 4, c. 14, s. 31, as to costs in case plaintiff nonsuited.
 c. 8. *Circuits Court*. Times of holding appointed by 1 Vict. (1837) c. 4, and 1 Vict. (1838) c. 14.
 c. 10. *City Court, Saint John*. See 1 Vict. (1838) c. 11, the provisions of which, so far as applicable, are extended to the City Court, Saint John.
 c. 11. *Executors and Administrators*. See 7 W. 4, c. 14, s. 14, as to actions by and against executors and administrators for injuries to property of, or by, the deceased, and see s. 23 as to costs in actions by executors or administrators.
 c. 11. *Wills*. See 1 Vict. (1838) c. 9, for the amendment of the laws with respect to Wills.
 c. 12. *Real Estate chattels for payments of debts*. The 1 Vict. (1838) c. 12, provides for proceedings in case of a sheriff going out of office after seizure and before completion of execution.
 c. 14, s. 14. *Frauds*. Extended by 6 W. 4, c. 49, s. 3.
 c. 17. *Interest*. See 7 W. 4, c. 14, s. 21, 22 as to interest on debts after due and by way of damages in certain cases.
 c. 21. *Assessment of Damages*. Provisions of this Act extended to certain actions of covenant and debt, See 7 W. 4, c. 14, s. 6.
 c. 42. *Assessments*. See 7 W. 4, c. 5, and 1 Vict. (1838) c. 7, providing for the assessment of Rates.
 c. 43. *Poor*. See 1 Vict. (1838) c. 17, as to Alms House, Workhouse and Infirmary, Saint John, and see 7 W. 4, c. 22, as to exemption of the Acadian French from payment of rates.
 c. 49, s. 5. *Wharves and Cranes*. See in amendment 1 Vict. (1838) c. 37.
- 27 G. 3, c. 7. *Salisbury*. See 1 Vict. (1838) c. 23, erecting parish of Harvey.
 c. 7. *Line between Westmorland and Saint John*. See 7 W. 4, c. 35.
- 35 G. 3, c. 2. *Common Pleas Courts*. See in amendment 6 W. 4, c. 48.
- 39 G. 3, c. 5—56 G. 3, c. 3—4 G. 4, c. 23—3 W. 4, c. 16—5 W. 4, c. 24. *Fisheries, Northumberland*. Acts continued to 10th May, 1845, by 6 W. 4, c. 5, and 1 Vict. (1838) c. 24, and see also in addition 7 W. 4, c. 23.
- 50 G. 3, c. 21. *Rent*. See 7 W. 4, c. 14, s. 9, authorising distress by executors and administrators of landlord, and for arrearages due after the expiration of term, and requiring payment of arrears of rent before removal of goods under execution, &c. &c.
- 52 G. 3, c. 16. *Fires, Saint John*. See also 7 W. 4, c. 11.
- 54 G. 3, c. 13. *Grazing Marshes, Westmorland*. Expires 1st April, 1836. See 6 W. 4, c. 21.
- 56 G. 3, c. 1. *Constables, Saint John*. See also 7 W. 4, c. 12.
- 60 G. 3, c. 13. *Banks*. See 1 Vict. (1838) c. 18, to prevent abuse of banking privileges, and see 1 Vict. (1837) c. 6, as to private bank notes, and 7 W. 4, c. 32 as to actions on bank notes.
- 2 G. 4, c. 6. *Pilots*. See further as to Charlotte. 1 Vict. (1838) c. 29.
- 3 G. 4, c. 1. *Fires, Portland*. See 1 Vict. (1837) c. 15.
 c. 31—6 G. 4, c. 20—8 G. 4, c. 10—2 W. 4, c. 1—2 W. 4, c. 7—2 W. 4, c. 12—2 W. 4, c. 32—3 W. 4, c. 24—6 W. 4, c. 2—6 W. 4, c. 42. *Great Roads*. Repealed by 7 W. 4, c. 6, for the time of appointing supervisors, See 1 Vict. (1838) c. 15.
 c. 17, p. 306. *Bail*. Defendant may be rendered in any County, and manner of render if already in custody, 7 W. 4, c. 14, s. 3, 4.

- 5 G. 4, c. 5—7 G. 4, c. 11. *Fires, Fredericton.* Acts continued and amended by 7 W. 4, c. 37.
 c. 27. *Saint Mary's and Douglas.* Stanley erected by 7 W. 4, c. 25, which Act is repealed by 1 Vict. (1838) c. 34.
- 6 G. 4, c. 4. *Savings Banks.* See 6 W. 4, c. 52, as to Saint John.
 c. 18. *Militia.* See 1 Vict. (1838) c. 1, in addition thereto.
 c. 19. *Jury Fines.* As to recovery of fines due; see 7 W. 4, c. 43.
- 7 G. 4, c. 31. *Kent Common Pleas.* Term altered by 7 W. 4, c. 24.
- 8 G. 4, c. 4. *Scire Facias.* See 7 W. 4, c. 14, s. 26 as to Costs on scire facias.
 c. 11. *Herring Fishery, Charlotte.* Continued and amended by 7 W. 4, c. 36.
- 9 G. 4, c. 4. *Streets and Squares, Saint John.* Continued to 1st April, 1858, by 1 Vict. (1838) c. 26.
- 9 & 10 G. 4, c. 1. *Amendment of Records.* See also 7 W. 4, c. 14, s. 7, 8.
 c. 29. *Grammar Schools.* Trustees in King's and Queen's to appoint times of examination, See 1 Vict. (1838) c. 20.
- 10 & 11 G. 4, c. 12—S G. 4, c. 15. *Saint Croix, Digdeguash, &c.* Continued to 1st May, 1845, by 7 W. 4, c. 20.
- 1 W. 4, c. 50. *Woodstock.* See further 1 Vict. (1838) c. 31.
- 2 W. 4, c. 15. *Province Debt.* Treasurer to pay, See 1 Vict. (1838) c. 22.
- 3 W. 4, c. 7. *Passamaquoddy.* Repealed by 7 W. 4, c. 16.
 c. 32. *Nuisances, Saint John.* Section 1. repealed, and other provisions made by 7 W. 4, c. 21, which Act is extended to Portland by 1 Vict. (1837) c. 14.
 c. 27. *Boards of Health.* Continued to 1st April, 1840, by 7 W. 4, c. 18.
 c. 31—6 W. 4, c. 24. *Parish Schools.* Repealed by 7 W. 4, c. 8.
- 4 W. 4, c. 41. *Summary Proceedings in Supreme Court.* See 7 W. 4, c. 14, s. 32 as to judgments in vacation, 1 Vict. (1838) c. 13 enlarges time of appearance to thirty days.
 c. 45, s. 3. *Suits before Justices of the Peace.* Capias may be issued for ten shillings See 1 Vict. (1838) c. 11, s. 1.
 s. 3. This section not to extend to persons having the benefit of the gaol limits, 1 Vict. (1838) c. 11, s. 2.
 s. 3. The 1 Vict. (1838) c. 11, s. 3, provides for execution to be issued by another Justice in case of sickness, absence, &c.
 s. 3. Recovery of costs on review, provided for by 1 Vict. (1838) c. 11, s. 4, 5, 6.
 s. 3. *Process, direction and service of.* See 1 Vict. (1838) c. 11. s. 7.
- 5 W. 4, c. 3. *Tavernkeepers.* See in addition 1 Vict. (1838) c. 33.
 c. 28. *County Accounts.* In part repealed, See 7 W. 4, c. 17, amended so far as relates to Charlotte County by 1 Vict. (1838) c. 28.
 c. 34. *Witnesses.* See 7 W. 4, c. 14, s. 27, as to attendance and examination before arbitrators.
 c. 35. *Forgery defined.* See 1 Vict. (1838) c. 10, in addition thereto.
 c. 37. *Posteas.* See 1 Vict. (1838) c. 13, as to date of posteas on awards.
 c. 48. *Saint John Bridge Company.* Capital increased by 7 W. 4, c. 39.
 (2d Sess.) c. 8. *Toll Bridge, Kennebecasis.* Amended by 7 W. 4, c. 26.
 (2d Sess.) c. 10. *Saint John Mechanic's Whale Fishing Company.* Act explained and amended by 7 W. 4, c. 40.
- 6 W. 4, c. 1. *Sheriff.* Time of appointment altered, 1 Vict. (1838) c. 15.
 c. 4, s. 6. *Revenue.* This section in part repealed by 7 W. 4, c. 5, s. 2. See 1 Vict. (1838) c. 6, s. 1, and 7 W. 4, c. 5, s. 2, as to appraisements.
 s. 11. *Revenue.* See 1 Vict. (1838) c. 6, s. 2, in extension thereof.
 s. 25. Deputy Treasurers at certain places may appoint deputies in case of sickness, &c.—7 W. 4, c. 5, s. 4.
 s. 28. Security in any bond when discharged. 7 W. 4, c. 5, s. 3.
 c. 31. *Saint Andrews and Quebec Rail Road.* Act amended by 7 W. 4, c. 38.
 c. 32. *Saint Stephen's Bank.* Act in addition, 1 Vict. (1837) c. 9.
 c. 33. *Actions against Corporations.* See also 7 W. 4, c. 14, s. 2.
 c. 41. *Gaol Limits.*
 Carleton. See 7 W. 4, c. 31.
 Saint John.—1 Vict. (1837) c. 13.
 Fredericton.—1 Vict. (1838) c. 21.
 c. 41. *Confined Debtors.* Mayor or Recorder in Saint John may act alone.
 c. 50. *Saint John House of Correction.* See in amendment 7 W. 4, c. 19, Justices authorized to establish separate from the gaol 1 Vict. (1838) c. 16.
 c. 67. *Restook Mill Company.* Act amended by 7 W. 4, c. 41.
 c. 69. *Saint Stephen's Whale Fishing Company.* See 1 Vict. (1837) c. 10, in addition thereto.

ADMINISTRATION OF THE GOVERNMENT
OF THE
PROVINCE OF NEW-BRUNSWICK.

THOMAS CARLETON, ESQUIRE,

The first Governor of the Province of New Brunswick; was appointed Captain General and Governor in Chief in and over the same, on the 16th day of August, in the year of our Lord 1784, and continued until the 20th May, 1786; when Sir Guy Carleton, afterwards Lord Dorchester, having been appointed Governor of this and the adjacent Province of Nova Scotia, Canada, &c. the said Thomas Carleton, Esquire, was appointed Lieutenant Governor of New Brunswick, and continued to administer the Government of the same until the 5th of October, 1803, when (having obtained His Majesty's Most Gracious leave of absence) he went to Great Britain, and thereupon the administration of the Government devolved upon

GABRIEL G. LUDLOW, ESQUIRE.

Who continued to administer the same until his death, which happened the 12th February, 1808; when the Government devolved upon

EDWARD WINSLOW, ESQUIRE,

Who administered the same by the style of President of His Majesty's Council and Commander in Chief of the Province, until the 24th day of May, in the same year; when

MAJOR GENERAL MARTIN HUNTER,

(Having been appointed President of His Majesty's Council) arrived, and assumed the Civil and Military Command of the Province, and administered the Government thereof, by the above mentioned style, until the 24th June, 1812, with the exception of the time when he was twice absent to Nova Scotia, in the Military Command there: during which time the Government devolved (by the royal instructions) upon the officer commanding the troops for the time being; and was administered as follows, by

LIEUTENANT COLONEL GEORGE JOHNSTONE,

From the 17th of December, 1808, to the 28th of April, 1809; and by

MAJOR GENERAL WILLIAM BALFOUR,

From the 11th of September to the 14th. of November, 1811.

MAJOR GENERAL HUNTER,

Was succeeded by

MAJOR GENERAL GEORGE TRACEY SMYTH,

Who was appointed to the administration of the Government (in the absence of the Lieutenant Governor) by His Majesty's commission, bearing date the 9th of April, 1812; and the same was administered by him by the style of President and Commander in Chief of the Province, until August, 1813; when he went to England, on leave of absence, and the Government devolved upon

MAJOR GENERAL SIR THOMAS SAUMAREZ,

And was administered by him until the return of

MAJOR GENERAL SMYTH,

Who resumed the Government in August, 1814, and continued in the administration thereof until he again left the Province, on the 25th of June, 1816, to administer the Government of the Province of Nova Scotia, from which time to the 1st of July, 1817, the Government was administered by

LIEUTENANT COLONEL HARRIS WILLIAM HAILES,

As President and Commander in Chief; he was superseded by the return of

MAJOR GENERAL SMYTH,

Who, on the death of Lieutenant Governor Carleton, was appointed by His Majesty's commission, dated the 28th day of February, 1817, Lieutenant Governor of the Province, and continued to administer the Government thereof, until his death, which happened on the 27th day of March, 1823; when the administration devolved upon

WARD CHIPMAN, ESQUIRE,

Who continued in office by the style of President of His Majesty's Council and Commander in Chief of the Province, from the first day of April, 1828, until his death, which happened 9th February, 1824; the Government then devolved upon

JOHN M. BLISS, ESQUIRE,

And was administered by him, by the same style, from the 21st day of February, 1824, until the arrival of

MAJOR GENERAL SIR HOWARD DOUGLAS, BART.

He was sworn as Lieutenant Governor and Commander in Chief, in pursuance of His Majesty's Commission, bearing date the day of , on the 28th day of August 1824, and administered the Government until the 29th March, 1829, when he went to England, and

WILLIAM BLACK, ESQUIRE,

As President and Commander in Chief, discharged the duties of the office from thence until the 8th September, 1831, when he was succeeded by

MAJOR GENERAL SIR ARCHIBALD CAMPBELL, BART.

Under His Majesty's Commission dated the day of appointing him to be Lieutenant Governor and Commander in Chief of the Province, he continued therein until the day of June, 1837, when he was succeeded by

MAJOR GENERAL SIR JOHN HARVEY,

Who under His Majesty's commission dated the day of , was sworn as Lieutenant Governor and Commander in Chief, and now administers the Government of the Province.

TABLE

CONTAINING

THE TITLES OF THE ACTS

OF THE

GENERAL ASSEMBLY.

 26 GEORGH III.

CHAPTER.	PAGE.
1. An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes.	1
2. 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.	9
3. An Act for the public registering of all Deeds, Conveyances and Wills, and other incumbrances which shall be made of or that may affect any Lands, Tenements or Hereditaments within this Province.	10
4. An Act for preserving the Church of England, as by Law established in this Province, and for securing liberty of Conscience in matters of Religion.	16
5. An Act against the profanation of the Lord's Day, commonly called Sunday, and for the suppression of immorality.— <i>Repealed.</i>	17
6. An Act for regulating Juries and declaring the qualifications of Jurors.	ib.
7. An Act to empower the Foreman of the Grand Juries to administer the usual Oaths to such Witnesses as are to be examined before them.— <i>Repealed.</i>	19
8. An Act for enabling the Justices of the Supreme Court to try all causes at <i>Nisi Prius</i> , and authorizing Attornies of the Supreme Court to practice in the Inferior Courts of Common Pleas within this Province.	ib.
9. An Act for limiting the value of Actions to be brought in the Inferior Court of Common Pleas in this Province, and for restraining the removal of Actions.— <i>Obselete.</i>	20
10. An Act for regulating the Courts of Law established in the several Counties for the trial of causes to the value of Forty Shillings.	ib.
11. An Act relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates.	21
12. An Act subjecting Real Estates in the Province of New Brunswick to the payment of Debts, and directing the Sheriff in his proceedings thereon.	25
13. An Act for relief against absconding Debtors.	27
14. An Act for prevention of Frauds and Perjuries.	35
15. An Act for the regulating Weights and Measures.	37
16. An Act for e-stablishing a Tender in all payments to be made in this Province.	38

TITLES OF THE ACTS.

CHAPTER.	PAGE.
17. An Act for establishing the rate of Interest.	38
18. An Act for preventing the multiplicity of Law Suits.	39
19. An Act for permitting persons of the profession of the people called Quakers to make an Affirmation instead of an Oath.	40
20. An Act for admitting Depositions de bene esse of Witnesses, aged, infirm and otherwise unable to travel, and of Witnesses departing from the Province.	41
21. An Act to prevent unnecessary expense, in Actions on the Case, on Judgment by default.	ib.
22. An Act for ascertaining damages on protested Bills of Exchange.	42
23. An Act for giving the like remedy upon Promissory Notes as on inland Bills of Exchange.	ib.
24. An Act to enable Creditors more easily to recover their Debts from Joint Partners.	ib.
25. An Act to prevent frivolous and vexatious Arrests.	43
26. An Act to prevent Gaming.	44
27. An Act for preventing idleness and disorders, and for punishing Rogues, Vagabonds, and other idle and disorderly Persons.	46
28. An Act for the appointment of Town and Parish Officers in the several Counties in this Province.	47
29. An Act for preventing Tresspasses.— <i>Repealed.</i>	48
30. An Act to prevent the burning woods by carelessly or wantonly Firing the same.	ib.
31. An Act to prevent Nuisances, by Hodges, Wears, Seines, and other Incumbrances, obstructing the Passage of Fish in the Rivers, Coves and Creeks of this Province.— <i>Expired.</i>	49
32. An Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners and Surveyors of Highways, within the several Towns or Parishes in this Province.— <i>Repealed.</i>	ib.
33. An Act for regulating and facilitating the navigation of the River Saint John, and other Rivers in this Province.	ib.
34. An Act for securing the navigation of the River Magagaudavick.	50
35. An Act to prevent the malicious killing or maiming of Cattle.	51
36. An Act for regulating Inn-holders, Tavern-keepers, and Retailers of Spirituous Liquors.— <i>Repealed.</i>	ib.
37. An Act for regulating Servants.	ib.
38. An Act to enable the Justices of the Peace of the several Counties in this Province for the time being, to receive for public uses Grants of Land lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same.	53
39. An Act for the preservation of Moosc.— <i>Expired.</i>	ib.
40. An Act to oblige absent proprietors to pay a proportion of public charge, and to repair Highways.— <i>Repealed.</i>	54
41. An Act to enable the Treasurers of the respective Counties in this Province to recover from such person or persons as have heretofore received any monies, or are otherwise indebted for the sale of Mill Privileges and Public Lots.— <i>Obsolete.</i>	ib.
42. An Act for assessing, collecting and levying County Rates.	ib.
43. An Act to regulate and provide for the support of the Poor in this Province.	56
44. An Act to regulate the sale of Goods sold at Public Auction or Out-cry.— <i>Repealed.</i>	59
45. An Act for appointing Commissioners of Sewers.— <i>Repealed.</i>	ib.
46. An Act for confirming unto the City of Saint John its rights and privileges.	ib.

TITLES OF THE ACTS.

CHAPTER.	iii. PAGE.
47. An Act for the better extinguishing Fires that may happen within the City of Saint John.— <i>Repealed.</i>	60
48. An Act against Forestallers and Reqraters.	ib.
49. An Act establishing the rates to be taken for wharfage and cranage of Ships and other vessels within the limits of this Province.	61
50. An Act for regulating the Exportation of Fish and Lumber, and for ascertaining the quality of the same.— <i>Repealed.</i>	63
51. An Act to prevent frauds in the sale of damaged Goods imported into this Province.	ib.
52. An Act for regulating Pilots.— <i>Repealed.</i>	64
53. An Act for the regulation of Scamen.— <i>Repealed.</i>	ib.
54. An Act to enable the Corporation of the City of Saint John to raise a sum of money, not exceeding three hundred pounds in the whole, nor more than one hundred pounds in any one year, to pay off their Debts already incurred, and to defray the necessary contingent expenses arising within the said City.— <i>Obsolete.</i>	ib.
55. An Act for raising a Revenue in this Province.— <i>Expired.</i>	ib.
56. An Act to rectify the mistakes in “ An Act for raising a Revenue in this Province.”— <i>Expired.</i>	ib.
57. An Act to lay a Tax on Dogs.— <i>Expired.</i>	ib.
58. An Act against tumults and disorders upon pretence of preparing or presenting public petitions or other addresses to the Governor or General Assembly.	65
59. An Act for the speedy punishment and release of such persons as shall commit criminal offences under the degree of Grand Larceny.— <i>Repealed.</i>	ib.
60. An Act for the conviction and punishment of Criminals who shall refuse to plead when arraigned, and for the trial of those who shall preemptorily challenge more than twenty.— <i>Repealed.</i>	66
61. An Act for the trial and punishment of Criminals who shall steal Bills of Exchange, Bonds, Warrants, Bills or Promissory Notes.— <i>Repealed.</i>	ib.
27 GEORGII III.	
1. An Act for establishing a Militia in the Province of New Brunswick, and for regulating the same.— <i>Expired.</i>	67
2. An Act to authorize the respective proprietors of certain Islands in the River Saint John and other Rivers in this Province to make rules and regulations for their better improvement and cultivation.	ib.
3. An Act for laying an Impost.— <i>Expired.</i>	68
4. An Act for securing the purchasers of Mortgaged Estates.— <i>Disallowed.</i>	ib.
5. An Act in addition to an Act for laying out, repairing and amending Highways, Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province.— <i>Expired.</i>	ib.
6. An Act to empower the Justices of the General Sessions of the Peace in the several Counties in this Province to grant Licenses to Tavern-keepers and Retailers of Spirituous Liquors.— <i>Repealed.</i>	ib.
7. An Act in addition to an Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes.	69
8. An Act in addition to an Act, intituled “ An Act for assessing, collecting and levying County Rates.”	ib.
9. An Act for more effectually securing the title of purchasers of Real Estates against claims for Dower.	70
10. An Act to enable the Justices of the Peace in the several Counties in this Province, wherein	

CHAPTER.		PAGE.
	no sufficient Gaols are erected, to send persons charged with Grand Larceny and other offences of a higher nature to the Gaol of the City and County of Saint John.— <i>Expired.</i>	70
11.	An Act in addition to an Act, intituled “ An Act for regulating the Exportation of Fish and Lumber, and for ascertaining the quality of the same.”— <i>Repealed.</i>	ib.
12.	An Act for appropriating and disposing of the Public Monies.— <i>Expired.</i>	ib.

28 GEORGII III.

1.	An Act for continuing and amending an Act, intituled, “ An Act for laying an Impost.”— <i>Expired.</i>	71
2.	An Act in addition to an Act, intituled “ An Act for relief against absconding Debtors.”	ib.
3.	An Act in addition to an Act, intituled “ An Act for the better extinguishing of Fires that may happen within the City of Saint John.”— <i>Repealed.</i>	72
4.	An Act to provide for the support of a Light House, to be built upon Partridge Island.— <i>Repealed.</i>	ib.
5.	An Act to continue sundry Acts of the General Assembly which are near expiring.— <i>Expired.</i>	ib.
6.	An Act for regulauing the Fisheries in the different Rivers, Coves and Creeks of this Province.— <i>Expired.</i>	73
7.	An Act in addition to an Act, intituled “ An Act for regulating Pilots.”— <i>Expired.</i>	ib.
8.	An Act to empower the Justices of the Sessions in the several Counties in this Province, to make such regulations respecting Markets and Ferries within such Counties as may be found necessary.	ib.
9.	An Act to amend an Act, intituled “ An Act for regulating the exportation of Fish and Lumber, and for ascertaining the quality of the same.”— <i>Repealed.</i>	ib.
10.	An Act for appropriating and disposing of the Public Monies.— <i>Expired.</i>	74

29 GEORGII III.

1.	An Act for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church Wardens and Vestries of the Church of England in the several Parishes in this Province.	75
2.	An Act to repeal an Act, intituled “ An Act to empower the Foreman of the Grand Juries to administer the usual Oath to such Witnesses as are to be examined before them.”	77
3.	An Act in amendment of an Act, intituled “ An Act for assessing, collecting and levying County Rates.”	ib.
4.	An Act to authorize the erection of Fences and Gates across certain Roads in the several Counties in this Province, where the same shall be found necessary.— <i>Expired.</i>	78
5.	An Act to continue and amend an Act, intituled “ An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province.”— <i>Expired.</i>	ib.
6.	An Act for laying an Impost.— <i>Expired.</i>	ib.
7.	An Act relating to the punishment of persons convicted of Felony within the Benefit of Clergy.— <i>Repealed.</i>	79
8.	An Act for reviving and continuing and amending sundry Laws that have expired and are near expiring.— <i>Expired.</i>	ib.
9.	An Act for appropriating and disposing of the Public Monies.— <i>Expired.</i>	ib.

31 GEORGII III.

1.	An Act to continue an Act, intituled, “ An Act to authorize the erection of Fences and Gates across certain Roads in the several Counties in this Province, where the same shall be found necessary.”— <i>Expired.</i>	80
----	--	----

TITLES OF THE ACTS.

CHAPTER.

PAGE.

- | CHAPTER. | | PAGE. |
|----------|--|-------|
| 2. | An Act to declare that no Law passed in the General Assembly of the Province of Nova Scotia before the erection of the Province of New Brunswick shall be of force in this Province. | 80 |
| 3. | An Act in addition to and in amendment of an Act, intituled "An Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province."— <i>Repealed.</i> | 81 |
| 4. | An Act for the recovery of small Debts.— <i>Expired.</i> | ib. |
| 5. | An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication. | ib. |
| 6. | An Act in addition to an Act, intituled, "An Act for regulating Juries and declaring the qualification of Jurors." | 84 |
| 7. | An Act to define and describe the crime of Petit Larceny.— <i>Repealed.</i> | 85 |
| 8. | An Act for fixing permanently the boundary lines between the different Grants in this Province.— <i>Repealed.</i> | ib. |
| 9. | An Act for altering the times of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the Counties therein mentioned. | ib. |
| 10. | An Act to enable the Justices of the Supreme Court to issue Commissions for the examination of Witnesses out of the Province.— <i>Repealed.</i> | ib. |
| 11. | An Act for the security and protection of certain Islands in the River Saint John.— <i>Expired.</i> | 86 |
| 12. | An Act to continue an Act, intituled "An Act for laying an Impost."— <i>Expired.</i> | ib. |
| 13. | An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province.— <i>Expired.</i> | ib. |
| 14. | An Act for the support and relief of confined Debtors.— <i>Expired.</i> | ib. |
| 15. | An Act for laying an Impost.— <i>Expired.</i> | ib. |
| 16. | An Act for appropriating and disposing of the Public Monies.— <i>Expired.</i> | ib. |
| 17. | An Act for regulating Elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province. | ib. |

32 GEORGH III.

- | | | |
|-----|--|-----|
| 1. | An Act for continuing the establishment of a Militia and for regulating the same.— <i>Repealed.</i> | 94 |
| 2. | An Act in amendment of an Act, intituled "An Act for more effectually securing the title of purchasers of Real Estates against claims of Dower," and also to enable Femes Covert more easily to convey the Real Estate they may hold in their own right. | ib. |
| 3. | An Act to provide for the maintenance of Bastard Children. | 96 |
| 4. | An Act for altering the Times of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of Northumberland.— <i>Obsolete.</i> | 97 |
| 5. | An Act to encourage the destroying of Wolves. | ib. |
| 6. | An Act to prevent the destruction of Sheep by Dogs.— <i>Repealed.</i> | ib. |
| 7. | An Act to continue an Act, intituled "An Act to prevent frauds in the sale of damaged goods imported into this Province."— <i>Expired.</i> | 98 |
| 8. | An Act to enable the Justices of the Court of General Sessions of the Peace and Inferior Court of Common Pleas in King's County, to hold the same Courts for the present year at the time therein mentioned.— <i>Obsolete.</i> | ib. |
| 9. | An Act to restrain all persons that may be concerned in the collection of impost duties from owning any vessel or trading or dealing in dutiable articles. | ib. |
| 10. | An Act for raising a Revenue in this Province.— <i>Expired.</i> | ib. |

CHAPTER.		PAGE.
11.	An Act to defray the expenses incurred and to be incurred in the Public Service therein mentioned.— <i>Expired.</i>	98
33 GEORGII III.		
1.	An Act to continue sundry Acts of the General Assembly which have expired or are near expiring.— <i>Expired.</i>	99
2.	An Act to prevent the encumbering or filling up of Harbours.— <i>Repealed.</i>	ib.
3.	An Act for apprehending Deserters from His Majesty's Service, and for punishing unlawful dealings with Soldiers or Deserters.	ib.
4.	An Act to explain and amend an Act, intituled "An Act to provide for the support of a Light House to be built upon Partridge Island."— <i>Repealed.</i>	101
5.	An Act in amendment of an Act, intituled "An Act more effectually securing the title of purchasers of Real Estate against claims of Dower."	ib.
6.	An Act in amendment of an Act, intituled "An Act to regulate and provide for the support of the Poor in this Province."	ib.
7.	An Act for regulating the size and contents of Linc Hogsheads within this Province.	102
8.	An Act to levy an assessment on the proprietors of the Township of Sackville for defraying the expenses of a survey and plan of said Township.	103
9.	An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province.	104
10.	An Act for raising a Revenue in this Province.— <i>Expired.</i>	106
34 GEORGII III.		
1.	An Act for the better regulating the Militia in this Province.— <i>Expired.</i>	107
2.	An Act for apprehending persons in any County or place upon Warrants granted by Justices of the Peace of any other County.	ib.
3.	An Act to explain and amend an Act, intituled "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province."	109
4.	An Act for altering the times of holding the Inferior Court of Common Pleas and General Sessions of the Peace in the County of Charlotte.	110
5.	An Act to alter and amend an Act, intituled "An Act for regulating Inn-Holders, Tavern Keepers and Retailers of Spirituous Liquors.— <i>Repealed.</i> "	ib.
6.	An Act to alter and amend an Act, intituled "An Act for ascertaining damages of protested Bills of Exchange."	ib.
7.	An Act to continue an Act, intituled "An Act for raising a Revenue in this Province."— <i>Expired.</i>	111
8.	An Act in addition of an Act, intituled "An Act for appointing Commissioners of Sewers."— <i>Repealed.</i>	ib.
9.	An Act for preserving the bank of the River Saint John in front of the Parishes of Mugerville, Sheffield and Waterborough.	ib.
10.	An Act for appropriating and disposing of the Public Monies.— <i>Expired.</i>	112
35 GEORGII III.		
1.	An Act for the more easy and speedy recovery of small Debts.— <i>Expired.</i>	113
2.	An Act to regulate the terms of the sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the jurisdiction of the same, and for the summary trials of certain Actions.	114
3.	An Act in addition to an Act, intituled "An Act for the better ascertaining and confirming	

- the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes." 116
4. An Act for preserving the bank of the River Saint John in front of the Parish of Lincoln, in the County of Sunbury.—*Expired.* 117
 5. An Act to continue several Acts that are near expiring.—*Expired.* 118
 6. An Act to provide for the support of Beacons, to be erected for better securing the navigation of Passamaquoddy Bay, and building a Slip in the Harbour of Saint Andrews.—*Expired.* ib.
 7. An Act further to continue an Act, intituled "An Act for raising a Revenue in this Province."—*Expired.* ib.

36 GEORGII III.

1. An Act to prevent Acts of the General Assembly from taking effect from a time prior to the passing thereof. 119
2. An Act for reviving and continuing an Act, intituled "An Act for the support and relief of confined Debtors."—*Expired.* ib.
3. An Act to revive and continue an Act, intituled "An Act for preserving the bank of the River Saint John in front of the Parishes of Maugerville, Sheffield and Waterborough."—*Expired.* 120
4. An Act for preventing unnecessary expense and delay in the process of barring Entails, and for establishing a plain and easy form of conveying and assuring Estates-Tail. ib.
5. An Act to prevent bringing infectious distempers into the City of Saint John.—*Repealed.* 121
6. An Act to amend an Act, intituled "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province," so far as the same respects the Fisheries in that part of the County of Northumberland which is within the Bay and River Miramichi and its Branches.—*Expired.* ib.
7. An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the same.—*Expired.* ib.

37 GEORGII III.

1. An Act to continue an Act, intituled, "An Act for the more easy and speedy recovery of small Debts."—*Expired.* 122
2. An Act to alter and amend an Act passed in the twenty sixth year of His Majesty's reign, intituled "An Act for preventing Trespasses."—*Repealed.* ib.
3. An Act to authorize the erection of Fences and Gates across certain roads in the several Counties in this Province, where the same shall be found necessary.—*Expired.* ib.
4. An Act for regulating the exportation of Fish and Lumber, and for repealing the Laws now in force regulating the same.—*Repealed.* 123
5. An Act to prevent the growth of Thistles.—*Expired.* ib.
6. An Act to alter and amend an Act, intituled "An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the same."—*Expired.* ib.

38 GEORGII III.

1. An Act to continue sundry Acts of the General Assembly that are near expiring.—*Expired.* 124
2. An Act in addition to and in amendment of an Act, intituled, "An Act for the regulation of Seamen."—*Repealed.* ib.

39 GEORGII III.

1. An Act for raising a Revenue in this Province.—*Expired.* 125
2. An Act to provide for payment of sundry debts of the Province for the year one thousand seven hundred and ninety five.—*Expired.* ib.
3. An Act for defraying the ordinary services of the year one thousand seven hundred and ninety five.—*Expired.* ib.
4. An Act to provide for payment of the services therein mentioned.—*Expired.* 126
5. An Act for regulating the Fisheries in the County of Northumberland. ib.
6. An Act in amendment of an Act made and passed in the thirty first year of His Majesty's reign, intituled "An Act for the support and relief of confined Debtors."—*Expired.* 130
7. An Act to authorize the Justices of the Peace of the Sessions in several Counties of this Province to make regulations for the weighing of Hay within such Counties where it may be found necessary to erect machines for that purpose. 131
8. An Act to prevent the importation or spreading of Infectious Distempers within this Province. ib.
9. An Act to repeal an Act made and passed in the thirty sixth year of His Majesty's reign, intituled "An Act to prevent bringing infectious Distempers into the City of Saint John," and to make more effectual provision for preventing the importation and spreading of such contagious Distempers.—*Repealed.* 132
10. An Act for defraying the ordinary services of the Province for the years one thousand seven hundred and ninety six, one thousand seven hundred and ninety seven, one thousand seven hundred and ninety eight, and one thousand seven hundred and ninety nine.—*Expired.* 133
11. An Act for raising a Revenue and for appropriating the same towards reimbursing the Members attending in General Assembly.—*Expired.* ib.

41 GEORGII III.

1. An Act for raising a Revenue in this Province.—*Expired.* 134
2. An Act for the rendering Justices of the Peace more safe in the execution of their office, and for indemnifying Constables and others acting in obedience to their Warrants. ib.
3. An Act to repeal all the Acts now in force relating to Trespasses, and for making new regulations to prevent the same.—*Repealed.* 136
4. An Act for the better securing the navigation of Passamaquoddy Bay within Deer Island.—*Expired.* ib.
5. An Act for the support and relief of confined Debtors.—*Repealed.* 137
6. An Act for erecting a Court House and Gaol in the County of Westmorland, and for altering the Shire Town of the said County. ib.
7. An Act to continue an Act made and passed in the thirty sixth year of His Majesty's reign, intituled "An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the same."—*Expired.* ib.
8. An Act for the further and better support of the Poor in the City of Saint John. ib.
9. An Act for preserving the bank of the River Saint John in front of the Parish of Lincoln, in the County of Sunbury. 138
10. An Act to continue an Act, intituled "An Act for preserving the bank of the River Saint John in front of the Parishes of Maugerville, Sheffield and Waterborough."—*Expired.* 139
11. An Act to empower the Justices of the Peace for the County of York to make such regulations respecting the Winter Roads in that County as may be found necessary.—*Expired.* ib.
12. An Act for appropriating certain Monies for defraying the expenses of the Province.—*Expired.* ib.

TITLES OF THE ACTS.

ix.

CHAPTER.

PAGE.

13. An Act for granting certain sums for repairing and laying out Roads.—*Expired* 139

42 GEORGII III.

1. An Act for regulating the Militia.—*Repealed.* 140
 2. An Act for altering the times of holding the Inferior Court of Common Pleas and General Sessions of the Peace for the County of King's.—*Obsolete.* ib.
 3. An Act for altering the times of holding the Courts of General Sessions of the Peace and Common Pleas in the County of Westmorland. ib.
 4. An Act to render persons convicted of Petit Larceny competent Witnesses.—*Repealed.* 141
 5. An Act for the easy and speedy recovery of small Debts, and for regulating the proceedings thereon.—*Expired.* ib.
 6. An Act for aiding and encouraging Parish Schools.—*Obsolete.* ib.
 7. An Act in addition to an Act to regulate the terms of the sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the jurisdiction of the same, and for the summary trial of actions. 141
 8. An Act for raising a Revenue in this Province, and for appropriating the same, together with the monies now in the Treasury.—*Expired.* 142

43 GEORGII III.

1. An Act for transferring to and vesting in the Crown such Lands and Tenements of any person or Body Politic, on which it may be judged suitable and necessary to erect Fortifications, or which may be wanted for other uses of war and defence, and for ascertaining the value thereof and making compensation for the same to the former owners. 143
 2. An Act to enable the Justices of the General Sessions of the Peace and Inferior Court of Common Pleas in the County of Northumberland, to hold the same for the present year, at the times therein mentioned.—*Obsolete.* 145
 3. An Act for altering the divisions of four of the Wards in the City of Saint John, and for changing the mode of Elections within the two other Wards of the said City. ib.
 4. An Act, in addition to an Act, intituled “ An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns and Parishes.” 146
 5. An Act for erecting the upper part of the County of York into a distinct Town and Parish. ib.
 6. An Act for regulating the exportation of Butter. ib.
 7. An Act to explain and amend an Act, intituled “ An Act for regulating the exportation of Fish and Lumber, and repealing the Laws now in force regulating the same.”—*Repealed.* 147
 8. An Act to continue sundry Acts of the General Assembly that are near expiring.—*Expired.* ib.
 9. An Act for raising a Revenue in this Province.—*Expired.* ib.
 10. An Act for appropriating certain monies for defraying the expenses of the Province.—*Expired.* 148
 11. An Act for granting certain sums for repairing and laying out Roads.—*Expired.* ib.

45 GEORGII III.

1. An Act for the better regulating the Militia in this Province.—*Repealed:* 149
 2. An Act to alter one of the Terms of holding the Inferior Court of Common Pleas for the County of York. ib.
 3. An Act to prevent the importation and sale of goods by persons not His Majesty's subjects.—*Expired.* 150

CHAPTER.		PAGE.
4.	An Act for the better regulating the weight and rates at which gold coins pass current in this Province.— <i>Disallowed by the King in Council.</i>	150
5.	An Act to continue an Act, intituled “ An Act for the better securing the navigation of Passamaquoddy Bay, within Deer Island.”— <i>Expired.</i>	ib.
6.	An Act for the more effectual prevention of desertion from His Majesty’s Forces.— <i>Expired.</i>	
7.	An Act to alter and amend an Act, intituled “ An Act for securing the navigation of the River Magaguadavic.”	ib.
8.	An Act to regulate the Winter Roads in the Counties of York and Sunbury.	151
9.	An Act in addition to an Act, intituled “ An Act for regulating Juries and declaring the qualifications of Jurors.”	152
10.	An Act for altering one of the Terms of holding the Inferior Court of Common Pleas in the County of Sunbury.	153
11.	An Act to provide for punctuality of payment at the Treasury, by issuing notes to the amount of the public appropriations.— <i>Obsolete.</i>	ib.
12.	An Act for encouraging and extending Literature in this Province.	ib.
13.	An Act to enable the Commissioners of Highways in the Parishes of Magerville, Sheffield and Waterborough, to lay out Highways, and to appropriate part of the Statute Labour for securing the bank of the River in front of those Parishes.	155
14.	An Act for the regulation of Booms for securing Masts, Logs and Lumber in the County of Charlotte.	ib.
15.	An Act for granting aid in support of the College of New Brunswick, incorporated by Charter, and established at Fredericton.— <i>Repealed.</i>	156
16.	An Act to continue an Act made and passed in the thirty-sixth year of His Majesty’s Reign, intituled “ An Act for regulating, laying out and repairing Highways and Roads.”— <i>Expired.</i>	ib.
17.	An Act to continue an Act made and passed in the forty third year of His Majesty’s Reign, intituled “ An Act for raising a Revenue in this Province.”— <i>Expired.</i>	ib.
18.	An Act for erecting the eastern part of the County of Westmorland into a distinct Town or Parish.	ib.
19.	An Act to continue sundry Acts of the General Assembly that are near expiring.— <i>Expired.</i>	157
20.	An Act to amend an Act for regulating the exportation of Butter.	ib.
21.	An Act to appropriate the Public Revenue.— <i>Expired.</i>	ib.

47 GEORGH III.

1.	An Act for the more effectual punishment of such persons as shall seduce Soldiers to desert.— <i>Expired.</i>	158
2.	An Act for the further relief of Debtors, with respect to the imprisonment of their persons.— <i>Repealed.</i>	ib.
3.	An Act to ascertain the rights of Fishery.— <i>Disallowed by His Majesty in Council.</i>	ib.
4.	An Act in alteration and amendment of an Act for establishing the rates to be taken for Wharfage and Cranage.— <i>Repealed.</i>	159
5.	An Act to confirm the proceedings of the Justices of the Peace in King’s County, and to authorise the said Justices to build and finish a Gaol and Court House in the said County.— <i>Expired.</i>	ib.
6.	An Act to render Justices of the Peace more safe in the execution of their duty.— <i>Repealed.</i>	ib.
7.	An Act to prevent divers misdemeanors in idle and disorderly persons.	ib.
8.	An Act to enable the owners of stray Cattle more easily to recover the same.	160

TITLES OF THE ACTS.

xi.

CHAPTER.

PAGE.

9. An Act to provide for the redeeming and cancelling the Treasury notes that have been issued in this Province.—*Obsolete.* 162
10. An Act for raising a Revenue in this Province.—*Expired.* ib.
11. An Act to enable the Justices of the County of York in their General Sessions, to assess the same, for the purpose of completing the Gaol of the said County.—*Expired.* ib.
12. An Act in addition to an Act, intituled “ An Act for the better regulating the Militia in this Province.”—*Repealed.* 163
13. An Act to empower the Justices of the Peace for the County of Charlotte, in their General Sessions, to regulate the Fisheries in the said County. ib.
14. An Act to appropriate the Public Revenue.—*Expired.* ib.
15. An Act to make perpetual sundry Acts of the General Assembly which are near expiring. ib.
16. An Act to prevent illicit and clandestine trade, and for imposing a duty upon articles illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof.—*Repealed.* 164

48 GEORGII III.

1. An Act for the greater security of the Province, by the better regulating the Militia thereof.—*Repealed.* 165
2. An Act for making process in Courts of Equity effectual against persons who reside out of this Province, and cannot be served therewith. ib.
3. An Act to alter and amend an Act, intituled “ An Act for regulating Marriage and Divorce, and for preventing and punishing incest, adultery and fornication.” 166
4. An Act to make more effectual provision for repairing the aboideau or bridge across the Marsh Creek in the City and County of Saint John.—*Repealed.* ib.
5. An Act to continue an Act, intituled “ An Act for raising a Revenue in this Province.”—*Expired.* ib.
6. An Act to appropriate the Public Revenue.—*Expired.* 169

50 GEORGII III.

1. An Act to authorise the Sheriff or other Executive Officer serving process at the Parish of Saint Martin's, to convey any Prisoner there arrested, to the Gaol in the City of Saint John, by way of the public Road leading through a part of King's County. 170
2. An Act for making further provisions to prevent the destroying and murdering of Bastard Children, and for the further prevention of the malicious using of means to procure the miscarriage of women.—*Repealed.* 171
3. An Act to revive, continue and amend “ An Act for the better securing the navigation of Passamaquoddy Bay, within Deer Island.”—*Expired.* ib.
4. An Act to continue for a limited time an Act passed in the thirty ninth year of His Majesty's Reign, intituled “ An Act for regulating the Fisheries in the County of Northumberland.”—*Expired.* ib.
5. An Act for the better security of the navigation of certain Harbours in the County of Northumberland.—*Repealed.* ib.
6. An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways, within the several Town and Parishes in this Province.—*Repealed.* ib.
7. An Act to provide for the more easy partition of Lands in co-parcenary, joint-tenancy, and tenancy in common. 172
8. An Act in addition to the Act to prevent the encumbering or filling up of Harbours.—*Repealed.* 175

CHAPTER.	PAGE.
9. An Act for better regulating the Militia in this Province.— <i>Repealed.</i>	175
10. An Act to continue an Act, intituled “ An Act to prevent illicit and clandestine trade, and for imposing a duty upon articles illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof.”— <i>Expired.</i>	ib.
11. An Act to authorise the Justices of the Sessions in the City and County of Saint John, to levy an assessment for the purpose of repairing and adding to the Gaol of the said City and County.— <i>Obsolete.</i>	ib.
12. An Act in amendment of the Acts now in force for regulating Seamen.— <i>Repealed.</i>	ib.
13. An Act to continue and amend an Act, intituled “ An Act for regulating Pilots.”— <i>Repealed.</i>	176
14. An Act to continue and amend an Act, intituled “ An Act for raising a Revenue in this Province.”— <i>Expired.</i>	ib.
15. An Act for the preservation of Oysters in the Counties of Westmorland and Northumberland.— <i>Expired.</i>	ib.
16. An Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John.— <i>Expired.</i>	ib.
17. An Act for the more easy and speedy recovery of small Debts.— <i>Repealed.</i>	ib.
18. An Act in addition to an Act, intituled “ An Act to empower the Justices of the Sessions, in the several Counties in this Province, to make such regulations respecting Markets and Ferries within such Counties as may be found necessary.”	177
19. An Act to make perpetual an Act for the further and better support of the Poor in the City of Saint John.	ib.
20. An Act for the further regulation of Fisheries, and for preventing their decay.	178
21. An Act to regulate the proceedings in actions of Replevin, and to enable the sale of goods distrained for rent, in case the rent be not paid in a reasonable time, and for the more effectual securing the payment of rents, and preventing fraud by tenants.	180
22. An Act to prevent the destruction of Moose on the Island of Grand Manan.— <i>Expired.</i>	186
23. An Act to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber.— <i>Repealed.</i>	ib.
24. An Act to authorise the Justices of the Peace in their General Sessions, to establish Ferries in their respective Counties.— <i>Expired.</i>	ib.
25. An Act to repeal an Act, intituled “ An Act to render Justices of the Peace more safe in the execution of their duty.”	ib.
26. An Act in addition to an Act, intituled “ An Act for the more effectual prevention of desertion from His Majesty’s Forces.”— <i>Obsolete.</i>	187
27. 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.— <i>Repealed.</i>	ib.
28. An Act to repeal an Act, intituled “ An Act to make more effectual provision for repairing the Aboideau or Bridge across the Marsh Creek, in the City and County of Saint John.”	ib.
29. An Act to revive and continue sundry Acts of the General Assembly that have expired.— <i>Expired.</i>	ib.
30. An Act to revive and make perpetual an Act, intituled “ An Act for the support and relief of confined Debtors,” and further to extend the provisions of the same.— <i>Repealed.</i>	ib.
31. An Act to provide for the erection of fences, with gates, across Highways, leading through intervale Lands in Queen’s County and the County of Sunbury, where the same may be found necessary.	188
32. An Act for regulating the importation of certain articles into this Province.— <i>Expired.</i>	189
33. An Act to continue the establishment of County Schools, as provided for by an Act, intituled “ An Act for encouraging and extending Literature in this Province.”— <i>Expired.</i>	ib.

34. An Act to appropriate a part of the Public Revenue for the services therein mentioned.—
Obsolete. ib.
35. An Act to grant and appropriate certain sums of money for Roads and Bridges.—*Obsolete.* 190
36. An Act in addition to an Act, intituled “ An Act for regulating Elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province.” ib.

52 GEORGII III.

1. An Act to continue and amend the Act for raising a Revenue in this Province, and an Act in amendment thereof.—*Expired.* 192
2. An Act to amend an Act, intituled “ An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication.” ib.
3. An Act to continue for a limited time an Act, intituled “ An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns and Parishes in this Province.”—*Expired.* 194
4. An Act to repeal an Act passed in the thirty first year of His Majesty’s Reign, intituled “ An Act for fixing permanently the boundary lines between the different Grants in this Province.” ib.
5. An Act to appropriate a sum of money as an aid to His Majesty in the defence of the Province.—*Expired.* 195
6. An Act to impose a duty on certain articles imported into this Province.—*Expired.* ib.
7. An Act to authorise the Justices of the Peace for the Counties of York and Charlotte respectively, to regulate the assize of Bread in the Towns of Fredericton and Saint Andrews. ib.
8. An Act to amend and continue for a limited time an Act, intituled “ An Act for better regulating the Militia in this Province.”—*Repealed.* ib.
9. An Act for erecting a Court House and Gaol in the County of Northumberland.—*Obsolete.* 196
10. An Act to authorise the Justices of the Peace for the County of Charlotte, to levy an assessment for paying off the County debt, and for finishing and completing the County Gaol and Court House, lately erected in said County.—*Obsolete.* ib.
11. An Act to authorise the Common Council of the City of Saint John, to appoint Constables for such Wards of the City as shall omit to choose the same. ib.
12. An Act more effectually to prevent the encumbering or filling up of Harbours, and to authorise the appointment of Harbour Masters.—*Repealed.* 197
13. An Act to authorise the Justices of the Peace in the City and County of Saint John, in their General Sessions, to levy an additional assessment for the purpose of finishing the Gaol of the said City and County, and to discharge the debt already contracted in adding to the said Gaol.—*Obsolete.* ib.
14. An Act to establish a Winter Road from Bates’ Mill Pond to the River Kennebeckacis, at or near the site of the old Court House in King’s County. ib.
15. An Act to alter an amend and Act, intituled “ An Act for the further regulation of Fisheries, and for preventing their decay.”—*Repealed.* 198
16. An Act authorising 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. ib.
17. An Act in further addition to an Act, intituled “ An Act for better extinguishing Fires that may happen within the City of Saint John.”—*Repealed.* 199
18. An Act in amendment of an Act made and passed in the forty fifth year of His Majesty’s Reign, intituled “An Act to regulate the Winter Roads in the Counties of York and Sunbury.” ib.
19. An Act to amend an Act, intituled “ An Act to provide for the more easy partition of Lands in Coparcenary, Joint-Tenancy, and Tenancy in common.” 200

20. An Act supplementary to the Acts now in force for the public registering of Deeds, Conveyances, and Wills, and other Incumbrances of, or which may affect any lands, tenements or hereditaments within this Province, and for more effectually securing the title of purchasers of real estates against claims of dower. 201
21. An Act more effectually to provide for the public registering of all Marriages solemnized within this Province. 203
22. An Act to provide for the payment of the Ordinary Services of the Province.—*Expired.* 204
23. An Act to provide for opening and improving Roads and erecting Bridges throughout the Province.—*Expired.* ib.
24. An Act to encourage the erection of a Passage Boat, to be worked by steam, for facilitating the communication between the City of Saint John and Fredericton.—*Expired.* ib.

53 GEORGII III.

1. An Act for regulating the Militia.—*Repealed.* 205
2. An Act to enlarge the limits of the Parish of Saint Stephen, in the County of Charlotte. ib.
3. An Act in amendment of and in addition to an Act, intituled “ An Act for transferring to and vesting in the Crown such lands and tenements of any person or body politic on which it may be judged suitable and necessary to erect fortifications, or which may be wanted for other uses of war and defence, and for ascertaining the value thereof, and making compensation for the same to the former owners.” 206
4. An Act to alter and extend the provisions of an Act, intituled “ An Act to encourage the erection of a Passage Boat, to be worked by steam, for facilitating the communication between the City of Saint John and Fredericton,” and to relieve the persons named in the same Act from the penalty of a bond given by them to His Majesty, in pursuance of the provisions of the same Act.—*Expired.* 207
5. An Act for laying additional duties on certain articles imported into this Province.—*Expired.* ib.
6. An Act to provide for the accommodation and billeting of His Majesty’s Troops and Militia, when on their march.—*Expired.* ib.
7. An Act to appropriate the Public Money.—*Expired.* 208
8. An Act to explain an Act, intituled “ An Act for regulating the Militia.”—*Obsolete.* ib.
9. An Act for the further increase of the Revenue of the Province.—*Expired.* ib.

54 GEORGII III.

1. An Act to make perpetual several Acts of the General Assembly which are near expiring. 209
2. An Act in addition to an Act, intituled “ An Act for regulating the exportation of Fish and Lumber, and for repealing the Laws now in force regulating the same.”—*Repealed.* ib.
3. An Act to continue several Acts of the General Assembly that are near expiring.—*Expired.* 210
4. An Act to continue an Act, intituled “ An Act to provide for the accommodation and billeting of His Majesty’s Troops and the Militia when on their march.”—*Expired.* ib.
5. An Act for the preservation of Partridges. ib.
6. An Act for the better regulation of Licenses to Inns, Taverns and Houses, for selling strong Liquors by retail.—*Repealed.* ib.
7. An Act further to continue for a limited time an Act, intituled “ An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns and Parishes in this Province.”—*Expired.* 211
8. An Act in amendment of an Act, intituled “ An Act to repeal all the Acts now in force relating to Trespasses, and for making new regulations to prevent the same.”—*Repealed.* ib.
9. An Act to repeal an Act, intituled “ An Act in alteration and amendment of an Act for establishing the rates to be taken for Wharfage and Cranage,” and for substituting other alterations and amendments of the same Act therein recited in lieu thereof. ib.

TITLES OF THE ACTS.

xv.

CHAPTER.

PAGE.

10. An Act for the indemnification of Commissioners of Sewers. 212
11. An Act to authorise the Rector, Church Wardens and Vestry of Saint Andrew's Church, in the Parish of Saint Andrews, to convey to the King's Majesty, a certain piece of Glebe Land of the Parish, for the purpose of erecting military fortifications thereon. ib.
12. An Act in addition to an Act, intituled " An Act more effectually to provide for the public registering of all Marriages solemnized within this Province." 213
13. An Act to empower and authorise the Justices of the County of Westmorland, at their General Sessions of the Peace, to regulate the grazing and depasturing of the several marshes, low lands or meadows, within the said County.—*Expired.* 214
14. An Act to give full effect to and to prevent the evasion of an Act, intituled " An Act for the further increase of the Revenue of this Province."—*Expired.* 215
15. An Act to enlarge the limits of the Parishes of Saint Patrick and Saint George, in the County of Charlotte. ib.
16. An Act to continue for a limited time " An Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John."—*Expired.* 216
17. An Act in further addition to an Act, intituled " An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes." ib.
18. An Act to continue an Act for raising a Revenue in this Province, and the Acts in amendment thereof.—*Expired.* 218
19. An Act for laying additional duties on certain articles imported into this Province.—*Expired.* ib.
20. An Act to authorise the Justices of the Peace for the County of Northumberland, to hold a Special Session for the purpose of appointing Town or Parish Officers for the present year.—*Expired.* 219
21. An Act to continue and amend an Act, intituled " An Act for regulating the Militia."—*Repealed.* ib.
22. An Act to appropriate a part of the Public Revenue for the services therein mentioned.—*Expired.* ib.
23. An Act to provide for opening and improving Roads and erecting Bridges throughout the Province.—*Expired.* ib.

56 GEORGE III.

1. An Act to increase the number of Constables in the City of Saint John. 220
2. An Act to increase the number of Firemen in the City of Saint John.—*Repealed.* 221
3. An Act in amendment of an Act, intituled " An Act for regulating the Fisheries in the County of Northumberland." ib.
4. An Act to alter an Act, intituled " An Act for the further regulation of Fisheries, and for preventing their decay," and also to alter another Act, intituled " An Act to alter and amend an Act, intituled ' An Act for the further regulation of Fisheries, and for preventing their decay.' " 222
5. An Act to provide for the punishment of Horse stealing.—*Repealed.* ib.
6. An Act for the organization and regulation of the Militia of this Province.—*Repealed.* ib.
7. 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. ib.
8. An Act to give two additional Terms in each year for the Sittings of the Inferior Court of Common Pleas in the County of Northumberland. 224
9. An Act to prevent the cutting or breaking down the Bank of any River, Seabank or Dyke, and for the preservation of the same.—*Repealed.* ib.

CHAPTER.	PAGE.
10. An Act to constitute the Island of Grand Manan and its appurtenances, in the County of Charlotte, into a distinct Town or Parish.	225
11. An Act to explain and amend an Act, intituled "An Act for erecting a Parish in the City of Saint John, and for incorporating the Rectors, Church Wardens and Vestries of the Church of England, in the several Parishes in this Province."	ib.
12. An Act to continue and make perpetual two Acts of the General Assembly that are near expiring.	226
13. An Act in addition to and to explain an Act, intituled "An Act to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber."— <i>Repealed</i> .	227
14. An Act in addition to an Act, intituled "An Act for erecting a Court House and Gaol in the County of Northumberland."— <i>Obsolete</i> .	ib.
15. An Act for establishing a Grammar School in the Town of Saint Andrews, in the County of Charlotte.	ib.
16. An Act to exclude ignorant and unskilful persons from the practice of Physic and Surgery.	228
17. An Act more effectually to provide for the support of a Nightly Watch in the City of Saint John.— <i>Expired</i> .	229
18. An Act to authorise the Justices of the General Sessions of the Peace for the County of York, to levy an assessment for building a County Court House.— <i>Obsolete</i> .	ib.
19. An Act to continue certain Acts of the General Assembly which are near expiring.— <i>Expired</i> .	ib.
20. An Act for granting further aid in support of the College of New Brunswick, and the public Grammar School in the City of Saint John.— <i>Repealed</i> .	230
21. An Act to establish Grammar Schools in several Counties of this Province.— <i>Repealed</i> .	ib.
22. An Act for the establishment, regulation and improvement of the Great Roads of Communication through the Province.— <i>Repealed</i> .	ib.
23. An Act to encourage the establishment of Schools in this Province.— <i>Expired</i> .	ib.
24. An Act further to continue an Act, intituled "An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways, within the several Towns and Parishes in this Province."— <i>Expired</i> .	ib.
25. An Act further to continue an Act, intituled "An Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John."— <i>Expired</i> .	ib.
26. An Act to encourage the Fisheries in this Province.— <i>Expired</i> .	231
27. An Act to erect into a separate Parish all the Lands in Queen's County, in the rear of the Parishes of Wickham and Waterborough.	ib.
28. An Act to enable the Minister and Elders for the time being of the Church in communion with the Kirk of Scotland, lately erected in the City of Saint John, to hold the same to them and their successors for ever, and for other purposes therein mentioned.— <i>Repealed</i> .	ib.
29. An Act to continue and amend the several Acts now in force for raising a Revenue in this Province.— <i>Expired</i> .	232
30. An Act to appropriate a part of the Public Revenue for the services therein mentioned.— <i>Expired</i> .	ib.
31. An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province, and improving the navigation of the River Saint John and its branches.— <i>Expired</i> .	ib.
32. An Act for the encouragement of the trade of this Province in Plaster of Paris, otherwise called Gypsum.— <i>Expired</i> .	ib.

57 GEORGH III.

1. An Act to prohibit the exportation of corn, meal, flour and potatoes out of the Province for a limited time.— <i>Expired</i> .	233
---	-----

2.	An Act further to continue the several Acts now in force for raising a Revenue in this Province.— <i>Expired.</i>	233
3.	An Act to amend and explain an Act, intituled “ An Act to encourage the Fisheries in this Province.”— <i>Expired.</i>	ib.
4.	An Act in addition to and amendment of an Act, intituled “ An Act for regulating Pilots.”— <i>Repealed.</i>	234
5.	An Act to encourage the raising of Bread Corn on new land.— <i>Expired.</i>	ib.
6.	An Act in amendment of an Act, intituled “ An Act more effectually to prevent the encumbering or filling up of Harbours, and to authorize the appointment of Harbour Masters.”— <i>Repealed.</i>	ib.
7.	An Act to provide for the necessities of the Province, occasioned by the failure of the late Crop.— <i>Expired.</i>	ib.
8.	An Act to regulate the exportation of dutiable articles from and out of this Province.— <i>Expired.</i>	ib.
9.	An Act for appointing Firewards in the Town of Fredericton and Saint Andrews, and ascertaining their power and duty, and more effectually to prevent Fires in the said Towns.	235
10.	An Act in addition to and in amendment of an Act, intituled “ An Act for the establishment, regulation and improvement of the Great Roads of Communication throughout the Province.”— <i>Repealed.</i>	236
11.	An Act to appropriate a part of the Public Revenue for the services therein mentioned.— <i>Expired.</i>	ib.

58 GEORGH III.

1.	An Act for altering the terms of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of Westmorland.	237
2.	An Act to prevent the destruction of the Cod and Scale Fisheries in the Bays and Harbours of this Province.	ib.
3.	An Act further to continue and amend an Act, intituled “ An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns and Parishes in this Province.”— <i>Repealed.</i>	238
4.	An Act to authorize the Justices of the Peace, in their General Sessions, to establish Ferries in their respective Counties.— <i>Expired.</i>	ib.
5.	An Act further to continue an Act, intituled “ An Act to provide for the erection of fences with gates, across Highways leading through intervale lands in Queen’s County and the County of Sunbury, where the same may be found necessary,” and to extend the provisions of the same to King’s County.— <i>Expired.</i>	ib.
6.	An Act to enable the Lieutenant Governor or Commander in Chief of this Province for the time being, to suspend upon the contingency and in the manner therein mentioned, the further operation of the Act “for the encouragement of the Trade of this Province in Plaster of Paris, otherwise called Gypsum.”— <i>Obsolete.</i>	239
7.	An Act for the preservation of Oysters in the Counties of Westmorland and Northumberland.— <i>Expired.</i>	ib.
8.	An Act in amendment of an Act, intituled “ An Act to authorize the Justices of the General Sessions of the Peace for the County of York to levy an assessment for building a County Court House.”— <i>Obsolete.</i>	ib.
9.	An Act further to continue and amend an Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John.— <i>Expired.</i>	ib.
10.	An Act in further addition to an Act, intituled “ An Act for erecting a Court House and Gaol in the County of Northumberland,” and of the Act in addition thereto.— <i>Obsolete.</i>	ib.
11.	An Act to continue several Acts of the General Assembly that are near expiring.— <i>Expired.</i>	240

CHAPTER.		PAGE.
12.	An Act further to provide for the security of the City of Saint John against the ravages of fire.	240
13.	An Act to extend the powers of the Minister and Elders of the Kirk of Scotland in the City of Saint John.— <i>Repealed.</i>	ib.
14.	An Act to continue an Act, intituled “ An Act for the further increase of the Revenue of this Province, and also the Act to give full effect to the same.”— <i>Expired.</i>	ib.
15.	An Act to provide for punctuality of payment at the Treasury.— <i>Obsolete.</i>	241
16.	An Act in addition to and in amendment of an Act, intituled “ An Act to encourage the establishment of Schools in this Province.”— <i>Expired.</i>	ib.
17.	An Act to provide payment for certain Public Services.— <i>Expired.</i>	ib.
18.	An Act to empower and authorise the Justices of the Peace for the County of Charlotte, to lease a certain piece of Common Land in the Parish of Saint Andrews, and to invest the proceeds towards the support of the poor of the said Parish.	ib.
19.	An Act for regulating the inspection of Fish for home consumption.— <i>Expired.</i>	242
20.	An Act for raising a Revenue in this Province.— <i>Expired.</i>	ib.
21.	An Act in addition to and in amendment of an Act, intituled “ An Act for the establishment, regulation and improvement of the Great Roads of Communication throughout the Province, and an Act in addition to and in amendment thereof.”— <i>Repealed.</i>	ib.
22.	An Act to appropriate a part of the Public Revenue for the services therein mentioned.— <i>Expired.</i>	ib.
23.	An Act in addition to an Act, intituled “ An Act for establishing a Tender to be made in all payments in this Province.”	243
24.	An Act to exclude certain description of persons from serving as Representatives in General Assembly.	244
59 GEORGE III.		
1.	An Act to prevent the further issuing and circulation of Treasury Notes.— <i>Obsolete.</i>	245
2.	An Act to make perpetual several Acts of the General Assembly which are near expiring.	ib.
3.	An Act to authorise the Justices of the Peace for the City and County of Saint John, to levy an assessment on the Inhabitants of the said City, for the purpose of building a Poor House in the said City.— <i>Obsolete.</i>	246
4.	An Act to revive and make perpetual an Act, intituled “ An Act authorising 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.”	ib.
5.	An Act in addition to and in amendment of an Act, intituled “ An Act to revive and make perpetual an Act authorising 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.”	ib.
6.	An Act for the more effectual punishment of persons who shall be guilty of the trespasses therein mentioned, in the City of Saint John.— <i>Expired.</i>	247
7.	An Act in amendment of the Act “ for making further provision for preventing the importation and spreading of contagious distempers in the City of Saint John.”— <i>Expired.</i>	ib.
8.	An Act to provide for the support of a Light House to be built upon Point Escuminac, in the County of Northumberland.— <i>Expired.</i>	ib.
9.	An Act to explain and amend an Act, intituled “ An Act to impose a duty upon certain articles imported into this Province.”— <i>Expired.</i>	248
10.	An Act to enable the Province Treasurer to borrow the sum of nine thousand pounds for paying off Bounties and other debts, payable by the Laws of this Province.— <i>Obsolete.</i>	ib.
11.	An Act to regulate the exportation of Lumber, and to repeal all the Acts now in force relating to the same.— <i>Repealed.</i>	ib.

TITLES OF THE ACTS.

xix.

CHAPTER.

PAGE.

12. An Act in addition to and in amendment of an Act, intituled " An Act for the support and relief of confined Debtors," and the " Act further to extend the provisions thereof."—*Repealed.* 248
13. An Act to regulate the exportation of Fish, and to repeal the Laws now in force relating thereto.—*Repealed.* ib.
14. An Act further to alter and extend the provisions of an Act, intituled " An Act to encourage the erection of a passage boat, to be worked by steam, for facilitating the communication between the City of Saint John and Fredericton," and to give further encouragement to the present proprietors of the steam passage boat erected in pursuance of the same Act.—*Expired.* 249
15. An Act to prevent desertion from His Majesty's Forces, and to punish unlawful dealings with soldiers or deserters.—*Expired.* ib.
16. An Act to regulate the Herring Fisheries in the Parishes of West Isles, Campo Bello, Pennfield and Saint George, in the County of Charlotte.—*Expired.* ib.
17. An Act for laying a duty on all Teas imported into this Province.—*Expired.* ib.
18. An Act to amend and continue an Act, intituled " An Act for raising a Revenue in this Province."—*Repealed.* ib.
19. An Act to appropriate a part of the Public Revenue for the services therein mentioned.—*Expired.* 250

60 GEORGE III.

1. An Act to continue and amend an Act, intituled " An Act for raising a Revenue in this Province," and to repeal the one made in amendment thereof.—*Expired.* 251
2. An Act for granting further aid in support of the Grammar School in the Town of Saint Andrews.—*Expired.* ib.
3. An Act to continue and make perpetual the Act for the preservation of River and Sea Banks or Dykes, that is near expiring.—*Repealed.* ib.
4. An Act to continue several Acts of the General Assembly that are near expiring.—*Expired.* 252
5. An Act for altering the terms of holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas in the County of King's.—*Obsolete.* ib.
6. An Act to confirm the Charter of the Madras School in New Brunswick, and to extend the powers of the Governor and Trustees of the same. ib.
7. An Act to enable the Justices of the Supreme Court to enlarge the time of the sittings of the said Court when the same shall be expedient. 253
8. An Act to explain, amend and continue an Act, intituled " An Act to encourage the raising of Bread Corn on new land."—*Obsolete.* ib.
9. An Act to provide for the cancelling the Treasury Notes that have been issued in this Province.—*Expired.* 254
10. An Act to increase the fees of Marshals in the City Court of the City of Saint John, in certain cases. ib.
11. An Act to authorise and empower the Inferior Courts of Common Pleas in the respective Counties of this Province, to appoint Commissioners to take Bail in the same Courts. ib.
12. An Act for granting bounties on Grain raised in this Province.—*Repealed.* ib.
13. An Act to incorporate sundry persons by the name of the President, Directors and Company of the Bank of New Brunswick. 255
14. An Act in addition to an Act, intituled " An Act to authorise the Justices of the Peace for the City and County of Saint John, to levy an assessment on the inhabitants of the said City, for the purpose of building a Poor House in the said City."—*Obsolete.* 260
15. An Act to provide for sick and disabled Seamen, not being paupers, belonging to the Province. ib.

CHAPTER.	PAGE.
16. An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province, and improving the navigation of certain Rivers therein.— <i>Expired.</i>	261
17. An Act to appropriate a part of the Public Revenue for the services therein mentioned.— <i>Expired.</i>	ib.
18. An Act to appropriate a further part of the Public Revenue for the services therein mentioned.— <i>Expired.</i>	ib.
19. An Act for the further increase of the Revenue of the Province.— <i>Repealed.</i>	ib.
20. An Act in addition to an Act, intituled “ An Act for the further increase of the Revenue of the Province.”— <i>Repealed.</i>	262
21. An Act to prevent the taking of fish in the different Harbours and Rivers of this Province, with drift nets.	ib.
22. An Act to provide for and encourage the settlement of Emigrants in this Province.— <i>Expired.</i>	263
23. An Act in addition to and amendment of an Act, intituled “ An Act for regulating the inspection of fish for home consumption.”— <i>Expired.</i>	ib.
24. An Act further to alter and amend an Act, intituled “ An Act for the establishment, regulation and improvement of the Great Roads of Communication through the Province.”— <i>Repealed.</i>	ib.
25. An Act to alter and in addition to an Act, intituled “ An Act for establishing a tender in all payments to be made in this Province.”— <i>Repealed.</i>	ib.
26. An Act to confirm and perfect, and carry into force and effect an agreement made between the Governor and Trustees of the College of New Brunswick, and certain Tenants of the said Governor and Trustees.	264

2 GEORGII IV.

1. An Act to authorise the Justices of the Peace for the City and County of Saint John, to levy a further assessment on the inhabitants of the said City, for the purpose of building and finishing a Poor House in the said City.— <i>Obsolete.</i>	270
2. An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and Saint Andrews.— <i>Repealed.</i>	ib.
3. An Act for the preservation of the red and fallow Deer.— <i>Expired.</i>	ib.
4. An Act to authorise the Justices of the General Sessions of the Peace of the County of Charlotte, to levy an assessment to enable them to pay off the County debt.— <i>Obsolete.</i>	271
5. An Act to provide for the services of the Speaker of the House of Assembly, and for defraying the expences and travelling charges of the Members of the said House attending in General Assembly.— <i>Expired.</i>	ib.
6. An Act to make more effectual regulations relating to Pilots within this Province.	ib.
7. An Act for the erection of a Court House and Gaol in the County of Westmorland.— <i>Obsolete.</i>	273
8. An Act to extend the provisions of an Act, intituled “ An Act to regulate the Herring Fisheries in the Parishes of West Isles, Campo Bello, Pennfield and Saint George, in the County of Charlotte,” to the Parish of Grand Manan.— <i>Obsolete.</i>	ib.
9. An Act to authorise the Justices of the Peace in the County of Northumberland, in their General Sessions, to levy an assessment on the said County, for the purpose of defraying the expenses of the repairs of the Gaol and Court House, and for payment of the County debt.— <i>Obsolete.</i>	274
10. An Act in addition to and amendment of an Act, intituled “ An Act to provide for sick and disabled seamen, not being paupers, belonging to the Province.”	ib.
11. An Act for altering the times of holding the Court of General Sessions of the Peace and Inferior Courts of Common Pleas in the County of Northumberland, and for enlarging the times of the sitting of the said Courts.	275
12. An Act in addition to the several Acts now in force for regulating the inspection of fish for home consumption.— <i>Expired.</i>	276

TITLES OF THE ACTS.

xxi.

CHAPTER.

PAGE.

13. An Act to repeal an Act, intituled " An Act for the further increase of the Revenue of this Province," and " An Act in addition to an Act, intituled ' An Act for the further increase of the Revenue of this Province.'"—*Obsolete.* 276
14. An Act to amend the Laws now in force relating to Trespasses, and to make further regulations to prevent the same.—*Repealed.* ib.
15. An Act for the establishment as public roads of all roads in this Province for which any public monies may have been or shall be hereafter granted. ib.
16. An Act to authorise the Rector, Church Wardens and Vestry of Saint Andrew's Church, in the Parish of Saint Andrews, to convey a certain piece of Glebe Land of the said Parish, and to dispose of the money arising from the sale thereof in the purchase of other Lands. 277
17. An Act to revive and extend some of the provisions of an Act, intituled " An Act to provide for the necessities of the Province, occasioned by the failure of the late crop."—*Expired.* 278
18. An Act in addition to the Acts now in force for raising a Revenue in this Province, and to continue the same.—*Expired.* ib.
19. An Act to amend an Act, intituled " An Act to enable the Province Treasurer to borrow the sum of nine thousand pounds for paying off bounties and other debts, payable by the Laws of the Province."—*Obsolete.* ib.
20. 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." ib.
21. An Act authorising the allowance of a drawback of part of the duties on certain articles imported into this Province, when such articles are exported.—*Expired.* 279
22. An Act to erect the upper part of the County of York into a Town or Parish. 280
23. An Act to increase the Revenue of this Province, by imposing a duty on certain merchandize.—*Expired.* ib.
24. An Act to appropriate a part of the Public Revenue for the services therein mentioned.—*Expired.* ib.

3 GEORGII IV.

1. An Act to extend the provisions of an Act for appointing Firewards in the Towns of Fredericton and Saint Andrews, and ascertaining their power and duty, and for more effectually preventing Fires in the said Towns, to the Parish of Portland, in the County of Saint John. 281
2. An Act to make perpetual an Act to prevent the destruction of Cod and Scale Fisheries, in the Bays and Harbours of this Province. 282
3. An Act to continue an Act to regulate the Herring Fisheries in the Parishes of West Isles, Campo Bello, Pennfield and Saint George, in the County of Charlotte, and an Act to extend the provisions of the said Act to the Parish of Grand Manan.—*Expired.* ib.
4. An Act to make perpetual an Act, intituled " An Act for the better security of the navigation of certain Harbours in the County of Northumberland."—*Repealed.* ib.
5. An Act to continue an Act, intituled " An Act to prevent the destruction of Moose on the Island of Grand Manan."—*Expired.* ib.
6. An Act to alter the time of holding one of the additional Terms of the Inferior Court of Common Pleas in the County of Westmorland. ib.
7. An Act further to continue an Act, intituled " An Act to provide for the erecting of fences, with gates, across Highways leading through intervale Lands in Queen's County and the County of Sunbury, where the same may be found necessary," and to extend the provisions of the same to King's County. 283
8. An Act to amend an Act, intituled " An Act to prevent the importation or spreading of infectious distempers within this Province." ib.
9. An Act for raising a Revenue in this Province.—*Expired.* 284

10. An Act to continue an Act, intituled "An Act to provide for and encourage the settlement of Emigrants in this Province."—*Expired.* 284
11. An Act further to assess the County of Westmorland for the completing and finishing the Court House and Gaol in said County —*Obsolete.* ib.
12. An Act for altering the Term of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of King's. 285
13. An Act further to amend the Laws now in force relating to Trespasses.—*Repealed.* ib.
14. An Act for the better securing of the navigation of the inner Bay of Passamaquoddy, and to indemnify the Deputy Province Treasurer at Saint Andrews against any demands for monies collected for tonnage duties since the former Acts for this purpose expired.—*Expired.* ib.
15. An Act in amendment of the Laws now in force for the support and relief of confined debtors, and for the further relief of debtors with respect to the imprisonment of their persons.—*Repealed.* ib.
16. An Act to continue an Act, intituled "An Act to revive and extend some of the provisions of an Act, intituled 'An Act to provide for the necessities of the Province, occasioned by the failure of the late crop.'"—*Expired.* 286
17. An Act in addition to an Act, intituled "An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and Saint Andrews."—*Repealed.* ib.
18. An Act further to continue the Acts for more effectually repairing the Streets and Bridges in the City and County of Saint John.—*Expired.* ib.
19. An Act to regulate the cutting of Saw Logs on the River Magagaudavic and its various branches.—*Expired.* ib.
20. An Act to continue "An Act to impose a duty on certain articles imported into this Province, and the Act in amendment thereof."—*Expired.* ib.
21. An Act to authorise the Justices of the Peace in the County of Sunbury, to assess the inhabitants of the said County for erecting and building a Gaol in the said County.—*Obsolete.* 287
22. An Act further to continue the Acts for laying out, regulating and repairing Highways and Bridges in the several Towns and Parishes within this Province.—*Expired.* ib.
23. An Act to alter and amend an Act, intituled "An Act for the organization and regulation of the Militia of this Province."—*Repealed.* ib.
24. An Act to alter and amend the Laws now in force for assessing, collecting and levying of rates for public charges.—*Repealed.* ib.
25. An Act to provide for the erection of an Alms House and Work House within the County of York, and for making rules and regulations for the management of the same. ib.
26. An Act to cancel certain bonds given by the Assistant Commissary General in this Province, payable at the Treasury thereof, for duties on Rum imported for the use of His Majesty's Troops.—*Obsolete.* 289
27. An Act to alter an Act to provide for sick and disabled seamen, not being paupers, belonging to the Province, and to provide buildings for the accommodation of the same. ib.
28. An Act to repeal all the Laws made for preventing the encumbering or filling up of Harbours, and to authorise the appointment of Harbour Masters, and to make more effectual provision for the same. 291
29. An Act in addition to an Act, intituled "An Act for the appointment of Town and Parish Officers in the several Counties in this Province." 293
30. An Act to continue an Act, intituled "An Act to increase the Revenue of this Province by imposing a duty on certain merchandise."—*Expired.* ib.
31. An Act to repeal all the Laws now in force relating to the establishment, regulation and improvement of the Great Roads of Communication through the Province, and to make more effectual provision for the same.—*Repealed.* 294

TITLES OF THE ACTS.

xxiii.

CHAPTER.

PAGE.

32. An Act to provide for and maintain an armed Cutter for the protection of the Revenue of the Province.—*Expired.* 298
33. An Act to encourage inhabitants of this Province, who are engaged in prosecuting the Cod and Scale Fisheries, by granting bounties on the same.—*Expired.* 299
34. An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.—*Expired.* ib.
35. An Act to appropriate a part of the Public Revenue for the services therein mentioned.—*Expired.* ib.
36. An Act supplementary to an Act, intituled “ An Act to confirm and perfect and to carry into effect an agreement made between the Governor and Trustees of the College of New Brunswick, and certain tenants of the said Governor and Trustees.” ib.

4 GEORGII IV.

1. An Act to continue an Act, intituled “ An Act for raising a Revenue in this Province.”—*Expired.* 301
2. An Act to continue an Act, intituled “ An Act for the better regulation of Licences to Taverns, Inns and Houses for selling strong liquors by retail.”—*Expired.* ib.
3. An Act to continue an Act, intituled “ An Act more effectually to provide for the support of a nightly Watch in the City of Saint John.”—*Expired.* ib.
4. An Act to continue an Act, intituled “ An Act to empower and authorise the Justices of the County of Westmorland, at their General Sessions of the Peace, to regulate the grazing and depasturing of the several marshes, low lands or meadows, within the said County.”—*Expired.* 302
5. An Act to continue an Act, intituled “ An Act to authorize the Justices of the Peace, in their General Sessions, to establish Ferries in their respective Counties.”—*Expired.* ib.
6. An Act in addition to an Act to regulate the exportation of fish.—*Repealed.* ib.
7. An Act in addition to an Act, intituled “ An Act for the regulation of booms for securing Masts, Logs and Lumber in the County of Charlotte.” ib.
8. An Act to repeal an Act, intituled “ An Act to increase the Revenue of this Province by imposing a duty on certain merchandise.” 303
9. An Act for regulating the inspection of fish to be consumed within the Province —*Expired.* ib.
10. An Act in further amendment of the Laws now in force for the support and relief of confined Debtors, and for the further relief of Debtors with respect to the imprisonment of their persons.—*Repealed.* ib.
11. An Act for erecting a part of the Parish of Saint Stephen and the County adjacent, in the County of Charlotte, into a separate and distinct Town or Parish. 304
12. An Act to amend an Act, intituled “ An Act to provide for and maintain an armed Cutter for the protection of the Revenue of the Province.”—*Expired.* 305
13. An Act to repeal an Act, intituled “ An Act for granting bounties on Grain raised in this Province.” ib.
14. An Act in amendment of an Act for relief against absconding Debtors. ib.
15. An Act to continue an Act, intituled “ An Act for granting further aid in support of the Grammar School in the Town of Saint Andrews.”—*Expired.* 306
16. An Act further to continue and alter “ An Act for the preservation of Oysters in the Counties of Westmorland and Northumberland.”—*Expired.* ib.
17. An Act to provide for the surrender of the principal in discharge of Bail in actions pending in the Supreme Court of Judicature of this Province. ib.
18. An Act in addition to an Act made and passed in the twenty sixth year of the Reign of His late Majesty King George the Third, intituled “ An Act for enabling the Justices of the Supreme Court to try all causes at Nisi Prius, and authorising Attornies of the Supreme Court to practice in the Inferior Courts of Common Pleas in this Province.” 307

CHAPTER.		PAGE.
19.	An Act to amend an Act, intituled " An Act subjecting real estates in the Province of New Brunswick to the payment of debts, and directing the Sheriff in his proceedings thereon."	308
20.	An Act to amend an Act, intituled " An Act for the better extinguishing fires which may happen in the Towns of Fredericton and Saint Andrews."— <i>Repealed.</i>	ib.
21.	An Act for the regulation of Booms for securing masts, logs and lumber in certain parts of the County of Northumberland.	309
22.	An Act to encourage the commerce of this Province by granting bounties on the exportation of certain articles.— <i>Expired.</i>	310
23.	An Act in further amendment of the Laws for regulating the fisheries in the County of Northumberland.	ib.
24.	An Act to alter the Act for the establishment of Grammar Schools in several Counties in this Province.— <i>Repealed.</i>	311
25.	An Act for the encouragement of Parish Schools in this Province.— <i>Repealed.</i>	311
26.	An Act to alter and amend an Act, intituled " An Act to provide for the support of a Light House to be built on Partridge Island."— <i>Repealed.</i>	ib.
27.	An Act to explain and amend the Laws now in force for the organization and regulation of the Militia of this Province.— <i>Repealed.</i>	ib.
28.	An Act for altering the Terms of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of Westmorland.	ib.
29.	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.— <i>Expired.</i>	312
30.	An Act to provide for the calling in the Arms issued to the Militia of this Province.— <i>Repealed.</i>	ib.
31.	An Act to appropriate a part of the Public Revenue to provide for the ordinary services of the Province.— <i>Expired.</i>	ib.
32.	An Act to appropriate a part of the Public Revenue for the services therein mentioned.— <i>Expired.</i>	ib.
33.	An Act to enable the Governor and Trustees of the College of New Brunswick to make a conditional surrender of their Charter, and for the further endowment of the College upon the granting of a new Charter.	ib.

5 GEORGE IV.

1.	An Act to continue an Act, intituled " An Act to prevent desertion from His Majesty's forces, and to punish unlawful dealings with soldiers or deserters."— <i>Expired.</i>	315
2.	An Act to continue an Act, intituled " An Act to regulate the Herring Fisheries in the Parishes of West Isles, Campo Bello, Pennfield and Saint George, in the County of Charlotte, and an Act to extend the provisions of the said Act to the Parish of Grand Manan."— <i>Expired.</i>	ib.
3.	An Act for erecting and maintaining a Light House upon one of the Islands or Rocks near the south east coast of the island of Grand Manan."— <i>Repealed.</i>	ib.
4.	An Act to continue an Act, intituled " An Act for the more effectual punishment of persons who shall be guilty of the trespasses therein mentioned, in the City of Saint John."— <i>Expired.</i>	316
5.	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.	ib.
6.	An Act for confirming Public Acts.	320
7.	An Act to continue an Act, intituled " An Act in amendment of the Act for making further provision for preventing the importation and spreading of contagious distempers in the City of Saint John."— <i>Expired.</i>	322

TITLES OF THE ACTS.

XXV.

CHAPTER.

PAGE.

8. An Act to authorise the Justices of the Peace for the County of Charlotte, to make regulations for the market wharf at Saint Andrews. 322
9. An Act for the safe keeping of Lunatics whom it may be dangerous to permit to go at large within the Province. 323
10. An Act to provide for making rules and regulations for the management of the Poor House in the Parish of Saint Andrews. 324
11. An Act to extend the provisions of an Act to encourage the inhabitants of this Province, who are engaged in prosecuting the Cod and Scale Fisheries, by granting bounties on the same.—*Expired*. 325
12. An Act to provide for the permanent interment of the remains of the late Lieutenant Governor Smyth, within the walls of the Parish Church of Fredericton. ib.
13. An Act to provide for the erection of fences, with gates, across the Highway leading through Deer Island, in the Parish of West Isles and County of Charlotte.—*Expired*. 326
14. An Act to continue the Acts for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways, within the several Towns and Parishes in this Province.—*Expired*. ib.
15. An Act to amend the Acts for imposing a duty on certain Articles imported into this Province.—*Expired*. ib.
16. An Act to authorise the Justices of the General Sessions of the Peace, for the City and County of Saint John, to make an assessment for building a Court House within the City of Saint John.—*Obsolete*. ib.
17. An Act to continue and amend an Act, intituled “ An Act for raising a Revenue in this Province.”—*Expired*. 327
18. An Act to repeal an Act, intituled “ An Act to authorise the Justices of the Peace for the Counties of York and Charlotte respectively, to regulate the assize of Bread in the Towns of Fredericton and Saint Andrews,” so far as relates to the Town of Fredericton, and to make more effectual provision for the same. ib.
19. An Act for erecting a separate Parish in the City of Saint John. 328
20. An Act to alter the division line between the Parishes of Newcastle and Northesk, in the County of Northumberland. 330
21. An Act for taking an account of the population of this Province.—*Obsolete*. ib.
22. An Act to continue the Act to provide for and maintain an armed Cutter, for the protection of the Revenue of the Province.—*Expired*. 331
23. An Act to provide for the better support of the Poor, in certain Parishes in the County of Northumberland. ib.
24. An Act to extend the powers of the Mayor, Aldermen and Commonalty of the City of Saint John, for preventing the incumbering and filling up of the Harbour of the said City, to the waters and places of anchorage in the vicinity thereof. 333
25. An Act to alter and amend an Act, intituled “ An Act to repeal all the Laws now in force relating to the establishment, regulation and improvement of the Great Roads of Communication through the Province, and to make more effectual provision for the same.” ib.
26. An Act further to continue and amend the Acts for more effectually repairing the Streets and Bridges in the City and County of Saint John.—*Expired*. 334
27. An Act for erecting a part of the Parishes of Saint Mary and Queensbury, in the County of York, into a separate and distinct Town or Parish. ib.
28. An Act to appropriate a part of the Public Revenue to provide for the ordinary services of the Province.—*Expired*. 335
29. An Act to appropriate a part of the Public Revenue for the services therein mentioned.—*Expired*. ib.

30. An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.—*Expired.* 335

6 GEORGII IV.

1. An Act to amend an Act, intituled “An Act to provide for the better support of the Poor in certain Parishes in the County of Northumberland.” 336
2. An Act to authorise the Justices of the Peace in the County of York to make regulations respecting Carmen and Waggoners, and the lading and unlading of vessels or boats in the Parish of Fredericton. 337
3. An Act to increase the Capital Stock of the Bank of New Brunswick. ib.
4. An Act to encourage the establishment of Banks for Savings in this Province. 338
5. An Act to authorise the Justices of the Peace for the County of Northumberland to build a new Gaol and House of Correction at Newcastle, in the said County.—*Obsolete.* 344
6. An Act to authorize the Justices of the Peace for the County of York to levy a further assessment on the said County, towards paying off the debt due for the County Court House.—*Obsolete.* ib.
7. An Act to authorise the Justices of the Peace for the City and County of Saint John to make a further assessment for building a Court House within the City of Saint John.—*Obsolete.* 345
8. An Act further to extend the bounties on fish brought into this Province.—*Expired.* ib.
9. An Act for better examining and auditing the Public Accounts of this Province.—*Expired.* ib.
10. An Act to authorise the Justices of the Peace for Queen’s County, to assess the inhabitants for erecting and building a Gaol in the said County.—*Obsolete.* ib.
11. An Act to authorise the Justices of the General Sessions of the Peace for the County of Charlotte to levy an assessment to enable them to pay off the County debts.—*Obsolete.* ib.
12. An Act to incorporate sundry persons by the name of the President, Directors and Company of the Charlotte County Bank. ib.
13. An Act to alter and amend the Acts relating to the granting of Licences to Tavern keepers and retailers of spirituous liquors.—*Repealed.* 351
14. An Act to encourage the employment of Apprentices in the Art of Ship Building in this Province. ib.
15. An Act to amend and alter the Laws now in force for assessing, collecting and levying of rates for public charges.—*Repealed.* ib.
16. An Act to incorporate sundry persons by the name of the Saint John Marine Insurance Company.—*Obsolete.* ib.
17. An Act to incorporate sundry persons by the name of the Saint John Water Company.—*Obsolete.* 352
18. An Act to repeal all the Laws now in force for the organization and regulation of the Militia, and to make further provision for the same. ib.
19. An Act to provide for the more effectual recovery of fines imposed upon Jurors and Officers attending the Courts of Justice in this Province. 368
20. An Act to alter and amend the Laws now in force for the establishment, regulation and improvement of the Great Roads of Communication through the Province. 369
21. An Act to continue and amend the Acts for raising a Revenue in this Province.—*Repealed.* 370
22. An Act to appropriate a part of the Public Revenue to provide for the ordinary services of the Province.—*Expired.* 371
23. An Act to appropriate a part of the Public Revenue for the services therein mentioned.—*Expired.* ib.
24. An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.—*Expired.* ib.

7 GEORGH IV.

1. An Act for appointing Commissioners to inquire into the losses occasioned by the late destructive Fires in this Province.— *Obsolete.* 372
2. An Act to continue an Act, intituled “ An Act to regulate the cutting of Saw Logs on the River Magaguadavic and its various branches.”— *Expired.* ib.
3. An Act to continue an Act, intituled “ An Act to empower and authorise the Justices of the County of Westmorland, at their General Sessions of the Peace, to regulate the grazing and depasturing the several Marshes, Low Lands or Meadows, within the said County.”— *Expired.* ib.
4. An Act to amend the Act to prevent the bringing of Infectious Distempers into the City of Saint John.— *Repealed.* 373
5. An Act for further regulating Servants and Apprentices. ib.
6. An Act to maintain an armed Cutter for the protection of the Revenue of this Province.— *Expired.* ib.
7. An Act to authorise and empower the Magistrates of the County of Charlotte, to sell the County Gaol and Gaol Lot, in the Town of Saint Andrews, and to erect a more suitable building in the said Town, in lieu thereof. ib.
8. An Act for the better extinguishing of Fires that may happen within the City of Saint John, and to repeal all the Acts now in force relating to the same. 374
9. An Act to authorise the Justices of the Peace for the County of Northumberland, to levy an assessment to pay off the County debt.— *Obsolete.* 376
10. An Act to authorise the Justices of the County of Northumberland, to regulate the grazing and depasturing of certain tracts of Land within that County.— *Expired.* ib.
11. An Act to extend the power of the Firewards in the Parish of Fredericton, and to make further regulations for the better extinguishing of Fires that may happen in the said Parish. ib.
12. An Act to repeal all the laws now in force for the regulation of Seamen, and to make more effectual provision for that purpose. 379
13. An Act in amendment of the Laws in force for the support and relief of confined debtors.— *Repealed.* 381
14. An Act in addition to and in amendment of the several Acts now in force to provide for sick and disabled Seamen, not being paupers, belonging to this Province. 382
15. An Act further to prevent illicit and clandestine Trade in this Province.— *Disallowed by the King in Council.* 383
16. An Act to regulate the manufacturing and shipment of Grindstones from the County of Westmorland.— *Expired.* ib.
17. An Act to incorporate the Minister and Elders of the Kirk of Scotland in the Town of Saint Andrews.— *Repealed.* ib.
18. An Act to provide for the expences of the Judges holding the Circuit Courts and Courts of Oyer and Terminer in this Province, and of the clerks in those Courts.— *Expired.* ib.
19. An Act for granting bounties on Grain raised on new land.— *Expired.* 384
20. An Act to authorise the Rector, Church Wardens and Vestry of Christ Church, in the Parish of Saint Stephens, to dispose of a part of a Tract of Glebe Land in that Parish, and to vest the proceeds in other Lands more productive to the Rector. ib.
21. An Act to authorise the Justices of the Peace for the County of Sunbury to levy an assessment to enable them to pay off the County debt.— *Obsolete.* ib.
22. An Act for regulating the Salmon and Shad Fisheries, so far as the same may relate to the River Petitcodiac in the County of Westmorland. 385
23. An Act in amendment of “ An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns and Parishes within this Province.”— *Repealed.* ib.

CHAPTER.	PAGE.
24. An Act to repeal an Act, intituled "An Act to alter and in addition to an Act, intituled 'An Act for establishing a Tender in all payments to be made in this Province,'" and declaring in what manner certain past debts may be paid.	386
25. An Act to provide for the re-building of Government House.— <i>Obsolete.</i>	ib.
26. An Act to continue and revise the Revenue Laws of the Province.— <i>Repealed.</i>	ib.
27. An Act to impose a duty on Horses imported into this Province, and for other purposes.— <i>Expired.</i>	ib.
28. An Act, to appropriate a part of the Public Revenue to provide for the Ordinary Services of the Province.— <i>Expired</i>	ib.
29. An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.— <i>Expired.</i>	387
30. An Act to appropriate a part of the Public Revenue for the Services therein mentioned.— <i>Expired.</i>	ib.
31. An Act for the division of the County of Northumberland into three Counties, and to provide for the government and representation of the two new Counties.	ib.

S GEORGII IV.

1. An Act to continue an Act, intituled "An Act to authorise the Justices of the County of Northumberland to regulate the grazing and depasturing of certain Tracts of Land within that County."— <i>Expired.</i>	391
2. An Act to prevent unnecessary delay and expense in proceedings against persons having privilege of the General Assembly.	ib.
3. An Act further to continue an Act, intituled "An Act for granting further aid in support of the Grammar School in the Town of Saint Andrews."— <i>Expired.</i>	392
4. An Act for the more easy assessment of damages in actions on Bonds payable by instalments, and other similar Instruments, and for the more convenient service of Writs of Scire Facias.	ib.
5. An Act to continue and amend "An Act for regulating the Inspection of Fish, to be consumed within this Province."— <i>Repealed.</i>	393
6. An Act to authorise the Rector, Church Wardens and Vestry of Christ Church, in the Parish of Fredericton, to convey a certain piece of the Glebe Land of the said Parish, in exchange for other Land.	ib.
7. An Act in further amendment of an Act, intituled "An Act subjecting Real Estates in the Province of New-Brunswick to the payment of debts, and directing the Sheriff in his proceedings thereon."	395
8. An Act to provide for the registering of judgments and recognizances, which are intended to bind or affect Real Estates.	396
9. An Act further to alter and amend an Act, intituled "An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery, and Fornication."	398
10. An Act to alter and amend the Laws now in force relating to the establishment, regulation and improvement of the Great Roads throughout the Province, and to make more effectual provision for the same.	399
11. An Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield and Saint George, in the County of Charlotte, and to provide for the inspection of Smoked Herrings in the said Parishes.	400
12. An Act for erecting the northwestern part of the Town or Parish of Waterborough, in Queen's County, into a separate Town or Parish.	403
13. An Act to erect the north eastern part of the County of Westmorland into a distinct Town or Parish, and also to authorise the appointment of Parish Officers at the November General Sessions in each year.	404

TITLES OF THE ACTS.

xxix.

CHAPTER.

PAGE.

14. An Act to regulate the Bass Fishery in the River Richibucto and its branches.—*Expired.* 405
15. An Act to empower the Justices of the County of Charlotte to make regulations for driving Timber and Logs down the Rivers Saint Croix, Magaguadavic and Digdeguash, and their branches, ib.
16. An Act to make further provisions for sick and disabled Seamen, not being paupers, belonging to this Province. 407
17. An Act in amendment of the Act for the regulation of the Militia, so far as respects the City of Saint John. ib.
18. An Act to repeal an Act, intituled “ An Act to prevent the destruction of Sheep by Dogs,” and to make other and more effectual provision for the prevention thereof. 409
19. An Act to ratify the purchase made of a House and Lot for a Marine Hospital for the City and Port of Saint John, and for vesting the title thereto in the Mayor, Aldermen and Commonalty of the City of Saint John, for the purpose aforesaid. 410
20. An Act to provide for the erection of a new Court House and Gaol in the County of Northumberland. 412
21. An Act to make more effectual provision for preventing the importation or spreading of infectious distempers within the Towns or Settlements on the River Miramichi.—*Repealed.* ib.
22. An Act to continue until the first day of May, in the year one thousand eight hundred and twenty nine, an Act made and passed in the second year of His present Majesty’s Reign, intituled “ An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and Saint Andrews,” so far as relates to the said Town of Saint Andrews.—*Expired.* 413
23. An Act to establish and regulate public landing places in Fredericton. ib.
24. An Act to repeal certain enactments relative to the Revenue of this Province, and also to make provisions for the better security of the said Revenue. 414
25. An Act to continue and amend an Act, intituled “ An Act for raising a Revenue in this Province.”—*Expired.* 415
26. An Act to appropriate a part of the Public Revenue to provide for the ordinary services of the Province.—*Expired.* 416
27. An Act to appropriate a part of the Public Revenue for the services therein mentioned.—*Expired.* ib.
28. An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.—*Expired.* ib.

9 GEORGII IV.

1. An Act to continue and amend the Revenue Laws of this Province.—*Expired.* 417
2. An Act to authorise 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. ib.
3. An Act to continue and amend the Acts for the better securing the navigation of the inner Bay of Passamaquoddy.—*Obsolete.* 419
4. An Act relative to the streets and squares in the City of Saint John. ib.
5. An Act to continue until the first day of April one thousand eight hundred and thirty, certain Acts providing for the more effectually repairing the Streets and Bridges in the City and County of Saint John, and to amend the same.—*Expired.* 420
6. An Act to authorise the Justices of the County of Gloucester to assess the said County for erecting a Court House and Gaol therein.—*Obsolete.* ib.
7. An Act to authorise the Mayor, Aldermen and Commonalty of the City of Saint John, to open a Street from the wharf on the south side of the Market Slip to the wharf owned by Charles I. Peters, Esquire. 421
8. An Act to regulate the manner of driving and riding upon the public Roads. ib.

9. An Act to continue an Act, intituled "An Act to provide for the erection of fences with gates across the Highway leading through Deer Island in the Parish of West Isles and County of Charlotte."—*Expired.* 422
10. An Act to continue an Act until the first day of April in the year of our Lord one thousand eight hundred and thirty one, intituled "An Act for the better regulation of licences to inns, taverns and houses for selling strong liquors by retail."—*Expired.* ib.
11. An Act to alter the division line between the Parishes of Dundas and Wellington, in the County of Kent. ib.
12. An Act for altering the times of holding the Inferior Courts of Common Pleas and General Sessions of the Peace in the County of Kent. 423
13. An Act to continue and render more effectual certain Acts relative to highways and roads within this Province.—*Repealed.* ib.
14. 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. ib.
15. An Act further to continue an Act, intituled "An Act to provide for the erecting of fences with gates across Highways leading through interval Lands in Queen's County and the County of Sunbury, where the same may be found necessary, and to extend the provisions of the same to King's County."—*Expired.* 424
16. An Act to continue until the first day of April one thousand eight hundred and thirty, certain Acts for the support and relief of confined debtors.—*Expired.* ib.
17. An Act to erect a part of the Parish of Hillsborough in the County of Westmorland, into a distinct Town or Parish. ib.
18. An Act for altering the times of holding one of the Terms of the Inferior Courts 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 Gloucester. 425
19. An Act to grant a bounty on the destruction of Bears in this Province. ib.
20. An Act to provide for the services of the Speaker of the House of Assembly, and for defraying the expenses and travelling charges of the Members of the said House, attending in General Assembly.—*Expired.* 426
21. An Act to alter and amend the Laws now in force for the regulation of the Militia. ib.
22. An Act in addition to an Act, intituled "An Act to empower and authorise the Justices of the County of Westmorland, at their General Sessions of the Peace, to regulate the grazing and depasturing of the several marshes, low lands or meadows within the said County."—*Expired.* 427
23. An Act to lay a tax on Dogs in certain parts of the Parishes of Fredericton and Saint Andrews. ib.
24. An Act for the erection of a Court House and Gaol in the County of Kent. 429
25. An Act to authorise the Justices of the Peace of the County of Kent to make rules and regulations respecting the taking of Fish in the different harbours, rivers and creeks in the said County. ib.
26. An Act to empower the Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, to dispose of lots in the new burial ground in the vicinity of the said Parish 430
27. An Act in amendment of the Acts regulating the exportation of Fish.—*Repealed.* 431
28. An Act to repeal the Laws now in force for appointing Firewards and for the better extinguishing of fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned. ib.
29. An Act to continue until the first day of April one thousand eight hundred and thirty three, an Act to regulate the manufacturing and shipment of Grindstones from the County of Westmorland.—*Expired.* 436

30. An Act to continue an Act, intituled "An Act for the encouragement of Parish Schools in this Province."—*Expired.* 437
31. An Act to continue and amend the Acts for the encouragement of the Cod and Scale Fisheries. *Expired.* ib.
32. An Act for granting a bounty upon Flour manufactured at the steam mills in Portland.—*Expired.* ib.
33. An Act to apply a part of the Public Revenue to the payment of the ordinary services of the Province.—*Expired.* ib.
34. An Act to provide for opening and repairing of Roads and erecting Bridges throughout the Province.—*Expired.* ib.
35. An Act to appropriate a part of the Public Revenue for the services therein mentioned.—*Expired.* ib.
36. An Act further to amend the Act for regulating Elections of Representatives in General Assembly. 438
37. An Act to regulate the trials of controverted Elections or returns of Members to serve in General Assembly. 439

9 & 10 GEORGII IV.

1. An Act to prevent the failure of Justice by reason of variances between Records and Writings produced in evidence in support thereof. 447
2. An Act further to continue an Act, intituled "An Act more effectually to provide for the support of a Nightly Watch in the City of Saint John."—*Expired.* 448
3. An Act to continue the Laws for regulating the Fisheries in the County of Northumberland.—*Expired.* ib.
4. An Act to continue an Act, intituled "An Act for the regulation of booms for securing Masts, Logs and Lumber in certain parts of the County of Northumberland." ib.
5. An Act to continue "An Act for granting Bounties on Grain raised on new Land."—*Expired.* ib.
6. An Act further to continue until the first day of April one thousand eight hundred and thirty five, "An Act to authorize the Justices of the Peace in their General Sessions to establish Feries in their respective Counties."—*Expired.* ib.
7. An Act to authorise the extension of the Gaol Limits in the City of Saint John.—*Expired.* 449
8. An Act for the more speedy and effectual punishment of persons keeping disorderly Houses. ib.
9. An Act for amending the Laws of Evidence in certain cases. 450
10. An Act to continue an Act, 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."—*Expired.* ib.
11. An Act to continue and amend an Act, intituled "An Act to provide for the surrender of the principal in discharge of bail in actions pending in the Supreme Court of Judicature in this Province." 451
12. An Act in addition to an Act, intituled "An Act for the appointment of Town and Parish Officers in the several Counties in this Province."—*Repealed.* ib.
13. An Act to extend the provisions of the several Acts regulating the exportation of Fish, to all pickled fish intended for exportation. ib.
14. An Act to repeal an Act intituled "An Act for the speedy punishment and release of such persons as shall commit criminal offences under the degree of Grand Larceny." 452
15. An Act to regulate the appointment of County Treasurers. ib.
16. An Act to continue an Act, intituled "An Act to empower the Justices of the County of Charlotte to make regulations for driving timber and logs down the Rivers Saint Croix, Magaguadavic, Digdeguash, and their branches."—*Expired.* ib.
17. An Act for the better regulation of sales by auction.—*Repealed.* ib.

CHAPTER.		PAGE.
18.	An Act relative to the election of Charter Officers for Guy's Ward and Brook's Ward, in the City of Saint John.	453
19.	An Act to lay a tax on dogs in certain parts of the Parishes of Newcastle, Chatham and Nelson, in the County of Northumberland.— <i>Expired.</i>	ib.
20.	An Act in addition to an Act, intituled, "An Act to make more effectual provision for preventing the importation or spreading of infectious distempers within the Towns or Settlements on the river Miramichi."— <i>Repealed.</i>	ib.
21.	An Act to amend the Statute Law relative to offences against the person, and to provide for the more effectual punishment of such offences.	ib.
22.	An Act in amendment of the Act for establishing Parish Schools.— <i>Repealed.</i>	458
23.	An Act to regulate the exportation of Lumber, and to repeal all the Acts now in force relating to the same.— <i>Repealed.</i>	ib.
24.	An Act to repeal an Act, intituled "An Act for erecting and maintaining a Light House upon one of the Islands or Rocks near the southeast coast of the island of Grand Manan."	ib.
25.	An Act providing for the publication of the County Accounts.	ib.
26.	An Act to authorise the extension of the Gaol Limits in the Town of Fredericton.	459
27.	An Act to prevent Pedlars travelling and selling within this Province without Licence.	ib.
28.	An Act to secure and reclaim a tract of marsh on the Aulac River, in the County of Westmorland.	461
29.	An Act for the endowment of King's College at Fredericton in the Province of New Brunswick, and also to make new provisions for the establishment and support of Grammar Schools throughout the Province.	462
30.	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.	466
31.	An Act further to continue and amend the several Acts for raising a Revenue in this Province. <i>Expired.</i>	469
32.	An Act to appropriate a part of the Public Revenue to the payment of the ordinary services of the Province.— <i>Expired.</i>	ib.
33.	An Act to appropriate a part of the public Revenue for the services therein mentioned.— <i>Expired.</i>	ib.

10 & 11 GEORGII IV.

1.	An Act to continue an Act for the better extinguishing of Fires that may happen within the City of Saint John, and to repeal all the Acts now in force relating to the same.— <i>Expired.</i>	470
2.	An Act further to continue an Act for the more effectual punishment of persons who shall be guilty of the trespasses therein mentioned in the City of Saint John.— <i>Expired.</i>	ib.
3.	An Act to continue the Act now in force for regulating the assize of Bread in the Town of Fredericton.— <i>Expired.</i>	ib.
4.	An Act to regulate the assize of Bread in the Parish of Portland.	471
5.	An Act for erecting and maintaining a Boom on the river Kouchibouguasis in the County of Kent.— <i>Expired.</i>	ib.
6.	An Act for erecting a part of the Parish of Wakefield in the County of York, into a separate and distinct Town or Parish.	ib.
7.	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>Expired.</i>	472

TITLES OF THE ACTS.

xxxiii.

CHAPTER.

PAGE.

8. An Act to encourage the erection of an Oat Mill at Dorchester, in the County of Westmorland. 472
9. An Act to continue the Laws now in force for appointing Firewards, and for the better extinguishing Fires in the Town and Parish of Fredericton.—*Expired.* ib.
10. An Act to authorize the Justices of the Peace in the several Counties, in their General Sessions, to make regulations for Carmen, Waggoners and Truckmen; and to establish the rates and fares to be taken for the Cartage and Truckage of Goods in the several Towns throughout the Province; and also to regulate the measurement of Coals and Salt. 473
11. An Act to authorise the Justices of the Peace for the County of Charlotte to lease a certain piece of common land in the Parish of Saint Andrews, for the purpose of erecting thereon a suitable building for an Hospital for sick and disabled seamen. 474
12. An Act for the better and more effectual securing the navigation of the River Saint Croix, in the County of Charlotte. ib.
13. An Act to authorise the Justices of the Peace for the County of Charlotte to assess the inhabitants for erecting a Gaol in the said County.—*Expired.* 475
14. An Act to repeal all the Acts now in force relating to the Light House upon Partridge Island, and to make provisions for the future support thereof and of other Light Houses at the entrance of the Harbour of Saint John.—*Repealed.* ib.
15. An Act to alter the boundary lines of certain Parishes in the County of Northumberland, and to erect two new Parishes in said County. ib.
16. 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 provisions for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester. 476
17. An Act in addition to an Act, intituled “ An Act to enable the Justices of the Peace for the several Counties in this Province for the time being, to receive for public uses grants of Lands lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same.” 478
18. An Act to grant John Aymar the privilege of supplying the Town of Saint Andrews with water by pipes. 479
19. An Act to provide for the conveyance of Criminals from County to County within the Province. ib.
20. An Act to establish Houses of Correction within the Counties of York and Charlotte. 480
21. An Act to alter and amend an Act for the more speedy recovery of small debts.—*Repealed.* ib.
22. An Act for the more summary punishment of persons guilty of maliciously killing, maiming, disfiguring or otherwise injuring Cattle. ib.
23. An Act to provide for the maintenance of the Light House established upon the Island of Campo Bello, near Head Harbour, in the County of Charlotte.—*Repealed.* 481
24. An Act to authorise the Justices of the Peace for the County of York, to levy an assessment for the purpose of paying off the debt due on the County Court House.—*Obsolete.* ib.
25. An Act further to continue certain Acts providing for the more effectually repairing the Streets and Bridges in the City and County of Saint John.—*Expired.* ib.
26. An Act to confirm a division made of certain Lands situated at Charcook in the Parish of Saint Andrews, granted to the Justices of the County of Charlotte in trust for the use and benefit of the Rector or Minister and Parish School of the same Parish. 482
27. An Act to repeal all the Acts now in force relative to the importation and spreading of infectious distempers in the City of Saint John, and to make more effectual provision for preventing the same.—*Repealed.* 484
28. An Act to regulate the inspection of dry and pickled fish for home consumption and for exportation.—*Expired.* ib.
29. An Act to repeal certain Acts relating to Commissioners of Sewers, and to make more effectual provisions in lieu thereof. ib.

CHAPTER.		PAGE.
30.	An Act to repeal all the Acts now in force for the support and relief of confined debtors and to make other and more effectual provisions in lieu thereof.	487
31.	An Act to continue the several Acts now in force relating to Roads and Highways.— <i>Repealed.</i>	488
32.	An Act to repeal an Act to define and describe the crime of Petit Larceny, and to make provision for the punishment of the same.— <i>Repealed.</i>	ib.
33.	An Act for the relief of His Majesty's Roman Catholic subjects in this Province.	ib.
34.	An Act to regulate the Law with regard to the course of proceeding on indictments and informations in the Supreme Court, in certain cases.	490
35.	An Act in addition to and explanatory of "An Act to amend the Statute Law relative to offences against the person, and to provide for the more effectual punishment of such offences."	494
36.	An Act in addition to and in amendment of an Act, intituled "An Act relating to the punishment of persons convicted of Felony, within the benefit of Clergy."— <i>Repealed.</i>	495
37.	An Act to appropriate a part of the Public Revenue to the payment of the ordinary services of the Province.— <i>Expired.</i>	ib.
38.	An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.— <i>Expired.</i>	ib.
39.	An Act to appropriate a part of the Public Revenue for the services therein mentioned.— <i>Expired.</i>	ib.
11 GEORGII IV.		
1.	An Act for raising a Revenue in this Province.— <i>Expired.</i>	496
1 GULIELMI IV.		
1.	An Act to alter and amend the Act for raising a Revenue in the Province.— <i>Expired.</i>	497
2.	An Act to regulate the cutting of Saw Logs on the River Magaguadavic and its branches.— <i>Expired.</i>	ib.
3.	An Act to continue an Act, 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."— <i>Expired.</i>	ib.
4.	An Act to continue the Acts to empower and authorise the Justices of the County of Westmorland, at their General Sessions of the Peace, to regulate the grazing and depasturing of the several marshes, low lands or meadows within the said County.— <i>Expired.</i>	498
5.	An Act to make perpetual an Act, intituled "An Act to lay a tax on Dogs in certain parts of the Parishes of Fredericton and Saint Andrews."	ib.
6.	An Act to authorise the Justices of the Peace of the County of Gloucester to make rules and regulations respecting the taking of fish in the different Harbours, Rivers and Creeks in the said County.— <i>Repealed.</i>	ib.
7.	An Act to amend the Act to incorporate sundry persons by the name of the Saint John Marine Insurance Company.— <i>Obsolete.</i>	ib.
8.	An Act to amend an Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield and Saint George, in the County of Charlotte, and to provide for the inspection of smoked Herrings in the said Parishes.	ib.
9.	An Act to repeal all the Acts in force relating to Trespasses, and to make more effectual provisions for the same.	499
10.	An Act to continue an Act granting a bounty on the destruction of Bears in this Province.— <i>Expired.</i>	503
11.	An Act to incorporate the Minister and Elders of the Kirk of Scotland in the Town of Newcastle, and for the purposes therein mentioned.	ib.
12.	An Act to remove doubts respecting the competency of Citizens of the City of Saint John as witnesses in cases where the Corporation of that City is a party.	504

TITLES OF THE ACTS.

XXXV.

PAGE.

CHAPTER.		PAGE.
13.	An Act to revive an Act, intituled " An Act for regulating the Courts of Law established in the several Counties for the Trial of Causes to the value of forty shillings."— <i>Expired.</i>	505
14.	An Act for improving the administration of Justice in criminal cases.	ib.
15.	An Act for consolidating and amending the Laws relative to Larceny and other offences connected therewith.	514
16.	An Act for amending the Laws relative to malicious injuries to property.	521
17.	An Act further to amend the Laws relative to offences against the person.	522
18.	An Act to provide for setting and keeping to hard labour persons adjudged to that punishment.	523
19.	An Act to erect two new Parishes in the County of Gloucester.	524
20.	An Act to empower the Chancellor, President and Scholars of King's College, to assign a certain mortgage and mortgaged premises therein mentioned.	525
21.	An Act to authorize the Justices of the Peace in the County of Northumberland to levy an assessment upon the inhabitants of the said County to discharge the debts due from the said County.— <i>Expired.</i>	526
22.	An Act relative to trespasses by Horses and Swine in the Parish of Fredericton and the Town of Saint Andrews.	527
23.	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." "	528
24.	An Act to regulate Inns, Taverns and Houses for selling strong or spirituous Liquors, and to repeal all the Laws now in force relating to the same.— <i>Repealed.</i>	ib.
25.	An Act to continue and amend an Act, intituled " An Act for regulating the Salmon and Shad Fisheries so far as the same may relate to the River Pettitcodiac in the County of Westmorland." "	529
26.	An Act to regulate assessments in this Province.— <i>Expired.</i>	ib.
27.	An Act to continue an Act to provide for the expenses of the Judges holding the Circuits Courts and Courts of Oyer and Terminer in this Province, and of the Clerk in those Courts.— <i>Expired.</i>	ib.
28.	An Act to authorise the Justices of the Peace at any General or Special Sessions to make regulations for the destruction or confinement of Dogs during the prevalence of canine madness or hydrophobia in any part of the Province.	ib.
29.	An Act to alter and amend an Act, intituled " An Act for preserving the bank of the River Saint John in front of the Parishes of Magerville, Sheffield and Waterborough." "	530
30.	An Act to continue the Acts for the encouragement of Parish Schools in this Province.— <i>Repealed.</i>	ib.
31.	An Act to authorise the extension of the Gaol Limits in the County of Charlotte.	ib.
32.	An Act to enable the Justices of the Peace for the County of Kent to raise money by assessment on the inhabitants of the said County, to discharge the debt due for erecting the Court House and Gaol.— <i>Expired.</i>	531
33.	An Act to repeal all the Acts 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.— <i>Repealed.</i>	ib.
34.	An Act to repeal an Act, intituled " An Act to prevent illicit and clandestine trade, and for imposing a duty upon articles illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof." "	532
35.	An Act to amend an Act, intituled " An Act to repeal all the Acts now in force relative to the importation and spreading of infectious distempers in the City of Saint John, and to make more effectual provisions for preventing the same." "	ib.

CHAPTER.		PAGE.
36.	An Act to authorize the Justices of the Peace for the County of Charlotte further to assess the inhabitants of the said County for the completion and finishing a Gaol and for the erection of lock up Houses in the said County.— <i>Expired.</i>	532
37.	An Act, to regulate the assize of Bread in the Towns of Newcastle and Chatham, in the County of Northumberland.	ib.
38.	An Act to repeal the Acts now in force against the profanation of the Lord's Day, commonly called Sunday, and for the suppression of immorality, and to make other provisions in lieu thereof.	533
39.	An Act to incorporate sundry persons by the name of the New Brunswick Fire Insurance Company.	534
40.	An Act to make more effectual provision for preventing the importation and spreading of infectious distempers within the towns and settlements in the Counties of Charlotte and Northumberland.	541
41.	An Act to authorise the Rector, Church Wardens and Vestry of Trinity Church in the Parish of Kingston, to convey their right to the land whereon the Court House has been erected to the Justices of the Peace of King's County, in exchange for other land, and to establish a public square in the said Parish.	547
42.	An Act to regulate sales by Public Auction.	549
43.	An Act to amend the Laws in force relating to insolvent confined Debtors.— <i>Repealed.</i>	552
44.	An Act further to amend the Acts relative to Streets and Highways in the City and County of Saint John.— <i>Expired.</i>	ib.
45.	An Act to repeal the Acts now in force regulating the exportation of Lumber, and to make other provisions in lieu thereof.	553
46.	An Act to provide for the services of the Speaker of the House of Assembly, and for defraying the expenses and travelling charges of the Members of the said House attending in General Assembly.— <i>Expired.</i>	558
47.	An Act to appropriate a part of the Public Revenue to the payment of the ordinary services of the Province.— <i>Expired.</i>	ib.
48.	An Act to appropriate a part of the Public Revenue for the services therein mentioned.— <i>Expired.</i>	ib.
49.	An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.— <i>Expired.</i>	ib.
50.	An Act for the division of the County of York into two Counties, and to provide for the government and representation of the new County.	ib.

2 GULIELMI IV.

1.	An Act to amend an Act, intituled "An Act to repeal all the Laws in force relating to the establishment, regulation and improvement of the Great Roads of Communication through the Province, and to make more effectual provision for the same."	561
2.	An Act to authorise a further extension of the Gaol Limits in the Town of Fredericton.	562
3.	An Act to continue the Acts relative to the Herring Fishery in the County of Charlotte.— <i>Expired.</i>	ib.
4.	An Act to amend an Act, intituled "An Act to repeal the Acts now in force regulating the exportation of Lumber, and to make other provisions in lieu thereof."	ib.
5.	An Act to empower the owners of the Saw Mill at the rolling dam on the River Digdeguash, in the County of Charlotte, to erect a Boom for the securing of saw logs on the said River.	ib.
6.	An Act to repeal an Act, intituled "An Act in addition to an Act, intituled 'An Act for the appointment of Town and Parish officers in the several Counties in this Province.'"	563
7.	An Act to alter the Great Road of Communication from Fredericton to Saint Andrews.	ib.

TITLES OF THE ACTS.

xxvii.

CHAPTER.

PAGE.

8. An Act for raising a Revenue in the Province.—*Expired.* 564
9. An Act to provide for maintaining Light Houses within the Bay of Fundy. ib.
10. An Act to alter the name of the Shire Town in the County of Kent from Liverpool to Richibucto. 566
11. An Act to amend the Act for the better extinguishing of Fires that may happen within the City of Saint John. ib.
12. An Act to alter and amend the Laws now in force for the establishment, regulation and improvement of the Great Roads of Communication through the Province. 567
13. An Act to continue and amend the Acts relating to the support and relief of confined Debtors.—*Repealed.* ib.
14. An Act to empower the Deputy Treasurer at Miramichi to recover from the Commissioners of Buoy and Beacons for the County of Northumberland the balance of monies now remaining in their hands. 568
15. An Act to enable the Province Treasurer to borrow the sum of ten thousand pounds for the public service of the Province. ib.
16. 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. 569
17. An Act to amend an Act passed in the first year of the reign of his present Majesty King William the Fourth, intituled “ An Act to make more effectual provision for preventing the importation and spreading of infectious distempers within the Towns and Settlements in the Counties of Charlotte and Northumberland.” 570
18. An Act to repeal all the Laws now in force relating to Saint Andrew’s Church in the City of Saint John, and for incorporating certain persons Pewholders of the said Church and of the several Churches erected or to be erected in this Province in connexion with the Church of Scotland. ib.
19. An Act to provide against the importation and spreading of distempers in the Counties of Westmorland, Gloucester and Kent. 573
20. An Act to regulate the service of Writs of Scire Facias. 575
21. An Act to amend an Act passed in the fiftieth year of the reign of His Majesty King George the Third, intituled “ An Act for the more easy and speedy recovery of small debts.”—*Repealed.* 576
22. An Act to alter and amend an Act, intituled “ An Act to incorporate sundry persons by the name of the New Brunswick Fire Insurance Company.” ib.
23. An Act to improve the Law relating to Mortgages. 577
24. An Act further to amend the Laws regulating the qualifications of Church Wardens and Vestrymen in this Province. 579
25. An Act to establish and regulate a ferry and public landing at Indian Town in the County of Saint John. ib.
26. An Act to incorporate sundry persons by the name of the Saint John Water Company. 580
27. An Act further to amend the Act relative to the importation and spreading of infectious distempers in the City of Saint John, and to extend the provisions thereof.—*Repealed.* 585
28. An Act further to continue an Act, intituled “ An Act more effectually to provide for the support of a nightly watch in the City of Saint John.”—*Expired.* ib.
29. An Act to amend an Act, intituled “ An Act to repeal all the Laws now in force for regulating and repairing the 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.”—*Repealed.* ib.

30. An Act to authorise the issue of Treasury Debentures to the amount of five thousand pounds.—*Expired.* 585
31. An Act further to continue the Acts relative to Streets and Highways in the City and County of Saint John.—*Repealed.* 586
32. An Act further to amend the Acts relating to the Great Roads of Communication through the Province. ib.
33. An Act to appropriate a part of the public Revenue to the payment of the ordinary services of the Province.—*Expired.* ib.
34. An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.—*Expired.* 587
35. An Act to appropriate a part of the public Revenue for the services therein mentioned.—*Expired.* ib.
36. An Act to regulate vessels arriving from the United Kingdom with Passengers and Emigrants. ib.

2 GULIELMI IV.

1. An Act to alter and amend an Act, intituled “ An Act for raising a Revenue in the Province.”—*Expired.* 589
2. An Act to repeal an Act to incorporate the Minister and Elders of the Kirk of Scotland in the Town of Saint Andrews. ib.
3. An Act to amend the Law relative to Statute Labour, so far as the same relates to the Parish of Fredericton, in the County of York.—*Repealed.* 590
4. An Act to authorise and empower the Magistrates of the County of Charlotte to sell a certain piece of Land in the Town of Saint Andrews, and to vest the proceeds in purchasing another piece of Land for the purpose of erecting a County Gaol thereon in said Town. ib.
5. An Act to prevent the spreading of infectious or pestilential distempers.—*Repealed.* ib.

3 GULIELMI IV.

1. An Act for raising a Revenue.—*Expired.* 591
2. An Act to appropriate a part of the public Revenue to the payment of the ordinary services of the Province.—*Expired.* ib.
3. An Act to appropriate a part of the public Revenue for the services therein mentioned.—*Expired.* ib.
4. An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.—*Expired.* 592
5. An Act to continue an Act, intituled “ An Act for the better and more effectual securing the navigation of the River Saint Croix, in the County of Charlotte.” ib.
6. An Act to continue an Act, intituled “ An Act to empower the Justices of the County of Charlotte to make regulations for driving Timber and Logs down the Rivers Saint Croix, Magaguadavic, Digdeguash and their Branches.” ib.
7. An Act to alter and amend an Act passed in the third year of His late Majesty’s reign, intituled “ An Act for the better securing of the navigation of the inner Bay of Passamaquoddy, and to indemnify the Deputy Province Treasurer at Saint Andrews against any demands for monies collected for tonnage duties since the former Acts for this purpose expired.” ib.
8. An Act to amend the Act for the appointment of Town or Parish Officers in the several Counties in this Province.—*Expired.* 593
9. An Act to authorise the Justices of the Peace of the County of Gloucester to assess the said County for the erection of lock-up houses at Campbelltown and Dalhousie in the said County. ib.
10. An Act for altering the time of holding one of the additional terms of the Inferior Court of Common Pleas of the County of Gloucester. 594

TITLES OF THE ACTS.

xxxix.

CHAPTER.

PAGE.

11. An Act to alter and amend the Charter of the City of Saint John. 595
12. An Act for the incorporation of the New Brunswick Mining Company. ib.
13. An Act to provide for more effectually repairing the Streets and Bridges in the City of Saint John. 603
14. An Act to authorise the Justices of the Peace for the County of Carleton to assess the said County for erecting a Court House and Gaol therein.—*Expired.* 607
15. An Act to amend the Act relating to the several Churches in this Province in connexion with the Church of Scotland. ib.
16. An Act to authorise the Justices of the Peace for the County of Northumberland to make rules and regulations respecting the Bass Fishery in that County. ib.
17. An Act to divide the Parish of Kent, in the County of Carleton, into five Towns or Parishes. 608
18. An Act further to amend the Act relating to the support and relief of confined debtors.—*Repealed.* 609
19. An Act in addition to “An Act for making process in Courts of Equity effectual against persons who reside out of this Province and cannot be served therewith.” ib.
20. An Act to continue and amend the Acts relating to Statute Labour on Roads.—*Repealed.* 610
21. An Act to prevent the importation and spreading of infectious distempers in the City of Saint John. 611
22. An Act to continue the Act to provide for the expenses of the Judges holding the Circuit Courts and Courts of Oyer and Terminer in this Province, and of the Clerk in those Courts.—*Expired.* 618
23. An Act to authorise the Justices of the Peace in the County of Northumberland to levy an assessment upon the inhabitants of the said County to discharge the debts due from the said County.—*Expired.* ib.
24. An Act for the further amendment of the Acts relative to the Great Roads of Communication. ib.
25. An Act to authorise the Justices of the Peace for the County of Sunbury to levy an assessment to enable them to erect a Court House in said County.—*Expired.* 619
26. An Act to continue and amend the Act for regulating assessments in this Province.—*Expired.* ib.
27. An Act for regulating the Salmon Fisheries in the County of Gloucester. ib.
28. An Act for the establishment and regulation of Boards of Health in the several Counties of this Province. 623
29. An Act to amend the Law relative to the sale of spirituous Liquors by Tavernkeepers and Retailers within the County of Saint John, and for the more effectual prevention and punishment of drunkenness. 627
30. An Act to amend “An Act to provide for maintaining Light Houses within the Bay of Fundy.” 626
31. An Act relating to Parish Schools. 629
32. An Act to prevent Nuisances within the City of Saint John, and Parish of Portland in the County of Saint John. 632
33. An Act to explain an Act, intituled “An Act for the more summary punishment of persons guilty of maliciously killing, maiming, disfiguring or otherwise injuring cattle.” 634
34. An Act to authorise the Justices of the Peace for the County of Charlotte to assess the inhabitants of Saint Stephen in the said County for the purpose therein mentioned.—*Expired.* ib.
35. An Act to enable the Chancellor, President and Scholars of King’s College, at Fredericton in the Province of New Brunswick, to assign a certain mortgage and mortgaged premises therein mentioned. ib.
36. An Act to empower the Rector, Church Wardens and Vestry of Christ’s Church, in the Parish of Fredericton, to assign certain mortgages and mortgaged premises. 636

37. An Act in addition to and in amendment of 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.'" 537
38. An Act to alter the names of certain parts of three Parishes in the County of York, and to erect two separate Parishes therein. 639

4 GULIELMI IV.

1. An Act to continue and amend the Act for raising a Revenue, and for the increase of the Revenue of the Province.—*Expired.* 640
2. An Act to appropriate a part of the public Revenue to the payment of the ordinary services of the Province.—*Expired.* ib.
3. An Act to appropriate a part of the public Revenue for the services therein mentioned.—*Expired.* ib.
4. An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.—*Expired.* 641
5. An Act to authorise the Justices of the Peace in the County of Kent to levy an assessment upon the inhabitants of the said County, to discharge the debts due from the same.—*Expired.* ib.
6. An Act to provide for the establishing and maintaining of Booms for securing Masts, Logs and Lumber in the County of Gloucester. ib.
7. An Act to continue an Act, intituled "An Act for the regulation of Booms for securing Masts, Logs and Lumber in certain parts of the County of Northumberland." 642
8. An Act to explain the Act for preventing the importation and spreading of infectious distempers in the City of Saint John. ib.
9. An Act to protect the Gaspereaux Fishery in the Harbour and River of Miramichi in the County of Northumberland. 643
10. An Act to continue an Act passed in the second year of His Majesty's reign, intituled "An Act to empower the owners of the saw mill at the rolling dam on the River Digdeguash, in the County of Charlotte, to erect a Boom for the securing of saw logs on the said River." ib.
11. An Act to continue an Act passed in the ninth year of the reign of His Majesty King George the Fourth, intituled "An Act to repeal all the Laws now in force for the appointment of Firewards and for the better extinguishing of Fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned." ib.
12. An Act to revive an Act, intituled "An Act to prevent Pedlars travelling and selling within this Province without licence." 644
13. An Act to provide for the punishment of cruelty to animals. ib.
14. An Act for taking an account of the population of this Province.—*Obsolete.* 646
15. An Act to authorise the Justices of the Peace for the County of Westmorland to levy an assessment upon the inhabitants of said County to discharge the debts due from the said County.—*Expired.* ib.
16. An Act to continue and amend the Acts relating to the Herring Fisheries in the County of Charlotte. 647
17. An Act to facilitate summary proceedings before Justices of the Peace and the execution of warrants by Constables. 648
18. An Act to prevent desertion from His Majesty's Forces, and to punish unlawful dealings with Soldiers or Deserters. 651
19. An Act to authorise the Justices of the Peace in the several Counties in this Province to make assessments for the payment of County officers, and also to authorise the Justices of the Peace for the County of Northumberland to make further provision for the payment of the Treasurer of that County. 652

TITLES OF THE ACTS.

xli.

CHAPTER.		PAGE.
20.	An Act in addition to and in amendment of the several Acts now in force to provide for sick and disabled Seamen not being paupers belonging to this Province, so far as the same relate to the County of Gloucester.	653
21.	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."	654
22.	An Act in further amendment of an Act, intituled "An Act subjecting real estates in the Province of New Brunswick to the payment of debts and directing the Sheriff in his proceedings thereon."	655
23.	An Act more effectually to punish the crime of Forgery.	ib
24.	An Act to continue "An Act to provide for the erection of fences with gates across Highways leading through intervale lands in Queen's County and the County of Sunbury, where the same may be found necessary, and to extend the provisions of the same to King's County."	656
25.	An Act to authorise the Justices of the Peace for the County of Charlotte to levy an assessment toward paying off the County debt, and for other purposes therein mentioned.— <i>Expired.</i>	ib.
26.	An Act to provide for the safe keeping of County Records.	ib.
27.	An Act for granting Patents for useful inventions.	657
28.	An Act to alter the division line between the Counties of York and Carleton.	660
29.	An Act for further improving the administration of Justice in criminal cases.	ib.
30.	An Act for the further regulation of the formation of the Court of Governor and Council for the determination of all suits and controversies touching and concerning Marriage and Divorce.	ib.
31.	An Act further to continue the Laws relating to the Fisheries in the County of Northumberland.— <i>Expired.</i>	661
32.	An Act to amend the Law relating to assessments in this Province.— <i>Expired.</i>	662
33.	An Act more effectually to provide for the support of a nightly watch in and for lighting the City of Saint John, and for other purposes.	ib.
34.	An Act to authorise the Justices of the General Sessions of the Peace for the City and County of Saint John to levy an assessment to enable them to pay off the County debt.— <i>Expired.</i>	664
35.	An Act in furtherance of and to regulate Juvenile Emigration from Great Britain to this Province.— <i>Expired.</i>	ib.
36.	An Act in addition to and in amendment of an Act passed in the twenty sixth year of the reign of His late Majesty King George the Third, intituled "An Act for relief against absconding debtors."	ib.
37.	An Act to continue the Acts now in force for the relief of insolvent confined debtors.— <i>Expired.</i>	666
38.	An Act in addition to and in amendment of an Act made and passed in the fiftieth year of the reign of His late Majesty King George the Third, intituled "An Act to regulate the proceedings in actions of Replevin, and to enable the sale of goods distrained for rent in case the rent be not paid in a reasonable time, and for the more effectual securing the payment of rents and preventing fraud by tenants."	ib.
39.	An Act for the incorporation of the Saint John Mills and Canal Company.	670
40.	An Act to revive and amend an Act to incorporate sundry persons by the name of the Saint John Water Company.	671
41.	An Act to establish and regulate a summary practice in the Supreme Court.	ib.
42.	An Act to erect a new Parish in the County of Sunbury.	673
43.	An Act to provide for the payment of interest on Warrants which are not paid at the Treasury on demand.	674
44.	An Act to incorporate sundry persons by the name of the President, Directors and Company of the Central Bank of New Brunswick.	675

CHAPTER.		PAGE.
45.	An Act to regulate proceedings before Justices of the Peace in Civil Suits.	682
46.	An Act to extend the privilege of solemnizing Marriage to all Ministers or Teachers of the several religious congregations in this Province.	706
47.	An Act to increase the representation of the Counties of Carleton, Gloucester and Kent.	708
48.	An Act to authorise the sale or mortgage of the Estates of the persons found lunatic by inquisition in this Province; the granting of leases of the same; and the conveyance of Estates held in trust by Lunatics or Idiots.	709
5 GULIELMI IV.		
1.	An Act to continue and amend the Laws for raising a Revenue in this Province.— <i>Expired.</i>	712
2.	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.	ib.
3.	An Act to regulate Tavernkeepers and Retailers.	724
4.	An Act to authorise the enlargement of the sittings of the Courts of General Sessions of the Peace and Inferior Courts of Common Pleas in this Province.	729
5.	An Act to continue an Act, 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 qualification of Church Wardens and Vestrymen in the several Parishes in this Province, and of the persons having voices in their election, and to make more effectual enactments in lieu thereof, so far as relates to the Parish Church of Saint Andrews.’ ”	ib.
6.	An Act to revive an Act, intituled “ An Act for the more speedy and effectual punishment of persons keeping disorderly houses.”	730
7.	An Act to alter the time of holding the November Term of the Inferior Court of Common Pleas of the County of Gloucester.	ib.
8.	An Act to continue an Act, intituled “ An Act for the better extinguishing of fires that may happen within the City of Saint John, and to repeal all the Acts now in force relating to the same,” and also “ An Act to amend the Acts for the better extinguishing of fires that may happen within the City of Saint John.”	ib.
9.	An Act further to continue “ An Act for the more effectual punishment of persons who shall be guilty of the trespasses therein mentioned within the City of Saint John.”— <i>Repealed.</i>	731
10.	An Act to revive an Act, intituled “ An Act in addition to and in 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.’ ”	ib.
11.	An Act to continue an Act, 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.”	ib.
12.	An Act for prohibiting and suppressing of Lotteries in this Province.	732
13.	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.”	733
14.	An Act to continue an Act, intituled “ An Act to authorize the Justices of the Peace in the several Counties in their General Sessions to make regulations for Carmen, Waggoners and Truckmen, and to establish the rates and fares to be taken for the cartage and truckage of goods in the several Towns throughout the Province, and also to regulate the measurement of Coals and Salt.”	ib.
15.	An Act to alter the boundary line between certain Parishes in the County of Westmorland.	ib.
16.	An Act to remove doubts which may arise from the formation of two distinct Councils in this Province, relating to Acts required to be done by His Majesty’s Council.	734

TITLES OF THE ACTS.

xliii.

CHAPTER.

PAGE.

17. An Act to declare all Acts of Assembly to be public Acts. 734
18. An Act to continue an Act, intituled "An Act to repeal all 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," and an Act, intituled "An Act to extend the power of the Firewards in the Parish of Fredericton, and to make further regulations for the better extinguishing of Fires that may happen in the said Parish." 735
19. An Act to erect the southwestern part of the Parish of Richibucto into a separate and distinct Parish. ib.
20. An Act to authorize the Justices of the Peace for the County of Charlotte to assess the inhabitants of the Parish of Grand Manan for the erection of a lock-up house in the said Parish. 736
21. An Act to provide for the establishing and maintaining a Boom for securing Masts, Logs and Lumber in the County of York. ib.
22. An Act to authorize and empower the Justices of the Peace for the County of Charlotte to lease a part of the public landing at Salt Water in the Parish of Saint Stephen. 737
23. An Act for erecting parts of the Towns or Parishes of Brunswick and Canning in Queen's County into a separate Town or Parish. 738
24. An Act in addition to and in continuation of the Act relating to the Bass Fishery in the County of Northumberland. 739
25. An Act to alter and amend an Act, intituled "An Act to repeal an Act, intituled 'An Act for the better security of the Navigation of certain Harbours in the County of Northumberland,' and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester," so far as the same relates to the Bay and Harbour of Restigouche in the said County of Gloucester.
26. An Act to make perpetual the Acts of the General Assembly relating to the surrender of the principal in discharge of Bail. 740
27. An Act to continue "An Act to regulate the Law with regard to the course of proceeding on indictments and informations in the Supreme Court." ib.
28. An Act to authorize the Grand Jurors of the several Counties within this Province to inspect the public accounts. 741
29. An Act to regulate the fees in actions not summary in the Inferior Courts of Common Pleas, and to restrain the removal of such actions to the Supreme Court ib.
30. An Act to amend the Law relating to the public Grammar School in the City of Saint John 744
31. An Act to regulate the driving of Timber and Saw Logs down the River Magaguadavic and its Branches. ib.
32. An Act to alter the division line between the Parishes of Douglas and Queensbury in the County of York. 747
33. An Act to erect the Northeastern part of the Parish of Hampton in King's County, into a separate and distinct Parish. ib.
34. An Act to facilitate the examination of witnesses before trial in the Supreme Court. 748
35. An Act to define the Crime of Forgery. 750
36. 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 Milltown, and its immediate vicinity. 751
37. An Act to provide for the more convenient administration of Justice in the Supreme Court. 753
38. An Act to regulate the ungranted Ferries in this Province. 756
39. An Act to amend the Law relating to a summary practice in the Supreme Court. 757
40. An Act to continue an Act, intituled "An Act for regulating the Salmon Fisheries in the County of Gloucester." ib.

CHAPTER.		PAGE.
41.	An Act relating to the navigation of the inner Bay of Passamaquoddy.	758
42.	An Act to authorise the Rector, Church Wardens and Vestry of Trinity Church in the Parish of Saint John in the City of Saint John, to sell and dispose of certain Lands in the said City.	759
43.	An Act to regulate the inspection of dry and pickled Fish for home consumption and for exportation.	760
44.	An Act to authorise an assessment on the inhabitants of the County of Charlotte towards paying off the debts due from the said County.— <i>Expired.</i>	764
45.	An Act to continue the Act relating to the exportation of Lumber.	ib.
46.	An Act to provide for the services of the Clerk of the Circuit Courts in this Province.	ib.
47.	An Act to continue and amend the Act for the establishment and regulation of Boards of Health in the several Counties of this Province.	765
48.	An Act to incorporate sundry persons by the name of the Saint John Bridge Company.	766
49.	An Act to provide for the Custom House establishment in the Province of New Brunswick.	774

5 GULIELMI IV.—SESS. 2.

1.	An Act to appropriate a part of the public Revenue to the payment of the ordinary services of the Province.— <i>Expired.</i>	776
2.	An Act to appropriate a part of the public Revenue for the services therein mentioned.— <i>Expired.</i>	ib.
3.	An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.— <i>Expired.</i>	ib.
4.	An Act to authorise the Rector, Church Wardens and Vestry of All Saints' Church in the Parish of Saint Andrews, in the County of Charlotte, to sell and dispose of certain land in the said Parish.	777
5.	An Act for altering the times of holding the terms of the General Sessions of the Peace and Inferior Courts of Common Pleas of the County of Carleton.	ib.
6.	An Act to amend "An Act, to repeal all the Laws now in force relating to Saint Andrew's Church in the City of Saint John, and for incorporating sundry persons Pewholders of the said Church, and of the several Churches erected or to be erected in the Province in connexion with the Church of Scotland."	778
7.	An Act in addition to the Laws now in force for establishing a legal tender in all payments to be made in this Province.	ib.
8.	An Act to authorise the erection of a Toll Bridge over the River Kennebecasis in King's County.	779
9.	An Act for the punishment of persons who shall be guilty of the Trespasses therein mentioned in the City of Saint John.	781
10.	An Act to incorporate the Saint John Mechanics' Whale Fishing Company.	782
11.	An Act for the commutation of His Majesty's Quit Rents in the Province of New Brunswick.	786

6 GULIELMI IV.

1.	An Act for the better regulating of the office of Sheriff in this Province.	788
2.	An Act in amendment of the Act relating to Highways.	792
3.	An Act to regulate the election of Church Wardens and Vestrymen in the Parish of Portland, in the County of Saint John, and to extend such regulations to other Parishes where the sittings in the Church may be free and open.	794
4.	An Act to provide for the collection of the Revenue of this Province.	796
5.	An Act to continue the Laws relating to the Fisheries in the County of Northumberland.	812

TITLES OF THE ACTS.

xiv.

CHAPTER.

PAGE.

6.	An Act to continue an Act, intituled " An Act to regulate the assizè of Bread in the Towns of Newcastle and Chatham, in the County of Northumberland."	813
7.	An Act to continue an Act, intituled " An Act to amend the Law relative to the sales of Spirituous Liquors by Tavernkeepers and Retailers within the County of Saint John, and for the more effectual prevention and punishment of drunkenness."	ib.
8.	An Act to continue the Act imposing a duty on Rum and other Liquors distilled within the Province.	ib.
9.	An Act to establish the Road leading from Houlton to Woodstock one of the Great Roads of Communication in this Province.	814
10.	An Act in addition to an Act, intituled " An Act for the endowment of King's College at Fredericton in the Province of New Brunswick, and also to make new provisions for the establishment and support of Grammar Schools throughout the Province."	ib.
11.	An Act to continue an Act, intituled " An Act to grant a bounty on the destruction of Bears in this Province."	815
12.	An Act to amend and explain an Act passed in the fifth year of the present reign, intituled " An Act to authorise and empower the Justices of the Peace for the County of Charlotte to lease a part of the public landing at Salt Water in the Parish of Saint Stephen."	ib.
13.	An Act to continue the Act to provide for the payment of interest on Warran's.	ib.
14.	An Act to provide for reporting and publishing the decisions of the Supreme Court.	816
15.	An Act to authorise the Justices of the Peace for Queen's County to assess the inhabitants for erecting and building a Court House in said County.	ib.
16.	An Act to authorise the Justices of the Peace in the County of York to make further provision for the payment of the Treasurer of that County.	817
17.	An Act to authorise the Magistrates of the County of Charlotte to levy an assessment to pay off the County debt.	ib.
18.	An Act relating to Corporations.	818
19.	An Act to make perpetual an Act, intituled " An Act to provide for the punishment of cruelty to animals."	ib.
20.	An Act to explain, amend and in addition to an Act, intituled " An Act to make more effectual regulations relating to Pilots within this Province."	ib.
21.	An Act to regulate the fencing, occupation and grazing of the several marshes, lowlands and meadows in the County of Westmorland.	819
22.	An Act in addition to the Acts regulating the truckage of Goods and the measurement of Coals and Salt.	821
23.	An Act to authorise the Trustees and Directors of the Grammar School in the County of Northumberland to sell and dispose of the School House together with the land thereto attached.	822
24.	An Act to continue an Act relating to Parish Schools.	ib.
25.	An Act to prevent disorderly riding on Streets and Highways in this Province.	ib.
26.	An Act to provide for the erecting of fences with gates across highways leading through the sand beaches and marshes in the County of Kent.	824
27.	An Act for the appointment of Firewards in the Parish of Woodstock.	825
28.	An Act to provide for the expenses of the Speaker and Members of the House of Assembly.	829
29.	An Act in amendment of the Acts relating to Trespasses.	ib
30.	An Act to authorise certain persons to build a bridge across the Kennebeccâs River in the Parishes of Hampton and Kingston, in King's County.	830
31.	An Act to incorporate the Saint Andrews and Quebec Rail Road Company.	831

CHAPTER.	PAGE.
32. An Act to incorporate sundry persons by the name of the President, Directors and Company of the Saint Stephen's Bank, in the County of Charlotte.	843
33. An Act to prescribe certain general regulations in respect to Corporations	851
34. An Act for altering the terms of holding the Court of the Governor and Council for causes of Marriage and Divorce.	852
35. An Act to regulate Pawn Brokers within this Province.	853
36. An Act for more effectually securing the liberty of the subject by enforcing the execution of writs of Habeas Corpus.	857
37. An Act imposing duties upon certain articles imported into this Province for the purpose of Revenue.	858
38. An Act to appropriate a part of the public Revenue to the payment of the ordinary services of the Province.— <i>Omitted in this edition.</i>	860
39. An Act to appropriate a part of the public Revenue for the services therein mentioned.— <i>Omitted in this edition.</i>	861
40. An Act to provide for opening and repairing Roads and erecting Bridges throughout this Province.— <i>Omitted in this edition.</i>	ib.
41. An Act relating to insolvent confined Debtors.	ib.
42. An Act to establish the road leading from Connick's, at Waweig in the County of Charlotte, to the lower bridge over the river Saint Croix, as one of the great roads of communication.	868
43. An Act for the limitation of actions and suits relating to real property and for simplifying the remedies for trying the rights thereto.	ib.
44. An Act in addition to an Act, 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."	874
45. An Act to amend and explain an Act, intituled "An Act to alter the names of certain parts of three Parishes in the County of York, and to erect two separate Parishes therein."	875
46. An Act in addition to 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 Milltown, and its immediate vicinity."	ib.
47. An Act in addition to "An Act for regulating Juries and declaring the qualifications of Jurors."	876
48. An Act to amend the Law relating to the summary practice in the Inferior Court of Common Pleas.	877
49. An Act for rendering a writing necessary to the validity of certain promises and engagements.	878
50. An Act to authorise 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 House of Correction, and to raise a sum of money for erecting and completing the same.	879
51. An Act relating to the limitation of personal actions.	881
52. An Act to make provision for carrying on the affairs of the Savings Bank at Saint John.	883
53. An Act to enable the Governor and Trustees of the Madras School to dispose of certain parts of their Lands.	884
54. An Act to enable the Corporation of King's College to dispose of certain parts of their Lands.	885
55. An Act to incorporate the Central Fire Insurance Company of New Brunswick.	886
56. An Act to incorporate sundry persons by the name of the President, Directors and Company of the City Bank.	895
57. An Act to provide for the further increase of the capital stock of the Bank of New Brunswick, and to amend and continue the Act for incorporating the said Bank.	902
58. An Act to increase the capital stock of the Central Bank of New Brunswick, and to amend the Act incorporating the same.	906

TITLES OF THE ACTS.

xlvii.

CHAPTER.

PAGE.

59.	An Act to incorporate the Shediac and Saint John Rail Road Company.	909
60.	An Act to incorporate the Bay Verte Canal Company.	914
61.	An Act to incorporate the Lancaster Mill Company.	919
62.	An Act for the incorporation of the Saint John Stage Coach Company.	921
63.	An Act to incorporate the Saint John Hotel Company.	922
64.	An Act to incorporate the Fredericton Hotel and Stage Coach Company.	924
65.	An Act to incorporate the Restook Upper Mill Company.	926
66.	An Act to incorporate the Woodstock and Fredericton Stage Coach Company.	928
67.	An Act to incorporate the Restook Lower Mill Company.	929
68.	An Act to incorporate the Tobique Mill Company.	930
69.	An Act to incorporate the Saint Stephen's Whale Fishing Company.	933
70.	An Act to incorporate the Chamcook Mill and Factory Company.	936
71.	An Act to incorporate the Fredericton Mill and Manufacturing Company.	937
72.	An Act to incorporate the Portland Mills and Manufacturing Company.	938
73.	An Act to incorporate the New Brunswick Mill Company.	ib.



THE ACTS

OF THE

GENERAL ASSEMBLY, &c.

Anno Regni GEORGII III. Regis Vicesimo Sexto.

AT the General Assembly of the Province of New Brunswick, begun and holden at the City of Saint John, on the third day of January, in the year of our Lord One thousand seven hundred and eighty-six, and in the twenty-sixth year of the Reign of our Sovereign Lord George the Third, by the grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth; being the first Session of the first Assembly convened in the said Province.

CAP. I.

An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes.

WHEREAS His most gracious Majesty, by his Royal Letters Patent under the Great Seal of this Province, bearing date the Eighteenth day of May, One thousand seven hundred and eighty-five, was pleased to erect and constitute into one distinct and separate County, all that tract or district of Land situate in this Province, bounded southerly on the Bay of Fundy, easterly by Hopewell Township, and a line running from the north-west corner of said Township, due north into the Country, northerly by a line running east-north-east, and west-south-west, from the southern-most point of the Keenebeckacis Island, lying at the mouth of the river Kennebeckacis, where it joins the river Saint John, and westerly by a due north line from point Le Proe, in the Bay of Fundy aforesaid. And did thereby ordain, establish and declare that all and singular the Lands and Waters comprised within the limits aforesaid, should forever thereafter be, continue and remain a distinct and separate County, and including the City of Saint John, should be called, known and distinguished by the name of *The City and County of Saint John.*

Preamble describing the several Counties in the Province, viz.

Saint John.

22 Westmorland.

And whereas by like Letters Patent since passed, His Majesty was further pleased to erect and constitute into one distinct and separate County, all that tract or district of Land situate in this Province, bounded easterly by the Province of Nova-Scotia, and the Gulf of Saint Lawrence, northerly by a due west line running into the Country from the northern-most point of the large Island in the mouth or entrance of Chediack bay or harbour, westerly by a line beginning at a point in the north boundary line of Saint John's County, due north from Quaco Head in the Bay of Fundy, and running north into the Country until it meets said west line, and southerly by the County of Saint John aforesaid, and the Bay of Chignecto, and did thereby ordain, establish and declare, that all and singular the Lands and Waters comprised within the limits aforesaid, should forever thereafter be, continue and remain a distinct and separate County, to be called, known and distinguished by the name of *The County of Westmorland*.

Charlotte.

And whereas by like Letters Patent since passed, His Majesty was pleased to erect and constitute into one distinct and separate County, another tract or district of Land, situate in the western part of this Province, bounded on the south by the Bay of Fundy, on the west by the river Scudiac or Saint Croix, and the western shore of the Bay of Passamaquoddy, including the Island of Grand Manan, on the east by a due north line from point Le Proe in said Bay of Fundy running into the Country, and on the north by a due west line commencing in the said north line thirty miles distant from point Le Proe aforesaid. And did thereby ordain, establish and declare that all and singular the Lands and Waters comprised within the limits aforesaid, should forever thereafter be, continue and remain a distinct and separate county, to be called, known and distinguished by the name of *The County of Charlotte*.

b Northumberland.

And whereas by like Letters Patent since passed, another tract or district of Land lying within this Province, bounded southerly by the County of Westmorland, easterly by the Gulf of Saint Lawrence, and the Baie des Chaleurs, northerly by the said Bay and the southern boundary of the Province of Quebec, and westerly by a continuation of the western boundary line of the said County of Westmorland, was also erected into one distinct and separate County, to be called and known by the name of *The County of Northumberland*.

c King's County.

And whereas by like Letters Patent in like manner since passed, another tract or district of Land, lying within this province, on both sides the river Saint John, bounded on the south by the County of Saint John, on the west by Charlotte County, on the east by the Counties of Westmorland and Northumberland, and on the north by a line running south-west and north-east from the south point of Spoon Island, lying in Saint John's river, was also erected into one distinct and separate County, to be called and known by the name of *King's County*.

c Queen's County.

And whereas by like Letters Patent in like manner since passed, another tract or district of Land, lying within this Province, on both sides the river Saint John, bounded on the south-east by King's County, on the south-west by Charlotte County, on the north-east by the County of Northumberland, and on the north-west by the south boundary line of Burton Township, and by a continuation of the said line to the north-east and south-west until it meets the Counties of

^a See further, 27 G. 3, C. 7, for Western Boundary.

^b Boundaries further designated by 43 G. 3, C. 4, S. 1. Divided into three Counties by 7 G. 4, C. 31.

^c See 27 G. 3, C. 7, for Eastern Boundary.

of Northumberland and Charlotte respectively; was also erected into one distinct and separate County, to be called and known by the name of *Queen's County*.

And whereas by like Letters Patent, in like manner since passed, another tract or district of Land, lying within this Province on both sides the river Saint John, bounded on the south-west by Charlotte County, on the north-east by the County of Northumberland, on the north-west by the Province of Quebec, and on the south-east by the north boundary line of the Township of Magerville, and by the said line continued to the north-east till it meets the western bounds of Northumberland County, and south-west to the eastern bounds of the County of Charlotte, was also erected into one distinct and separate County, to be called and known by the name of *The County of York*.

And whereas by like Letters Patent, in like manner since passed, *The County of Sunbury* was limited and bounded on the north-west by the County of York, on the north-east by the County of Northumberland, on the south-east by Queen's County, and on the south-west by the County of Charlotte.

And whereas His Majesty did further grant and declare in the said Letters Patent respectively, that his loving subjects then residing and who thereafter should inhabit within the said Counties respectively, might at their own charge erect a Court House and Gaol in each of the said Counties, viz. at *The City of Saint John*, in *The County of Saint John*; at *Westmorland*, in *The County of Westmorland*; at *Saint Andrews*, in *The County of Charlotte*; at *Kingston*, in *King's County*; at *Gagetown*, in *Queen's County*; and at *Fredericton*, in *The County of York*; which said several Towns were thereby declared to be the County Towns of the said Counties respectively.

And whereas the said several lines limiting and bounding the said respective Counties, cannot in the present condition of the Province be surveyed and finally ascertained, notwithstanding which it is at present necessary that the said several Counties be subdivided into Towns or Parishes, for the more convenient and orderly distributions of the respective Inhabitants, to enable them in their respective districts to fulfil the several duties incumbent on them, and for the better administration of Justice through the same.

I. Be it therefore enacted by the Governor, Council and Assembly, That the said several Counties so bounded and limited as aforesaid, shall be, continue and for ever remain distinct and separate Counties, to be called, known and distinguished by their respective names as aforesaid, and that they shall be, and are hereby respectively subdivided into Towns or Parishes as follows, viz.—

II. The said County called *The County of Saint John*, exclusive of the City of Saint John, shall be divided into three Towns or Parishes, as follows, viz. the first Town or Parish to be called, known and distinguished by the name of *Portland*, bounded on the south by the Bay of Fundy, the eastern shore of the harbour of Saint John, and the several northern bounds and limits of the said City of Saint John, on the east by the eastern boundary line of Lot No. 1, granted to Samuel Hughes, continued to the northern boundary line of the County, said eastern boundary line running from the shore of the Bay of Fundy—north fifteen degrees west—on the north by the northern boundary line of said County, and on the west by the eastern shore of the river Saint John, to the limits of the said City.—The second Town or Parish to be called, known and

d York.

Sunbury.

Court Houses
and Gaols to be
erected.At the City of
Saint John;
At Westmor-
land;
At Saint An-
drews;
At Kingston;
At Gagetown;
At Fredericton.Counties subdivi-
ded into Par-
ishes.Parishes in the
County of Saint
John.

Portland.

e Saint Martins. and distinguished by the name of *Saint Martin's*, bounded on the south by the Bay of Fundy, on the east by the eastern boundary line of the County, on the north by the northern boundary line of the County, and on the west by the eastern boundary line of the said Town or Parish of Portland.—The third Town or Parish to be called, known and distinguished by the name of *Lancaster*, bounded on the south by the Bay of Fundy, on the east by the western limits of the said City of Saint John and the western shore of the river Saint John, on the north by the northern boundary line of the County, and on the west by the western boundary line of the same.

Parishes in
Westmorland
viz —
f Westmorland
Sackville,
Hopewell,
Hillsborough,
Moncton.

III. The said County called *The County of Westmorland*, shall be divided into five Towns or Parishes, to be called, known and distinguished by the following names, viz. *The Town or Parish of Westmorland*, *The Town or Parish of Sackville*, *The Town or Parish of Hopewell*, *The Town or Parish of Hillsborough*, and *the Town or Parish of Moncton*; the same Towns or Parishes to be bounded as in and by the several Letters Patent or Grants of the said Towns, under the Great Seal of the Province of Nova Scotia, the said Towns are bounded and described, which bounds and descriptions are hereby ratified and confirmed as fully and effectually as if the same were in this Act particularly repeated and expressed.

Parishes in
Charlotte:—

g St. Stephen.

IV. The said County called *Charlotte County*, shall be divided into seven Towns or Parishes, as follows, viz. the first Town or Parish to be called, known and distinguished by the name of *Saint Stephen*, beginning at the southerly bounds of Lot number one hundred and thirteen, on the west side of Oak Point Bay, thence bounded northerly and easterly by the southerly line of the said Lot, and of Lot number one in the back location, the easterly lines of the grant to Nehemiah Marks and others, to the most northerly angle of said grant, and by the continuation of the northerly line of said grant to the river Saint Croix, thence westerly and southerly by the bank or shore of said river, and the westerly shore of Oak Point Bay, to the first bounds—the second Town or Parish to be called, known and distinguished by the name of *Saint David*, bounded westerly by the said Town of Saint Stephen, and the westerly lines of a grant to the Cape Ann Association, northerly and easterly by the lines of said grant, and the back line of the Lots laid out on the east side of Oak Point Bay, and the continuation of that line 'till it meets the southerly line of the Cape Ann Association, southerly by the west side of the Waughweig, from the back line of Lot number eighty-two, and round Oak Point to the beginning of said Town of Saint Stephen.

Saint David.

h St. Andrews.

The third Town or Parish to be called, known and distinguished by the name of *Saint Andrews*, bounded westerly by the back line of Lots on the east side of Oak Point Bay, (from whence its continuation meets the southerly line of the Cape Ann Association and the Waughweig) and by the shores of Waughweig and Saint Croix Bay, including Saint Andrews' Island, southerly by the shores of Passamaquoddy Bay, to the division line between Lot number twenty and Lands reserved for a Glebe, Minister and School, including Champcook Island,
easterly

e Persons arrested in Saint Martin's may be conveyed to Gaol at the City of Saint John by the public Road which passes through a part of King's County. See 50 G. 3, C. 1.

f See further, 27 G. 3, C. 7, S. 1, erecting Dorchester and Salisbury—41 G. 3, C. 6, making Dorchester the Shire Town—45 G. 3, C. 18, erecting Parish of Botsford—8 G. 4, C. 13, erecting Shediac, and 5 W. 4, C. 15, altering Boundaries of Moncton and Dorchester.

g Enlarged by 53 G. 3, C. 2. See also 4 G. 4, C. 11, erecting a part of the Parish and adjacent Country into a separate Parish, called Saint James.

h See post Sec. 10 of this Act making Saint Andrews the Shire Town.

easterly by a line running from the rear line of said Lot number twenty, to the southerly line of the Cape Ann Association, the said line dividing in its extent two ranges of Lots laid out in the back location, and northerly by a part of the southerly line of Cape Ann Association.

The fourth Town or Parish to be called, known and distinguished by the name of *Saint Patrick*, bounded westerly by the said Town of Saint Andrews, northerly by the southerly line of the Cape Ann Association, and the continuation thereof until it meets the line bounding the surveys, allotments and grants, on the western side the Maggaugaudavick, to the rear or westward, easterly by the continuation of the last described line, following its several courses until it meets the bay of Passamaquoddy, there forming the western bounds of Land granted Philip Bailey and others, southerly by the shores of Passamaquoddy Bay, from the last bounds to the eastern bounds of said Town of Saint Andrews, including all the Islands within two miles of the shore in this extent. i Saint Patrick.

The fifth Town or Parish to be called, known and distinguished by the name of *Saint George*, bounded westerly by the said Town of Saint Patrick, northerly by the continuation of the northerly line of the same Town of Saint Patrick, crossing the Maggaugaudavick, to the rear or easterly line of the surveys, allotments and grants on the east side of that river, easterly by the said line and by the northerly and easterly lines of Captain Clinch's grant to Etang river, thence by the easterly shore of that river and the southerly shore of the coast to the Bay of Passamaquoddy, and by the easterly shore of that Bay crossing the mouth of the Maggaugaudavick, and running by the said easterly shore to the eastern limits of the said Town of Saint Patrick, including all Islands within two miles of the shore. k Saint George.

The sixth Town or Parish to be called, known and distinguished by the name of *Pennfield*, bounded westerly by the said Town of Saint George, and the easterly shore of Etang river, southerly by the shore of the Bay of Fundy from Etang river to Point Le Proe, easterly by the County line, northerly by the continuation of the northerly line of the said Town of Saint George, until it meets the County line including Wolf Islands, and the Islands in Maise's Bay. Pennfield.

The seventh Town or Parish to be called, known and distinguished by the name of *West-Isles*, to contain *Deer Island, Campo-Bello Island, Grand Manan Island, Moose Island, Frederick Island and Dudley Island*, with all the lesser Islands contiguous to them, not included in the Towns before-mentioned. l West-Isles.

V. The said County called *King's County*, shall be divided into four Towns or Parishes, as follows, viz. the first Town or Parish to be called, known and distinguished by the name of *Westfield*, bounded by a line running from the mouth of a Creek which discharges into the Long Reach at Devil's Head, north-west to the County line, and south-east to the north-west shore of Kennebeckacis Bay, and thence crossing the said Bay, to the point where the County line strikes the south-east shore of said Bay. Parishes in King's County, — m Westfield.

The second Town or Parish to be called, known and distinguished by the name of *Sussex*, beginning at the point where the County line strikes the south-east shore of Kennebeckacis Bay, and continuing along the same to the lower boundary n Sussex.

i Enlarged by 54 G. 3, C. 15, S. 1.

k Enlarged by 54 G. 3, C. 15, S. 2.

l See 43 G. 3, C. 4, S. 2, making Campo Bello a separate Parish, and 56 G. 3, C. 10, making Grand Manan a distinct Parish.

m Boundaries altered and Parishes of Norton, Greenwich and Hampton erected by 35 G. 3, C. 3— Hampton divided and Upham erected by 5 W. 4, C. 33.

boundary line of a grant to Studholme, Baxter, and others, thence north to the north-west angle of the said grant, and thence north sixty-five degrees east, to the boundary line of the County.

m Springfield.

The third Town or Parish to be called, known and distinguished by the name of *Springfield*, beginning on the County line six miles north-east from its commencement at the lower point of Spoon Island, and running thence to the rear of the Lots laid out on the north-east side of Belisle Bay, at the division line between numbers nineteen and twenty, thence crossing the Bay to a designed Road between numbers one and eight of the Lots on the south-east side of said Bay, thence along said Road and the rear of the same Lots to the division line between numbers sixteen and seventeen in the back Settlements, and along that line to the rear of the Kingston Lots, and along the rear of the Kingston Lots to the Town of Sussex.

m Kingston.

The fourth Town or Parish to be called, known and distinguished by the name of *Kingston*, beginning at the point where the first described line of the Town of Westfield strikes the north-west shore of Kennebeckacis Bay, and bounded on the south-west by said line, on the north-west by the upper line of the County, to the commencement of the Town of Springfield, thence along the boundary of the same Town till it strikes the line of the Town of Sussex, at the said grant to Studholme, Baxter, and others, and thence along the boundary line of the same Town of Sussex, to the place of beginning, including Darling's Island, and Long Island.

Parishes in
Queen's
County:—
n Wickham.

VI. The said County called *Queen's County*, shall be divided into four Towns or Parishes, as follows, to wit: the first Town or Parish to be called, known and distinguished by the name of *Wickham*, on the east side the river Saint John, bounded southerly by the lower County line, westerly by the river Saint John, to the lower bounds of Lieutenant Colonel Spry's Lands, northerly by a line running from the said lower bounds of said Land north fifty-four degrees east, thirty miles, easterly by a line running from said extent south, thirty degrees east, until it strikes the lower County line, including the lower Musquash Island.

n Waterbo-
rough.

The second Town or Parish to be called, known and distinguished by the name of *Waterborough*, on the east side the river Saint John, bounded southerly by the said Town of Wickham, easterly by the continuation of the back line of the same Town of Wickham, north thirty degrees west, until it strikes the upper County line, northerly by said County line, and westerly by the river Saint John.

Hampstead.

The third Town or Parish to be called, known and distinguished by the name of *Hampstead*, on the west side the river Saint John, bounded southerly by the lower County line, easterly by the river Saint John, to the division line between Nathaniel Jarvis's Lot number thirty-eight, and George Sweet's Lot number thirty-seven in the Gage-Town grant, northerly by said division line to the rear of said Lots, thence by a line running south fifty-two degrees west to the easterly line of Charlotte County, and westerly by Charlotte County, including Long Island, Upper Musquash Island, and Spoon Island.

o Gagetown.

The fourth Town or Parish to be called, known and distinguished by the name of *Gage-Town*, on the west side the river Saint John, bounded southerly by the said Town of Hampstead, easterly by the river Saint John, northerly by the

n Brunswick erected in rear of Wickham and Waterborough by 56 G. 3, C. 27. Waterborough divided and Canning erected, 8 G. 4, C. 12. Brunswick and Canning divided and Chipman erected, 5 W. 4, C. 23.

o Made the Shire Town, See post Sec. 10.

the upper County line, and westerly by Charlotte County, including Grimross Island.

VII. The said County called *The County of Sunbury*, shall be divided into four Towns or Parishes as follows, to wit: the first Town or Parish to be called, known and distinguished by the name of *Burton*, on the west side the river Saint John, bounded southerly by the lower County line, easterly by the river Saint John to the Oromocto, northerly by a line running up said River along the middle of its channel to the point of Land at its forks in Shearman's grant, thence by a line running south fifty-five degrees west, to the easterly line of Charlotte County, and westerly by Charlotte County, including Mager's and Ox Islands.

Parishes in
Sunbury:—

p Burton.

The second Town or Parish to be called, known and distinguished by the name of *Lincoln*, on the west side the river Saint John, bounded southerly by the said Town of Burton, easterly by the river Saint John, to the lower line of York County, northerly by said County line, and westerly by Charlotte County.

p Lincoln.

The third Town or Parish to be called, known and distinguished by the name of *Sheffield*, on the east side the river Saint John, bounded southerly by the lower County line, westerly by the river Saint John to the lower line of Nathaniel Underhill's Lot, northerly by said line of said Lot, and its continuation twenty-five miles easterly from the river Saint John, easterly by a line running from the extent of the last line south forty-five degrees east, until it meets the lower County line, including Middle Island.

Sheffield.

The fourth Town or Parish to be called, known and distinguished by the name of *Magerville*, on the east side the river Saint John, bounded southerly by said Town of Sheffield, westerly by the river Saint John, to the lower line of York County, northerly by said County line until it meets the continuation of the easterly line of the said Town of Sheffield, running north forty-five degrees west, twenty-five miles from the river Saint John, on the continuation of Nathaniel Underhill's Lot, and easterly by the said continuation of the easterly line of the said Town of Sheffield, including Oromocto Island.

Magerville.

VIII. The said County called *York County*, shall be divided into seven Towns or Parishes, as follows, to wit: The first Town or Parish to be called, known and distinguished by the name of *Fredericton*, bounded on the south-east by the lower line of the County of York, on the north-west by the lower line of the grant to Colonel Isaac Allen and others, to its south angle, on the south-west by a line running from that angle south-east to the lower line of the County, on the north-east by the shore of the river Saint John.

q Parishes in
York County:—

r Fredericton.

The second Town or Parish to be called, known and distinguished by the name of *Kingsclear*, bounded on the south-east by the Town of Fredericton and the lower line of the County, on the north-west by the lower line of the Town of Prince William, and a continuation thereof, twelve miles into the Country, on the south-west by a line running from thence south-east to the lower line of the County, and on the north-east by the shore of the river Saint John, including the Islands in front.

Kingsclear.

The third Town or Parish to be called, known and distinguished by the name of *Prince William*, bounded on the south-east by the upper boundary line of the

s Prince Wil-
liam.

p Burton made the Shire Town, post Section 10. The Parish of *Burtonville* erected from parts of Burton and Lincoln by 4 W. 4, C. 42.

q See 43 G. 3, C. 5; and 2 G. 4, C. 22, erecting Parishes of Wakefield and Kent which now form part of *Carleton*.

r Made the Shire Town, post Section 10.

s Divided and part included in *Dumfries*. See 3 W. 4, C. 38.

the Town of Kingsclear, on the north-west by the lower line of block number four, on the upper boundary line of a grant to Edward Winslow, Esquire, and by a continuation of the same south-west into the Country, on the south-west by a continuation of the south-west boundary line of the Town of Kingsclear, and on the north-east by the shore of the river Saint John, including the Islands in front.

Woodstock.

The fourth Town or Parish to be called, known and distinguished by the name of *Woodstock*, bounded on the south-east by the north-west boundary line of the Town of Prince William, extended twelve miles into the Country, on the north by the upper boundary line of a grant to the second battalion of Delancey's, and a continuation thereof west into the Country twelve miles from the River, westerly and southerly by a line running from thence till it strikes the continuation of the upper boundary line of a grant to John Munroe, twelve miles from its commencement on the shore of the river Saint John, thence running south-easterly till it strikes the upper corner of the south-east boundary line, and easterly by the shore of the river Saint John, including all the Islands in front.

v Saint Mary's.

The fifth Town or Parish to be called, known and distinguished by the name of *Saint Mary's*, bounded on the south-east by the lower line of the County running thereon thirty miles, westerly and north-westerly by the river Madam Keswick, to the upper boundary line of Lands laid out for the New York Volunteers, and by a continuation of the said line north-east into the Country, on the north-east by a line running from the upper corner of the south-east boundary line north-west, till it meets the north-west boundary line.

v Queensbury.

The sixth Town or Parish to be called, known and distinguished by the name of *Queensbury*, bounded by the river Madam Keswick, 'till it comes opposite the upper line of Lands laid out for the New York Volunteers, thence by a line running west 'till it meets the continuation of the lower boundary line of a tract of Land laid out to Captain Cunliffe and others, at the entrance of the Narcawegack Creek, thence by that line to the shore of the River and by the shore of the river Saint John to the Madam Keswick.

t Northampton.

The seventh Town or Parish to be called, known and distinguished by the name of *Northampton*, bounded on the south-east by the north-west boundary line of the Town of Queensbury, extended twelve miles into the Country, on the north-east by a line running from thence north-westerly to the mouth of a River which discharges into the river Saint John, at the upper boundary of block number seven, about two miles and a quarter above the upper end of Pine Island, on the north-west and south-west by the shore of the river Saint John.

w Parishes in
Northumber-
land:—

Newcastle.

IX. The said County of *Northumberland*, shall be divided into two Towns or Parishes as follows. viz: the first Town or Parish to be called, known and distinguished by the name of *New-Castle*, bounded southerly by the north boundary line of the County of Westmorland, easterly by the sea-coast, including the Islands in front to the northernmost point of Waltham Island, northerly by a due west line from said point extended 'till it meets a north line drawn from Okean river, a branch of the river Miramichi.

The

t The erection of the County of Carleton by 1 W. 4, C. 50, divided the Parishes of Woodstock and Northampton, the parts remaining in York made Dumfries and Southampton by 3 W. 4, C. 38.
v Saint Mary's and Queensbury, divided and parts included in the Parish of Douglas erected by 5 G. 4, C. 27, S. 1; division lines of Douglas and Queensbury altered, 5 W. 4, C. 32.
w See 54 G. 3, C. 17, altering the Boundaries of these Parishes and erecting nine others, and see also 7 G. 4, C. 31 dividing the County and erecting Kent and Gloucester.

The second Town or Parish to be called, known and distinguished by the name of *Alnwick*, bounded southerly by the north line of said Town of New-Castle, easterly by the sea-shore, including the Islands in front, to the north side of the mouth of Trachady river, northerly by a due west line from the said north side of the mouth of said river 'till it meets the continuation of the western line of the said Town of New-Castle. All which said lines of the said Towns in the respective Counties herein before mentioned are intended and to be considered as lines run by the magnet and not otherwise.

Alnwick.

Lines of Towns run by the magnet.

X. And be it further enacted, That the said Town of *Westmorland* in the County of *Westmorland*, the said Town of *Saint Andrews* in the County of *Charlotte*, the said Town of *Kingston* in *King's County*, the said Town of *Gage-Town* in *Queen's County*, the said Town of *Burton*, in the County of *Sunbury*, the said Town of *Frederickton* in the County of *York*, and the said Town of *New-Castle* in the County of *Northumberland*, shall be for ever hereafter the Shire or County Towns of the said Counties respectively. Provided, That in the County of *Sunbury* the courts may be held in the Town of *Magerville*, until such time as a convenient Court House and Gaol shall be erected in the said Town of *Burton*.

Shire or County Towns, viz:—
x Westmorland.
St. Andrews.
Kingston.
Gagetown.
Burton.
Frederickton.
New-Castle.

CAP. II.

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.

“WHEREAS it is necessary as well for ascertaining the Rights of the Crown as for ascertaining and securing the Rights and Estates of His Majesty's subjects in this Province, that all Grants of Lands should be publicly registered.”

Preamble.

I. Be it enacted by the Governor, Council and Assembly, That all Letters Patent and Grants heretofore made and passed under the Great Seal of the Province of Nova-Scotia, of Lands, Tenements, Hereditaments, now situate, lying and being within this Province, shall and may be registered at full length by the several Grantees therein named, their several and respective heirs and assigns in the office of the Secretary and Register of the Records of this Province, within the space of one year.

Letters Patent under the Great Seal of Nova Scotia, of Lands, &c. in this Province, to be registered in this Province.

II. And be it further enacted, That the said several Grantees, their several and respective heirs and assigns, may, within the said term of one year, produce to the Secretary and Register, to be by him entered and registered as aforesaid, any and all such Letters Patent and Grants so made and passed as aforesaid, under the Great Seal of the said Province of Nova-Scotia, or a copy and copies of the same, duly attested and authenticated by and under the hand of the Register of the said Province of Nova-Scotia, or exemplified under the Great Seal of the same Province. And the said Secretary and Register of the Records of this Province is hereby authorized and required to register at full length among the Records of Letters Patent and Grants of Lands made and passed under the Great Seal of this province, all such Letters Patent and Grants made under the Great Seal of the said province of Nova-Scotia, and such copy or copies thereof so duly attested, authenticated and exemplified as aforesaid.

Secretary and Register to register Letters Patent and Grants of Nova Scotia.

III.

Letters Patent of Nova Scotia, not registered within one year, to be void.

III. And be it further enacted, That if any Grantee or Grantees, their several and respective heirs and assigns, shall neglect to register in manner as is here-
in provided, any Letters Patent, Grant or Grants, made and passed under the Great Seal of the Province of Nova-Scotia, of Lands, Tenements and Hereditaments, now situate, lying and being within this Province, for a longer term than the said space of one year, such Grantee and Grantees, their several and respective heirs and assigns, shall be for ever after precluded and barred, of and from all rights, title and claim, in and to such Lands, Tenements and Hereditaments, in any such Letters Patent or Grants contained, and all such Letters Patent and Grants not registered as aforesaid, within the term aforesaid, shall be vacated and cancelled, and are hereby declared to be null and void, and of no effect in law against the King's Majesty, his heirs and successors, or against any Grantee under the Great Seal of this Province.

CAP. III.

^a An Act for the Public Registering of all Deeds, Conveyances, and Wills, and other incumbrances which shall be made of, or that may affect any Lands, Tenements, or Hereditaments, within this Province.

Preamble.

“WHEREAS by the different and secret ways of transferring, conveying, and incumbering Lands, Tenements and Hereditaments, such as are illdisposed have it in their power to commit frauds, whereby persons who purchase Lands, or lend Monies on Land security, are liable to be injured in their purchases and Mortgages, and to be utterly ruined by prior and secret conveyances and fraudulent incumbrances; for preventing whereof:”

Deeds Conveyances and Wills, may be registered.

I. Be it enacted by the Governor, Council and Assembly, That all Deeds and Conveyances which shall hereafter be made and executed, and all Wills and Devises in writing, made or to be made and published, where the Devisor or Testatrix shall hereafter die of or concerning, and whereby any Lands, Tenements or Hereditaments in this Province, may be any way affected in Law or Equity, may be registered at full length in such manner as is herein after directed; and that every such Deed and Conveyance, that shall any time hereafter be made and executed, shall be adjudged fraudulent and void, against any subsequent Purchaser or Mortgagee for valuable consideration, unless such Deed and Conveyances be registered as by this Act is directed, before the registering of the Deeds or Conveyances under which such subsequent Purchaser or Mortgagee shall claim; and that every such Devise by Will shall be adjudged fraudulent and void against any subsequent Purchaser or Mortgagee for valuable consideration, unless such Will be registered at such times and in such manner as is herein after directed.

Fraudulent and void against subsequent purchaser, unless registered.

^b Registry Office erected in each County.

II. And for the better settling and establishing a certain method, with proper rules and directions for registering such Deeds, Conveyances and Wills as aforesaid, Be it further enacted, That in each and every County in this Province, there shall be erected and established one Public office for registering such Deeds, Conveyances and Wills, of and concerning any Lands, Tenements and Hereditaments, that are situate, lying and being within such County and Counties

^a See British Statute, 7 Anne, C. 20:—and see 8 G. 4, C. 8, as to registering Memorials of Judgments and Recognizances.

^b Provision for erecting buildings for County Records, 4 W, C. 26. Notices of Sheriffs' Sales of Lands to be advertised at Register's Office, 8 G. 4, C. 7, S. 6.

ties respectively; to be managed and executed by such fit and able person and persons as shall thereto be nominated and appointed by the Governor or the Commander in Chief of the Province.

Registers.

To be Sworn.

III. And be it further enacted, That all and every such Register and Registers, shall, before he or they enter upon the execution of the said office, be sworn before two of His Majesty's Justices of the Peace quorum unus, in the County where such Registers are respectively appointed, or before one of His Majesty's Justices of the Supreme Court of Judicature, well, truly and faithfully to execute the same office, which oath such Justices are severally empowered and required to administer.

IV. And be it further enacted, That if any such person or persons so appointed Register or Registers as aforesaid, shall be guilty of any neglect, misdemeanor, or fraudulent practice in the execution of the said office and offices respectively, such Register or Registers so guilty as aforesaid, and being lawfully convicted thereof, shall be liable to pay treble damages with full costs of suit, to every person that shall be injured thereby, to be recovered by action of debt, bill, plaint or information, in any of His Majesty's Courts of Record in this Province.

Guilty of neglect &c. to pay treble damages and costs.

V. And be it further enacted, That every such Deed, Conveyance and Will, or Probate of the same, which is so to be registered aforesaid, shall be produced to the said Register and Registers at the time of entering and registering the same, who shall indorse a Certificate on every such Deed, Conveyance and Will, or Probate thereof, and therein mention the certain day on which such Deed, Conveyance or Will is so entered or registered, expressing also, in what book, page and number, the same is entered and registered, and shall sign the said Certificate when so indorsed; which Certificate shall be taken and allowed as evidence of such respective Registers in all Courts of Record whatsoever; and every page of such Register books, and every Deed, Conveyance and Will, which shall be entered and transcribed therein, shall be numbered, and the year and day of the month when every such Deed, Conveyance and Will are received, entered and registered, shall be entered in the said Register books; and every Register shall duly enter and register all Deeds, Conveyances and Wills, or Probate of the same, in the same order that they shall respectively come to his hands.

Certificate of Registry.

To be allowed as evidence.

Pages of the Register book to be numbered and time of receiving and entering to be mentioned.

c Deeds, &c. to be entered in the order of time as received.

VI. And be it further enacted, That the due execution of all such Deeds and Conveyances so to be entered and registered, shall be made evident by the attestation of one or more of the subscribing witnesses thereto, who shall upon oath, or being a Quaker, on solemn affirmation, before the Register or before the Supreme Court of Judicature, or before any one of the Justices of the same Court, or before some of the Inferior Courts of Common Pleas in this Province, prove the signing, sealing and delivery of such Deeds and Conveyances; or else the Grantor and Grantors, and persons so signing, sealing, and delivering such Deeds and Conveyances, shall before the said Register or before one of his Majesty's Justices of the Courts aforesaid, or before one of his Majesty's Justices of the Peace, acknowledge his or their signing, sealing and delivering such Deeds and Conveyances; and in case of Wills the same shall be proved by the attestation of one or more of the subscribing witnesses, upon oath, or being a Quaker, upon solemn affirmation, in manner aforesaid, or by due and legal probate of the same: and the said Registers respectively, and the several Courts and Justices aforesaid, are hereby empowered to administer such oaths and affirmations aforesaid,

d Execution of Deeds to be proved by oath of subscribing witness.

or by the acknowledgment of Grantor, &c.

Wills to be proved by subscribing witness or by Probate. Registers, &c. to administer oaths &c.

c One Book required to be kept for all instruments by 8 G. 4. C. 8, S. 7.

d If Grantor &c. live out of the Province see mode of acknowledgment or proof directed by Sec. 12 of this Act, and 52 G. 3, C. 20, and as deeds of James covert, see 27 G. 3, C. 9—52 G. 3, C. 2—33 G. 3, C. 5, and 52 G. 3, C. 20.

said, and to take the said acknowledgements as aforesaid, and shall enter a memorandum of the administering and taking the same oaths, affirmations, and acknowledgments respectively, signed with their hands respectively, upon the said Deeds, Conveyances and Wills, with the time when the same was so taken or administered. And no Deed or Conveyance, or Will, shall be entered or registered, or Certificate thereof made as aforesaid, by any Register, before such oath, affirmation or acknowledgment, or probate as aforesaid, thereof duly administered and taken as aforesaid, and a memorandum thereof so entered on the same respectively as aforesaid. And all copies of such entries and enrollments of such Deeds, Conveyances and Wills, so registered at full length, and which copies shall be signed by such Register or Registers respectively, shall be allowed in all Courts of Record to be good and sufficient evidence of such Deeds, Conveyances and Wills so registered, in case the same shall be destroyed by fire or other accident.

VII. And be it further enacted, That all Wills that shall be registered in manner as aforesaid, within the space of six months after the death of every respective Devisor or Testatrix, dying within this Province, or within the space of three years after the death of every respective Devisor or Testatrix, dying upon or in parts beyond the Seas, or within the space of one year after the death of every respective Devisor or Testatrix in any other parts out of the limits of this Province, shall be as valid and effectual against subsequent purchasers, as if the same had been registered immediately after the death of such respective Devisor or Testatrix; any thing herein contained to the contrary notwithstanding.

VIII. Provided always, That in case the Devisee, or person or persons interested in the Lands, Tenements or Hereditaments, devised by any such Will as aforesaid, by reason of the contesting of such Will or other inevitable difficulty, without his, her, or their wilful neglect or default, shall be disabled to exhibit the same, or a Probate thereof, for Registry, within the respective times herein before limited, and that a Memorial shall be entered in the said Register office or offices, of such contest or impediment, within the space of six months after the decease of such Devisor or Testatrix, who shall die within this Province, or within the space of three years next after the decease of such person who shall die upon or beyond the seas, or within the space of one year after the death of every respective Devisor or Testatrix, in any other parts out of the limits of this Province; then and in such case the Registry of such Will within the space of six months next after his, her, or their attainment of such Will, or a Probate thereof, or removal of the impediment, whereby he, she or they were so disabled or hindered as aforesaid, shall be a sufficient Registry, within the meaning of this Act; any thing herein contained to the contrary thereof in anywise notwithstanding.

IX. Provided nevertheless, That in case of any concealment or suppression of any Will or Devise, no purchaser or purchasers, for valuable consideration, shall be defeated or disturbed in his or their purchase, by any title made or devised by any such Will, unless the Will be actually registered within three years after the death of the Devisor or Testatrix.

X. And be it further enacted, That all bargains and sales of any Lands, Tenements, and Hereditaments, by Deed indented, or Deed poll, and all Grants and Conveyances whatsoever, made by writing and duly signed, sealed and delivered, and acknowledged by the Grantor or Grantors, Bargainor or Bargainors, in such Grants, Sales and Conveyances, before one or more Justice or Justices of the Peace, (who are hereby empowered to take and enter on such Deeds, Bargains and

No Deeds, &c. to be entered or registered before proved or acknowledged.

Copies of entries and enrollments where the originals are destroyed good and sufficient evidence.

Wills registered within the times limited in this section, valid against subsequent purchasers.

Wills being contested or by other inevitable difficulty not registered within the limited times.

A Memorial shall be entered of such impediment.

and Registry in six months after a removal of impediment sufficient.

Wills concealed or suppressed, and not registered within three years

e Bargains and Sales of Land, &c. acknowledged and registered sufficient to pass the Estate without livery of seisin.

e See 52 G. 3, C. 20, S. 2, making Deeds duly acknowledged or proved, and registered under any Act of Assembly sufficient to pass the estate without livery of seisin.

and Sales, and Conveyances, all such acknowledgments according to the intent of this Act) which shall be entered and registered at full length, by the said Register or Registers, in the Public office in and by this Act erected in the County and Counties where such Lands, Tenements, and Hereditaments are situate, lying and being, shall be good, effectual, and available, to all intents and purposes whatsoever, for the passing and transferring such Lands, Tenements, and Hereditaments, and the estate and possession thereof, to the Bargainee and Bargainees, Grantee and Grantees therein named, according to the intents and uses, and purposes in such Deeds and Conveyances expressed without livery of seisin, or any other Act, or Deed, or form, or ceremony whatever.

XI. And be it further enacted, That all Deeds of bargain and sale, and all other Grants and Conveyances whatsoever, so executed, acknowledged, and registered in the said public or Register office and offices as aforesaid, which shall appear to be so acknowledged and registered by Indorsement or Certificate thereon, in form aforesaid, and all copies of the Registries thereof, remaining in the said Register's office or offices, duly attested and certified by the several Registers, shall be allowed in all Courts where such Deeds and Conveyances, or copies, shall be produced, to be as good and sufficient evidence as any bargains and sales inrolled in any of the Courts of Westminster, and the copies of the inrollments thereof are, in any Court of Great Britain.

XII. And be it further enacted, That if the Grantor or Grantors, Bargainor or Bargainors, in any Deed or Deeds, and Conveyance of Lands hereafter executed, shall live in parts beyond the Sea, or out of the limits of this Province, or shall happen to die before acknowledgment of such Deed or Deeds in the manner aforesaid, acknowledgment, certificate and proof of the execution thereof may be made as follows, that is to say, if such Grantor or Bargainor live within the Kingdoms of Great Britain or Ireland, the acknowledgment of such Deed may be had and taken by and before any Judge of any of the Courts of King's Bench, or Common Pleas, or Baron of the Exchequer, or any Master in Chancery, or any Judge or Lord of the Session in Scotland; and if any other part of the British Dominions, by and before any Judge of the Supreme or Superior Court of Judicature, in such Colony or part of said Dominions wherein such Grantor or Bargainor shall reside, and certified on the said Deed or Conveyance by and under the hand of such Judge or other person so taking the acknowledgment thereof as aforesaid, such Certificate being also authenticated; if in the British Plantations, under the hand and seal of the Governor, Lieutenant Governor or Commander in Chief of the province where the same shall be made, and if in Great Britain or Ireland, the Public Seal of some Corporation, there certifying that all faith and credit ought to be given to the attestation of the person so taking the acknowledgment thereof as aforesaid; and if the Grantor or Bargainor shall die before the acknowledgment of such Deed as aforesaid, proof of the execution thereof may be made by the oath of one or more of the subscribing witnesses thereto, before his Majesty's Supreme Court of Judicature, or any Inferior Court of Common Pleas in this Province, or before any of the Courts of King's Bench, or Common Pleas, or Exchequer, in England or Ireland, or the Court of Session in Scotland, or before the Supreme or Superior Court of Judicature, in such other British Colony as aforesaid. And all such Deeds and Conveyances, so acknowledged or proved, may be registered, as by this Act is provided, and shall have all the force and effect to pass the Lands and Estate, and possession therein

f Deeds so registered, and copies thereof as good and sufficient evidence as Deeds inrolled in Courts at Westminster.

Mode of proof and how registered.

If Grantor live in Great Britain or Ireland.

In any other part of the British Dominions.

Authentication of Certificate in the British Plantations.

In the United Kingdom.

If Grantor die before acknowledgment, mode of proof.

Deeds so acknowledged may be registered and shall pass Estate &c.

therein granted or intended to be granted, of Deeds and Conveyances executed and acknowledged according to the provisions of any other and former clauses and parts of this Act, and all such Deeds and Conveyances, and the Registries and copies thereof, certified as in this clause is provided, shall be received to be as good and sufficient evidence as any other Deeds, Conveyances, Registries, or copies in this Act mentioned.

Certified copies evidence.

g Register's Fees.

XIII. And be it further enacted, That every such Register shall be allowed, for the entering and registering of all Deeds, Conveyances, Wills, and Writings as aforesaid, the sum of two shillings and no more, in case the same do not exceed two hundred words, but if such writing shall exceed two hundred words, then after the rate and proportion of six pence an hundred for all the words contained therein, over and above the first two hundred words: And the same fees of six pence for every hundred words, in all Certificates, and in all copies given out of the said offices, and no more; and for every search in the said offices one shilling and no more.

Registers to search for Deeds, &c. give copies, &c.

XIV. And be it further enacted, That every such Register shall give due attendance at his office daily, excepting Sundays, and Holidays, for the dispatch of all business belonging to his office aforesaid, and shall as often as required, make searches concerning all Deeds, Conveyances, Wills and Writings, so entered and registered as aforesaid, and give copies and certificates concerning the same under his hand.

To give security in £300.

XV. And be it further enacted, That every Register at the time of his being sworn into the said office, shall enter into a recognizance, with two or more sufficient sureties, to be taken and approved of by the Justice or Justices by whom the said oath shall be administered, in the penalty of three hundred pounds to His Majesty, his heirs and successors, conditioned for his true and faithful performance of his duty in the execution of the said office, in all things directed and required by this Act; the same to be transmitted within three months after the date thereof, by the same Court or Justices or Justice, into the office of the Clerk of His Majesty's Supreme Court of Judicature, there to remain amongst the Records of the said Court.

Penalty for forging entries of acknowledgments, &c.

XVI. And be it further enacted, That if any person or persons shall at any time forge or counterfeit any entry of the acknowledgment of any Grantor or Bargainor in such Deed, Bargain and Sale, or Conveyance as aforesaid, or any such Memorandum, Certificate or Indorsement, as is herein mentioned or directed, and be thereof lawfully convicted, such person or persons shall incur and be liable to such pains and penalties as in and by an Act made in the fifth year of Queen Elizabeth, intituled, "An Act against forgery of false Deeds and Writings," are imposed upon persons for forging and publishing false Deeds, Charters, or Writings sealed, Court Rolls or Wills, whereby the Freehold or Inheritance of any person or persons, of, in, or to any Lands, Tenements or Hereditaments, shall or may be molested or charged; and if any person or persons shall at any time forswear himself, or being a Quaker, shall falsely, maliciously and corruptly affirm before any Register to be appointed in manner herein after mentioned, or before any Court, or Judge, or Justice, in any of the cases herein mentioned, and be thereof lawfully convicted, such person or persons shall incur and be liable to all the pains and penalties of persons committing, and convicted of wilful and corrupt Perjury in any Court of Record.

and for the forswearing of witnesses to Deeds, &c.

h Upon Certificate and proof.

XVII. And be it further enacted, That in case of Mortgages, where any Mortgage

g Register allowed one shilling per 100 words by 52 G. 3, C. 20, S. 3.

h See further, 2 W. 4, C. 23, S. 1 and 2, as to Certificate of satisfaction and proof thereof, and effect of discharge.

gage Deed shall be registered, pursuant to this Act, if at any time afterwards a Certificate shall be brought to the said Register signed by the Mortgagee, in such Mortgage, his Executors, Administrators or Assigns, and attested by two witnesses, whereby it shall appear that all Monies due upon such Mortgage, have been paid or satisfied in discharge thereof (which witnesses shall upon their oath, before one of the Judges of his Majesty's Supreme Court of Judicature, or before the said Register, who are hereby respectively impowered to administer such oaths, prove such Monies to be satisfied and paid accordingly, and that they saw such Certificate signed by the said Mortgagee, his Executors, Administrators or Assigns) that then and in every such case, the said Register shall make an entry in the margin of the said registry book, against the registry of the said Mortgage Deed, that the same was satisfied and discharged, according to such Certificate, to which the same entry shall refer, and also to a registry and transcript at full length of the said Certificate, which shall be made in the registry books, and he shall also file such Certificate, to remain in the said Register's office. Or any such Mortgagee, his Executors, Administrators, or Assigns, having received full payment and satisfaction for all Monies due by virtue of such Mortgage, may acknowledge and cause such payment and satisfaction thereof to be entered in the margin of the said registry book, against the registry of the said Mortgage Deed, and subscribe his proper hand and name thereto, in presence of the said Register, who shall also sign his name a witness thereto, which shall for ever after be a full discharge and release of such Mortgage.

that Money due on Mortgage is paid Register shall make an entry thereof in the margin.

Mortgagee may discharge the Mortgage by entering acknowledgment and satisfaction in the margin.

XVIII. Provided always, and be it further enacted, that this Act shall not extend to any Lease, not exceeding three years, where the actual possession and occupation goeth along with the Lease.

Act not to extend to Leases not exceeding three years, &c. Register's Offices.

XIX. And be it further enacted, That the several Register's offices in the several Counties of this Province which by this Act are or hereafter shall be erected and established, shall be held and kept in such convenient Towns and Places, in such Counties respectively, as shall be appointed and ordained for that purpose by the Governor.

XX. And be it further enacted, That in all Deeds of Bargain and Sale, and all other Grants and Conveyances, hereafter registered in pursuance of this Act, whereby an Estate of Inheritance in fee simple is limited to the Grantee or Bargainee, and his Heirs, the words grant, bargain and sell, shall amount to, and be construed and adjudged in all Courts of Judicature to be, express Covenants to the Bargainee or Grantee, their Heirs and Assigns respectively, from the Bargainor and Grantor, for him and themselves respectively, their several and respective Heirs, Executors and Administrators, that the Bargainor and Grantor respectively, notwithstanding any act done by him or them, was and respectively were, at the time of the execution of such Deed and Deeds, seized of the Hereditaments and Premises thereby granted, bargained and sold, of an indefeasible Estate of inheritance, in fee simple, free from all incumberances, (rents, duties, conditions, and services due and reserved to the King only excepted) and for quiet enjoyment thereof against the Grantor and Bargainor, his and their heirs and Assigns respectively, and all claiming under him or them, and also for farther assurance thereof to be made by the Grantor and Bargainor, his and their Heirs and Assigns, and all claiming under him or them; unless the same shall be restrained and limited by express particular words contained in such Deed or Deeds; and that the Bargainee and Grantee, their and each of their Heirs, Executors, Administrators and Assigns respectively, shall and may, in any action or actions to be brought, assign a breach or breaches thereupon, as they might do in case such

In Deeds, &c. duly registered, the words grant, bargain and sell, shall be adjudged tantamount to certain express Covenants.

Covenants

Covenants were expressly inserted in such Bargain and Sale, Deed and Conveyance aforesaid.

CAP. IV.

An Act for preserving the Church of England, as by Law established in this Province, and for securing Liberty of Conscience in matters of Religion.

Persons admitted to Parsonages, &c. to be ordained.

I. **B**E it enacted by the Governor, Council and Assembly, That no person whatsoever shall be capable to be admitted to any Parsonage, or other Ecclesiastical Benefice or Promotion whatsoever, within this Province of New-Brunswick, before such time as he shall be ordained according to the form and manner by Law established in the said Church of England.

Persons having benefices, &c. to read prayers once in every Month at least, administer Sacraments, &c.

II. And be it further enacted, That every person having any Ecclesiastical Benefice or Promotion within this Province (not having some lawful impediment, to be allowed and approved of by the Governor or Commander in Chief for the time being) shall once at the least in every month, upon some Lord's Day, in the Church, Chapel, or place of Public Worship, belonging to his said Benefice or Promotion, openly and solemnly read the public and common Prayers and service prescribed in and by the Liturgy of the said Church of England, and (if there be occasion) administer each of the Sacraments, and other rites of the Church, in such order, manner and form, as in and by the said Liturgy is appointed, upon pain to forfeit the sum of Five Pounds to the use of the Poor of the Parish for every offence, upon conviction by indictment or information in any of His Majesty's Courts of Record in this Province.

under penalty of FivePounds.

Persons having benefices, &c. who shall use any other form of Prayer, &c. than those prescribed in the Liturgy, disabled to officiate and to be deprived of their benefices.

III. And be it further enacted, That if any person whatsoever, having any Ecclesiastical Benefice or Promotion within this Province, shall presume, in any Church, Chapel, or other place of Public Worship within this Province, openly to use any other form or order of common Prayers, administration of Sacraments, rites or ceremonies, than what is prescribed and appointed to be used in and by the said Liturgy; every such person so offending and being thereof convicted, upon indictment or information, in the Supreme Court, or in any Court of Oyer and Terminer or Goal Delivery in this Province, shall be ipso facto disabled to officiate in the Church, and deprived of all his Ecclesiastical Benefice or Promotion, and it shall be thereupon lawful for the Governor, or Commander in Chief for the time being, to collate to the same as if the person so offending as aforesaid were dead.

i Dissenters shall have liberty of conscience, may build Meeting Houses and elect Ministers.

IV. Provided always, and be it further enacted, That all Dissenters from the Church of England, within this Province, shall have liberty of conscience, and may erect and build Meeting-houses for Public Worship, and may choose and elect Ministers for the decent and orderly celebration of Divine Service, and administration of the Sacraments, according to their several and respective opinions.

No person not duly elected by Dissenters allowed to preach, &c. unless licensed by the Governor or Commander in Chief.

V. Provided nevertheless, and be it further enacted, That no person whosoever, of what persuasion or denomination soever, unless so chosen and elected, shall be permitted, suffered or allowed, to preach any Sermon or Lecture, or to officiate in the celebration of Divine Service and administration of the Sacraments, or other Rites and Ceremonies, in any place of Public Worship within this Province, unless he be first approved and thereunto licensed by the Governor or Commander in Chief for the time being, under his Hand and Seal, and no person

son whatsoever of what persuasion or denomination soever, shall be permitted, suffered or allowed, to preach any Sermon or Lecture, or to officiate in the celebration of Divine Service and administration of the Sacraments or other rites and ceremonies in any place of Public Worship unless he shall in the presence of the same Governor or Commander in Chief, or of such person as he shall for that purpose nominate and appoint, take the usual oaths of fidelity and allegiance to His Majesty and his Successors: And that every person offending herein against the true intent and meaning of this Act, and being thereof convicted upon indictment or information in the Supreme Court, or in any Court of Oyer and Terminer or Goal delivery in this Province, shall for each offence pay a fine to His Majesty, not exceeding the sum of one hundred Pounds, nor less than fifty pounds, to be applied for the public uses of this Province and the support of the Government thereof, or suffer imprisonment for a space not exceeding six months nor less than three months, at the discretion of the Court before which the said offender shall be so convicted. Provided, That no person whatsoever shall, at any time be liable to the penalties mentioned in this Act, or any of them, for any offence or offences hereafter to be done or committed in any of the premises, unless he be thereof convicted as aforesaid, within six months respectively after such offence or offences shall have been committed: And provided, That the people called Quakers may be allowed the exercise of Public Worship in the manner they are accustomed, any thing in this Act to the contrary notwithstanding.

nor shall any person be allowed to preach, &c. unless he shall take the oaths of fidelity, &c.

Penalty.

Conviction must be within six Months.

Quakers.

CAP. V.

An Act against the Profanation of the Lord's Day, commonly called Sunday, and for the suppression of Immorality.

[*Repealed by 1 W. 4, C. 38, which makes other provisions.*]

CAP. VI.

An Act for regulating Juries and declaring the Qualifications of Jurors.

I. **B**E it enacted by the Governor, Council and Assembly, That no person shall be qualified to serve as a Grand Juror unless such person shall be possessed of a Freehold in the County where he resides, of the clear yearly value of ten pounds, or of a personal Estate of the value of one hundred pounds. And that no person shall be qualified to serve as a Petit Juror, unless he hath a Freehold Estate of the value of twenty shillings a year, or is possessed of ten pounds in personal Estate. And if any of a lesser Estate be returned, it shall be good cause of challenge, and the party returned shall be discharged upon said challenge or upon his own oath.

II. Be it further enacted, That no Sheriff or Bailiff shall return any person to have been summoned unless such person shall have been duly summoned six days before the day of appearance, and in case any Juror be absent from his habitation, notice of such summons shall be given by leaving a note in writing under the hand of such officer at the dwelling house of such Juror, with some person there inhabiting.

h

Grand Jurors to be possessed of Freeholds of the yearly value of £10, or of personal Estate of £100.

And Petit Jurors of Freeholds of 20s. a year, or of £10 personal Estate.

To be summoned six days before the day of appearance.

Notice in writing left at the dwelling house.

III.

^h See 31 G. 3, C. 6, requiring Sheriff to make annual lists of Jurors.

Sheriff to summon twenty-four Grand and twenty-four Petit Jurors.

Mode of impanelling Juries in Causes not Criminal.

Talesmen.

Jury of view.

Jury to be struck on motion in the Supreme Court, as Special Juries are usually struck in trials at bar.

! Fees and expences of Special Jury to be paid by the party applying unless the cause be certified by the Judge to be proper to be tried by a Special Jury.

III. Be it further enacted, That the Sheriff in each County shall duly summon twenty-four men qualified as by this Law is directed, to serve as Grand Jurors, and twenty-four other men also duly qualified to serve as Petit Jurors, to attend at the Supreme Court of this Province, on their several Terms and at the General Sessions of the Peace, and Inferior Courts of Common Pleas in each County, at such times and places as are by ordinance or Law appointed. Which Grand and Petit Jury so returned, shall be the Juries for hearing and determining all causes criminal, to be heard or tried at the said Courts during the several Terms aforesaid. And in all causes other than criminal causes, the names of each person so summoned, impanelled and returned, in either of the said Courts, shall with his addition and place of abode be written in distinct pieces of parchment or paper of equal size, and shall be delivered to the Clerk of each Court to be rolled up and put into a box, and when a cause is brought to be tried some indifferent person shall in open Court draw out twelve of the papers; and if any of the persons drawn shall not appear, or be challenged or set aside, then a further number 'till twelve be drawn, who shall appear, and the said twelve persons so first drawn and approved, their names being marked in the panel, and they being sworn, shall be the Jury to try the cause, and the names of the persons sworn shall be kept apart in some other box 'till the Jury have given in their verdict and the same is recorded, or 'till the Jury be discharged, and then the same names shall be rolled up again and returned to the former box; and so toties quoties. And if a cause shall be brought on to be tried, before the Jury in any other cause shall have brought in their verdict or be discharged, the Court may order twelve of the residue to be drawn as before for trial of the cause.

IV. Be it further enacted, That in all causes criminal and civil where the Jury is like to remain untaken for default of Jurors, the Justices shall have authority to command the Sheriff to name so many other able persons of the County then present as shall make up a full Jury, which persons shall be added to the former panel.

V. Be it further enacted, That where a view shall be allowed, six of the Jurors, or more (who shall be consented to on both sides or if they cannot agree) shall be named by the proper officer of the Court, or if need be by a Judge, or by the Judge before whom the cause shall be brought on to trial shall have the view, and shall be first sworn, or such of them as appear on the Jury, before any drawing; and so many only shall be drawn to be added to the viewers as shall make up the number of twelve.

VI. Be it further enacted, That upon motion made in the Supreme Court in behalf of His Majesty, or on the motion of any Prosecutor or Defendant in an indictment or information, for any misdemeanor or information in the nature of a quo warranto, or on motion of any Plaintiff or defendant in any cause depending in the said Court, the Justices are required to order a Jury to be struck before the proper officer for the trial of any issue in such manner as Special Juries are usually struck in the said Court, upon trials at bar. And in all cases the party who shall apply for a Special Jury shall not only pay the fees for striking such Jury, but shall also pay all the expences occasioned by the trial of the cause by such Special Jury, and shall not have any other allowance for the same, upon taxation of costs, than such party would be entitled unto in case the cause had been tried by a common Jury; unless the Judge before whom the cause is tried, immediately after the trial, certify in open Court under his hand, upon the back of the Record, that the same was a cause proper to be tried by a Special Jury.

VII. Be it further enacted, That the several persons who shall be sworn as Grand Jurors in the Courts of General Sessions of the Peace to be held half yearly in each County, shall be and continue the Grand Inquest of the County until another Grand Jury shall be sworn in at the ensuing General Sessions of the Peace in the said County.

Grand Jurors to continue the Grand Inquest until the next General Sessions.

VIII. Provided always, and be it enacted, That the Members of His Majesty's Council, the Members of the Assembly, the Treasurer of the Province, Register of Deeds, chief Surveyor of the Crown Lands, Secretary of the Province, Clerks of the Council, and of the Assembly, Officers of His Majesty's Customs and Naval Officer, Attornies at Law, Officers of His Majesty's Courts, Physicians and Surgeons, shall be excused from serving as Jurors.

Persons excused from serving as Jurors.

IX. And be it further enacted, That every person or persons so summoned as aforesaid to serve as a Grand Juror, and who shall not appear after being openly called three times, upon oath made by the summoning officer that such person so making default had been lawfully summoned, shall forfeit and pay for every such default, such fine, (not exceeding the sum of three pounds, nor less than twenty shillings) as the Judge or Judges presiding in said Court shall think reasonable to inflict or assess, unless some sufficient cause of his absence be proved by oath, affidavit or affirmation, to the satisfaction of the said Judge or Judges. And that every Petit Juror so summoned as aforesaid to attend at any Court of Record in this Province, and making default; on proof so as above set forth, of their being legally summoned, shall forfeit and pay for every such default, the sum of five shillings, unless some reasonable cause by proof as above directed, be assigned to the satisfaction of the Judge or Judges who sit to try the cause.

m Grand and Petit Jurors to be fined for non-appearance when called.

Provided always, That the amount of the said fines to be levied on each Juror for the several defaults at one Term, shall not exceed the sum of three pounds.

Amount of fines not to exceed 23.

CAP. VII.

An Act to empower the Foreman of the Grand Juries to administer the usual Oaths to such Witnesses as are to be examined before them.

[Repealed by 29 G. 3, C. 2.]

CAP. VIII.

An Act for enabling the Justices of the Supreme Court to try all causes at *Nisi Prius*, and authorizing Attornies of the Supreme Court to practice in the Inferior Courts of Common Pleas within this Province.

I. **B**E it enacted by the Governor, Council and Assembly, That the Justices of the Supreme Court, or any of them, shall have full power and authority to hear and determine in the several and respective Circuit Courts, which shall from time to time hereafter be for that purpose appointed in the Province, all causes brought to issue in the Supreme Court, without a commission being expressly made for that purpose.

n Justices of the Supreme Court to try causes in the Circuit Courts.

m The recovery and application of Fines imposed on Jurors is directed by 2 G. 4, C. 19.
n See 5 W. 4, C. 37, as to sittings of *Nisi Prius* in York, and altering the Terms of the Supreme Court, and see Table of Courts Appointed, No. 1.

o Attornies of the Supreme Court may practice in Inferior Courts.

II. And be it further enacted, That all and every of the Attornies of the Supreme Court, may commence, prosecute, or defend any action or suit for his or their clients in any Inferior Court of Common Pleas within the Province.

CAP. IX.

An Act for limiting the value of Actions to be brought in the Inferior Court of Common Pleas in this Province, and for restraining the removal of Actions.

[*Obsolete.*]

CAP. X.

p An Act for regulating the Courts of Law established in the several Counties for the Trial of causes to the value of Forty Shillings.

Preamble.

“**W**HEREAS it is necessary for the effectual administration of justice in
“ the Clerk’s Courts of the respective Counties, and in the City Court
“ of the City of Saint John, that further powers be given to the Justices of the
“ Peace and Aldermen presiding therein and that further regulation and restric-
“ tions be adopted the more fully to obtain the purposes for which they were
“ instituted.”

Three impartial persons to be returned, if required in stead of twelve Jurors.

I. Be it enacted by the Governor, Council and Assembly, That the Constables and Marshals appointed to summon the Juries for trial of causes in said Courts shall summon and return three impartial men in the stead of twelve Jurors to each of the said respective Courts on the stated monthly terms or days of trial, and no oftener in case the Clerks of said Courts shall respectively signify that the attendance of three such persons is then necessary, for the trials of causes at issue and not otherwise, which three persons so returned shall try all causes at issue in said Courts respectively, in the room and stead of a Jury consisting of twelve Jurors as heretofore ordained.

Causes to be tried by the judge and clerk with or without three other persons at the election of defendant.

And it shall nevertheless be in the election of the Defendant whether the cause shall be heard and determined by the Judge and Clerk of the said Court only or by three such persons, and the Defendant shall on being served with a summons, notify the Clerk of the said Court that he wishes three such persons to be summoned, and if such notice is not given none shall be returned.

Term of imprisonment limited by the presiding justice.

II. And be it further enacted, That the presiding Justice and no other person shall have full power and authority to determine and limit the term of imprisonment or length of time the defendant shall suffer confinement, to be inserted in the execution against the body by the Clerk, in case the Defendant shall not fulfil the judgment given against him, the said term not to exceed three months as heretofore ordained.

Place of courts sittings appointed by presiding Justice.

Judgment valid and final, want of form notwithstanding.

III. And be it further enacted, That the said Courts shall be held in the most convenient place in each Town before some one of the Justices of the Peace of the County, and the Justice who is to preside at the said Court shall be the only person to appoint the place where said Court shall be held—and the several and respective judgments which shall be given in any of the said Courts shall be valid and

o No other persons can practice in such Courts. See 4 G. 4, C. 18.

p 35 G. 3, C. 1, S. 18, repealed this Act, except with regard to the City of Saint John. It was revived for two years as to Saint John, by 1 W. 4, C. 13, which seems to have been unnecessary. See 4 W. 4, C. 45, regulating proceedings before Justices of the Peace in Civil Suits.

and final between the parties notwithstanding any defect of form in the entries or pleadings made and had in the causes so determined.

IV. Provided always and be it further enacted, That nothing in this Act shall be construed to give the Clerk any authority to depute his judicial power to any person to act as Deputy, but that in cases where a Deputy shall be appointed the Justice shall be the sole Judge, any thing in any law or ordinance to the contrary in anywise notwithstanding.

Clerk not to depute his judicial power.

CAP. XI.

An Act relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates.

I. **B**E it enacted by the Governor, Council and Assembly, That all devises and bequests of any Lands or Tenements devisable by Law, shall be in writing, and signed by the party so devising the same, or by some other person in his or her presence, and by his or her express direction, and shall be attested and subscribed in the presence of the Devisor by three or more credible witnesses, or else they shall be utterly void and of none effect.

Devises, &c. to be in writing and attested by three Witnesses

II. And be it enacted, That no devise in writing, of any Lands, Tenements or Hereditaments, nor any clause thereof, shall be revokable, otherwise than by some other Will or Codicil in writing, or other writing signed in the presence of three or more witnesses, declaring the same, or by burning, cancelling, tearing or obliterating the same by the Testator himself, or in his presence, and by his direction and consent.

Not revokable except by other Will or Codicil, or by burning, &c.

III. And be it enacted, That no nuncupative Will shall be good, where the Estate thereby bequeathed shall exceed the value of thirty pounds, that is not proved by the oath of three witnesses (at the least) that were present at the making thereof, nor unless it be proved that the Testator, at the time of pronouncing the same, did bid the persons present, or some of them bear witness that such was his Will, or to that effect; nor unless such nuncupative Will was made in the time of the last sickness of the deceased, and in the house of his or her habitation or dwelling, or where he or she hath been resident for the term of ten days or more next before the making of such Will, except where such person was surprised or taken sick, being from his or her own house, and died before he or she returned to the place of his or her dwelling.

Nuncupative Wills, how proved.

IV. And be it enacted, That after six months past after the speaking of the pretended testamentary words, no testimony shall be received to prove any Will nuncupative, except the said testimony or the substance thereof be committed to writing within six days after making the said Will.

Nuncupative Wills committed to writing in six days.

V. And be it enacted, That no letters testamentary or probate of any nuncupative Will shall pass the Seal of any Court till fourteen days at least, after the decease of the Testator be fully expired, nor shall any nuncupative Will be at any time received to be proved, unless process have first issued to call in the Widow, or next of kindred to the deceased, to the end they may contest the same.

Probate of such Wills not to pass the Seal of any Court, till 14 days.

VI. And be it enacted, That no Will in writing concerning any personal Estate shall be repealed, nor shall any clause, devise or bequest therein be altered

Repeal, &c. of Wills concerning personal Estate.

* Required to be registered and within what time, See 26 G. 3. C. 2, as to registering Wills in County Registry; and see British Statute, 25 G. 2, C. 6, for avoiding doubts relating to the alteration of Wills, which is expressly extended to the American Colonies.

or changed by words or Will, by word of mouth only, except the same be in the life of the Testator, committed to writing, and after the writing thereof, read unto the Testator and allowed by him, and proved to be so done by three witnesses at the least. Provided nevertheless, That any soldier, being in actual military service, or any mariner or seaman, being at sea, may dispose of his moveables, wages, and personal Estate, as he or they might have done before the making of this Act, and that nothing in this Act shall alter the jurisdiction or right of probate of Wills concerning personal Estates vested in the Governor or Commander in Chief for the time being, who shall retain the same right and power as they had before in every respect, subject nevertheless to the rules and directions of this Act.

This Act not to extend to Soldiers or Seamen.

Jurisdiction of Governor or Commander in Chief not altered.

Executors to prove and register Wills.

Penalty for neglect.

Recovery.

Like penalty for suppressing Wills.

Legacies to be sued for at common Law.

Executors to exhibit an inventory.

Executors being residuary Legatees, &c. may sue co-Executors, &c.

Heir at Law to have two shares

VII. And be it enacted, That if any Executor or Executors of the Will of any person deceased, knowing of their being so named and appointed, shall not within the term of thirty days next after the decease of the Testator, cause such Will to be proved and recorded in the Register's office of the same County where the deceased person last dwelt, or present the said Will and declare his or their refusal of the Executorship: every Executor so neglecting his or her trust and duty in that behalf (without just excuse made for such delay) shall forfeit unto His Majesty the sum of five pounds every month, from and after the expiration of the said thirty days, until he or they shall cause probate of such Will to be made; or present the same as aforesaid: every such forfeiture to be had and recovered by action of debt in the Inferior Court of Common Pleas, in the same County, at the suit of any of the Heirs, Legatees, or Creditors, or in the Supreme Court by information of His Majesty's Attorney General, for the public uses of the Province and the support of the Government thereof.

VIII. And be it enacted, That if any person or persons shall be found guilty of suppressing any last Will and Testament, such person or persons shall be subject and liable to the same penalty as by this Act is prescribed for persons neglecting to prove any last Will and Testament.

IX. And be it enacted, That where any certain Legacy is or shall be bequeathed, and given by any person in his or her last Will and Testament, as also where any residuary or uncertain Legacy is or shall, by the account of any Executor, be reduced to a certainty, every such Legacy and Legacies as aforesaid, may be sued for and recovered at common Law, any Law, custom or usage to the contrary notwithstanding.

X. And be it enacted, That henceforth every Executor named in any Will, taking upon him that charge, by proving such Will within the space of three months next after probate thereof, (or at such further and longer time, as the Judge of probate shall see meet to allow; the circumstances of any Estate requiring the same); shall exhibit into the Register's office aforesaid, upon oath, a full and true inventory of the whole Estate of the deceased, so far as is then come to his hands and knowledge; and shall add thereto what and so much as may further afterwards appear, on pain of forfeiting five pounds for every month's neglect thereof afterward, as is by Law provided for not presenting a Will, and to be recovered in like manner.

XI. And any Executor being a residuary Legatee, may bring his action of account against his Co-Executor or Executors, of the Estate of the Testator, in their hands, and may also sue for and recover his equal and rateable part thereof. And any other Legatee or residuary Legatee shall have like remedy against the Executors.

XII. And be it enacted, That when and so often as it shall happen that any person

person dies Intestate, the Heir at Law of such Intestate shall be entitled to and receive a double portion or two shares of the real Estate left by such Intestate, (saving to the Widow her Right of Dower) and the remainder of such Estate shall be divided equally to and amongst the other children, or their legal representatives including in the said distribution children of the half blood, and in case there be no children, to the next of kindred in equal degree and their representatives.—Provided that children advanced by settlement or portions not equal to the other shares, shall have so much of the surplusage as shall make the Estate of all to be equal, except the Heir at Law who shall have two shares or a double portion of the whole.

of Intestate
real Estate.

Portions advanced
to be de-
ducted.

XIII. And be it enacted, That upon due application within thirty days after the death of any Intestate the said Judge of Probate shall grant Letters of Administration as is by Law directed; and in case the person so by Law entitled shall neglect to apply within the said thirty days, after first citing such person or persons, and their refusal to accept the same, such Judge of Probate shall grant Administration to one or more of the principal Creditors or to such person or persons as he shall judge fit; and he shall in all cases take sufficient Bonds with two able Sureties, respect being had to the value of the Estate; and shall and may proceed to call such Administrators to account for, and touching, the goods of the Intestate: and upon due hearing and consideration thereof, the said Judge shall and hereby is fully empowered to order and make just and equal distribution of what remaineth clear (after all debts, funeral and just expences of every sort first deducted) amongst the Wife and Children, or Children's Children, if any such there be, or otherwise to the next of kindred to the dead person in equal degree, or legally representing their stocks pro suo cuique jure, according to the Laws in such cases, and the rules and limitation hereafter set down; and the same distributions to decree and settle, and to compel such Administrators to observe and pay the same by the due course of Law, saving to every one his right of appeal.

Persons entitled
to administer
neglecting so to
do administra-
tion to be given
to Creditors or
others.

Debts and fune-
ral expences de-
ducted before
distribution.

XIV. Provided always, and be it enacted, That the Judge of Probates and every other person who by this Act is enabled to make distribution of the surplusage of the personal Estate of any person dying Intestate, shall distribute the whole surplusage of such Estate or Estates, in manner and form following; that is to say, one third part of the said surplusage to the Wife of the Intestate, and all the residue by equal portions, to and amongst the Children of such persons dying Intestate, and such persons as legally represent such Children, in case any of the said Children be then dead, other than such Child or Children (not being Heirs at Law) who shall have any Estate by the settlement of the Intestate, or shall be advanced by the Intestate in his life time, by portion or portions equal to the share, which shall by such distribution be allotted to the other Children, to whom such distribution is to be made: And in case any Child, other than the Heir at Law, who shall have any Estate by settlement from the said Intestate, or shall be advanced by the said Intestate in his life time, by portion not equal to the share which will be due to the other children by such distribution as aforesaid, then so much of the surplusage of the Estate of such Intestate, to be distributed to such Child or Children as shall have any Land by settlement from the Intestate, or were advanced in the life time of the Intestate, as shall make the Estate of all the said Children to be equal as near as can be estimated: But the Heir at Law, notwithstanding any Land that he shall have by descent or otherwise from the Intestate, is to have an equal part in the distribution with the rest of the Children, without any consideration of the value of the Land which he hath by descent

Distribution of
goods of per-
sons dying in-
testate.

In case of no
children.

descent or otherwise from the Intestate. And in case there be no Children nor any legal representatives of them, then one moiety of the said Estate to be allotted to the Wife of the Intestate, the residue of the said Estate to be distributed equally to every of the next of kindred of the Intestate, who are in equal degree, and those who legally represent them.—Provided, That there be no representations admitted among collaterals after Brother's and Sister's Children: and in case there be no Wife, then all the said Estate to be distributed equally to and amongst the Children: and in case there be no Child, then the next of kindred in equal degree of or unto the Intestate, and their legal representatives as aforesaid, and in no other manner whatsoever. Provided, That if after the death of the Father any of his children shall die Intestate without wife or Children, in the life time of the Mother, every Brother and Sister and their representatives shall have equal share with her.

No distribution of goods of persons dying Intestate till after one year unless by order of Judge of Probate, and then Bond to be given to refund in case of Debts.

XV. Provided also, and be it likewise enacted, To the end that a due regard be had to Creditors, that no such distribution of the goods of any person dying Intestate be made till after one year be fully expired after the Intestate's death, except by special order of the Judge of Probate, and that such and every one to whom any distribution and share shall be allotted, shall give Bond with sufficient sureties in the said Courts, that if any debt or debts truly owing by the Intestate shall be afterwards sued for and recovered, or otherwise duly made to appear; that then and in every such case he or she shall respectively refund and pay back to the Administrator his or her rateable part of that debt or debts, and of the costs of suit and charges of the Administrator by reason of such debt, out of the part and share so as aforesaid allotted to him or her, thereby to enable the said Administrator to pay and satisfy the said debt or debts so discovered after the distribution made as aforesaid.

Administration cum testamento annexo.

XVI. Provided always, That in all cases where the Judge of Probates has used heretofore to grant Administration cum testamento annexo, he shall continue so to do, and the Will of the deceased in such Testament expressed shall be performed and observed in such manner as it should have been if this Act had never been made.

This Act not to extend to feme covert.

XVII. Provided, That nothing in this Act contained, shall be construed to extend to the Estates of feme coverts who shall die Intestate, but that their Husbands may demand and have Administration of their rights, credits and other personal Estates and recover and enjoy the same as they might have done heretofore.

Personal assets deficient for the payment of debts &c. real Estate may be sold.

XVIII. And be it further enacted, That in case that personal assets shall be deficient for the payment of any debts or legacies, and it shall be found necessary for an Executor or Administrator to make sale of any part of the real Estate of the deceased, for the payment of any debts or legacies, such Executor or Administrator shall apply to the Governor or Commander in Chief, for the time being, and his Majesty's Council of this Province, who are hereby authorized and empowered to take cognizance thereof, and to grant a licence for the sale of such part of such real Estate, as may be most convenient for the payment of such debts or legacies, and before any sale be made of any real Estate, the Executor or Administrator, shall give thirty days public notice, by posting up notifications in the most public places in the Town where the deceased last dwelt, and in the public prints, if any such there be, and whoever will give most shall have the preference in such sale. And in case the Estate of such Intestate shall be insolvent, the Executor or Administrator shall make like application to the Governor or Commander in Chief for the time being, and his Majesty's Council for an inquiry, and

Estate being insolvent Commissioners of Insolvency to be appointed.

and for the appointment of Commissioners to inquire into such Insolvency, and to examine and settle the claims of all Creditors, and the amount of the Estate of such Insolvent, and to authorize such Executor or Administrator to sell all the Lands and Tenements of such Insolvent, and to divide the produce of the whole of such Estate, in due proportion to and among the Creditors.

XIX. And be it further enacted, That every Executor or Administrator, who may be authorized and empowered to make sale of any real Estate, shall, before such sale made give Bond by himself, or his lawful Attorney with two sureties, at the office of the Register of the Court of Probates, in the County where such real Estate shall lie, for the just and legal distribution of the monies arising from such sale, in the full value which, by the report of the Commissioners for that purpose appointed, shall be certified to be necessary to be raised by such sale.

Executors, &c.
to give Bond
before the sale
of Real Estate.

CAP. XII.

An Act subjecting Real Estates in the Province of New-Brunswick to the payment of Debts, and directing the Sheriff in his proceedings thereon.

“**WHEREAS** it is highly reasonable and just that the real Estate of every person or persons in this Province should be subject to the payment of his, her or their debts due to all and every of his, her or their Creditors, wheresoever resident.”

Preamble.

I. Be it enacted by the Governor, Council and Assembly, That from and after the publication hereof, the Houses, Lands, real Estate and Hereditaments, situate or being in any part of this Province, belonging to any person or persons whatsoever, indebted, shall be liable to and chargeable with all just debts and demands, of what nature or kind soever, owing by or due from any such person to His Majesty, or any of his subjects, and shall be and are hereby made chattels for the satisfaction thereof in like manner as personal Estates within this Province are seized, sold or disposed of, for satisfaction of debts.

Lands, &c. liable to be seized &c. for Debts.

II. Provided always, That every Sheriff, or other officer, to whom any Writ of fieri facias, or other Writ shall be directed, shall first seize and take so much of the personal Estate of the Defendant or Defendants as may be sufficient to satisfy the sum justly due to the Plaintiff, with costs of suit, which shall be indorsed on the said execution before the sealing thereof, if so much within his Bailiwick he can find, and if so much he cannot so find, then, and in that case the Sheriff, or other officer shall seize, sell and dispose of so much and no more, as near as may be of the Houses, Lands, real Estates and Hereditaments of the Defendant or Defendants as will be sufficient to satisfy the whole, or the residue, as the case may require, of the monies so as aforesaid from him or them due, and on such Writs payable.

Sheriffs or other officers to seize and sell Houses, Lands, &c. on fieri facias or other Writ where personal Estate cannot be found.

III. And be it further enacted, That before any sale shall be made by any Sheriff, or other officer of the Houses, Lands, real Estate or Hereditament of any person or persons, he shall first advertise the time and place of such intended sale at least six months before he shall make the same, in the City, Town or Parish where the premises are or shall be, in three or more of the most public places of the County wherein such Estate doth lay, and then and there between the hours of twelve and five in the afternoon shall sell the same to the highest bidder. IV.

Houses, Lands, &c. to be advertised six months before sale.

Sale to be between the hours of 12 and 5 p. m.

s Judgments affecting Lands to be Docketed, 8 G. 4, C. 7, and memorials Registered, 8 G. 4, C. 8, S. 1; and as to Judgments in Summary Actions in Supreme Court. See 4 W. 4, C. 41, S. 10.

t By 4 G. 4, C. 19 the notice of Sale must be published in a News Paper and at the County Court House; and by 8 G. 4, C. 7, S. 6, in the Office of the County Register.

Owners of Houses, Lands, &c. to have their election which part to be sold.

IV. And be it further enacted, That every Defendant and Defendants whose Houses, Lands, real Estate or Hereditaments shall or may hereafter be taken in execution, shall and may have free election by himself, his Attorney, his Heirs or Executors, at any time twenty days before sale thereof is as aforesaid to be made and signify in writing to the officer who is to make the same sale what part or portion of the same Houses, Lands, real Estate or Hereditaments shall be sold, if a part or dividend thereof may be sufficient to satisfy the monies on such execution due and payable as aforesaid; which part, if that shall be sufficient and no other, the Sheriff or other officer shall on such Writ or Execution sell or dispose of.

u Sheriff or other Officer to make conveyance of Houses, Lands, &c. sold on execution.

V. And be it further enacted, That when any Houses, Lands, real Estate or Hereditaments shall be sold in manner aforesaid, the Sheriff or other officer that sold the same, shall in his own name make unto the purchaser thereof, as good and sufficient a conveyance for the Houses, Land, real Estate or Hereditaments purchased as aforesaid, as the owner of such Houses, Land, real Estate, or Hereditaments might or could have thereof made at or before the time of the judgment therein reciting the execution or executions, or other process requiring such sale to be made, by virtue whereof the premises were sold as aforesaid, by which Deed the purchaser or purchasers shall be and are hereby declared to be vested in as good and perfect an Estate as the owner of such Houses, Lands, real Estate or Hereditaments was seized of or entitled unto, at or before the said Judgment, and as fully to all intents and purposes, as if the person against whom such Writ of Execution shall be granted had sold such Lands and Premises to such purchaser or purchasers, and signed, sealed and delivered a good deed for the same, and received the consideration money himself.

Purchasers shall hold the premises free of Judgments, &c.

VI. And be it further enacted, That the Purchaser, his Heirs and Assigns, shall hold the premises purchased as aforesaid, free and clear of all other judgments, recognizances, statutes merchant and statutes staple whatsoever, by virtue whereof no execution has been executed upon the real Estate so purchased, any law, usage or custom to the contrary notwithstanding.

Reversal of Judgment not to operate against bona fide purchasers;

VII. [*Repealed by 8 G. 4, C. 7, S. 1.*]

VIII. And be it enacted, That if any Judgment or Process by virtue of which such sale shall be made as aforesaid, and certified and recorded as aforesaid, shall happen to be reversed for error, yet the same reversal shall not be given in evidence, or be of force against any bona fide Purchaser under the said Judgment or Process so certified and recorded as aforesaid: but the Purchaser, his Heirs, Executors, Administrators or Assigns, shall hold the Land or other thing so bona fide purchased, notwithstanding a reversal of the Judgment or Process after his purchase, and such reversal shall only operate against the Plaintiff, his Heirs, Executors and Administrators, to compel him or them to restore in value to the Defendant for what he lost.

But Plaintiff shall restore in value to Defendant.

IX. [*Obselete by reason of the repeal of S. 7.*]

The same priority on Executions against real as personal Estates.

X. And in the case where sundry executions or other Processes have issued, requiring the sale of real Estate and sufficient cannot be levied of the personal and real Estate, to satisfy all the sums commanded to be levied. Be it enacted, That such priority and preference as the Law gives in the case of Executions, against personal Estate only shall be given in the case aforesaid, and all disputes on that head shall thereby be regulated, adjudged and determined.

XI. And be it enacted, That if any Sheriff or other officer, shall, in any matter

* See 4 W. 4, C. 22, making Sheriff's Deeds prima facie evidence of the matters therein set forth.

ter or thing, act or do contrary to his duty hereby required and directed, or contrary to the liberty and election hereby given to the Defendant, or shall refuse to return the overplus money arising from such sale, if any shall remain in his hands, such Defendant or Person injured thereby, shall and may maintain his, or their action on the case, against such Sheriff or other Officer in any Court of Record within this Province, which shall or may have cognizance of the same, wherein he, she or they shall recover the damage by him, her or them sustained, with double costs of suit.

Dama es and double costs for neglect of duty.

CAP. XIII.

An Act for Relief against Absconding Debtors.

I. BE it enacted by the Governor, Council and Assembly, That from and after the passing of this Act, whensoever it shall happen, that any person or persons whatsoever, being indebted within this Province, shall either secretly depart the Province, or keep concealed within the same, any one Creditor or joint Company whose debt or demand is due to them jointly to whom such absconding or concealed person or persons is or are indebted in the sum of Twenty Pounds or upwards, or any Two to whom he, she or they is or are indebted in the sum of Thirty Pounds or upwards, or any Three to whom he, she or they is or are indebted in the sum of Forty Pounds or upwards over and above all discounts, may make application to the Judges of the Supreme Court of this Province for the time being, or any of them, and there make affidavit or affirmation in writing in cases where by Law an affirmation is allowed, that the said absconding or concealed person or persons is or are indebted to him, her or them, in the sum of _____ over and above all discounts, and that he, she or they do verily believe that the said absconding or concealed person or persons is or are either departed the Province or concealed within it with intent and design to defraud him, her or them, and other Creditors (if any such there be) of their just dues, or to avoid being arrested by the ordinary Process of Law; which departure or concealment shall also be proved to the satisfaction of such Judge or Judges by two witnesses: And on such affidavit or affirmation and such other proof made, the said Judge or Judges, or any one of them hereby is and are fully empowered, authorized and required, forthwith to issue his or their Warrant or Warrants to the Sheriff of the City or County which contains the last usual place of residence of such absconding or concealed person or persons, or to the Sheriff or Sheriffs of any or every other City or County within this Province, commanding such Sheriff or Sheriffs respectively to attach, seize, take and safely keep all the Estate as well real as personal of the said absconding or concealed person or persons of what kind or nature soever, and every or any part or parcel thereof in whatever part of his Bailiwick they can be found, with all evidences, books of account, vouchers and papers relating thereto, which Warrant or Warrants the Sheriff or Sheriffs respectively to whom the same shall be directed and delivered, are hereby enjoined, required, authorized and commanded well and truly to execute, and with the assistance of two substantial freeholders forthwith to make a just and true inventory of all such Estate and Effects as he shall seize and take by virtue thereof, and

v
w Debtors absconding, Creditors may make oath before the Judges of the Supreme Court.

Requisite amount of Debt.

Warrant for the attachment of the Estate of such Debtors,

To be executed by the Sheriff.

v See further, 4 W. 4, C. 36, providing for the;—Trial of right of property claimed after seizure:—Granting supersedeas to Warrant:—Appointing Commissioners to grant Warrants for the punishment of persons concealing effects:—Application of surplus funds:—And discharge of Trustees, &c.

w See 28 G. 3, C. 2, as to proceedings against Debtors who may depart from the Province without absconding.

x and to return the same signed by himself and the said two freeholders to such Judge or Judges who issued the Warrant or Warrants for taking and seizing thereof.

Notice of attachment and sale to be given.

II. And be it further enacted, That such Judge or Judges who shall issue such Warrant or Warrants, shall immediately thereafter order notice to be given in the Royal Gazette, published by the King's Printer in this Province, that on application to him or them made by a Creditor or Creditors as the case may be of such absconding or concealed person or persons, he has directed all his, her or their Estates real and personal within this Province to be seized, and that unless he, she or they, by name so absconding or concealed, return and discharge his, her or their debt or debts within three months after such public notice given, all his, her or their Estates real and personal, will be sold for the payment and satisfaction of his, her or their Creditors.

Perishable goods to be attached and sold immediately.

III. And be it further enacted, That in case any Sheriff or Sheriffs shall by virtue of any Warrant or Warrants to be issued in pursuance of this Act, seize and take any perishable goods or chattels it shall and may be lawful for the Judge or Judges who issued such Warrant or Warrants at his or their discretion to order the sale of such things perishable, and the monies arising thereby to be delivered and paid to the Trustees that shall be appointed to manage the Estate and Effects of such absconding or concealed person or persons mentioned in such Warrant or Warrants, to be by such Trustees applied according to the directions and intention of this Act.

IV. [*Repealed by 4 W. 4, C. 36, S. 1.*]

After such public notice, payment of monies or delivery of effects to the absconding Debtor to be deemed fraudulent.

V. And be it further enacted, That if any person or persons indebted to any such absconding or concealed person, or persons, or having the custody or possession of any effects or other thing or things whatsoever of any such absconding or concealed person, or persons, shall after such first public notice as aforesaid given, pay any debt or demand or deliver any such effects or other thing or things whatsoever to any such absconding or concealed person or persons, or his, her or their Attorney, Agents, Factors or Assigns, the person or persons so paying any such debt or demand, or delivering such effects or other thing or things whatsoever shall be deemed to have paid the same fraudulently and is and are hereby made liable to answer the same or the amount, or the value thereof to such trustees or the survivor of them as shall by virtue of this Act be appointed to receive and distribute the Estate and Effects of such absconding or concealed person or persons, towards the payment and satisfaction of his, her or their Creditors. And if any person or persons indebted to, or having the custody or possession of any effects or other thing or things whatsoever of any absconding or concealed debtor or debtors, shall after such public notice as aforesaid given, be sued by him or them, or by his, her or their order, attorney or procurement, for any such debt or debts, duty, demand, effects or thing, he, she or they so sued, may plead the general issue and give this Act and the special matter in evidence.

All sales, &c. by the absconding Debtor after such notice to be void.

VI. And be it further enacted, That all Sales and Conveyances of his, her or their Estates, Lands, Goods and Chattels to him, her or them belonging, made by any such absconding or concealed person or persons after such public notice as aforesaid given, and all Powers of Attorney by him, her or them for selling any Estate or effects, or collecting any debts or demands, whether made after or before such first public notice as aforesaid given, shall be null and void to all intents, constructions and purposes whatsoever as to all acts done or to be done after such first

first public notice given, any Law, Usage or Custom to the contrary notwithstanding.

VII. [*Repealed by 4 W. 4, C. 36, S. 1.*]

VIII. And be it further enacted, That if such absconding or concealed person or persons do not return within three months next after such public notice as aforesaid given, and discharge his, her or their debt or debts, or otherwise compound with or satisfy his, her or their Creditors not having presented such Petition and given such Bond as aforesaid, or if such absconding or concealed person or persons shall have presented such Petition and the Court shall have adjudged and determined that the matters and things in such Petition mentioned have not been fully and satisfactorily supported and proved, or shall have refused to grant a supersedeas to such Warrant or Warrants, that then and in either such case it shall and may be lawful for the Judge or Judges who issued the Warrant of Attachment, or the Judges of the same Court for the time being, or any one of them and either of them is hereby fully authorized and empowered to nominate and appoint three or more fit persons to be Trustees for all the Creditors of such absconding or concealed person or persons, which Trustees shall take an oath or affirmation (in cases where by Law an affirmation is allowed) well and truly to execute the trust by that appointment reposed in them according to the best of their skill and understanding, which oath or affirmation the Judge or Judges appointing the said Trustees is and are hereby required to administer.

If the person absconding return not within Three Months, the Judges to appoint Trustees for all the Creditors.

y Oath or affirmation of Trustees.

IX. And be it further enacted, That the said Trustees or any two of them when so as aforesaid appointed, shall as soon as may be thereafter, cause public notice to be given in the Royal Gazette, published by the King's Printer in this Province, of such their appointment, and thereby require all persons indebted to such absconding or concealed person or persons by a day certain to be appointed by them in their said notice to pay all such sum or sums of money or other debt, duty or thing which they owe to the said absconding or concealed person or persons, and deliver all other effects of such absconding or concealed person or persons which he, she or they may have in their hands, power or custody, to them the said Trustees, and that the said Trustees shall also by public advertisement in the said newspaper, desire all the creditors of such absconding or concealed person or persons, by a certain time in such advertisement to be mentioned, to deliver to the said Trustees, or any one or more of them, their respective accounts and demands against such absconding or concealed debtor or debtors.

Trustees to notify their appointment and to require payment of Debts, &c.

Creditors to deliver their Accounts, &c. to the Trustees.

X. And be it further enacted, That such Trustees and each and every of them when so nominated and appointed under the hand and seal or hands and seals of the said Judges or any one of them, hereby is and are fully authorized and empowered to take into their hands all the Estate or Estates of such absconding or concealed person or persons for the management of whose Estate or Effects they were appointed, and every part or parcel thereof that shall have been seized as aforesaid and all other his, her or their Estate and Effects, which they the said Trustees may afterwards discover in any part of this Province, and all evidences, books of account, vouchers and papers relating thereto, and such Trustees immediately from their appointment shall be and hereby are declared to be vested with all the Estate real and personal of such absconding or concealed person or persons for the management of whose Estate they were appointed, and they and the survivors

z Trustees to take the Estate, &c. of the absconding party into their hands, with power to sue for the same.

y Trustees may be sworn before a Judge of the Common Pleas in Counties where no Judge of the Supreme Court resides. See 4 G. 4, C. 14.

z See 4 W. 4, C. 36, S. 5, imposing a forfeiture of double value on persons concealing effects, and authorizing examinations of such persons.

survivors and survivor of them is and hereby are enabled and made capable, to sue for, recover and receive all such Estate and Estates as well real as personal, Debts, Dues, Effects, or other thing or things whatsoever which they shall find due, payable or belonging to such absconding or concealed person or persons; and such Sheriff or Sheriffs as shall have seized, attached or taken any Estate or Estates real or personal, or any other matter or thing whatsoever, by virtue of any such Warrant or Warrants as aforesaid, shall deliver the same to such Trustees or one of them; and such Trustees and the survivor and survivors of them is and are hereby authorised and directed to make sale by Public Vendue of all such Estates and effects of such absconding or concealed person or persons as shall come to their hands (after fourteen days' notice of each time and place of sale respectively) and of all Estate and Interest which such absconding or concealed person or persons had in the same, and Deed, Releases, Bills of Sale or other Conveyances for the same or any part or parts thereof, from time to time to make and execute, which being so made and executed by them or any two of them, or the survivor of them, for such Estates or Effects or any part or parts thereof shall be and are hereby declared to be as good, valid and effectual to transfer the property thereof to all intents, constructions and purposes whatsoever as if executed by the said absconding or secreted person or persons before such first public notice as aforesaid given, and shall be good valid and effectual in Law to all intents and purposes whatsoever against the said absconding or concealed person or persons, his, her or their Heirs, Executors, Administrators and Assigns, and all persons claiming under them or any of them by virtue of any Act, Deed, Matter or Thing, after such first public notice as aforesaid given.

After 14 days' notice to make sale of the same.

Deeds, &c. executed by Trustees.

False swearing perjury.

Persons discovering secreted effects, intitled to 10 per cent. on the value thereof.

Trustees empowered to settle all accounts, &c.

And to examine any persons upon oath.

Trustees empowered to settle controversies by referees.

XI. [*Repealed by 4 W. 4, C. 36, S. 1.*]

XII. And be it further enacted, That in case any person so to be examined as aforesaid shall wilfully and knowingly swear or affirm falsely, the person so offending shall be liable to all the same pains and penalties as those who are convicted of wilful and corrupt perjury.

XIII. And be it further enacted, That any person or persons (other than those who have the effects in their custody) who shall discover any effects of any absconding or concealed debtor or debtors secreted contrary to the true intent and meaning of this Act, so that they be recovered by the Trustees of such absconding or concealed person or persons Estate, shall be and hereby is or are entitled to ten per cent. on the value of all effects so discovered, recovered and received by the said Trustees, to be paid to the discoverer or discoverers by the said Trustees out of the Estate or Effects of such absconding or concealed person or persons.

XIV. And be it further enacted, That the Trustees of any absconding or concealed debtor's Estate hereafter to be appointed in pursuance of this Act or any two of them, are hereby fully empowered to settle and adjust all matters, contracts and accounts that may be subsisting between such absconding or concealed person or persons and his, her or their Debtor or Debtors, and also between such absconding or concealed person or persons and his, her or their Creditor or Creditors, and to examine any person or persons upon oath concerning any matters, accounts or settlements between them or either of them, which oath the said Trustees or any one of them, two of them being present, is and are hereby empowered to administer.

XV. And for the greater ease and relief of such Trustees aforesaid, Be it enacted, That in case any controversy shall arise concerning any debt, matter or thing claimed by any Creditor or Creditors of such absconding or concealed person or persons, or concerning any debt, due, duty, matter or thing claimed by the said Trustees

Trustees from or against any person or persons as belonging to or in right of the Effects or Estate of such absconding or concealed Debtor or Debtors, or concerning or relating to any contract or agreement entered into or made by such absconding or concealed debtor or debtors previous to such public notice as aforesaid first given, it shall and may be lawful for such Trustees or any two of them, or the survivors or survivor of them; to have every such controversy determined in the following manner, that is to say, the said Trustees or any two of them; or the survivors or survivor of them, may nominate two referees not being Creditors of such absconding or concealed debtor or debtors, or to them known to be otherwise interested in such controversy or related to any person interested in such controversy, and the other party or parties in such controversy shall also nominate two indifferent persons to be referees, and their names shall be separately written upon four pieces of paper as nearly as may be of the same size and figure, which shall be rolled up separately in the same manner and put into a box, and from thence one of the Trustees shall draw out three of the said pieces of paper, and the persons whose names are so drawn shall finally settle such controversy, and if any referees so appointed shall refuse or be incapable of acting in a reasonable time a new choice shall be made in the manner as before, of another or others, in the room of him or them so refusing or being incapable of acting as aforesaid, and in case any person or persons who shall have any controversy with any such Trustees as aforesaid shall refuse to nominate fit persons to be referees on his or their part, then such Trustees or any two of them, or the survivors or survivor of them, are hereby empowered to nominate referees for him or them so refusing and to proceed to the final settlement of such controversy in manner aforesaid.

Mode of appointing referees.

General duties of Trustees.

XVI. And be it further enacted, That all Trustees hereafter to be appointed by virtue of this Act, shall proceed to convert the Estate or Estates real and personal of such absconding or concealed debtor or debtors, for the management of which Estates respectively they shall be appointed, into money and collect the debts, due to the same, and that the said Trustees or any two of them, or the survivors or survivor of them, shall cause public notice to be given in the public news-paper before mentioned, requesting a general meeting of all such Creditors as shall chuse to attend, to examine and see the debts due to each person ascertained at a certain time and place by such Trustees in their said notice to be appointed, which shall not be less than two nor more than three months after such notice given, nor more than one year and a half from the time of their first appointment, at which meeting or at other subsequent meetings to be continued by adjournment if necessary, when all accounts are fairly stated and adjusted, they shall proceed to make a distribution or division, among the Creditors, in proportion to their respective just demands, of all such monies as shall have come to their hands as Trustees of such Estate or Effects (of which all forfeitures by them recovered and received by virtue of this Act, shall be considered as a part) first deducting thereout all legal charges and commissions, in which payment no preference shall be allowed to debts due on specialties; and if the whole of such absconding or concealed debtor or debtors' Estate shall not be then settled and distributed, such Trustees or any two of them, or the survivors or survivor of them, shall within the space of one year thereafter make a second dividend of all such monies as shall have come to his or their hands after the first division, and so from year to year until a final settlement thereof, and a just and equal distribution of such Estate or Effects shall have been made amongst the Creditor or Creditors of such absconding or concealed Debtor or Debtors in proportion to their respective

tive

a Surplus to be paid to the Debtor.

tive just demands; and if any surplus shall remain after all just debts and legal charges and commissions are fully paid and satisfied, such surplus shall be paid or delivered to the said absconding or concealed person or persons, his, her or their Executors, Administrators or Assigns.

Creditors having demands not due to receive their proportion upon rebate of interest.

XVII. And be it further enacted, That any person or persons who may have given credit to any such absconding or concealed debtor or debtors on a valuable consideration for any sum of money which shall not be due or payable at the time of any such division or distribution as aforesaid, but will become due or payable at some time after; shall and may nevertheless be admitted and considered as a Creditor or Creditors whose debts were then due, and shall receive a dividend of the Estate of such absconding or concealed Debtor or Debtors in the same proportion as other Creditors, deducting thereout only a rebate of legal interest for what shall be received on such debt or debts to be computed from the actual payment thereof to the time such debt or demands respectively would have become due.

Creditors neglecting, &c. to deliver their accounts, to be excluded from any dividend,

XVIII. And be it further enacted, That if any Creditor or Creditors shall neglect or refuse to give notice of or deliver unto the said Trustees an account of his, her or their debt or demand, or having any controversy relating to or concerning the Estate of such absconding or concealed Debtor or Debtors shall refuse to adjust or settle the same with the said Trustees in the manner in and by this Act directed, until after a division shall have been made of the monies and effects in the hands of the said Trustees, any such Creditor or Creditors shall not be entitled to any dividend and the whole monies then in hand to be divided, shall be divided by the said Trustees among the other Creditors; but in case the whole of such debtor or debtors' Estate shall not be divided and settled at the first division, then if such Creditor or Creditors respectively shall prove and deliver unto the Trustees, his, her or their debt or demand before the time appointed for the second division or shall have settled such controversy as aforesaid with the said Trustees, then such Creditor or Creditors shall have his, her or their first dividend or so much money as he, she or they would otherwise have been entitled to on the first division, before any second division shall be made.

Unless a subsequent dividend be declared.

Creditors out of the Province authorised to act by Attornies.

XIX. And be it further enacted, That any Creditor or Creditors residing out of this Province, shall be entitled to all the Privileges and benefits of this Act, and that the Attorney or Attornies of every such Creditor or Creditors residing out of this Province, on producing a Letter of Attorney from such Creditor or Creditors, duly authenticated, and legal proof of the debt due, shall and may in all respects act, do and proceed, for and in behalf of such Creditor or Creditors in the same manner as such Creditor or Creditors might or could do for securing or recovering their respective debts from such absconding or concealed Debtor or Debtors, if such Creditor or Creditors was or were personally present.

Judges of Inferior Courts to put this Act in execution for Debts under £50.

XX. And be it further enacted, That the Judges of the Inferior Court of Common Pleas in each County within this Province and the Mayor and Recorder of the City of Saint John, and each and every of them is hereby authorized and empowered to put this Act in execution in their respective Counties where the debt or sum due to any one Creditor or joint company applying for relief does not exceed fifty pounds. Provided always, That where Warrants shall be issued by any Judge or Judges of the Supreme Court, and also by any Judge or Judges of any of the said Inferior Courts against the Estate or Effects of the same person or persons, in such case the Judges of the Supreme Court or any one of them, shall

Where Warrants issue from both Courts, a Certiorari shall be awarded to bring all the

award

award a Writ or Writs of Certiorari, to the Judge or Judges of such Inferior Courts as the case may require, to remove the proceedings there, before the Judge or Judges of the Supreme Court, that he, or they may proceed upon both Warrants or either of them.

proceedings
before the Su-
preme Court.

XXI. And be it further enacted, that the Judge or Judges, who shall issue any Warrant or Warrants of Attachment in pursuance of this Act, shall make report to the Court, whereof he or they is or are Judge or Judges of the proof of the debt or demand made by the Creditor or Creditors on whose application such Warrant or Warrants issued, of the issuing of such Warrant or Warrants, of the notice thereon ordered, of the publication of such notice, of the appointment of Trustees, and of all other matters required of him or them by this Act to be done out of Court; and cause that report to be entered in the minutes of the said Court, to be evidence of the facts so reported, and such report or the record or entry thereof in the minutes of the said Court, shall be full and conclusive evidence, of the facts so reported, in all Courts of Record, within this Province.

Judges issuing
warrants to re-
port to the
Court the proof
of the Debt, &c.

XXII. And be it further enacted, That the Judge or Judges, who shall make any such appointment of Trustees, shall and is and are hereby required at the request of the Trustees thereby appointed, or any one of them, to indorse on such appointment, an allowance that the same may be recorded; which allowance signed by the said Judges or any one of them, if a Judge of the Supreme Court, shall be a sufficient Warrant and Authority to the Secretary of this Province, and all or any of the Clerks of the respective Cities or Counties within this Province, to record of the same. And if such Judge be a Judge of an Inferior Court of Common Pleas, shall be a sufficient Warrant and Authority to the Clerk of the County whereof he is a Judge to record the same; and any appointment of Trustees under the hand and seal, or hands and seals of any Judge or Judges authorized to put this Act in execution, or the record thereof duly made in the said Secretary's Office, or in the office of the Clerk of any City or County of this Province, shall be full and conclusive proof in all Courts and places within this Province, that the person or persons against whose Estate or Effects such Warrant or Warrants issued, was or were at the time of issuing thereof absconding or concealed debtor or debtors within the meaning of this Act, and that the said appointment and the proceedings previous thereto were regular and according to the directions of this Act.

Judges appoint-
ing Trustees
may endorse a
Certificate au-
thorizing the
proper officers
to record the
same.

Record of such
appointment to
be good proof
in all Courts.

XXIII. And be it further enacted, That any Judge or Judges who shall issue such Warrant or Warrants of Attachment as aforesaid, pursuant to this Act, shall, and he or they is and are hereby required and directed, to cause the affidavits or affirmations, of the Creditor or Creditors, made before him or them previous to the issuing of such Warrant or Warrants respectively, within thirty days after the taking of such affidavit or affirmation, and such Warrant or Warrants of Attachment as aforesaid, within thirty days after the return thereof by such Sheriff as shall return the same, together with the Sheriff's return thereof, to be delivered into the office of the Clerk of that Court, whereof he or they is or are Judge or Judges, which Clerk is hereby required and commanded to mark or cause them to be marked respectively with the day and year on which each of them respectively shall be filed in his office, and to preserve the same amongst the papers filed in such office. And all Trustees hereafter to be appointed by virtue of this Act or the survivors or survivor of them, who by virtue of such appointment shall sell and convey any Messuages, Lands, Tenements or Hereditaments, shall cause such appointment of Trustees to be duly proved or acknowledged and allowed, so that the same may be recorded, and shall cause the same to be entered of re-

Judges issuing
Warrant of At-
tachment to file
the same to-
gether with the
Affidavits in the
office of their
respective
Courts.

Trustees selling
real Estate to
prove and re-
cord their ap-
pointments.

Appointment of Trustees, and a legal conveyance from them a good title.

cord, either in the Secretary's Office of this Province, or in the Office of the Clerk of the City or County wherein such Messuages, Lands, Tenements or Hereditaments do lie. And every appointment of Trustees hereafter to be made in pursuance of this Act, or the record thereof made by such proper officer as aforesaid, or an office copy thereof attested by any such proper officer as aforesaid, in case such record should have perished by fire or other accident, together with a legal title or conveyance from such Trustees or any two of them, or the survivors or survivor of them proved or to be proved in due form as by Law required, shall be a full, complete and perfect title for such Messuages, Lands, Tenements or Hereditaments, to such purchaser or purchasers, his, her or their Heirs and Assigns, against such absconding or concealed Debtor or Debtors, his, her or their Heirs or Assigns, and all other persons claiming or to claim by, from or under him, her or them, by virtue of any Act, Deed, Matter or Thing, after such first public notice as aforesaid given.

Trustees to keep accounts for the inspection of the Creditors.

XXIV. And be it further enacted, That such Trustees as shall hereafter be appointed by virtue of this Act, shall keep a regular book or regular books of account of all such monies as shall come to their hands, by reason or on account of such their appointment, to which book or books, every Creditor interested in such monies or Estate, at all reasonable times may have recourse; and that such Trustees and each of them shall be subject to such orders and directions, for the more effectually putting this Act in execution, and finishing a distribution of such Estate, or effects, as may come to their hands by virtue of such appointment, as shall from time to time be made and given in the Court, by the Judge or Judges whereof, such appointment of Trustees was made; and also that such Trustees shall render into the Court, by the Judge or Judges whereof they were appointed, a just and true account or accounts in writing upon oath made in open Court, of their proceedings and accounts in the premises by virtue of their appointment, which shall be filed with the Clerk of the said Court for the satisfaction of all persons concerned; and such Trustees of the Estate of any such absconding or concealed person or persons shall and may retain and keep in their hands for the trouble and services to be by them performed, the sum of five per cent. on the whole sum which shall come into their hands by virtue of such appointment before each dividend made, over and above all necessary disbursements in the premises.

To be subject to the orders of the Court the Judges whereof appointed them,

And to render to the same Court an account of their proceedings attesting thereto in open Court.

Trustees allowed 5 per cent.

Special matter evidence under general issue.

Continuance of the Act.

XXV. And be it further enacted, That if any person or persons shall be sued for any matter or thing done in pursuance or by virtue of this Act, it shall and may be lawful for him, her or them, to plead the general issue and give the special matter in evidence; and also that this Act shall be beneficially construed for the Creditors, in all Courts of Record within this Province; and that the same shall continue and be of force, as to the powers of Judges to grant such Warrants of Attachment, and exercise the powers hereby given, until the first day of February, which will be in the year of our Lord one thousand seven hundred and ninety, and from thence to the end of the then next Session of the General Assembly of this Province: But shall continue and be in full force as to the power of every Court, Person and Trustees, that shall be appointed as aforesaid by virtue of this Act before its above limitation, and have any duty or thing thereby enjoined or required to be done until a full and final settlement, and distribution, shall be made by them, and finished according to the true intent and meaning of this Act.

Continued by 29 G. 3, C. 8—35 G. 3, C. 5—38 G. 3, C. 1—and 43 G. 3, C. 8—and made perpetual by 47 G. 3, C. 15.

CAP.

CAP. XIV.

An Act for prevention of Frauds and Perjuries.

FOR prevention of many fraudulent practices, which are commonly endeavoured to be upheld by perjury and subornation of perjury;

I. Be it enacted by the Governor, Council and Assembly, That all Leases, Estates, Interests of Freeholds or terms of Years, or any uncertain Interest of, in, to or out of any Messuages, Manors, Lands, Tenements or Hereditaments, made or created by Livery and Seisin only, or by Parole and not put in writing, and signed, by the parties so making or creating the same, or their agents thereunto lawfully authorized by writing, shall have the force and effect of Leases or Estates at Will only, and shall not either in Law or Equity be deemed or taken to have any other or greater force or effect, any consideration for making any such Parole, Leases or Estates, or any former Law or Usage, to the contrary notwithstanding.

II. Except, nevertheless, All Leases not exceeding the term of three years from the making thereof, whereupon the rent reserved to the Landlord during such term, shall amount unto two third parts at the least, of the full improved value of the thing demised.

III. And moreover, That no Leases, Estates, or Interests either of Freehold or Terms of Years, or any uncertain Interest of, in, to or out of, any Messuages, Manors, Lands, Tenements or Hereditaments, shall be assigned, granted, or surrendered, unless it be by Deed or Note in writing, signed by the Party so assigning, granting or surrendering the same, or their agents thereunto lawfully authorized by writing, or by act and operation of Law.

IV. And be it further enacted, That no action shall be brought, whereby to charge any Executor, or Administrator, upon any special promise to answer damages out of his own Estate, or whereby to charge the Defendant upon any special promise to answer for the debt, default or miscarriages, of another person, or to charge any person, upon any agreement, made upon consideration of marriage or upon any contract or sale of lands, Tenements, or Hereditaments, or any Interest in or concerning them, or upon any agreement, that is not to be performed, within the space of one year from the making thereof, unless the agreement upon which such action shall be brought, or some memorandum or note thereof shall be in writing, and signed by the party to be charged therewith, or some other person thereunto by him lawfully authorized.

V. And be it further enacted, That all declarations or creations of trusts, or confidences of any Lands, Tenements or Hereditaments, shall be manifested and proved by some writing, signed by the party who is by Law enabled to declare such trust, or by his last Will in writing, or else they shall be utterly void and of none effect.

VI. Provided always, That where any conveyance shall be made of any Lands or Tenements, by which a trust or confidence shall or may arise or result by the implication or construction of Law, or be transferred or extinguished by an Act, or operation of Law, then and in every such case such trust or confidence shall be of the like force and effect as the same would have been if this statute had not been made, any thing hereinbefore contained to the contrary notwithstanding.

VII. And be it farther enacted, That all Grants and Assignments of any trust or confidence, shall likewise be in writing, signed by the party granting or assigning

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Preamble.

Parole leases and interests of Freehold shall have the effect of Estates at will only,

Except Leases not exceeding three years.

Leases, &c. not to be assigned, &c. but in writing.

No action to be brought on special promise of Executors, &c. on promise to answer debt of another; on sale of Lands, &c. on agreement not to be performed in one year, or promise of marriage, unless in writing.

Declarations of trusts of Lands, not in writing, void.

Trusts, &c. arising, transferred or extinguished by operation of Law excepted.

Grants, &c. of trusts not in writing, void.

assigning the same, or by such last Will or Devise, or else shall be utterly void and of none effect.

Sheriff to deliver Execution of Lands, &c. of which other persons are seizin trust for him against whom such Execution is sued.

VIII. And be it further enacted, That it shall and may be lawful for every Sheriff or other Officer to whom any Writ or Precept is or shall be directed, at the suit of any person or persons, of, for and upon any Judgment, Statute, or Recognizance hereafter to be made or had, to do, make and deliver execution unto the party in that behalf suing, of all such Lands, Tenements, Rectories, Rents and Hereditaments, as any other person or persons be in any manner seized or possessed, or hereafter shall be seized or possessed, in trust for him, against whom execution is so sued, like as the Sheriff or other Officer might or ought to have done, if the said party against whom execution hereafter shall be so sued, had been seized of such Lands, Tenements, Rectories, Rents or other Hereditaments of such Estate as they be seized of, in trust for him, at the time of the said Execution sued, which Lands, Tenements, Rectories, Rents and other Hereditaments, by force and virtue of such execution, shall accordingly be held or enjoyed, freed and discharged, from all incumbrances of such person or persons, as shall be so seized or possessed in trust for the person against whom such Execution shall be sued, and if any cestui que trust hereafter shall die, leaving a trust in fee simple to descend to his heir, there and in every such case such trust shall be deemed and taken and is hereby declared to be assets by descent, and the heir shall be liable to and chargeable with the obligation of his ancestors, for and by reason of such assets, as fully and amply as he might, or ought to have been if the Estate in Law had descended to him in possession, in like manner as the trust descended, any Law, Custom or Usage to the contrary notwithstanding.

If cestui que trust die leaving a trust in fee simple, such trust shall be deemed assets by descent.

Heir not chargeable out of his own Estate by reason of an Estate or trust made assets by this act; but such assets liable as at common Law.

IX. Provided always, That no Heir that shall become chargeable by reason of any Estate or Trust made Assets in his hands by this Law, shall by reason of any kind of plea or confession of the action, or suffering judgment by nient dedire or any other matter, be chargeable to pay the condemnation, out of his own Estate; but execution shall be sued of the whole Estate so made Assets in his hands by descent, in whose hands soever it shall come after the Writ purchased, in the same manner as it is to be, at and by the Common Law where the Heir at Law pleading a true plea, judgment is prayed against him thereupon, any thing in this present Act contained to the contrary notwithstanding.

Estate pur auter vie, deviseable by Will; and if no devise chargeable in the hands of the heir to whom it comes by special occupancy, if no special occupant shall be assets in the hands of Executors or Administrators.

X. And for the amendment of the Law in the particulars following, Be it further enacted, That from henceforth, any Estate pur auter vie shall be deviseable by a Will in writing, signed by the party so devising the same, or by some other person in his presence, and by his express directions, attested and subscribed, in the presence of the Devisor, by three or more witnesses, and if no such devise thereof be made, the same shall be chargeable in the hands of the Heir, if it shall come to him by reason of a special occupancy, as assets by descent, as in case of Lands in fee simple, and in case there be no special occupant thereof, it shall go to the Executors or Administrators of the party that had the Estate thereof, by virtue of the grant, and shall be assets in their hands.

Judge or officer of Court signing Judgments to set down the day of the month, &c.

XI. Be it enacted, That any Judge or Officer of any of His Majesty's Courts, that shall sign any Judgments, shall at the signing of the same, set down the day of the month and year of his so doing upon the paper, book, docket, or record which he shall sign; which day of the month, and year, shall be also entered upon the margent of the roll of the Record, where the said Judgment shall be entered.

XII. And be it enacted, That such Judgments as against purchasers bona fide

vide for valuable consideration of Lands, Tenements or Hereditaments to be charged thereby, shall in consideration of Law, be Judgments, only from such time as they shall be so signed, and shall not relate to the first day of the term whereof they are entered, or the day of the return of the original, or filing the Bail.

d Such Judgments as against bona fide purchasers to take effect from the time of signing.

XIII. And be it further enacted, That no Writ of fieri facias or other Writ of execution shall bind the property of the goods against whom such Writ of execution is sued forth, but from the time that such Writ shall be delivered to the Sheriff, Under-Sheriff or Coroners, to be executed; and for the better manifestation of the said time, the Sheriff, Under-Sheriff and Coroners, their Deputies and Agents, shall upon the receipt of any such Writ, (without fee for doing the same) endorse upon the back thereof, the day of the month, and year, whereon he or they receive the same.

Writ of fieri facias, not binding but from the time of delivery to the Sheriff, such time to be endorsed on the same.

XIV. And be it further enacted, That no contract for the sale of any Goods, Wares and Merchandizes, for the price of ten pounds sterling or upwards, shall be allowed to be good, except the buyer shall accept part of the Goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part of payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties, to be charged by such contract, or their Agents, thereunto lawfully authorized.

Contracts for sale of Goods, &c.

XV. And be it further enacted, That the day of the month and year of the enrollment of the recognizances, shall be set down in the margin of the roll, where the said recognizances are enrolled, and that no recognizance shall bind any Lands, Tenements or Hereditaments, in the hands of any purchaser bona fide, and for valuable consideration, but from the time of such enrollment, any Law, usage or course of any Court to the contrary notwithstanding.

Recognizances not to bind Lands, &c. but from the time of enrollment.

CAP. XV.

An Act for the regulating Weights and measures.

I. **BE** it enacted by the Governor, Council and Assembly, That there shall be one just Beam or Balance, one certain Weight and Measure, and one Yard, according to the standard of his Majesty's Exchequer in England, used throughout this Province; and whosoever shall keep any other Weight, Measure or Yard whereby any Corn, Grain or other thing is bought or sold, shall forfeit for every offence five shillings, being thereof convicted by the oath of one sufficient witness before any Justice of the Peace, to be levied by distress and sale of the offender's goods, to the use of the poor of the Town or Parish where such offence shall be committed.

e
Weights and Measures to be according to the standard of the Exchequer.

Penalty for keeping others.

II. And for the better observation of and putting in execution this Act, Be it further enacted, that the Clerk, of the Market to be annually appointed or chosen, in the several Towns or Parishes, in the respective Counties in this Province, shall procure a set of Weights and Measures, according to such standard, and shall cause to be assayed, sealed and marked, with the letters G. III. R. all Weights and Measures, brought to him for that purpose, to be used in the respective Towns and Parishes, for which they shall be so appointed or chosen, for

Clerks of the Market to procure Weights and Measures to be marked.

d Judgments required to be docketed by 8 G. 4, C. 7, S. 3, and a Memorial to be registered in the County Records by 8 G. 4, C. 8, S. 1, in order to affect or bind lands.

e Sec 10 & 11 G. 4, C. 10, S. 3, regulating the measurement of Coals and Salt.

Clerks fees and
Penalty for neglect or refusal
to assay, seal
and mark such
Weights, &c.

for each and every of which Weights and Measures so assayed, sealed and marked, the said Clerk of the Market shall have and take one penny, and if any Clerk of the Market shall neglect or refuse when thereunto required, to assay, seal and mark any Weight or Measure, he shall forfeit for every offence five pounds on conviction by presentment or indictment at the Quarter Sessions, one moiety thereof, to the Prosecutor, and the other moiety to the use of the Poor, of the Town or Parish, where such offence shall be committed, to be levied by distress and sale of the offender's goods, and for default of such distress, the offender to be imprisoned by Warrant of the Justices at such Session till payment be made. Saving always nevertheless, unto the City of Saint John, and the Mayor, Aldermen and Commonalty of the same City, and all and every of them, all such rights, privileges and usages, as they or either of them, can justly claim as Clerk of the Market, within the said City, or otherwise howsoever, any thing herein contained to the contrary notwithstanding.

CAP. XVI.

f An Act for establishing a Tender in all Payments to be made in this Province.

Preamble.

“**W**HEREAS it is necessary for the ascertaining of contracts, to determine the value of the coin in which all tenders may be lawfully made.”

Value of Coin
at which to pass
in all payments.

Be it enacted by the Governor, Council and Assembly, That an English Guinea shall pass current and be received for twenty-three shillings and four pence, and a silver English or French Crown piece, for five shillings and six pence, and all other English gold and silver Coin, in like proportion, and that Spanish mill'd Dollars shall pass current, and be received, for five shillings each, and a half Joannes, for forty shillings, in all payments to be made within this Province.

CAP. XVII.

An Act for establishing the Rate of Interest.

Not more than
6 per cent, interest,
to be received for loan
of Monies,
Wares, &c.

Bonds, &c.
securing more
than 6 per cent,
interest, to be
void.

Penalty for
usury.

I. BE it enacted by the Governor, Council and Assembly, That no person or persons whatsoever, upon any contract which may be made, shall directly, or indirectly, accept or receive, for loan of any monies, wares, merchandize, or other commodities whatsoever, above the value of six pounds, for the forbearance, of one hundred pounds for the term of one year, and so after that rate, for a greater or less sum, or for a longer or shorter time; and that all Bonds, Contracts, Obligations and Assurances whatsoever, for payment of any principal or money, to be lent, or covenanted to be performed, whereupon, or whereby there shall be reserved, taken, or received above the rate of six pounds for one hundred pounds as aforesaid, shall be utterly void; and that all and every person or persons whatsoever, who shall, upon any Contract, Bond, Obligation or Assurance to be made, take, accept or receive by way or means of any corrupt bargain, loan, exchange, shift or transfer of any wares, merchandize or other thing or things whatsoever, by covin, or by any deceitful way or means whatsoever, for the forbearing,
or

or giving day of payment, beyond one whole year, of and for their money, wares, merchandize or other things, above the sum of six pounds, for the forbearing of one hundred for one year, and so after that rate, for a greater or less sum, or for a longer or shorter time, shall forfeit and pay for every such offence, the full value of the principal sum or sums of money, wares, merchandize or other things so lent, bargained, exchanged or shifted, together with all interest, and other emoluments accruing thereon; one moiety thereof to be to the King's Most Excellent Majesty, his Heirs and Successors, for the public use of this Province, and the support of the Government thereof, and the other half or moiety to him or them that shall sue for the same; to be recovered by action of debt, bill, plaint or information in the Supreme Court or in any of His Majesty's Courts of Record, in the County where the offence shall be committed. Provided, That nothing in this Act shall extend, or be construed to extend to, or affect any specialty, obligation, instrument or agreement in writing, that shall be made, entered into or executed for any money lent, or advanced upon the bottom of any ship or vessel; or to prevent the full recovery of damages on protested Bills as by Law established; or against the recovery of any penalty incurred or forfeited by the non-fulfilling of any contract or agreement entered into for the performance of certain things, and conditions, where the penalty therein expressed, becomes mutually binding, any thing to the contrary notwithstanding.

g This Act not to extend to bottomry, to damages on protested Bills, or forfeitures for non-fulfilling contracts, &c.

II. And be it further enacted, That all prosecutions for any forfeitures incurred by this Act, shall be commenced by the person or persons aggrieved, or by any person, who shall sue for the same, within twelve months from the time the offence was committed; Provided, That nothing in this Act shall be construed, to extend to any contract for the loan or hire of any Grain, Cattle or live stock let out on shares or on such terms as the parties may agree, in case the lender take the risk of casualties upon himself, in which case such borrower shall not avail himself of any loss, suffered through his willful neglect, or any voluntary damage which may be committed by him, any thing in this Act to the Contrary thereof notwithstanding.

Prosecutions under this Act to be commenced within Twelve Months.

This Act not to extend to contracts for the loan of cattle or live stock let on shares, &c. at the risk of the lender.

CAP. XVIII.

† An Act for preventing the Multiplicity of Law Suits.

“ WHEREAS a provision for setting mutual debts one against the other “ is highly just and reasonable at all times, and tends to prevent a “ multiplicity of Law Suits.”

Preamble.

I. Be it enacted by the Governor, Council and Assembly, That where there are mutual debts between the Plaintiff and Defendant in any Court of Record in this Province, or if either party sue or be sued as Executor or Administrator, where there are mutual debts between the Testator or Intestate and either Party, one debt may be set against the other, and such matter may be given in evidence, upon the general issue, or pleading in bar, as the nature of the case shall require, so as at the time of his pleading the general issue, where any such debt of the Plaintiff, his Testator or Intestate is intended to be insisted on in evidence, notice shall be given of the particular sum, or debt, so intended to be insisted on, and upon what occasion it became due or otherwise, such matter shall not be allowed in evidence upon such general issue. II.

h Set off of mutual debts between Plaintiff and Defendant under general issue, with notice to Plaintiff of debt to be insisted on.

g See 26 G. 3, C. 22, and 34 G. 3, C. 6, as to damages on protested Bills of Exchange.

h See British Statute, 2 G. 2, C. 22, S. 13, and as to set off in actions before Justices of the Peace, see

h W. 4, C. 45, S. 3.

i Where the debt to be set off shall accrue by reason of a penalty and is pleaded in bar, the sum justly due must be shewn in the plea.

Costs paid by Plaintiff if balance found for Defendant.

If Plaintiff refuse to pay the balance found against him, Defendant shall have execution for the same and costs.

II. And be it further enacted, That by virtue of this Act, mutual debts, may be set against each other, either by being pleaded in bar, or given in evidence on the general issue, in the manner herein before mentioned, notwithstanding that such debts are deemed in Law to be of a different nature, unless in cases where either of the said debts shall accrue by reason of a penalty, contained in any Bond or Specialty, and in all cases where either the debt for which the action hath been or shall be brought, or the debt intended to be set against the same, hath accrued, or shall accrue by reason of any such penalty, the debt intended to be set off, shall be pleaded in bar, in which plea shall be shewn, how much is truly and justly due on either side, and in case the Plaintiff shall recover in any such action or suit, judgment shall be entered for no more than shall appear to be truly and justly due to the Plaintiff, after one debt being set against the other as aforesaid. And if upon trial of the issue between the parties, the Plaintiff shall become nonsuit, or the Jury shall not assess damages to the Plaintiff over and above the debt, or sum of which notice of set-off shall have been given as aforesaid, then the Plaintiff shall have no costs, but shall pay to the Defendant or his Attorney costs to be taxed. And if upon such trial, it shall appear to the Jury that the Plaintiff is over-paid, then they shall find a verdict for the defendant, and therewith certify to the Court, how much they find the Plaintiff to be indebted, or in arrear to the Defendant more than will answer the debt or sum so set-off, and found due by the same verdict, and the sum or sums, so certified, shall be recorded with the verdict, and shall be deemed as a debt of Record, and if the Plaintiff refuse to pay the same, the Defendant for the recovery thereof, shall have execution for the same, together with the costs of the said action, any Law, Usage or Custom to the contrary in anywise notwithstanding.

CAP. XIX.

An Act for permitting Persons, of the profession of the People called Quakers, to make an Affirmation instead of an Oath.

People called Quakers to make affirmation instead of oath.

I. **BE** it enacted by the Governor, Council and Assembly, That every Person of the profession of the People called Quakers, who shall be required upon any lawful occasion to take an Oath, shall instead of an Oath in the usual form be permitted to make his or her solemn declaration or affirmation in these words, to wit :

Form of affirmation.

I, A. B. do solemnly, sincerely, and truly declare and affirm.

Which solemn affirmation shall and is hereby declared, to be of the same force and effect in all cases where by Law an Oath shall be required, as if such Quaker had taken an Oath in the usual form.

False affirmation punished as perjury.

II. And be it further enacted, That every person who shall have made such solemn affirmation, and shall be convicted of wilfully, falsely and corruptly having affirmed any thing, which, if the same had been sworn in the usual form would have amounted to wilful and corrupt perjury, shall incur the same penalties as persons convicted, of wilful and corrupt perjury.

Not to affirm in criminal cases extending to life or limb.

III. Provided, That no Quaker or reputed Quaker shall by virtue of this Act be admitted to give evidence in any criminal cause extending to life or limb, by such solemn declaration or affirmation as is hereby directed. IV.

i See British Statute, 8 G. 2, C. 24, S. 5.

j See 9 & 10 G. 4, C. 9, S. 1, permitting affirmation to be made by Quakers or Moravians in all cases.

IV. Provided also, That no persons shall be deemed Quakers within the intention of this Act, unless they shall affirm in the form before directed that they are of the profession of the People called Quakers, and have been so for one year then last past.

Who shall be deemed Quakers.

CAP. XX.

An Act for admitting Depositions De Bene Esse of Witnesses, aged, infirm and otherwise unable to travel, and of Witnesses departing from the Province. *h*

I **BE** it enacted by the Governor, Council and Assembly, That when it shall so happen that any of the Witnesses, which shall be judged necessary to be produced on the trial of any cause, between party and party, shall be infirm, aged or otherwise unable to travel, or when any such Witness or Evidence is obliged to leave the Province, it shall and may be lawful for any one of the Judges of the Court where the cause is to be tried after declaration filed, on due notice given to the adverse party to be present (if he sees fit), to take the deposition of such infirm or aged person or persons unable to travel, or who is obliged to leave the Province; and such depositions so taken and certified under the hand and seal of the said Judge, and sealed up and directed to such Court, shall be received as legal evidence in such cause, and also when the title to Land shall be in question in all future causes between the same parties or persons holding under them for the same Land.

Depositions of witnesses de bene esse.

Admitted in future causes between the same parties in question of title to land.

II. Provided, That proof be made on Oath that due notice was given to the adverse party of the time and place of taking such depositions.

Notice to adverse party.

III. And provided nevertheless, That if such Witnesses shall at the time of the trial of the cause be in the Province or able to travel, they shall be required to give their testimony viva voce at such trial, in the same manner as if such depositions had not been taken.

Witnesses in the Province shall testify viva voce.

IV. Provided also, That all benefit of exceptions to the credit of such Deponents, shall be reserved in the same manner, as on producing Witnesses for examination, viva voce, at the trial.

Exceptions to the credit of Deponents reserved.

V. And be it enacted, That every person of the profession of the people called Quakers, who shall be required to take an Oath as aforesaid, shall instead of an Oath be permitted to make his or her solemn Affirmation.

Quakers to affirm.

VI. And be it also enacted, That every person who shall have made such Oath or solemn Affirmation, and shall be convicted of wilfully, falsely and corruptly having sworn or affirmed any thing, shall incur the same penalties as persons convicted of wilful and corrupt perjury.

False swearing punished as perjury.

CAP. XXI.

An Act to prevent unnecessary expence, in Actions on the Case, on Judgment by Default.

BE it enacted by the Governor, Council and Assembly, That from and after the publication of this Act, in all actions on the case wherein judgment is suffered

When Judgment is suffered by default,

h See 5 W. 4, C. 34, making further provisions for examination of Witnesses de bene esse in the Supreme Court.

l Justices may assess damages, unless Defendant apply for a Jury of inquiry.

suffered by default, the Justices in the Court wherein such judgment is given may assess the damages at the next succeeding term, and give final judgment for the sum so assessed; unless the Defendant in such cause should apply for a Jury of Inquiry, in which case the Sheriff is to proceed to ascertain the damages as has been heretofore practised.

CAP. XXII.

An Act for ascertaining Damages on Protested Bills of Exchange.

l Protested Bills on Europe subject to ten per cent. damages, cost of protesting, postage and six per cent. interest.

I. **BE** it enacted by the Governor, Council and Assembly, That from and after the first day of April, one thousand seven hundred and eighty-six, all Bills of Exchange drawn from and after said time by persons residing within this Province upon Persons in Europe, that may be sent back protested, shall be subject to ten per cent. damages together with the accustomed charge of protesting and postage, and also six per cent. per annum interest on the amount of principal, damages and charges, to commence from the day of the date of the protest on said Bill for non-payment, and continue till the same is paid.

m Protested Bills on America and West Indies subject to five per cent. damages, &c.

II. And be it further enacted, That all Bills of Exchange drawn by persons residing within this Province after said time, on persons in any part of America and the West Indies; and sent back protested, shall be subject to five per cent. damages together with the accustomed charge of protest and postage, and also six per cent. per annum interest on the amount of principal, damages and charges, to commence from the date of the protest for non-payment, and continue till the same is paid.

l Protested Bills drawn by persons not residing in the Province.

III. And be it further enacted, That all Bills drawn, or endorsed by persons not residing in this Province, and who at any time may be found therein, shall be subject to the same damages, charges and interest, as if the same had been drawn or endorsed by persons who actually did reside in the Province.

CAP. XXIII.

An Act for giving the like Remedy upon Promissory Notes, as on Inland Bills of Exchange.

l Notes in writing for Money payable to order, assignable as inland Bills of Exchange.

BE it enacted by the Governor, Council and Assembly, That all Notes in writing for any sum of money, payable to order or bearer, shall be assignable and indorseable over, in the same manner as Inland Bills of Exchange are by the custom of merchants; and that any person or persons to whom, or to whose order, such Note shall be made payable, shall and may maintain his, her or their action for such sum of money, in like manner as in cases of Inland Bills of Exchange, with damages and costs of suit.

CAP. XXIV.

An Act to enable Creditors more easily to recover their Debts, from Joint Partners.

l Preamble.

“ **W**HEREAS Creditors are often put to great trouble and difficulty, in recovering debts due from joint partners, the proceeding to outlaw-
“ ry

l See further, 8 G. 4, C. 4, as to assessment of Damages on Bonds for the payment of money by Installments, &c.

m See 34 G. 3, C. 6, giving 10 per cent. Damages, and 6 per cent. Interest on West India Bills protested.

“ ry against persons who cannot be taken by process, not being in use in this
 “ Province, and doubts have arisen, whether any one joint partner is now com-
 “ pellable to answer for the partnership debts, unless all are brought into Court,
 “ which many times cannot be done; for remedy whereof.”

“ Be it enacted by the Governor, Council and Assembly, That all persons
 that now are or hereby shall be jointly indebted to any other person or persons
 whatever, for any joint contract, obligation, matter or thing whatsoever, for which
 remedy could or might be had at Law against such Debtors, in case all were or
 could be taken by process issued out of the Courts of this Province, shall be an-
 swerable to their Creditors separately for such debts; that is to say, such Credi-
 tor or Creditors shall and may issue process against such joint Debtors, in the man-
 ner now in use, and in case any or either of such joint Debtors shall be taken, and
 brought into Court by virtue of such process, he, she or they so taken and
 brought into Court, shall answer to the Plaintiff or Plaintiffs, and in case the
 judgment pass for the Plaintiff or Plaintiffs, he or they shall have his or their
 judgment and execution against those that are brought into Court, and against
 the other joint Debtors named in the process, in the same manner as if they had
 been all taken and brought into Court by virtue of such process. Provided al-
 ways, That it shall not be lawful, by virtue of this Act, to execute such execu-
 tion against the Body, or the Lands, or Goods, the sole property of any person
 not brought into Court, before scire facias brought against him or them on such
 judgment.

Joint debtors
answerable
separately.

May proceed
against all.

n Execution
not executed
against persons
not taken,
before scire
facias.

CAP. XXV.

An Act to prevent frivolous and vexatious Arrests.

I. **F**OR the more effectual preventing frivolous and vexatious arrests, Be it
 enacted by the Governor, Council and Assembly, That no Person shall
 be held to special Bail upon any process issuing out of the Supreme Court where
 the cause of action shall not amount to the sum of ten pounds or upwards, nor out
 of any Inferior Court within this Province, where the cause of action shall not
 amount to forty shillings or upwards. And that in all suits brought for a less sum,
 the Defendant shall be served with a copy of the process within the jurisdiction
 of the Court issuing such process, in manner as hath heretofore been accustomed,
 and if such Defendant or Defendants shall not appear at the return of such pro-
 cess or within twenty days after such return, it shall and may be lawful to and for
 the Plaintiff or Plaintiffs, upon affidavit being made before any Judge of the Court
 out of which such process shall issue, or before any Commissioners authorized to
 take affidavits to be read in the Supreme Court, and filed in the proper Court, of
 the personal service of such process as aforesaid, to enter a common appearance
 or file common Bail, for the Defendant or Defendants, and to proceed thereon as
 if such Defendant or Defendants had entered his, her or their appearance, or filed
 common bail.

o
p Special Bail
on process from
Supreme Court
for not less than
£10, or from
Inferior Court
for not less
than 40s.

Suits for less
sums.

II. And be it further enacted, That in all cases where the Plaintiff or Plaintiffs
 cause of action shall amount to the sum of ten pounds or forty shillings, or up-
 wards as aforesaid, affidavit shall be made and filed of such cause of action, which
 affidavit

When the cause
of action a-
mounts to £10
or 40s. affidavit
to be made.

n See 2 W. 4, C. 20, regulating service of Writs of *sci. fa.*

o See British Statute, 32 G. 1, C. 29.

p By 42 G. 3, C. 7, S. 1, no person can be held to Special Bail in the Inferior Courts of Common Pleas
 for less than £5; nor, by 4 W. 4, C. 45, S. 3, before a Justice of the Peace for less than 20s.

affidavit may be made before any Judge of the Court from which such process shall issue, and before any Commissioner appointed to take affidavits to be read in the Supreme Court, or else before the Officer who shall issue such process or his deputy, if such suit shall be brought therein: And in all cases, when the Plaintiff or Plaintiffs shall reside without this Province, in any of His Majesty's Plantations, before any Judge of the Supreme or Superior Court in such Plantation, and the sum or sums specified in such affidavit shall be indorsed on the back of such writ or process, for which sum or sums so indorsed, the Sheriff or other Officer to whom such writ or process shall be directed, shall take bail, and for no more. But if any writ or process shall issue for the sum of ten pounds or forty shillings, or upwards as aforesaid, and no affidavit or indorsement shall be made as aforesaid, the Plaintiff or Plaintiffs shall not proceed to arrest the body of the Defendant or Defendants, but shall proceed in like manner as is by this Act directed in cases where the cause of action does not amount to the sum of ten pounds or forty shillings, or upwards as aforesaid.

Sum to be indorsed on Writ, for which Bail to be taken.

Defendant shall not be arrested without affidavit and amount indorsed on Writ.

CAP. XXVI.

An Act to prevent Gaming.

7

Notes, Bonds, &c. for gaming considerations void.

I. **BE** it enacted by the Governor, Council and Assembly, That for the more effectually preventing and suppressing Gaming of every kind, all Notes, Bills, Bonds, Judgments, Mortgages, or other Securities or Conveyances whatsoever, given, granted, drawn or entered into, or executed by any persons whatsoever, where the whole or any part of the consideration of such conveyances or securities shall be for any money, or other valuable thing whatsoever, won by gaming or playing at Cards, Dice, Tables, Tennis, Bowls, or other game or games whatsoever, or by betting on the sides or hands of such as do game at any of the games aforesaid, or for the reimbursing or repaying any money knowingly lent or advanced for such gaming or betting as aforesaid, or lent and advanced at the time and place of such play, to any person or persons so gaming or betting as aforesaid, or to any other person or persons in trust for, or to the use of them so gaming or betting, or that shall during such play so game or bet, shall be utterly void, frustrate and of none effect, to all intents and purposes whatsoever: and that where such Mortgages, Securities and other Conveyances, shall be of Lands, Tenements or Hereditaments, or shall be such as incumber or affect the same, such Mortgages, Securities or other Conveyances, shall enure and be to and for the sole use and benefit of, and shall devolve upon such person or persons, as should or might have, or be intitled to such Lands, Tenements or Hereditaments, in case the said Grantor or Grantors thereof, or the person or persons so incumbering the same, had been naturally dead, and as if such Mortgages, Securities, or other Conveyances, had been made to such person or persons so to be entitled after the decease of the person or persons so incumbering the same; and that all Grants or Conveyances to be made for the preventing such Lands, or Tenements or Hereditaments, from coming to, or devolving upon, such person or persons hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void, and of none effect to all intents and purposes whatsoever.

Mortgages, &c. of Lands, &c. made and executed for gaming considerations shall enure to the use of Grantor's Heirs as if Grantor dead.

In actions for money, &c. won on any wager,

II. And be it hereby further enacted, That in all actions of the case or other actions (except such suits as shall be brought under this Act), which shall or may hereafter

hereafter be brought in any Court of Judicature within this Province, for any sum or sums of money, in which it will appear on trial of the same that the cause of action accrued by or in consequence of a wager or gaming bet, that the Plaintiff shall in all such cases suffer non-suit, and the Defendant recover full costs against him.

The Plaintiff shall suffer non-suit.

III. And be it further enacted, That any person or persons whatsoever, who shall by playing at Cards, Dice or Tables, or any other game or games whatsoever, or by betting on the sides or hands of such as do play at any game or games as aforesaid, within twenty-four hours, or at any one meeting or sitting, lose to any one or more person or persons, so playing or betting, any sum or sums of money exceeding the sum of twenty shillings, or any other valuable thing or things whatsoever beyond the value of the sum of twenty shillings, and shall pay or deliver the same or any part thereof, the person or persons so losing and paying or delivering the same, shall be at liberty within one month then next following, to sue for and recover the money or goods so lost, and paid or delivered, or any part thereof, from the respective winner or winners thereof, with costs of suit, by action of debt, founded on this Act, to be prosecuted in any of his Majesty's Courts of Record, in which action it shall be sufficient for the Plaintiff to alledge that the Defendant or Defendants are indebted to the Plaintiff, or received to the Plaintiff's use, the monies so lost and paid, or converted the goods won of the Plaintiff to the Defendant's use, whereby the Plaintiff's action accrued to him according to the form of this Act, without setting forth the special matter.

If more than 20s. or 20s. worth be lost at cards, &c. within twenty-four hours, or at one sitting, and the same be paid or delivered, the party losing may sue for and recover the same with costs.

IV. And be it further enacted, That the Parent, Guardian or Master of any person or persons under the age of twenty-one years, shall likewise be at liberty to sue for and recover, in manner as is before prescribed, any money or other thing won by gaming from such persons within lawful age, and treble the value of money so won, with costs of suit.

If Money, &c. be won from minors, guardian or master may recover treble value with costs.

V. And be it further enacted, That if any Persons shall, by fraud, unlawful device, or ill practice whatsoever, in playing at any game or games whatsoever, or by bearing a share or part in the stakes, or by betting on the sides of such as shall play, win or acquire to themselves, or to any others, any money or other valuable thing, every person so winning or acquiring by such ill-practice as aforesaid, and being thereof convicted of any of the said offences, upon indictment or information, shall forfeit five times the value of the money or other thing so won as aforesaid; such penalty to be recovered by such person as shall sue for the same by such action as aforesaid.

Persons convicted of fraud, &c. shall forfeit five times the value of the money or thing won.

VI. And for the better suppressing all public gaming houses, Be it hereby further enacted, That it shall and may be lawful to and for any two of His Majesty's Justices of the Peace, to enter into any public houses suspected of keeping any gaming tables, and to order and direct the keepers of such gaming tables, if any such shall be found therein, to remove the same within forty-eight hours, as a public nuisance; and any person refusing or neglecting to obey the order of such Justices, the said Justices shall have power to break and prostrate such public gaming tables, and also to require sufficient security from persons keeping such gaming houses, for their good behaviour during twelve months, or for their appearance at the next Quarter Sessions, there to be prosecuted for offending against this Act, or in case he or they shall refuse to find security, then to commit him or them to the common Goal of the County for trial. On conviction, to be either fined or imprisoned, as the Court shall direct.

Two Justices may enter public houses suspected of keeping gaming tables and order their removal within 48 hours.

Penalty for neglect, &c.

On refusal to find security, offenders to be committed.

On conviction to be fined, &c.

VII. And be it further enacted by the authority aforesaid, That it shall be lawful for any two Justices of the Peace to cause to be brought before them, every person against whom information shall be lodged by the members of the Grand Jury,

Apprehension of persons suspected of maintaining themselves by gaming.

Security for
good behaviour.

Jury, sworn at the preceding Session of the Peace, held in the County, or by some one of them that he or they have reason to suspect such person to have no visible estate or calling to maintain himself by, but that he does for the most part support himself by gaming; and if such person shall not make it appear that the principal part of his expences is not maintained by gaming, such Justices shall require of him security for his good behaviour for twelve months, and in default of his finding such security, commit him to the common Goal until he shall find security.

CAP. XXVII.

r An Act for preventing Idleness and Disorders, and for punishing Rogues, Vagabonds, and other Idle and Disorderly Persons.

Persons not
having any vis-
ible means of
maintaining
themselves, &c.
refusing to
work, &c. shall
be deemed idle
and disorderly.

To be appre-
hended and ex-
amined.

Justices of the
Peace, may
comm'tt offend-
ers against this
Act to Prison
or House of
Correction.

Constables re-
quired to appre-
hend offenders,
and convey
them to a Jus-
tice to be ex-
amined, &c.

Constables re-
fusing or ne-
glecting, to be
fined 10s.

I. **BE** it enacted by the Governor, Council and Assembly, That all persons who not having any visible means of maintaining themselves, live idle and refuse to work for the usual wages, and all persons going about to beg alms, and all idle and wandering persons, who shall not have a pass or testimonial from some Justice of the Peace, setting forth from whence such idle and wandering persons shall have come, and the Place to which they are to pass, and all persons who return to such Town, Parish or Place from whence they have been legally removed by order of two Justices of the Peace, without bringing a certificate from the Town or Parish whereunto they belong, shall be deemed idle and disorderly persons; and it shall be lawful for the Justice of the Peace on receiving information that any idle or disorderly person or persons is or are in any place within his jurisdiction, to issue his warrant to the Constable, to search for and apprehend such idle and disorderly person or persons, and bring him or them before such Justice, who is hereby empowered to examine such person or persons not only as to their manner of livelihood and subsistence, but also as to the Place from whence they came and where they were last settled; and they refusing to be examined, or not making true answers to such questions as shall be put to them by such Justice on such their examination, shall be considered as idle and disorderly persons within the intent and meaning of this Act, and be dealt with accordingly.

II. And be it further enacted, That it shall and may be lawful for any Justice of the Peace to commit all and every person and persons by this Act mentioned and described as idle and disorderly persons (and thereof convicted by their own confession, by view, or by the oath of one or more credible witness or witnesses, or refusing to be examined, or returning untrue answers as aforesaid) to Prison or to the House of Correction, there to be kept to hard labour for any time not exceeding one month.

III. And be it further enacted, That if any person or persons shall be found offending in any Town or Parish or Place against this Act, it shall and may be lawful for any Constable of such Town, Parish or Place, and he is hereby enjoined and required on Notice thereof given him by any of the Inhabitants, to apprehend and convey, or cause to be conveyed, such person so offending, to a Justice of the Peace of the County in order to be examined and proceeded against according to Law. And if any Constable after such Notice given as aforesaid shall refuse or neglect to use his best endeavours to apprehend and convey such offenders before

r Sec 47 G. 3, C. 7, to prevent divers misdemeanors in idle and disorderly persons; and see 9 & 10 G. 4, C. 8, providing for punishment of persons keeping disorderly houses.

before a Justice of the Peace as aforesaid, being thereof legally convicted before such Justice of the Peace, every such Constable shall forfeit and pay to the use of the Poor thereof the sum of Ten Shillings, to be levied by distress and sale of the offender's Goods, by warrant from such Justice, and the overplus, if any, after the charge of prosecution and of such distress shall be satisfied, shall be returned to such offender.

IV. And be it further enacted, That any person or persons who shall conceive him, her or themselves aggrieved by any Act, judgment or determination of any Justice or Justices of the Peace out of Sessions, in and concerning the execution of this Act, may appeal to the next General Quarter Sessions of the City or County on finding two sufficient securities in Ten Pounds each, to prosecute such appeal to effect.

Appeal to the next General Quarter Sessions.

CAP. XXVIII.

An Act for the appointment of Town and Parish Officers, in the several Counties in this Province. 5

I. **BE** it enacted by the Governor, Council and Assembly, That the Justices of the General Sessions of the Peace, for the several Counties in this Province, shall hereafter annually at the first Sessions of the said Court, appoint out of every Town or Parish in the said County, three fit persons to be *Overseers of the Poor*, of the said Town or Parish, and at the same time, in like manner, appoint one fit person in every Town or Parish in said County to be *Clerk of said Town* or Parish, who shall be sworn, truly to enter and record all such matters and things, as shall relate to the said Town or Parish, and shall appertain to his Office, and shall also appoint two or more as they shall see convenient, to be *Constables* in said Town or Parish; and shall also appoint two or more as they shall see convenient to be *Fence-viewers*, in such Town or Parish; and shall also appoint, one *Clerk of the Market*, in said Town or Parish; and shall also appoint a sufficient number, in their discretion, to be *Pound keepers*, in said Town or Parish; and shall also appoint a sufficient number, in their discretion, to be *Cullers and Surveyors of Fish*, in said Town or Parish; and shall also appoint a sufficient number in their discretion, to be *Surveyors of Lumber, and of Cord Wood*, in said Town or Parish; and shall also appoint one *Sealer of Leather*, in said Town or Parish; and shall also appoint a sufficient number, in their discretion, to be *Guagers of Casks*, in said Town or Parish; and shall also appoint a sufficient number, in their discretion, to be *Hogreeves*, in said Town or Parish; and shall also appoint three fit persons, to be *Assessors*, in said Town or Parish, of all such Rates and Taxes as shall be payable by any Act or Acts of the Governor, Council and Assembly of this Province; and shall also appoint a sufficient number, in their discretion, to be *Surveyors and Weighers of Hay*, in said Town or Parish; and shall and may also appoint a sufficient number, in their discretion, in each Town or Parish to be *Inspectors and Examiners of any staple commodity* in such Counties respectively, for market or exportation; who shall be respectively sworn in

Justices to appoint annually at the first Sessions, Overseers of the Poor—*t* Town Clerks—Constables—Fence-viewers—Clerks of the Market—Pound keepers—Cullers, &c. of Fish—Surveyors of Lumber—and Cord Wood—Sealer of Leather—Guagers of Casks—Hogreeves—Assessors of Rates, &c.—Surveyors, &c. of Hay—Inspectors, &c. of staple commodities in Counties who shall be sworn within fourteen days.

^s See 3 G. 4, C. 29, providing for supplying the places of Officers refusing to serve—3 W. 4, C. 8, authorizing the dismissal of Constables for misbehaviour—42 G. 3, C. 3, S. 3, as to time of appointing Parish Officers in Westmorland—43 G. 3, C. 6, as to Inspectors of Butter—3 W. 4, C. 31, S. 1, as to Trustees of Schools; and see 52 G. 3, C. 11, as to appointment of Constables for the City of Saint John.

^t See 47 G. 3, C. 8, as to duty of Town Clerks in respect of Cattle marks, &c.

For refusal or neglect shall forfeit 40s.

In case of death, leaving the Province or change of Town, other to be appointed.

Weighers of Hay. Fees.

in said Court, where they shall be so appointed, or within fourteen days after such appointment, before one of His Majesty's Justices of the Peace in the County where such Town or Parish lies; (which Court and Justices respectively are hereby authorized to administer such Oaths,) to the faithful discharge of their duty; and also, shall conform to the Laws of this Province respecting or regulating the same; and upon their or any or either of their refusal to accept, or being guilty of any neglect, or misbehaviour, in the execution of the duty, of their respective offices they shall forfeit and pay, for the use of the Poor of the said Town or Parish, the sum of Forty Shillings, for every such refusal, neglect or misbehaviour; to be recovered, upon proof of such refusal, neglect or misbehaviour, by the Oath of one credible Witness, before any two of His Majesty's Justices of the Peace for the County, where such Town or Parish is; to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, after deducting the costs and charges of prosecution to the offender. And if any person so appointed, shall leave the Province, change the Town of his residence, or happen to die within the period, for which he shall be appointed to serve in any of the said offices; in such case any two of His Majesty's Justices of the Peace for the County, shall and may, appoint a fit person, who shall be sworn as aforesaid, to the faithful discharge of his duty, and shall serve in his vacant office, until another shall be appointed, by such Court of General Sessions, at their meeting, next ensuing such vacancy.

II. And be it further enacted, That the Surveyors and Weighers of Hay, shall be paid for their trouble in viewing and weighing Hay, at the rate of One Penny per hundred weight, and Four Pence per mile travel, if such travel exceed one mile; to be paid by the seller.

III. [*Obsolete.*]

CAP. XXIX.

An Act for preventing Tresspasses.

[*Repealed by 41 G. 3, C. 3.*]

CAP. XXX.

An Act to prevent the Burning Woods, by carelessly or wantonly Firing the same.

Preamble.

“ WHEREAS the Inhabitants of this Province have frequently left Fires “ burning, which by communicating to the Woods have done great “ damage not only to the Proprietors of certain Lands, but also to the greater “ damage of the unlocated Lands.”

Persons who shall kindle Fires in woods, &c. and shall not extinguish or secure the same shall forfeit £3, and pay all damages.

For prevention whereof, Be it enacted by the Governor, Council and Assembly, That from and after the publication of this Act, any person or persons, who shall be convicted, by his, or their own confession, or by the Oath of one or more credible witness or witnesses, before any one or more Justice or Justices of the Peace, of any County within this Province, of having kindled any Fire, in any woods, fields, or other open place, and who shall depart, leaving the same burning, and shall not either extinguish the same, by water, or otherwise secure it, so that it may not communicate to any woods, under-woods or brush, whereby damage may ensue, either to any private property, or to any unlocated Lands in this Province,

Province, shall for every such offence (although no damage ensued) forfeit and pay, the sum of Three Pounds, one half, to the use of the Informer, and the other half, to the use of the Poor of the Town, where the offence shall have been committed, (as well as be subject to all damages, sustained, in consequence of such Fire,) to be recovered, by action of debt, in any Court of this Province, where the same shall be cognizable, with costs of suit.

CAP. XXXI.

An Act to prevent Nuisances, by Hedges, Wears, Seines, and other Incumbrances, obstructing the Passage of Fish in the Rivers, Coves and Creeks of this Province.

[*Expired.*]

CAP. XXXII.

An Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners and Surveyors of Highways, within the several Towns or Parishes in this Province.

[*Suspended by 26, G. 3, C. 7, and 50 G. 3, C. 6, during the operation of those Acts respectively. Repealed by 1 W. 4, C. 33.*]

CAP. XXXIII.

An Act for regulating and facilitating the Navigation of the River Saint John, and other Rivers in this Province.

“**W**HEREAS the Navigation of the River Saint John, and other Rivers, Preamble.
 “in this Province, and particularly, in those parts thereof, where from
 “the rapids, and for other causes, it is often found necessary, to tow small vessels,
 “boats, and rafts of lumber, along the sides, and near the shores of said Rivers,
 “is often obstructed, by felling trees, standing on the banks of said Rivers, and
 “by casting and leaving the same across said banks; partly on the banks, and
 “partly in said Rivers, and by logs and other heavy bodies, being deposited and
 “lodged, by the freshes and otherwise on said banks, and on the shores of said
 “Rivers.”

I. Be it enacted by the Governor, Council, and Assembly, That the Commissioners, and Surveyors of Roads, that shall be annually appointed, or chosen, in the several Towns or Parishes, in the respective Counties in this Province, shall be Surveyors of Rivers; who shall take care, that all Rivers, and the banks and shores thereof, within the respective districts assigned them, be cleared of all such incumbrances, and obstructions to the Navigation thereof; that they may be safe, and convenient, for the aforesaid purposes, of passing up and down the same, with small vessels, boats, and rafts of lumber, in manner as aforesaid; and the Surveyors are hereby empowered, to cut down, dig up, and remove, all sorts of trees, bushes, or other thing or things, that may any way straiten, hurt, hinder, Commissioners and Surveyors of Roads to be Surveyors of Rivers and empowered to clear Rivers, &c. of incumbrances, &c.

To warn labourers, &c.

Persons felling Trees, &c. on banks of Rivers to forfeit 20s. for each Tree, &c.

Surveyors to command assistance of Inhabitants, and work allowed as in case of Highways.

incommodate, impede or obstruct the Navigation of said Rivers with small vessels, boats or rafts of lumber, by towing the same, or otherwise; and to warn all labourers, owners of carriages, teams and boats, or other things, fit and necessary to be employed for the above purposes.

II. And be it further enacted, That if any person or persons shall hereafter fell any Tree, or Trees standing on the banks of said Rivers, and cast and leave the same across said Banks, or shall cut down and leave on said Banks, any Log or Logs, or other heavy bodies, such person or persons, shall for each Tree, Log, or other heavy body felled, cut down or left, on or across said Banks, in manner aforesaid, forfeit and pay a fine, or penalty, of Twenty Shillings; to be recovered by complaint to a Justice of the Peace, as in the case of refusal to labour on the Highways, and appropriated for the purpose of clearing said Rivers, by the Surveyors within whose district the offence shall be committed. And the said Surveyors are hereby authorized to command the assistance of the Inhabitants of the Parish for the purposes aforesaid, in like manner as for working on the Highways; and the work so done by each person shall be considered and returned by said Surveyor and allowed for, as so much work done on the Highways.

CAP. XXXIV.

An Act for securing the Navigation of the River Maggaugaudavick.

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Preamble.

“ WHEREAS the security of the free Navigation of the river Maggaugaudavick, through its extensive communications, must be highly conducive to the settlement thereof, and greatly tend to the encouragement of the Lumber trade, at present, the most important branch of Commerce in the Province.”

Penalty for raising Dams &c. across the river Maggaugaudavick.

I. Be it enacted by the Governor, Council and Assembly, That no person or persons shall raise a Dam, or throw a Boom, across the main river Maggaugaudavick; and any person, or persons, so offending, shall forfeit the sum of Twenty Pounds; the half of which sum, shall be for the Informer, and the other half, for the Poor of the Township, where the offence shall be committed; to be recovered by bill, plaint or information, in any of his Majesty's Courts of Record, within this Province.

Booms may be thrown across said River below the carrying-place above the first Falls, to stop Masts, &c.

II. Provided always, That it shall and may be lawful, to throw a Boom or Booms, across said River, at or below the carrying place or Portage, immediately above the first falls of said River, which falls are next adjoining to the salt water, for the purpose of stopping masts, spars, rafts or other lumber, to be hauled over the said Portage, where the height and rapidity of the stream, renders the further conveyance of them by water unsafe.

Persons erecting Mills above said carrying-place, may raise Dams half across the River.

III. And be it enacted, That any person or persons, who may think it expedient to erect a Mill or Mills upon said river Maggaugaudavick, in any part thereof, above the carrying place or Portage before mentioned, shall have a power, or privilege, to erect a Dam or Dams, or to lay a Boom, or Booms, which shall not extend more than half way across said main River; the half distance, to be estimated in the drought of Summer, or in the season, when the water of this River shall be deemed at the lowest.

IV. Provided, That above the Grand Forks, supposed about Twenty-seven

u See 45, G. 3, C. 7, amending this Act—C. 14, regulating Booms in Charlotte County—4 G. 4, C. 7, in addition thereto, and 5 W. 4, C. 31, regulating the driving of Timber and Logs down the Maggaugaudavick and its branches,

seven miles from the first Falls, any person may have permission to throw a Dam or Booms, across the River; provided, there is left in said Dam or Booms, sufficient Sluiceway or passage, for conveying boats, rafts of boards, or other lumber through the same: And every person convicted of offending herein, on trial by indictment for a public nuisance, at the Court of Sessions held for the County, shall be fined, at the discretion of the said Court, not exceeding Twenty Pounds, who are hereby empowered on such conviction, to order the said nuisance to be abated.

Dams, &c. may be made across the River above the Grand Forks, leaving Sluiceways for Boats, &c.

V. And be it enacted, That any two of His Majesty's Justices of the Peace, upon their own view, or upon the oath of two or more credible witnesses, have power, and they are hereby directed, to order any such Boom or Booms to be removed.

Two Justices may on view order such Booms removed.

CAP. XXXV.

An Act to prevent the malicious Killing or Maiming of Cattle.

BE it enacted by the Governor, Council and Assembly, That if any person or persons, shall maliciously, unlawfully, and willingly kill, maim, wound or otherwise hurt, any Horses, Neat Cattle, Swine, Sheep, or other Cattle, every such offender or offenders shall forfeit and pay unto the party grieved, treble the damages, which he or they shall sustain; to be recovered by action of Trespass, or upon the case, in any of His Majesty's Courts of Record in this Province.

Persons maliciously killing Horses, &c. shall forfeit treble damages to the owner.

CAP. XXXVI.

An Act for regulating Inn-holders, Tavern-keepers, and Retailers of Spirituous Liquors.

Repealed by 1 W. 4, C. 24.

CAP. XXXVII.

An Act for regulating Servants.

“WHEREAS damage and inconvenience may arise, from Apprentices and “indented Servants, leaving the service of their Masters, without a “proper discharge;”

20
Preamble.

I. Be it enacted by the Governor, Council and Assembly, That from and after the publication of this Act, all Servants or Apprentices, bound by Indenture, shall at the expiration of the term, for which they are engaged, require and receive from their Master, or Mistress, a discharge or Certificate, of such Servants having served his or her time.

Indented Servants or Apprentices shall, at the expiration of their term, receive a discharge.

II. And if any person shall knowingly hire, or harbour, any indented Servant or Apprentice, till he or she shall produce such Certificate or Discharge, such persons

Penalty for harbouring Servants or Apprentices.

v See 10 and 11 G. 4, C. 22, and 3 W. 4, C. 33, as to Summary proceedings where damages do not exceed £10, and 4 W. 4, C. 13, for the punishment of cruelty to Animals.

w See 6 G. 4, C. 14, requiring Master Ship Builders to have two Apprentices; and see 7 G. 4, C. 5, as to punishment of Apprentices.

persons so offending and being thereof convicted before the General Session of the Peace, shall forfeit and pay Five Pounds; to be levied by distress and sale of the offender's goods and chattels, by warrant from such General Sessions, one half of which shall be to the Prosecutor, and the other half for the benefit of the County where the same shall be recovered.

Indented Servants and Apprentices absenting themselves shall make satisfaction by service.

III. And all indented Servants and Apprentices as aforesaid, who shall absent themselves from their service, shall be liable to make satisfaction by service after the time of their Indenture is expired, double the time of service so neglected; and if their absence was in seed time or harvest or the charge of recovering them, be extraordinary, the Court, before whom complaint is made, shall adjudge a longer time of service, proportionable to the damage the Master shall make it appear he has sustained.

Justices of the Peace may give discharge where Masters unreasonably refuse.

IV. And in case any person shall refuse his or her Servant a Certificate or discharge as aforesaid, such Servant may apply to one of his Majesty's Justices of the Peace in the County where said Master or Mistress does reside, who shall give Notice to said Master or Mistress, and require the reasons for such refusal; and in case no regard is paid to such Notice within Five days, or the Justice, by a reply shall find no sufficient cause for such refusal, he shall without any fee, give such Servant a Certificate to that purpose, which shall be a sufficient discharge from said Indenture. And if any person shall be convicted, of making use of a false Certificate upon Oath before any two of His Majesty's Justices of the Peace, he shall be publicly whipped, not exceeding thirty stripes, at the discretion of said Justices.

Persons making use of false Certificates shall be publicly whipped.

Before Indentures are concluded or assigned, parties to go before a Justice.

V. And be it further enacted, That before any indenture is finally concluded, or assigned over, the parties shall go before one of His Majesty's Justices of the Peace, who shall examine, whether the Apprentice or Servant has any just objection to such Indenture, or Assignment thereof, and if he has not, shall give a Certificate on the Indenture accordingly.

Masters of vessels receiving, harbouring, or concealing Servants, &c. to forfeit £10
Masters shall provide for Servants.

VI. And be it further enacted, That no Master of any Ship or Vessel shall receive, harbour or conceal, on board, any Indented Servant or Apprentice, on pain of forfeiting Ten Pounds, for every such offence, to be recovered and applied as aforesaid.

VII. And be it further enacted, That every Master and Mistress shall provide for his or her Servant or Apprentice, according to the full tenor of their agreement.

Two Justices on complaint of Servants, may order relief by discharge or otherwise.

VIII. And every servant or Apprentice, having just cause of complaint, for the non-performance of such agreement, or for hard or cruel usage, may and shall on application to any two of his Majesty's Justices of the Peace, be heard concerning the same, and if said Justice shall find sufficient cause of complaint, they are hereby empowered, and required to make an order, for the relief of said Servant or Apprentice, by a discharge from their service, or otherwise, as they may see fit.

Party not satisfied may appeal to Court of Sessions.

IX. And if either party shall not be satisfied, with the order of said Justices, appeal may be had, to the next General Sessions of the Peace, where the matter shall be finally determined.

Merchants, &c. not to sell on credit to Servants or Apprentices.

X. And be it further enacted, That it shall not be lawful, for any Merchant, Trader, Tavern-keeper, or other person whatsoever, to sell upon credit to any indented Servant or Apprentice; and all actions commenced against such persons, shall and are hereby declared to be void and of no effect.

CAP. XXXVIII.

An Act to enable the Justices of the Peace, of the several Counties in this Province for the time being, to receive, for Public Uses, Grants of Lands lying in their respective Counties; and to regulate the Commons belonging to the several Townships or Parishes within the same.

“ **W**HEREAS there are several Tracts of Land, reserved in the different Counties of this Province, for Public Uses; and whereas it is necessary that persons be empowered to receive Grants, as well of the said Lands, as of such other Lands, as may hereafter be so reserved or granted, that the intent for which they have been or shall be so reserved or granted, may be carried into execution. Preamble.

I. Be it enacted by the Governor, Council and Assembly, That the Justices of the Peace in each County, shall be and are hereby authorized and empowered, by the style and title of *the Justices of the Peace of the County of* *for the time being*, to accept, receive and retain, in trust for the Public uses therein specified, any Grant, or Grants of Lands lying in the said County, and such trust to execute: and all Grants so as aforesaid made, are hereby declared, to be good and valid in Law. Justices of the Peace authorized to receive Grants of Lands in trust for public uses.

II. And be it further enacted, That the said Justices, by the stile and title aforesaid, shall be able, and in Law capable, to bring and maintain any action of trespass or ejectment of, or concerning any the Lands so granted to them in trust as aforesaid; and to lease for a term of years, any such Lands so granted to them, or heretofore given to Public Uses, to the best advantage, except the use is expressly given in such Grant, to some particular person, or persons, or body corporate. May bring actions concerning such Lands and may lease the same.

III. And be it also enacted, That the Justices, in their several General Sessions of the Peace, to be held for the several Counties in this Province, shall from time to time, affix and settle such regulations as they may think most proper and convenient, to be observed and followed, by the Inhabitants in the several Townships within such County, in regard to the Common belonging to the same; and such regulations so made, affixed and settled, shall be, and are hereby declared to be, the stated rules to be kept, observed and followed, by the Inhabitants of each respective Township; and that if any person shall transgress any such rules and regulations, so to be settled and affixed, or shall neglect or refuse to obey the same, such person shall forfeit and pay a Fine not exceeding Forty Shillings for every such offence; and in case such Offender shall refuse or neglect to pay the Fine, then, it shall and may be lawful, for any two of His Majesty's Justices of the Peace, to grant a warrant of distress, for levying the same in the usual manner; one half to be to the person complaining, and the other half for the use of the Poor of the Township, where the offence shall be committed; and in default of such distress, to commit such Offender for any space not exceeding Ten Days. Justices in Sessions to settle regulations respecting Commons.
Persons transgressing or refusing to obey such regulations to be fined not exceeding 40s.

CAP. XXXIX.

An Act for the Preservation of Moose.

[Continued by 28 G. 3, C. 5, to 1st March, 1792, and then expired.]

CAP.

^z See 10 & 11 G. 4, C. 17, authorizing Justices of the County of Northumberland to sell in fee simple, Lands in the Town Plat of Newcastle.

CAP. XL.

An Act to oblige Absent Proprietors to pay a proportion of any Public charge, and to repair Highways.

[*Repealed as to public charges by 1 W. 4, C. 26, and as to Highways by 1 W. 4, C. 33.*]

CAP. XLI.

An Act to enable the Treasurers of the respective Counties in this Province, to recover from such person or persons as have heretofore received any Monies, or are otherwise indebted for the Sale of Mill Privileges and Public Lots.

[*Obsolete.*]

CAP. XLII.

An Act for Assessing, Collecting and Levying County Rates.

y
Justices in general or special Sessions may agree on sums of money for building Goals and Court Houses, and charge the same on the Towns by warrants to Assessors.

Such sums to be apportioned by Assessors.

x Assessors to direct precepts to Constables with copies of Assessments, who are to collect the same.

Repealed by 29 Geo. 3, c. 3.

I. **B**E it enacted by the Governor, Council and Assembly, That the Justices of the Peace, in the several Counties in this Province, where no Goals or Court Houses are already erected and finished, in and for said Counties, shall at their general or special Sessions of the Peace, have full power and authority, to conclude and agree upon such sum or sums of money, as upon examination of able and sufficient workmen, shall be thought necessary, for the building and finishing a public Goal, and a public Court House, in and for such Counties respectively; and by warrant under their hands and seals, or under the hands and seals of the greater number of them, to be directed to the Assessors of the several and respective Towns, by equal proportion to distribute and charge the sum, or sums of money, to be levied for the uses aforesaid, upon the several Towns or Parishes, in such Counties respectively; and the Assessors for the said Towns or Parishes respectively, shall apportion the quota, of the said sum or sums of money, so to be levied upon the respective Towns or Parishes, to be paid by the several and respective Inhabitants of the said Towns or Parishes, as they in their discretion shall think just and reasonable: and the said Assessors are hereby authorized and empowered, to direct their precepts, with a copy of such Assessment or apportionment, of the different sums, so to be paid by the respective Inhabitants, to the Constables, of the respective Towns or Parishes, for which such Assessors are appointed; which Constable are hereby authorized to levy and collect the same accordingly. Provided always, That it shall and may be lawful, for any Inhabitant of any Town, in case he shall so chuse, instead of paying the sum, so to be assessed upon him, to contribute a proportion of labour, at and after the rate, of Two Shillings and Sixpence per day, allowing ten hours to each day's work, under the direction of such Person, as the said Justices shall agree and contract with, for the building such Goal and Court House, who is hereby authorized to notify to the respective Constables, where such labour will be required, which labour so contributed, shall be a full discharge of the sums so assessed, at and after the rate aforesaid.

II.

II. And be it further enacted, That when any Goal or Court House, or any public Bridges or other works, are to be repaired, at the expence of any County in this Province, the Justices of the Peace in the several Counties, shall, at their General Sessions of the Peace, upon the presentment of the Grand Jury at such Sessions, of the want of such reparation of the Goal, Court House and Bridges or other works, have full power and authority, if they think proper and convenient, from time to time to make rates and assessments, for such sum or sums of money, as they in their discretion shall think sufficient, to answer all and every the purposes aforesaid, in such proportions as is herein before directed to be in like manner assessed, levied and collected; and the said Justices of the Peace, at their respective General Sessions, are hereby authorized and empowered, to covenant, contract, and agree, with any person or persons, for the well and sufficient building, finishing or repairing such Goals, Court Houses, Bridges, or other works as aforesaid.

III. And be it further enacted, That if any person or persons, who shall not have worked as aforesaid, shall refuse, or neglect, to pay his or their assessment, by the space of ten days, after demand of such assessment, by the Constable appointed to collect the same, or shall convey away his or their goods or estate, whereby the sum or sums of money so assessed, cannot be levied; then it shall and may be lawful to and for the said Constables, by warrant from any one of the Justices of the Peace in the County, to levy the sum so assessed, by distress and sale of the goods and chattels of such persons, so neglecting or refusing to pay, who shall not have worked as aforesaid; and the goods and chattels then and there found, and the distress so taken, to keep for the space of Ten Days, at the cost and charges of the owner thereof; and if the said owner do not pay the sum or sums of money, so rated or assessed, within the space of the said ten days, then the said distress, to be appraised by two or more of the Inhabitants where the same shall be taken, or other sufficient persons, and to be sold by the said Constable for payment of the said money; and the overplus of such sale, (if any be) over and above the sum so assessed and charges of taking and keeping the distress, to be immediately returned to the owner thereof; and the respective Constables are hereby required upon demand, to pay such sum or sums of money, as they shall have so received or collected, into the hands of such person, (being resident in such County where such rates shall be respectively made) whom the said Justices at their General Sessions, or the greater part of them then and there assembled, appoint to be the Treasurer of the County; (which Treasurer, they are hereby authorized and empowered, to nominate and appoint;) such Treasurer first giving security, in such sum as shall be approved of, by the said Justices, at such General Sessions, or the greater part of them then and there assembled, to be accountable, for the several and respective sums of money, which shall be respectively paid to them, in pursuance of this or any other Act or Law of this Province, and to pay such sum or sums of money as shall be ordered to be paid by the Justices at their General Sessions, and for the due and faithful execution of the trust reposed in him; and all and every such sum or sums of money as shall be paid into his hands by virtue of this or any other Act or Law of this Province, shall be deemed and taken, to be the Public Stock, and the said Treasurer, shall and is hereby required, to pay so much of the

Justices in general Sessions may on presentment of Grand Jury, to make rates, &c. for repairing Goals, &c.

And may agree with persons for building, &c. such Goals, &c.

Persons not having worked as aforesaid, and refusing or neglecting to pay their Assessments, liable to distress and sale of their goods.

Constables to pay their collections to County Treasurers.

County Treasurers to be appointed by Justices in General Sessions, and to give security.

Collectors in the City of Saint John—4 W. 4, C. 19, authorizing Assessments when necessary to pay annual allowances to County Officers—9 and 10 G. 4, C. 25, regulating publication of County Accounts, and 5 W. 4, C. 28, requiring accounts to be annually laid before the Grand Jury.

By 9 and 10 G. 4, C. 15, no Justice or Clerk of the Peace can be appointed County Treasurer.

Treasurers to pay monies as directed by Justices in Sessions.

the money in his hands, to such person and persons, as the said Justices at their General Sessions, or the greater part of them then and there assembled, shall by their orders from time to time, direct and appoint, for the use and purposes of this Act, and for any other uses and purposes to which the Public Stock of any County, is or shall be applicable by Law.

Treasurers to keep books of entries of monies received and to render an account under oath, if required.

IV. And be it further enacted, That the said respective Treasurers in the several Counties, shall and are hereby required, to keep books of entries, of the several sums, respectively received and paid by them, and are also hereby required, to deliver in, true and exact accounts upon Oath if required, (which Oath the said Justices at their respective General Sessions are hereby empowered to administer) of all and every the sum and sums of money respectively, received and paid by them, distinguishing the particular uses, to which such sum or sums of money have been applied, to the Justices at every General Sessions respectively to be holden by them in the several Counties, and shall lay before the Justices at such Sessions, the proper vouchers for the same.

Constables to demand and levy such rates, &c. and to account for the same.

V. And be it further enacted, That the respective Constables of the several Towns or Parishes, shall and they are hereby required, to demand and levy such rates and assessments, and to notify the Inhabitants to work as aforesaid, in manner before directed ; and shall account for the same before the said Justices, at their respective General Sessions, in the several Counties, if thereunto required, in like manner as the said Treasurers are hereby directed to account ; and in case such Constables or any of them shall neglect or refuse, so to demand, levy or account, then it shall and may be lawful, to and for the said Justices at their respective General Sessions, or the greater part of them, then and there assembled, to commit such Constable or Constables to the Common Goal of the County, there to remain without bail or mainprize, until he or they shall have caused such rates or assessments, upon the persons who shall not have so worked as aforesaid, to be demanded or levied, and shall have rendered a true account or accounts in the manner hereby directed ; and in case it shall appear by such account or accounts that any sum or sums of money is or are remaining in his or their hands, which he or they shall have received of the several persons, in the Town or Parish for which he or they shall be respectively appointed, which ought to have been paid to the respective Treasurer, in order to be applied to the purposes aforesaid, and if he or they shall neglect, or refuse to pay the same over into the hands of the respective Treasurers, or otherwise, if thereunto required by order of the said Justices at their respective General Sessions or the greater part of them, then and there assembled, then it shall and may be lawful for the said Justices at such their General Sessions, or the greater part of them, then and there assembled, to commit such Constable or Constables to the Common Goal of the County, there to remain without bail or mainprize, until he or they shall have made full payment, of the sum or sums of money that shall appear to be due on such account or accounts. And all the accounts and vouchers of the said Treasurers and Constables shall, after having been passed by the said Justices at their respective General Sessions, be deposited with the Clerk of the Peace for the time being, of each County respectively, who is hereby required to keep them among the Records of such County, to be inspected from time to time, by any of the said Justices for such County as occasion shall require, without fee or reward.

Accounts, &c. to be deposited, with the Clerks of the Peace.

Discharges to Constables, and Treasurers.

VI. And be it further enacted, That the receipts of such respective Treasurer, shall be sufficient discharges, to all Constables ; and the discharges of the said Justices of the Peace, or the greater part of them, by their orders made at their

their respective General Sessions, to such Treasurer, shall be deemed and allowed, as good and sufficient releases, acquittances or discharges, in any Court of Law or Equity, to all intents and purposes whatsoever.

VII. And be it further enacted, That it shall and may be lawful, to and for the said Justices of the Peace, at their respective General Sessions, or the greater part of them then and there assembled, to continue from time to time such Treasurer in his Office, so long as they shall see convenient; and to remove him at their pleasure, and appoint any other person in his place; and to allow him (insisting on the same) such reasonable sum or sums of money, for his care and pains in the execution of such trust, not exceeding Fifteen Pounds, by the year, as they in their discretion shall think fit; which they are hereby empowered to direct the payment of, out of the monies arising by the respective rates, from time to time appointed to be made.

VIII. And be it further enacted, That in case the Assessors of any Town or Parish shall at any time have reason to believe the said Town or Parish is over-rated, such Assessors may appeal to the respective Justices of the Peace, at their next General Sessions, against such part of the rate only, as may affect the Town or Parish, in which they serve such office; which Justices or the greater part of them, then and there assembled, are hereby authorized and empowered, to hear and finally determine on the same: Provided nevertheless, That upon such appeal, such rate shall not be quashed, or destroyed, in regard to any other Towns or Parishes, assessed thereby.

IX. And be it further enacted, That no new rate shall be made, until it shall appear to the said Justices at their respective General Sessions, or the greater part of them, then and there assembled, by the accounts of their respective Treasurer or otherwise, that three-fourths of the money collected by virtue of the preceding rate, have been expended, for the uses and purposes aforesaid.

X. And be it further enacted, That no action or suit shall be commenced, or prosecuted against any person or persons, who shall be employed in collecting or receiving any money in pursuance of this Act, on any rate or rates which shall be quashed or discharged on any certiorari, to be brought in the Supreme Court, for any money to be collected or received on any such rate or rates, before such writ of certiorari shall be brought and allowed; and, that justice may be done to such persons, who shall pay towards any rate which shall be quashed or discharged, the several sums of money which shall appear to have been paid by them on such rate, either in the whole or in part, more than they ought to have paid, shall be repaid or allowed to them, in the next rate, or rates, which shall be made in pursuance of this Act, as if the same had been paid on such new rate or rates.

XI. And be it further enacted, That no writ of certiorari to remove any rates made in pursuance of this Act, or to remove any orders or other proceeding taken or made by the said respective General Sessions, touching such rates, shall be taken out or granted, but upon motion to be made some time in the Term, next after the time for appealing from such rates or orders is expired, and upon making it appear to the Court by affidavit or otherwise, that the merits of the question upon such appeal or orders will by such removal come properly in the judgment of the said Court; and that no such writ of certiorari shall be allowed, until sufficient security be given to the respective Treasurers appointed by

z Justices in Sessions may continue and remove Treasurers, and allow them pay not exceeding £15 a-year.

Assessors believing their Towns over-rated, may appeal to Courts of Sessions.

No new rate to be made until three-fourths of the former rate are expended.

Actions shall not be commenced against persons collecting money on rates quashed on Writs of Certiorari.

Persons paying on rate which may be quashed to be repaid or allowed in the next rate.

Certiorari to remove orders, &c. touching rates.

z By 4 W. 4, C. 19, Justices in Northumberland may make further allowance to Treasurer not to exceed in all £25 per annum.

Rates not to be quashed for want of form.

Actions to be brought within three months.

Venue.

Special matter evidence under general Issue.

If judgment against Plaintiff, Defendant shall recover treble costs.

virtue of this Act, in the sum of One Hundred Pounds, to prosecute such writ of certiorari with effect, and to pay the costs to be ascertained by the Court to which such rates, orders or proceedings, shall be removed, in case such rates or orders shall be confirmed; nor shall any such rates, orders or proceedings be quashed or vacated, for want of form only; and all charges attending such removal, shall be defrayed out of that or any subsequent rate.

XII. And be it further enacted, That if any action or suit shall be commenced against any person or persons, for any thing that shall be done in pursuance, or by the authority of this present Act, in every such case, the action or suit shall be commenced, within Three Months next after the fact committed, and not afterwards, and shall be laid and brought in the respective County in which the cause of action or suit shall arise and not elsewhere. And the Defendant, or Defendants, in such action or suit to be brought, shall, and may, plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear so to be done, or that such action or actions shall be brought, after the time before limited, for bringing the same as aforesaid, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; and upon such verdict, or if the Plaintiff or Plaintiffs shall be non-suited, or discontinued, his, her, or their action or suit, after the Defendant or Defendants hath or have appeared, or if upon demurrer, judgment shall be given against the Plaintiff or Plaintiff, the Defendant or Defendants shall and may recover treble costs, and have the like remedy for the same, as any Defendant or Defendants hath or have in other cases by Law.

CAP. XLIII.

a An Act, to regulate and provide for the support of the Poor in this Province.

b Overseers at the first General Sessions annually, to lay before the Justices the state, &c. of the Poor.

Justices to issue Warrants to Assessors to raise monies allowed for the relief of the Poor.

I. **B**E it enacted by the Governor, Council and Assembly, That the Overseers of the Poor, to be appointed in the several Towns and Parishes, in the respective Counties in this Province, and the Overseers of the Poor, to be appointed in the City of Saint John, shall at the first General Sessions of the Peace, annually, in the respective Counties where such Towns, Parishes and City are, lay before the Justices, at such General Sessions, the state and condition of the Poor in their several districts, which statement the said Justices at their said Sessions are hereby authorized and required to supervise, examine and allow; and thereupon shall issue their Warrants to the Assessors of such Towns or Parishes, and City respectively, for the assessing and levying the several sums, so respectively allowed, upon such statements as aforesaid; which sums shall be rated, assessed and collected, in such manner, at such times, and under the same regulations, restrictions, penalties and forfeitures as County charges are rated, assessed and collected by an Act or Law of this Province, intituled, "An Act for assessing, collecting and levying County Rates," and shall be paid into the hands of the Overseers of the Town or Parish where such rates are assessed.

II.

a See 58 G. 3, C. 18—5 G. 4, C. 10, and 9 G. 4, C. 23, as to Poor of Saint Andrews.—41 G. 3, C. 8, as to Poor of Saint John.—3 G. 4, C. 25, as to Alms House for Fredericton and other Parishes in York County; and also 9 G. 4, C. 23, as to Poor of Fredericton.

b By 33 G. 3, C. 6, Justices may examine Accounts and issue Warrants of Assessment at any General Session.

II. And be it further enacted, That the said Overseers of the Poor, or the major part of them, by and with the consent of two or more Justices of the Peace, dwelling in or near such Town or Parish respectively, are hereby empowered, to inquire from time to time, after any idle, or disorderly person or persons, married or unmarried, who have no visible means of support, and who are likely to become chargeable to the Town or Parish where they reside, and to oblige such person or persons to labour for any substantial person, who may be willing to employ him or them: and if such poor person or persons have children in a suffering condition, the said Overseers with the consent of the said Justices, are hereby empowered, to bind such poor children Apprentices, the Males to be bound until they arrive to the age of Twenty-one years, and the Females to the age of Eighteen years; and for such Poor who are not able to earn a living, but are supported at the public expense, the said Overseers with the consent of the General Sessions, are hereby empowered to hire or purchase a house, for the reception of such Poor, and to purchase materials, to employ such of them as are able to labour; or to agree with some person residing in the same Town or Parish to take into their house, at a yearly allowance, and employ such Poor, in any labour they are able to do, and to give credit for the same to the Overseers, from the sum allowed them for the said yearly maintenance of such Poor; and that Public charities may not be abused, the said Overseers are hereby directed to act with impartiality, and to put the said Poor in the hands of the person, who shall offer to keep them for the least expense, having at the same time a regard, to the character of the person who offers, so that the Poor may not be inhumanly treated, nor the Public abused; and for which sum or sums of money, so expended, and all other expenses of the Poor, in each Town or Parish, they the said Overseers respectively, are hereby authorized and required, to ascertain and lay the same, before the said Justices as aforesaid, at their General Sessions; and the same so ascertained and allowed by the said General Sessions shall be by them ordered, to be assessed, collected and paid as aforesaid, unless the funds for the support of the Poor, and appropriated to such Town, in the respective County Treasury, are sufficient to pay said expense.

Overseers with consent of two Justices may inquire after idle or disorderly persons, and oblige them to labour.

May bind children of poor persons Apprentices.

May hire or purchase houses for Poor unable to work.

May agree with persons to take such Poor into their houses, &c.

Overseers to act with impartiality.

CAP. XLIV.

An Act to regulate the Sale of Goods, sold at Public Auction or Out-cry.

[Continued by 29 G. 3, C. 8—35 G. 3, C. 5—38 G. 3, C. 1—and 43 G. C. 8; and made perpetual by 47 G. 3, C. 15. Repealed by 9 and 10 G. 4, C. 17. See 1 W. 4. C. 42.]

CAP. XLV.

An Act for appointing Commissioners of Sewers.

[Repealed by 10 and 11 G. 4, C. 29, which makes other provisions.]

CAP. XLVI.

An Act for confirming unto the City of Saint John, its Rights and Privileges. ^c

I. **B**E it enacted by the Governor, Council and Assembly, That the Mayor, Aldermen and Commonalty of the City of Saint John, shall and may forever

Mayor, Aldermen and Commonalty of the

City of Saint John to be a body corporate and politic and to sue, &c. by that name.

forever hereafter remain, continue and be a body Corporate and Politic in re, facto et nomine, by the name of the Mayor, Aldermen and Commonalty of the City of Saint John, and by that name sue, and be sued, plead and be impleaded, answer and be answered unto, without any seizure or forejudger, for, or upon any pretence, of any forfeiture or misdemeanor, at any time heretofore, done, suffered or committed.

All letters patent, &c to the Mayor, &c declared good.

And that all and singular Letters patent, Grants, Charters and Gifts sealed, under the Great Seal of this Province, heretofore made and granted unto the Mayor, Aldermen and Commonalty, of the City of Saint John, be and are hereby declared to be and shall be good, valid, perfect, authentic and effectual in the Law, and shall stand and be taken, reputed, deemed and adjudged good, perfect, sure, available, authentic and effectual in the Law, against the King's Majesty, his Heirs and Successors, and all and every person or persons whomsoever, according to the tenor and effect of the said Letters patent, Grants, Charters and Gifts; and that the same be and are to all intents and purposes hereby ratified and confirmed.

Mayor, &c. and successors, shall forever hold, &c. all the rights heretofore granted.

II. And be it further enacted, That the Mayor, Aldermen and Commonalty of the City of Saint John, and their Successors, shall and may, forever, hereafter, peaceably have, hold, use and enjoy, all and every the rights, gifts, charters, grants, powers, liberties, privileges, franchises, customs, usages, constitutions, immunities, markets, duties, tolls, lands, tenements, estates and hereditaments, which have heretofore been given or granted unto the Mayor, Aldermen and Commonalty of the City of Saint John, by any Letters patent, Grant, Charter or Gift, sealed under the Seal of this Province.

This Act a public Act

III. And be it further enacted, That this present Act shall be accepted, taken and reputed to be a public Act, of which all and every the Judges and Justices of this Province in all Courts, and all other persons, shall take notice on all occasions whatsoever, as if it were a Public Act of Assembly relating to the whole Province; any thing herein contained to the contrary thereof in anywise notwithstanding.

CAP. XLVII.

An Act for the better extinguishing Fires, that may happen within the City of Saint John.

[Repealed by 7 G. 4, C. 8, which makes other provisions.]

CAP. XLVIII.

An Act against Forestallers and Reqraters.

Buying victuals or provisions coming to any Market, within ten miles thereof to be sold again, deemed forestalling.

I. **BE** it enacted by the Governor, Council and Assembly, That from and after the publication hereof. whatsoever person or persons, shall buy or cause to be bought, any Victuals of any kind whatsoever, coming by land or water, towards any Market or Fair, already established, or that may hereafter be established in this Province, to be sold in the same again, (except at the distance of Ten miles at least, from the place, where such Market or Fair is to be held or kept,) or shall make any bargain, contract or promise, for the having or buying the same, or any part thereof, or shall make any motion by word, letter or message or otherwise, to any person or persons, for the enhancing the price or dearer selling

selling any kind of Victuals or Provisions, for the use of Man, coming by land or water towards any Market or Fair as aforesaid, shall be deemed and adjudged a Forestaller.

II. And be it further enacted, That whatsoever person or persons shall by any means regrate, obtain, or get into his or their hands or possession, in any Fair or Market in this Province, or on board any Vessel, in the harbour of Saint John, any corn, hay, butter, cheese, fish, mutton, lamb, veal, beef, pork, poultry or game of any kind, or other dead victuals whatsoever, or any roots, fruits, or vegetables whatsoever, that shall be brought to such Fair or Market, or shall be on board such Vessel, for the supply of the Markets of the City of Saint John to be sold, and do sell the same again, in any Fair or Market, Shop or Stall, holden or kept in the same place, within One Month after purchasing or receiving the same, shall be accepted, reputed and taken for a Regrater or Regraters.

Persons getting possession in any Fair or Market, of Corn, &c. brought for sale and selling the same again within one month, reputed Regraters.

III. And be it further enacted, That any person or persons, who shall be guilty, of Forestalling or Regrating, contrary to the intent and meaning of this Act, and shall be convicted thereof, by the Oath of one or more credible witness, or witnesses, before any three of his Majesty's Justices of the Peace, for the County, where the offence is committed, or the Mayor or Recorder and two of the Aldermen of the City of Saint John, (when the offence shall be committed in the same City,) shall be fined, at the discretion of the said Justices and the said Mayor, Recorder and Aldermen respectively, in any sum not exceeding Ten Pounds; and for non-payment of his or their Fine shall suffer imprisonment at the discretion of the said Justices, and the said Mayor, Recorder and Aldermen respectively, not exceeding Two Months for each and every offence; one moiety of the said Fine and Forfeitures, to be for the use of the Poor of the Town or City, where the offence shall be committed, and the other moiety, to him, or them who shall sue for the same.

Persons guilty and convicted of Forestalling or Regrating, shall be fined not exceeding £10.

And for non-payment of fine, to be imprisoned not exceeding two months.

CAP. XLIX.

An Act establishing the Rates, to be taken for Wharfage, and Cranage of Ships, and other vessels within the limits of this Province.

“ **W**HEREAS the erecting of Wharves and Cranes is found to be greatly serviceable, and to conduce very much to the ease, benefit and convenience of Trade and Navigation, and the increase of the same; and for as much, as the Proprietors of such Wharves and Cranes, have, and will be, at a considerable expense in building, and keeping the same in repair,”

Preamble

I. [*Repealed by 54 G. 3, C. 9, which establishes rates of Wharfage.*]

II. And be it further enacted, That every Ship or other Vessel, which at any time, shall only lie fast to any, or either of the said Wharves, and shall be in a condition, capable of being removed, shall be obliged to move off from thence, in order to make room for, and suffer any other Ship, or Vessel to load, unload, or careen thereat; and on refusal or failure so to do, after due notice and request thereof, to the Master or Commander, or to any one of the Owners of such Ship or other Vessel, he, or they shall forfeit and pay to the Owner or Owners of such Wharf, the sum of Two Pounds; to be recovered upon complaint made, and due proof, upon the Oath of one or more credible Witness or Witnesses, before any one Justice of the Peace, in the County; to be levied, by warrant of distress and sale of the Offender's goods, rendering the overplus, (if any be) after deducting the cost of prosecution, to the Offender.

Masters, &c. of ships, &c. made fast to Wharves and capable of removal, on refusal to remove, shall forfeit 40s.

III.

Ships making fast to other ships made fast to Wharves, to pay half wharfage.

III. And be it further enacted, That all and every Ship or other Vessel, that shall make fast to any other Ship or Vessel, that shall be fastened, to any or either of the Wharves aforesaid, and shall continue so to be fastened, or shall so load, unload, or careen, shall be subject and liable to pay, the one half of the rates, that such Ship or other Vessel, so fastened, should and would, have been liable to pay by this Act, in case they were fastened, to any or either of the said Wharves and there loaded, unloaded and careened.

Masters, &c. of ships, &c. to pay for use of Cranes.

IV. And be it further enacted, That it shall and may be lawful, to and for the Owner or Owners respectively, of every Crane, that now is, or hereafter shall be made, erected and built, on any, or either of the Wharves aforesaid, to ask, demand, take and receive, to and for his, her or their several and respective use and uses, from the Master, Commander or Owners of all Ships, and other Vessels, that shall use and employ such Crane or Cranes, the rates following, that is to say, for taking out and putting in the Mast of any Ship or other Vessel, the sum of Twenty Shillings; and for taking out, or putting in, the Mast of any Ship or Vessel, the sum of Fifteen Shillings, and for any other use, or purpose of loading or unloading any Goods, Wares, Merchandize, or other things, at and after the rate of Five Shillings, for each and every day, such Ship or Vessel shall so use the same.

Owners of Wharves or Cranes may remove and keep, until charge of removal be paid them, all Lumber, &c. if the owners thereof, on notice, will not remove the same.

V. And be it further enacted, That if any or either of the said Wharves, or Cranes, shall at any time or times, be so encumbered with Lumber, Mill-stones, or any other species of Goods, so as to incommode, or obstruct, the passing or repassing, of any Carts or Carriages employed for the purpose of loading or unloading any Ship or other Vessel; then, and in that case, the Owner or Owners of such Wharves or Cranes shall personally warn, or by notice in writing, to be left at the place of residence, of the Owner or Owners of such Lumber, Mill-stones or other Goods, their Agent or Agents, requiring him or them to remove the same, from thence, within a reasonable time; and if the same shall not be removed accordingly, the Owner or Owners of said Wharves or Cranes, by themselves or their Agents, are hereby empowered to remove the same, and keep them in his custody, until the whole charges attending the removal, be paid by the Owner or Claimer of such Goods, and in case the Owner or Agent is not to be found, the Owner of such Wharf or Crane may, and shall, at his discretion, remove the said Goods as before directed.

Masters, &c. liable to pay wharfage and crantage.

VI. And be it further enacted, That the Master or Commander, Owner or Agent of every Ship or other Vessel using any of the Wharves or Cranes as aforesaid, shall be liable to pay the sum or sums due for the wharfage or crantage of such Ship or other Vessel, after the rates by this Act established, to the Owner or Agent for such Wharf or Crane.

Agents not liable unless account delivered and demand made before sailing of ships, &c.

Provided, That such Agent or Agents for such Ship or Vessel, shall be liable to pay the same, only where an account shall be delivered to, or in case of absence, left at his, or their house, and the money demanded of him or them, or his or their clerk, before the sailing or departure of such Ship or Vessel from port: any thing herein contained to the contrary notwithstanding.

Rights of Corporation of St. John, not infringed by this Act.

Provided also, That nothing herein contained, shall infringe, impair, or do away, any right which the Mayor, Aldermen and Commonalty of the City of Saint John, have or possess by the Charter of the said City, as by Law established.

CAP. L.

An Act for regulating the Exportation of Fish and Lumber, and for ascertaining the quality of the same.

[*Repealed by 47 G. 3, C. 4.*]

CAP. LI.

An Act to prevent Frauds in the Sale of Damaged Goods, imported into this Province.

“**W**HEREAS Goods imported here, and insured in Great Britain and elsewhere, are sometimes sold in this City, or other Port within this Province, for the account of the Insurers; wherefore to prevent Frauds in such sales,”

I. Be it enacted by the Governor, Council and Assembly, That all damaged Goods, hereafter to be sold for account of the Insurers, shall be surveyed by the Master, or one or more of the Wardens of the Port of Saint John, for the time being, or other Port within this Province, at or upon the first unlading thereof, or as soon thereafter, as the same are discovered to be damaged; which said Masters and Wardens are to determine, if the same has been properly stowed; which sale shall be made in his or their presence, at Public Vendue, in the most public and convenient place within the said City, between the hours, of Eleven in the morning, and Three in the afternoon, first advertising the sale thereof, at least twenty-four hours; which said Goods shall be only such as are really damaged, in the judgment of such Master or Wardens; and the sale thereof shall be in such separate pieces, or small parcels, at a time, as such Master or Warden shall think most for the interest of the Insurers; and the person, that shall order such damaged Goods to be sold, shall at the time of the sale, produce to the bystanders the original Invoice, of the sterling cost, of such damaged Goods, as he shall direct to be sold, for account of the Insurers; unless such person do make Oath, that no such Invoice is come to his hand.

II. Be it enacted, That of all sales of damaged Goods, for the account of the Insurers, the Vendue Master or person acting as such, and Master, or one or more of the Wardens, shall subscribe an account of every survey, and the proceedings thereon, and the said Master or Wardens shall give a Certificate, to the end that the true damage may thereby appear.

III. Be it also enacted, That the Master and Warden or Wardens, shall each receive Seven Shillings and Sixpence a day, for attending the services above mentioned, to be paid by the persons, at whose request the sale is made, and for every Certificate Five Shillings. And that the Vendue Master, or person acting as Vendue Master, and the Master and Wardens, or either of them, so offending against this Act, shall for every offence, forfeit the sum of Twenty Pounds; and that no person shall make any sale of Goods, for account of such Insurers, except in the manner above directed, nor make any demand for a loss, without transmitting, or producing the account of sales, and Certificate, above required, or a true copy thereof, under the forfeiture, of double the value, of the amount of such sales; all and every of which said penalties, and forfeitures, may be recovered in any Court of Record in this Province, by bill, plaint, or information, wherein no more than one imparlance, shall be allowed, one moiety whereof, shall be to any person

Preamble.

Damaged Goods sold on account of Insurers, to be surveyed by the Master or Warden of the Port.

Sale to be Public and in presence of the Warden between the hours of 11 and 3, after advertising, &c.

The original Invoice of the goods to be produced at the sale.

Vendue Master and Port Warden to subscribe survey, &c. and give a Certificate.

Fees of Master and Wardens.

Penalty for offending against this Act.

Penalty for sales in other manner than herein provided.

Recovery and application of penalties.

person suing for the same, and the other moiety, to be paid to the Treasurer of this Province, to be applied towards the support of Government, in the manner hereafter to be directed.

Duration of
Act.

IV. And be it enacted, That this Act shall continue, and be in force, until the first day of March, One thousand Seven hundred and Eighty-nine.

[Continued by 28 G. 3, C. 5—32 G. 3, C. 7—35 G. 3, C. 5—38 G. 3, C. 1 & 43, G. 3, C. 8, and made perpetual by 47 G. 3, C. 15.]

CAP. LII.

An Act for regulating Pilots.

[Repealed by 2, G. 4, C. 6, which makes other provisions.]

CAP. LIII.

An Act for the Regulation of Seamen.

[Repealed by 7 G. 4, C. 12, which makes other provisions.]

CAP. LIV.

An Act to enable the Corporation of the City of Saint John to raise a sum of Money, not exceeding Three Hundred Pounds in the whole, nor more than One Hundred Pounds in any one Year, to pay off their Debts already incurred, and to defray the necessary contingent expenses arising within the said City.

[Obsolete.]

CAP. LV.

An Act for Raising a Revenue in this Province.

[Expired.]

CAP. LVI.

An Act to rectify the Mistakes in "An Act for raising a Revenue in this Province."

[Expired.]

CAP. LVII.

An Act to lay a Tax on Dogs.

[Expired.]

CAP.

CAP. LVIII.

An Act against Tumults and Disorders, upon pretence of preparing or presenting Public Petitions, or other Addresses, to the Governor, or General Assembly.

“**T**O prevent tumultuous and other disorderly soliciting, and procuring of Hands, by private persons, to Petitions, Complaints, Remonstrances, and Declarations, and other Addresses, to the Governor, Council and Assembly, or any or either of them for alteration of matters established by Law, redress of pretended grievances in Church or State, or other public concerns, being made use of to serve the ends of factious and seditious persons, to the violation of the Public peace.” Preamble.

I. Be it enacted by the Governor, Council and Assembly, That no person or persons whatsoever, shall solicit, labour, or procure the getting of Hands, or other consent, of any persons above the number of Twenty or more, to any Petition, Complaint, Remonstrance, Declaration, or other Address, to the Governor, Council and Assembly, or any or either of them, for alteration of matters established by Law in Church or State, unless the matter thereof have been first consented unto, and ordered, by three or more Justices of that County, or by the major part of the Grand Jury of the County or division of the County, where the same matter shall arise, at their Public Assizes or General Quarter Sessions; and that no person or persons whatsoever, shall repair to the Governor, Council or Assembly, upon pretence of presenting, or delivering any Petition, Complaint, Remonstrance or Declaration, or other Addresses, accompanied, with excessive number of people, or at any one time with more than the number of Ten persons; upon pain of incurring a penalty, not exceeding the sum of One Hundred Pounds in money, and Three Months Imprisonment without bail or mainprize for every offence; which offence to be prosecuted in the Supreme Court, or at the General Quarter Sessions, within Six Months after the offence committed; and proved by two or more credible witnesses.

No person to solicit, &c. more than twenty subscribers to Petitions, unless consented to by three Justices or by Grand Jury.

Nor repair to the Governor, &c. to present such Petitions, accompanied by more than ten persons. Penalty.

II. Provided always, That this Act, or any thing therein contained, shall not be construed, to extend to debar, or hinder any person, or persons, not exceeding the number of Twenty aforesaid, to present any public or private grievance, or complaint, to any Member or Members of the Council or Assembly, during the sitting of the General Assembly, or to the Governor, for any remedy to be thereupon had; nor to extend to any Address whatsoever, to the Governor, by all or any of the Members of the Council and Assembly, or either of them during the sitting of the General Assembly, but that they may enjoy their freedom of access to His Excellency, as heretofore hath been used.

This Act not to extend to persons not exceeding twenty presenting grievances to Members of Council, &c.

Nor to Addresses of the Council, &c. to the Governor.

CAP. LIX.

An Act for the speedy Punishment and Release of such persons, as shall commit Criminal offences, under the degree of Grand Larceny.

[Repealed by 9 & 10 G. 4, C. 14.]

CAP. LX.

An Act for the conviction and punishment of Criminals, who shall refuse to plead when arraigned, and for the Trial of those, who shall peremptorily Challenge more than Twenty.

[Repealed by 1 W. 4, C. 14, S. 2.]

CAP. LXI.

An Act for the Trial and Punishment of Criminals, who shall steal Bills of Exchange, Bonds, Warrants, Bills or Promissory Notes.

[Repealed by 1 W. 4, C. 14, S. 2.]

Anno Regni, GEORGII III. Regis, Vicesimo Septimo.

AT the General Assembly of the Province of New Brunswick, begun and holden at the City of Saint John, on the third day of January, in the year of our Lord one thousand seven hundred and eighty-six, and in the twenty-sixth year of the Reign of our Sovereign Lord George the Third, by the Grace of God of Great Britain, France and Ireland, King, Defender of the Faith, and so forth; And from thence continued by several prorogations, to the thirteenth day of February, one thousand seven hundred and eighty seven; being the second Session of the first Assembly convened in the said Province.

CAP. I.

An Act for establishing a Militia in the Province of New Brunswick, and for regulating the same.

[*Expired.*]

CAP. II.

An Act to authorize the respective Proprietors of certain Islands, in the River Saint John, and other Rivers in this Province, to make Rules and Regulations, for their better improvement and cultivation.

“ WHEREAS there are many Islands, lying in the River Saint John, and other Rivers in this Province, owned in small rights or shares, and on which; division Fences are liable to be carried away by the current, and pressure of the water, passing in times of freshes over the same.” Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the respective Proprietors of the said Islands may and are hereby authorized to meet once a year, on the first day of the winter Sessions, in the respective Counties in which such Islands are included; and such and so many of the respective Proprietors of the said Islands as shall be present, shall have power by a major vote to make and pass orders, rules, and regulations, for the managing; improving, and better husbandry Proprietors of Islands on the first day of winter Sessions in the County to meet and make rules for the husbandry &c. of the said Islands.

Proprietors disobeying rules subject to action of trespass, and to be fined 40s to the use of the Poor.

Recovery.

The Rules shall be in writing and deposited with the Clerk of the Peace, and shall be in force but one year.

Act to be in force three years.

husbandry of the said Islands; the voices of the respective Proprietors present to be collected according to their respective rights or shares under actual cultivation and improvement. And if any of the said Proprietors shall in disobedience of the votes, orders, rules and regulations, so made and passed, occupy, husband, manage or improve his, her or their respective shares or rights, contrary to such votes, orders, rules and regulations, he, she or they, shall be subject to an action of trespass, for the damage sustained by any Proprietor, and shall forfeit and pay to the use of the Poor of the respective Parish to which the Island containing such shares or rights belong, a fine of Forty Shillings for each and every offence; to be recovered on complaint to a Justice of the Peace, who is hereby empowered to hear and determine the same, provided the said action of trespass or complaint be prosecuted within One Month.

II. And the said votes, orders, rules and regulations, made and passed as aforesaid, shall be reduced to writing, and subscribed by the major part of the Proprietors present, collecting their voices as aforesaid, and afterwards deposited with the Clerks of the Peace for the respective Counties, and shall be in force for one year and no longer.

III. [*Obsolete.*]

IV. [*Repealed by 29 G. 3, C. 8, S. 3.*]

V. This Act to continue and be in force for three years and no longer.

[*Continued by 29 G. 3, C. 8—35 G. 3, C. 5—38 G. 3, C. 1—43 G. 3, C. 8, and made perpetual by 47 G. 3, C. 15.*]

CAP. III.

An Act for laying an Impost.

[*Continued by 28 G. 3, C. 1, to 30th October, 1789, and then expired.*]

CAP. IV.

An Act for securing the Purchasers of Mortgaged Estates.

[*Disallowed by His Majesty in Council, 1790.*]

CAP. V.

An Act in addition to an Act for laying out, repairing and amending Highways, Roads, Streets, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province.

[*Continued by 29 G. 3, C. 8, to 1st March, 1795, and then expired.*]

CAP. VI.

An Act to empower the Justices of the General Sessions of the Peace, in the several Counties in this Province, to grant Licenses to Tavern-keepers and Retailers of Spirituous Liquors.

[*Repealed by 1 W. 4, C. 24, S. 1.*]

CAP. VII.

An Act in Addition to an Act, for the better ascertaining, and confirming, the a
Boundaries of the several Counties, within this Province; and for subdividing them into Towns or Parishes.

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That Erection of the Parish of Dorchester, with the bounds.
all that tract of Land, in the *County of Westmorland*, beginning, fifteen chains east, of a Creek, about two miles south, of Memramcock river, thence northerly on the western line of the Town of Sackville to Chediack harbour, including the Island, thence west on the north line of said County, as far as the east line of the Town of Monkton, thence down said line and the other river Petcudiac, to the first mentioned bounds, be one District, Town and Parish, distinguished by the name of *The Town and Parish of Dorchester*. That all that tract of Land to the west of the Town of Hillsborough and Monkton, extending the width of the same County, as far as the Portage, between Petcudiac and Salmon brook, be one Town and Parish, distinguished and known by *The Town and Parish of Salisbury*. And Parish of Salisbury, with the bounds.

II. And be it further enacted, That a line due south from the north end of the said Portage to the northern boundary of the County of St. John, and from the said north end of the said Portage, due north to the southern boundary of the County of Northumberland, be the dividing line, between the County of Westmorland and the Counties of King's and Queen's, any Law or Ordinance to the contrary notwithstanding. b Dividing line between the Counties of Westmorland, King's and Queen's.

CAP. VIII.

An Act in addition to an Act, intituled "An Act, for assessing, collecting and c
levying County Rates."

BE it enacted by the Lieutenant Governor, Council and Assembly, That it Mayor, Aldermen and Commonalty of St. John, to appoint Assessors and Collectors of rates and taxes.
shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, and they are hereby authorized and empowered to appoint such, and so many Assessors, and Collectors, as they in their discretion shall think fit, for the assessing, levying and collecting all such rates, taxes, and assessments, as shall from time to time, be required to be levied, and assessed, upon the Inhabitants of the said City, by virtue of the said recited Act, or of any other Law, for raising or assessing any sum or sums of money upon the Inhabitants of the said City. And such Assessors so to be appointed, and all such Assessors, as have been heretofore appointed by the said Common Council, by virtue of any Law of this Province, shall be, and they are hereby made subject and liable, to the same rules, regulations, restrictions, penalties and forfeitures, as the Assessors of any Town or Parish in this Province, are by Law made subject and liable to. And all Collectors to be appointed, or that have been already appointed by the said Common Council, shall be, and they are hereby made subject and liable to the same duties, rules, restrictions, regulations, penalties, and forfeitures, as any Constables in any Town or Parish in this Province are by the said herein before recited Act, made subject and liable to. Such Assessors subject to the same rules, penalties, &c. as Parish Assessors.

And such collectors also subject to the same rules, penalties, &c. as Constables are subject to.

CAP.

^a Refer to 26 G. 3, C. 1, S. 3, and Note (f); and see further, 41 G. 3, C. 6, S. 1, making Dorchester the Shire Town; and 8 G. 4, C. 13, dividing the Parishes of Sackville and Dorchester, and erecting Shediac; and 5 W. 4, C. 15, altering boundaries of Monkton and Dorchester.

^b Refer to 26 G. 3, C. 1, Preamble and S. 1.

^c Refer to 26 G. 3, C. 42.

CAP. IX.

d An Act for more effectually securing the Title of Purchasers of Real Estates, against Claims for Dower.

Preamble.

“**W**HEREAS, some doubts have arisen, concerning the conveyance of “Dower, by the wife, in her husband’s life-time, in the manner and “form now in practice: In order therefore, to prevent any difficulty that may “hereafter arise, touching the same,”

No Deeds shall bar dower unless executed by Feme Covert and acknowledged on separate examination.

Be it enacted by the Lieutenant Governor, Council and Assembly, That no Deed of bargain and sale, or other conveyance, of any Lands, Tenements or Hereditaments, in which any *Feme Covert* is, or may be intitled, to a right *Dower*, shall be valid, and sufficient to bar such right, or the recovery thereof, after the decease of her husband, unless such Feme Covert, or married woman, shall sign, seal, and deliver such Deed, and shall also, appear before some one of His Majesty’s Council, Judge of the Supreme Court, or one of the Judges, of the Inferior Court of Common Pleas, in the several Counties of this Province, and being examined, separate and apart from her said husband, shall declare, that she executed the same, freely and voluntarily without any threat, fear or compulsion from him; which acknowledgment and declaration, shall be entered on such Deed, and registered with the same; and shall be an effectual bar, to her recovery of Dower, in and to the premises.

CAP. X.

An Act to enable the Justices of the Peace, in the several Counties in this Province, wherein no sufficient Goals are erected, to send persons charged with Grand Larceny, and other offences of a higher nature, to the Goal of the City and County of Saint John.

[*Continued by 29 G. 3, C. 8, to 1st March, 1795, and then expired.*]

CAP. XI.

An Act in addition to an Act, intituled “An Act, for regulating the Exportation of Fish and Lumber, and for ascertaining the quality of the same.”

[*Repealed by 37 G. 3, C. 4, S. 1.*]

CAP. XII.

An Act, for Appropriating and disposing of the Public Monies.

[*Expired.*]

d Refer to 26 G. 3, C. 3, and as to execution of Deed by Feme Covert, residing out of the Province, or holding property in her own right, see 32 G. 3, C. 2—52 G. 3, C. 20. If considerations does not exceed £200, may be acknowledged before a Justice or the Register of the County where the land lies, 36 G. 3, C. 5.

Anno Regni, GEORGII III Regis, Vicesimo Octavo.

AT the General Assembly of the Province of New Brunswick, begun and holden at the City of Saint John, on the Third day of January, in the year of our Lord One thousand Seven hundred and Eighty-six, and in the twenty-sixth year of the Reign our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth : And from thence continued by several prorogations to the Fifteenth day of July, One thousand Seven hundred and Eighty-eight, at Fredericton ; being the third Session, of the first Assembly, convened in the said Province.

CAP. I.

An Act for continuing and amending an Act, intituled, “ An Act, for laying an Impost.”

[*Expired.*]

CAP. II.

An Act in addition to an Act, intituled, “ An Act, for Relief against Abscond-
ing Debtors.”

“ **W**HEREAS in the said Act for relief against Absconding Debtors, Preamble.
“ there is no sufficient provision made, for relief against Debtors, who
“ have departed from this Province, who have Estates or Effects in the Province,
“ and who may remain out of it to prevent their Creditors from recovering or
“ getting hold of such Estates or Effects ;” therefore,

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That
the Estates, Goods, Chattels and Effects, real and personal, of all and every such
person and persons, indebted in the sum of Forty Shillings or upwards, who have
departed, or may depart from this Province, may be subject and liable to be
taken, seized, proceeded against, sold, conveyed and disposed of, for the payment
and satisfaction of their debts, as near as may be, in like manner as the Estates
and Estates of persons indebted in 40s. or upwards who may depart from the Province, subject to be seized, &c.

and Effects of other Debtors in and by the above recited Act are made subject and liable to: *Proof required.* Provided always, That instead of the proof of absconding or concealment of such Debtor or Debtors, the Creditor or Creditors, or his or their Attorney, who shall apply for any attachment against the Estate or Effects of any person or persons, who have departed, or may depart, from the Province, shall make proof by one or more witness or witnesses, to the satisfaction of the Judge or Judges, to whom, application for such attachment shall be made, that such Debtor or Debtors departed from the Province after the debt was contracted, and have or hath not resided within this Province, for the term of Six Months, next preceding such application: And also provided, That in any such case, no Trustees shall be appointed, until the expiration of Six Months, after such public notice, as is required to be given, by the before recited Act.

No Trustees to be appointed until Six Months after public notice.

Limitation of Act.

II. And be it further enacted, That this Act shall continue, and be of force, as to the power of Judges to grant warrants of attachment pursuant hereto, and exercise the powers hereby given, until the First day of February, which will be in the year of our Lord, One thousand Seven hundred and Ninety, and from thence to the end of the then next Session of the General Assembly; but shall continue and be in force, as to the power of every Court, Person and Trustees, that shall be appointed by virtue of this Act, before its above mentioned limitation, and have any duty or thing thereby enjoined or required to be done, until a full and final settlement and distribution shall be made by them, and finished according to the true intent and meaning of this Act.

[Continued by 29 G. 3, C. 8—35 G. 3, C. 5—38 G. 3, C. 1—48 G. 3, C. 8; and made perpetual by 47 G. 3, C. 15.]

CAP. III.

An Act in addition to an Act, intituled, “An Act, for the better extinguishing of Fires, that may happen within the City of Saint John.”

[Repealed by 7 G. 4, C. 8, S. 1.]

CAP. IV.

An Act to provide for the support of a Light House, to be built upon Partridge Island.

[Repealed in part by 4 G. 4, C. 26, and the remainder by 10 & 11 G. 4, C. 14, S. 1.]

CAP. V.

An Act to continue sundry Acts of the General Assembly, which are near Expiring.

[Expired.]

CAP. VI.

An Act for Regulating the Fisheries in the different Rivers, Coves and Creeks of this Province.

[Amended by 29 G. 3, C. 5, and continued to 1st February, 1791, and then expired.]

CAP. VII.

An Act in addition to an Act, intituled, "An Act, for Regulating Pilots."

[Expired.]

CAP. VIII.

An Act to empower the Justices of the Sessions in several Counties in this Province, to make such Regulations respecting Markets and Ferries within such Counties, as may be found necessary.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the Justices of the General Sessions of the Peace, for the several Counties in this Province, except the County of Saint John, be, and hereby are authorized and empowered, to make and ordain, such rules and regulations, and establish such rates and fares, for the better government and management, of the Markets, and Ferries, within their respective Counties, as they shall from time to time judge necessary. And that the said Justices, shall and may affix such penalties, not exceeding Five Pounds, as they may think necessary, for the carrying into execution, such rules and regulations, and for the establishing such rates and fares, so by them to be made and established; such penalties to be recovered, on the Oath of one or more credible witness or witnesses, before any two of His Majesty's Justices of the Peace, for the County, where the penalty shall be incurred; and to be levied, by warrant of distress and sale of the Offender's goods; one half to the Informer, and the other half to the use of the Poor, of the Town or Parish, where the offence shall be committed.

Justices for the several Counties in the Province, except Saint John, authorized to make rules and establish rates and fares,

And to affix penalties, not exceeding £5.

How recovered.

and applied.

II. And be it further enacted, That this Act shall continue and be in force Five years and no longer.

Limitation.

[Continued by 33 G. 3, C. 1—35 G. 3, C. 5—38 G. 3, C. 1, and 43 G. 3, C. 8; and made perpetual by 47 G. 3, C. 15.]

CAP. IX.

An Act to amend an Act, intituled, "An Act for regulating the Exportation of Fish and Lumber, and for ascertaining the quality of the same."

[Repealed by 37 G. 3, C. 4.]

b Justices may establish Ferries and licence Ferrymen in places where the same are not already established by Grant from the Crown. See 5 W. 4, C. 38.

CAP. X.

An Act for appropriating and disposing of the Public Monies.

[*Expired.*]

Anno Regni, GEORGI II III Regis, Vicesimo Nono.

AT the General Assembly of the Province of New Brunswick, begun and holden at the City of Saint John, on the third day of January, in the year of our Lord One thousand Seven hundred and Eighty-six, and in the Twenty-sixth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth: And from thence continued by several prorogations to the Sixth day of October, One thousand seven hundred and Eighty-nine, at Fredericton; being the fourth Session of the first Assembly convened in the said Province.

CAP. I.

An Act for erecting a Parish in the City of Saint John; and incorporating the Rectors, Church-Wardens and Vestries of the Church of England, in the several Parishes, in this Province.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That the Parish of the Church commonly called and known by the name of *Trinity Church, in the City of Saint John*, shall comprehend all the Lands lying and being in the City of Saint John, and shall be known and called by the name of the *Parish of Saint John*.

a The Parish of Trinity Church in the City of Saint John, established.

II. And be it further enacted, That the present Rector, Church-Wardens and Vestry of the said Church, and their successors forever, shall be a body politic and corporate in deed and name, and shall have succession for ever by the name of "*The Rector, Church-Wardens and Vestry of Trinity Church, in the Parish of Saint John*," and by that name, shall sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and Places whatsoever, in this Province; and shall have full power and capacity, to purchase, receive, take, hold and enjoy, for the use and benefit of the said Church, as well goods and chattels, as lands, tenements and hereditaments; and improve and use the same, for the benefit and advantage of the said Church, according to their best discretion and the true intent and meaning of the donors, where such goods and chattels, lands, tenements or hereditaments, shall be given, devised or bequeathed, to the use and benefit of the said Church, any Law, Usage or Custom to the contrary notwithstanding. Provided always, That the amount of the annual rents, profits and receipts of such lands, tenements, goods, chattels and hereditaments, shall not exceed the sum of Five hundred Pounds.

The Rector, Church Wardens and Vestry of the said Church and their successors incorporated, with capacity to purchase and receive for the use of the said Church, goods, chattels, lands, and tenements.

Annual Rents, &c. not to exceed £500.

III.

b The parishioners to meet on the 1st Monday after Easter in every year, to chuse two Church Wardens and any number, not exceeding twelve, of Vestrymen.

III. And be it further enacted, that the Parishioners of the said Parish, shall on the first Monday after Easter, forever hereafter, yearly and every year, assemble and meet together at the said Parish Church; and shall then and there, by a plurality of voices, elect and chuse two fit persons belonging to the said Parish, to be Church-Wardens for the year ensuing; and any number not exceeding Twelve, of other fit persons, belonging to the said Parish, to be Vestrymen for the year ensuing; who shall thereupon enter into the execution of their respective offices, and shall continue in the same, until other fit persons, shall be chosen in their stead.

Land conveyed to the use of the said Church and the said Church lately erected thereon vested in the said Corporation.

IV. And be it further enacted, That the several lots of Land, already purchased, or conveyed, to the use of the said Church, for the purpose of erecting the said Church thereon, and also the said Church lately erected on the said Lots, shall be and remain fully and absolutely vested in the said Rector, Church-Wardens and Vestry, and their successors for ever, as a good and absolute estate in fee simple, for the use, trust and benefit aforesaid; and shall be so deemed and taken, in all Courts of Law and Equity in this Province, any Law, Usage, or Custom, to the contrary notwithstanding.

c Corporation empowered to sell or let Pews, or the Lands, and to finish and repair the Church, provide furniture, bells, &c and pay salaries.

V. And be it further enacted, That the said Rector, Church-Wardens and Vestry, or the major part of them assembled, upon due notice publicly given, shall have full power and authority, to have, use and take, all such ways, means, and methods, as in their discretion they shall think meet, by the absolute sale of, or by letting to hire, or other disposal of the Pews of the said Church, or the said Lands and Ground, and by the improvement and use as aforesaid, of such goods, chattels, lands, tenements and hereditaments, as shall be hereafter purchased or given, to the use and benefit of the said Church, to complete and finish the said Church, and repair the same, from time to time, and to provide goods, furniture, ornaments and bells; and to pay the salaries, and other allowances, to the Rector, Organist, Clerk and Sexton of the same Church, and to the Clerk of the Vestry; and to defray all other necessary future expenses, for the use and benefit of the said Church.

The Rectors, &c. of the Churches erected and to be erected in the Province incorporated.

VI. And be it further enacted, That the Rectors, Church-Wardens and Vestries of the several and respective Churches, already erected, in the several and respective Parishes, in this Province, and also of such Churches, as shall be hereafter erected, and their respective successors for ever, shall as soon as they are respectively inducted and appointed, be bodies politic and corporate, in deed and name, and shall have succession for ever, by the name of the Rector, Church-Wardens and Vestry of the several and respective Churches to which they belong; and this Act and every clause, direction, authority and power in the same contained, shall extend and be in force, for all such Churches in the same manner as if the said clauses, directions, authorities and powers, were particularly re-enacted, and applied to such Churches respectively.

In case of the death or absence of the Rectors, the Church Wardens and Vestry to have the same authority as the Rector, Church Wardens, &c.

VII. And be it further enacted, That in case of the death or absence from the Province, of the respective Rectors of the said Churches, for the time being, and where no Rectors shall have been appointed; the Church-Wardens and Vestry in such Parishes, shall, during such vacancy or absence, have the full powers and authorities, that are herein before given to the Rector, Church-Wardens and Vestry of such Churches respectively.

VIII.

b As to qualifications of Church-Wardens and Vestrymen, see 1 W. 4, C. 23, amended by 2 W. 4, C. 24, and as to Saint Andrews. See 2 W. 4, C. 16.

c This Act does not extend to authorize any absolute sale of Lands. See 56 G. 3, C. 11, S. 1, by which also, it is provided that Corporations may hold Lands in trust for the Rector subject to his sole management.

VIII. And be it further enacted, That henceforth no Corpse shall be interred, within or under the said Church in the City of Saint John, or within one hundred yards, from the walls of the said Church; or within or under the walls of any Church already erected or hereafter to be erected in this Province.

d No Corpse to be interred under any Church, nor within 100 yards of Trinity Church.

CAP. II.

An Act to repeal an Act, intituled “ An Act, to empower the Foreman of the Grand Juries, to administer the usual Oath, to such Witnesses, as are to be examined before them.”

“ **W**HEREAS, an Act made and passed in the twenty-sixth year of his pre-
“ sent Majesty’s reign, intituled “ An Act, to empower the Fore-
“ man of the Grand Juries to administer the usual Oaths to such Witnesses as
“ are to be examined before them,” has in its execution been attended with effects
“ subversive of the general principle of Law which restrains Grand Juries to in-
“ quire and examine Witnesses for, and on the part of the King only.”

26 G. 3, C. 7.

Be it enacted by the Lieutenant Governor, Council, and Assembly, That the said Act, and every clause, matter and thing therein contained, be repealed, and no longer of any validity, force or effect whatsoever; And that the powers and authority therein given to the Foreman of any Grand Jury or Grand Juries, henceforth cease and determine, and be utterly null and void.

Repealed.

CAP. III.

An Act in amendment of an Act intituled, “ An Act for Assessing, Collecting *e*
and Levying County Rates.”

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That
so much of the Act intituled, “ An Act for assessing, collecting and levy-
ing County Rates,” and every such clause therein, as makes it lawful, for any
Inhabitant, of any Town or Parish, in case he shall so chuse, instead of paying,
the sum to be assessed upon him, by virtue of the said Act, to contribute a pro-
portion of labour, shall be, and the same is hereby repealed.

Part of 26
G. 3, C. 42,
repealed.

II. And be it further enacted, That in all such Counties in this Province,
where the Justices of the Peace at their General or Special Sessions, held for that
purpose, have purchased, or agreed and contracted, to purchase any house, or
building, to be used and occupied as a Gaol or Court House, in such Counties
respectively, or shall hereafter purchase, or agree and contract, to purchase any
house or building, to be used and occupied as a Gaol or Court House, in such
Counties respectively, such Justices shall have full power and authority, by war-
rant under their hands and seals, or under the hands and seals of the greater num-
ber of them, to be directed to the Assessors of the several and respective Towns,
or Parishes, in their respective Counties, by equal proportion, to distribute and
charge the sum or sums of money so given, or agreed and contracted to be given,
for such house or building, for the use and purpose of a Gaol, or Court House as
aforesaid, upon the several Towns or Parishes, in such Counties respectively, in
like

Where the Jus-
tices have pur-
chased or shall
hereafter pur-
chase any Gaol
or Court House
assessment to
be ordered in
like manner as
for building
same.

d See 5 G. 4, C. 12, allowing the body of Major General Smyth to remain interred under Christ’s Church in Fredericton.

e Refer to 26 G. 3, C. 42.

like manner, and as fully to all intents and purposes, as such Justices; in and by the said recited Act, may distribute and charge the sum or sums of money, to be levied by virtue of the said Act, for the purpose of building and finishing a public Gaol or Court House in and for such Counties respectively. And the assessors for the said Towns or Parishes respectively, shall apportion the quota of the said sum or sums, so to be distributed and charged, by virtue of this Act upon the respective Towns or Parishes, in like manner, as the said Assessors are authorized, to apportion the sum or sums of money, to be levied by virtue of the said recited Act, for the purpose of building and finishing a public Gaol or Court House in and for such Counties respectively. And such sum and sums of money so to be distributed, charged, and apportioned, by virtue of this Act, shall and may be levied, collected and paid, in like manner, and under the same restrictions, regulations, penalties and forfeitures, in every respect, as any sum or sums of money can be levied, collected and paid, by virtue of the said herein before recited Act, any thing in the said herein before recited Act to the contrary notwithstanding.

The Assessors
to apportion
same.

Not to levy
more than £300
for building or
purchasing
Gaol and Court
House.

III. And be it further enacted, That it shall not be lawful for the Justices of the Sessions in any County in this Province to levy, more than the sum of Three hundred Pounds, for the purpose of building and finishing, a Gaol and Court House, by virtue of the said herein before recited Act, or for the purpose of paying for, or purchasing, any buildings for a Gaol, and Court House, in their respective Counties, by virtue of this Act; any thing in this Act, or in the said recited Act to the contrary notwithstanding.

The said recited
Act, except as
herein altered
and repealed, to
remain in force.

IV. And be it further enacted, That the said herein before recited Act and every clause, matter and thing therein contained, not herein before altered and repealed, shall be and remain in full force; any thing herein before contained to the contrary notwithstanding.

CAP. IV.

An Act to authorize the erection of Fences and Gates, across certain Roads, in the several Counties in this Province, where the same shall be found necessary.

[Continued, by 31 G. 3, C. 1, to 1st March, 1797, and then expired.]

CAP. V.

An Act to continue and amend an Act, intituled, "An Act, for regulating the Fisheries, in the different Rivers, Coves, and Creeks, of this Province."

[Expired.]

CAP. VI.

An Act for laying an Impost.

[Continued to 1st April, 1791, by 31 G. 3, C. 12, and then expired.]

CAP. VII.

An Act relating to the Punishment of Persons convicted of Felony, within the Benefit of Clergy.

[*Repealed by 1 W. 4, C. 14.*]

CAP. VIII.

An Act for reviving and continuing and amending sundry Laws that have expired and are near Expiring.

[*Expired.*]

CAP. IX.

An Act for appropriating and disposing of the Public Monies.

[*Expired.*]

Anno Regni, GEORGII III Regis, Tricesimo Primo.

AT the General Assembly of the Province of New Brunswick, begun and holden at the City of Saint John, on the third day of January, in the year of our Lord, One thousand Seven hundred and Eighty-six, and in the Twenty-sixth year of the Reign, of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth : And from thence, continued by several prorogations, to the First day of February, One thousand Seven hundred and Ninety-one, at Fredericton ; being the fifth Session, of the first Assembly, convened in the said Province.

CAP. I.

An Act to continue an Act, intituled, “ An Act, to authorize the erection of Fences and Gates, across certain Roads, in the several Counties, in this Province, where the same, shall be found necessary.”

[*Expired.*]

CAP. II.

An Act to declare that no Law, passed in the General Assembly, of the Province of Nova Scotia, before the Erection of the Province of New Brunswick, shall be of force in this Province.

No Law of
Nova Scotia to
be of force in
this Province.

BE it enacted by the Lieutenant Governor, Council and Assembly, That no Law, passed in the General Assembly, of the Province of Nova Scotia, before the erection, of the Province of New Brunswick, shall be of any force or validity whatever, in this Province ; or so deemed, or taken, in any Court of Law, or Equity, within the same. Provided, That this Act, shall have no retrospective force or operation.

CAP. III.

An Act in addition to and in amendment of an Act, intituled, “An Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners, and Surveyors of Highways, within the several Towns, or Parishes, in this Province.”

[*Suspended during the operation of 36 G. 3, C. 7, & 50 G. 3, C. 6, respectively. Repealed by 1 W. 4, C, 33.*]

CAP. IV.

An Act for the Recovery of Small Debts.

[*Continued by 33 G. 3, C. 1, for two years and then expired.*]

CAP. V.

An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery, and Fornication.

“**W**HEREAS, it is necessary, in order to the keeping up of a decent and regular society, that the Matrimonial union be settled and limited by certain rules and restraints; and the state of this Province, requires some provisions in this behalf, as also, for cases of divorce and alimony.” Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That when any persons of lawful age and capacity, to make a contract of Marriage shall make known, to any Parson, Vicar, Curate or other person, in Holy Orders of the Church of England, in the Town or Parish, where they respectively reside, or in case there shall be no Parson, Vicar, Curate, or other person, in Holy Orders of the Church of England, in such Town or Parish, then, to any of His Majesty's Justices of the Peace, being of the Quorum, in the County, where they respectively reside, their intention, of making a contract of Marriage, such Parson, Vicar, Curate, or other person, in Holy Orders of the Church of England, shall cause proclamation to be made, with an audible voice, of such intention of Marriage, at some Church, Chapel, or other public place of meeting, for religious worship, in the Town or Parish, or Towns, and Parishes, where such parties, and each of them, respectively reside, during the time of divine service, on three Sundays successively, or in case there shall be no Parson, Vicar, Curate or other person, in Holy Orders of the Church of England as aforesaid, such Justice of the Peace as aforesaid, shall cause a notification, of such banns of Matrimony, in writing, subscribed, with the hand of such Justice of the Peace, to be affixed, to some visible part of such Church, Chapel, or other public place of meeting for Religious Worship, or some other public building to be directed and appointed by such Justice of the Peace and situate as aforesaid, on three Sundays successively : Persons making known to any Clergyman of the Church of England, or to any Justice of the Quorum
their intention of marrying, such Clergyman shall publish the banns three Sundays successively,
or such Justice shall advertize the same on three Sundays successively,

And

^a See 52 G. 3, C. 2, as to Marriages in Saint John by Justices not being of the quorum—8 G. 4, C. 9, prohibiting Justices to solemnize Marriage unless commissioned by the Lieutenant Governor, and 4 W. 4, C. 46, extending the privilege of solemnizing Marriage to all Ministers of the several religious congregations in the Province.

and if no impediment such or any other Clergyman of the Church of England or such Justice to solemnize Marriage.

If either party be within 21 years, consent of the father to be first had.

Justices to use the form directed by the Governor.

Penalty for celebrating Marriage before publication, without licence.

Prosecution to be commenced within twelve months.

Any person other than a Clergyman of the Church of England, or Justice of Peace celebrating or assisting in any Marriage,

contrary to the meaning of this Act,

to be fined and imprisoned.

Not to extend to Ministers of the Kirk of Scotland,

nor to Quakers,

nor Clergymen of the Church of Rome,

And if there shall be, no lawful impediment or objection, after such publication, or notification of banns, as aforesaid, it shall and may be lawful, for such or any other Parson, Vicar, Curate or other person, in Holy Orders of the Church of England or any such Justice of the Peace as aforesaid, where there shall be no Parson, Vicar, Curate, or other person, in Holy Orders of the Church of England as aforesaid, and they are hereby respectively authorized to solemnize, and take the acknowledgment of Marriage, between such parties. Provided, that in case they or either of them are within the age of Twenty-one Years, consent thereto be first had of the Father or Guardian of the party or parties within the age last mentioned. Provided also, that any Marriage, so to be solemnized, by any such Justice of the Peace as aforesaid, shall be solemnized and performed, in the manner and form, which shall be directed, by the Governor, Lieutenant Governor or Commander in Chief of the Province.

II. And be it further enacted, That if any Parson, Vicar, Curate, or other person in Holy Orders of the Church of England, or any such Justice of the Peace as aforesaid, shall presume to solemnize, or celebrate Marriage, between any persons whatsoever, before proclamation, or notification of banns of Matrimony, between them made in form aforesaid, except a Licence be first had, and obtained therefor, by, and under the hand and seal of the Governor, Lieutenant Governor, or Commander in Chief, of this Province, he shall forfeit, and pay to His Majesty, the sum of Twenty Pounds, to be recovered, with costs of suit, by bill, plaint or information, in the Supreme Court of Judicature. Provided always, that every prosecution, for any offence, penalty, or forfeiture, in this clause contained, shall be commenced, within the space of Twelve Months, after such offence committed, and not afterwards.

III. And be it further enacted, That if any person, other than a Parson, Vicar, Curate, or some person in Holy Orders of the Church of England, or some such Justice of the Peace, where there shall be no Parson, Vicar, Curate, or other person in Holy Orders of the Church of England as aforesaid, shall presume to solemnize, or celebrate Marriage, or shall officiate, or assist in solemnizing, or celebrating, or making any Marriage, or Contract of present Marriage, between any persons whatsoever, or if any such Parson, Vicar, Curate, or other person in Holy Orders of the Church of England, or any such Justice as aforesaid, shall solemnize or celebrate Marriage, or shall officiate, or assist, in solemnizing, or celebrating, or making, any Marriage, contrary to the provisions, and the true intent and meaning of this Act, every such offender, who shall be thereof convicted, upon indictment, or information of His Majesty's Attorney General, before the Supreme Court of Judicature, or any Court of Oyer and Terminer, or Gaol delivery, shall for every offence, forfeit and pay a fine to the King, not exceeding One hundred Pounds, nor less then Fifty Pounds, and suffer Twelve Months imprisonment. Provided always, that nothing in this Act contained, shall extend, or be construed to extend, to prevent any Minister of the Kirk of Scotland, regularly ordained, according to the rights thereof, from celebrating and solemnizing Marriage, agreeable to the forms and usages of that Church, between persons of that communion. Provided also, that nothing herein contained shall extend, or be construed to extend, to prohibit, or restrain, persons called Quakers, from the full and free liberty, of solemnizing Marriage, according to the usages forms and customs of that sect, in case both parties to such Marriage are Quakers. And provided also, that nothing in this Act, shall extend, or be construed to extend, to prohibit, or restrain, any person regularly ordained,

dained, in Holy Orders of the Church of Rome, from solemnizing Marriage, agreeable to the forms of their Church, between persons of that communion only.

IV. [*Repealed by 52 G. 3, C. 21, which makes provisions for the registering of Marriages, and See 54 G. 3, C. 12, requiring parties to sign Certificates.*]

V. And be it further enacted, That all causes, suits, controversies, matters, and questions, touching and concerning Marriage, and contracts of Marriage, and Divorce, as well from the bond of Matrimony, as divorce, and separation, from bed and board, and alimony, shall, and may be heard, and determined by, and before the Governor and Commander in Chief of this Province, and His Majesty's Council: And that the Governor, or Commander in Chief, and Council aforesaid, or any five, or more of the said Council, together with the Governor, or Commander in Chief as President, be, and they are hereby constituted, appointed, and established, a Court of Judicature, in the matters and premises aforesaid, with full authority, power, and jurisdiction, in the same: Provided, and it is hereby declared, that nothing herein contained, shall deprive, diminish, control, obstruct or abridge, or be construed, decmed, or extended, to deprive, diminish, control, obstruct or abridge in any manner, the rights, powers, authority, judicature, or jurisdiction, of the Court of Chancery, or of the Supreme Court of Judicature, or of any Inferior Court of this Province, in, and touching, the matters and premises aforesaid, or any of them; and that no sentence, decree, judgment, or proceeding of the said Court of Governor, or Commander in Chief, and Council, in any information, prosecution, suit, or process, touching and concerning any Marriage, or contract of Marriage, or Divorce, or alimony, shall take away, annul, bar, suspend, or in any wise alter, or affect the right of action, of any person or persons, for any injury or damage, sustained for or by reason, of any breach, of any covenant, or contract of Marriage.

VI. And be it further enacted, That the fixed and stated terms, of holding the said Court, of the Governor and Council, for the purposes and causes herein mentioned, shall be, and commence, on the First Tuesday in February, and the Third Tuesday in July, in each and every year, and shall continue during the space of Ten days.

VII. And whereas, The arduous affairs of Government, may render it impossible, for the Governor or Commander in Chief, at all times to preside in person, in the Court aforesaid,

Be it further enacted, That it shall and may be lawful, for the Governor or Commander in Chief, by warrant, or commission, under his hand and seal, to depute, constitute, and appoint, the Chief Justice, or either of the Justices, of the Supreme Court of Judicature, or the Master of the Rolls, to preside in his place, and stead, in the said Court, of the Governor and Council, and to have, hold, and exercise, all the powers, privileges, authority, and jurisdiction, of the Governor, or Commander in Chief, in the same Court; and that such Deputy, or Vice-President, shall have, hold and exercise all such powers, privileges, authority, and jurisdiction, accordingly, as are hereby given, and granted to the Governor, or Commander in Chief, in the same Court, in all the causes, matters and things therein cognizable by this Act.

VIII. And, for the more effectually preventing, and punishing of Incest, Adultery, Fornication, and all acts of lewdness, and unlawful cohabitation, and intercourse between Man and Woman;

c All controversies concerning Marriage and divorce to be determined by the Governor and Council,

who are constituted a Court for that purpose.

Nothing in this Act to control the rights of any Court,

and no sentence of the Court of Governor and Council to affect the right of action of any person.

d Terms of holding the Court of Governor and Council.

The Governor or Commander in Chief to appoint a Deputy in the said Court.

Be

c Court to consist of the Lieutenant Governor and His Majesty's Executive Council with a Judge of the Supreme Court, or the Master of the Rolls of the Province, as Vice President, See 4 W. 4, C. 80.

d The July Term altered from the third to the first Tuesday in July by 48 G. 3, C. 3.

Punishment of persons convicted of Incest, &c.

Be it further enacted, that every person, who shall be hereafter lawfully convicted of any of the crimes aforesaid, before the Supreme Court of Judicature, or any Court of Oyer and Terminer and Gaol Delivery, in this Province, shall be punished, by fine, and imprisonment, or either of them, at the discretion of the Court, in which such offender, or offenders shall be convicted.

Causes of divorce.

IX. And it is hereby declared and enacted, That the causes of divorce, from the bond of Matrimony, and of dissolving, and annulling Marriage, are, and shall be frigidity, or impotence, adultery, and consanguinity within the degrees prohibited, in and by an Act of Parliament, made in the Thirty-second year of the reign of King Henry the Eighth, intituled, "An Act, for marriages to stand, notwithstanding precontracts," and no other causes whatsoever.

In case of divorce for Adultery, the issue not to be bastardized, nor the wife barred of dower, &c. unless so adjudged.

X. Provided always, and be it further enacted, That in case, of a sentence or divorce, from the bond of Matrimony, or Marriage, for the cause of Adultery, the issue of such Marriage, shall not in any case be bastardized, or in any way prejudiced, or affected, with any disability thereby. Provided also, That the wife in such case, shall not be, thereby, barred of her dower, or the husband be thereby deprived, of any tenancy, by the courtesy of England, unless it shall be so expressly adjudged, and determined, in and by such sentence of divorce.

Former Law repealed.

XI. And be it further enacted, That an Act, made and passed in the Twenty-seventh year, of His present Majesty's reign, intituled, "An Act, for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery, and Fornication," be, and the same is hereby, repealed, and declared to be utterly null and void.

CAP. VI.

26 G. 3, C. 6. An Act in addition to an Act, intituled, "An Act for Regulating Juries, and declaring, the Qualification of Jurors."

Sheriffs to make annual lists of Jurors,

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That the Sheriffs of each County, shall once a year, viz. on or before the first day of May, make out a list of all persons qualified, to serve upon Juries, who have resided within the said County, for Three Months preceding, with their titles and additions, between the age of Twenty-one years, and the age of Sixty years; and return the same, into the office, of the Clerk of the Peace, in their respective Counties; which Clerks respectively, shall cause the same to be fairly entered in a book, to be by them provided, and kept for that purpose, among the records, of the Sessions, of the said County: And each, and every Sheriff, who shall neglect, to make out, and return such list, shall forfeit, and incur the penalty of Ten Pounds; to be paid into the hands of the Treasurers, of the respective Counties, for the use of the County, to be recovered by bill, plaint or information, in any Court of Record, having jurisdiction thereof. And no Sheriff, shall impanel, or return any person, or persons, to try any issue, joined, in any Court of Record in this Province, that shall not be named, and mentioned, in such list.

and return same to Clerk's office to be entered in a book. Penalty on Sheriff's neglecting.

Sheriffs not to return persons not named in the list.

Sheriffs to be paid for making such list.

II. And be it further enacted, That each Sheriff, shall have, and receive such sum of Money, for his expenses, and trouble, in making out, and returning such list, as the Justices, in their General Sessions shall deem, to be an adequate compensation therefor, and they shall thereupon, order the same to be paid, by the Treasurer of the County; out of the Monies in his hands, belonging to such County,

County, respectively; and such sum, so to be allowed to the Sheriff, shall be deemed a County charge, and shall be provided for, as other County charges are, or may be, by Law.

CAP. VII.

An Act to define and describe the Crime of Petit Larceny.

[*Repealed by 10 & 11 G. 4, C. 32.*]

CAP. VIII.

An Act for fixing permanently the Boundary Lines, between the different Grants in this Province.

[*Repealed by 52 G. 3, C. 4.*]

CAP. IX.

An Act for altering the Times, of holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas, in the Counties therein mentioned.

“**WHEREAS**, the times appointed, for holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas, in the County of Westmorland, King’s County, and Queen’s County, have been found inconvenient;” Preamble.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That the said Courts shall be holden, hereafter, as follows, to wit:—For the County of Westmorland, on the third Tuesdays in January and June; for Queen’s County, on the fourth Tuesdays in January and June; for King’s County, on the second Tuesday in February, and first Tuesday in July; and for the City and County of Saint John, on the third Tuesday, instead of the first Tuesday of March, in each and every year, any Law or Ordinance to the contrary notwithstanding. f Times of holding the Courts for Westmorland;
g For Queen’s;
g For Kings;
For Saint John.

II. [*Obsolete.*]

CAP. X.

An Act to enable the Justices of the Supreme Court, to issue Commissions, for the examining of Witnesses, out of the Province.

[*Repealed by 5 W. 4, C. 34, which makes other provisions.*]

CAP.

^e See Table of Courts in the Appendix No. 1, and original County Charter, Appendix No. 3.

^f Terms in Westmorland altered to third Tuesday in June and November by 58 G. 3, C. 1, and 4 G. 4, C. 28.

Additional Terms granted by 35 G. 3, C. 2, to be held on first Tuesday in April—3 G. 4, C. 6, and second Tuesday in September, 42 G. 3, C. 3.

^g February Term in King’s altered to first Tuesday in March, by 3 G. 4, C. 12.

CAP. XI.

An Act for the Security and Protection, of certain Islands, in the River Saint John.

[*Expired.*]

CAP. XII.

An Act to continue an Act, intituled, "An Act for laying an Impost."

[*Expired.*]

CAP. XIII.

An Act for Regulating the Fisheries, in the different Rivers, Coves, and Creeks, of this Province.

[*Expired.*]

CAP. XIV.

An Act for the Support, and Relief, of Confined Debtors.

[Revived and continued by 36 G. 3, C. 2—amended by 39 G. 3, C. 6; both expired in 1801, and were succeeded by 41 G. 3, C. 5.]

CAP. XV.

An Act for laying an Impost.

[*Expired.*]

CAP. XVI.

An Act for Appropriating, and Disposing, of the Public Monies.

[*Expired.*]

CAP. XVII.

^h An Act for Regulating Elections, of Representatives in General Assembly, and, for limiting the duration of Assemblies, in this Province.

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That when any new Assembly shall, at any time hereafter, be summoned or called

^h See 9 G. 4, C. 36, S. 4, as to supplying vacancies—9 G. 4, C. 37, regulating the Right of controverted Elections, and see also 10 & 11 G. 4, C. 33, as to Roman Catholics.

called in this Province, as also, in case of any vacancy, during this present Assembly, there shall be forty days between the teste, and return, of the writs of summons; and that, the Clerk of the Crown in Chancery, shall issue out the writs, for the Election of Members to serve in the same Assembly, with as much expedition as the same may be done; and, that as well upon the calling or summoning any new Assembly, as also, in case of any vacancy, during the present or any future Assembly, the several writs shall be delivered to the respective Sheriffs; and that every such Sheriff, upon the receipt of the same writ, shall upon the back thereof, indorse the day he received the same, and within six days after he has received the same writ, shall cause public notice, to be given in writing, of the time and place of Election, and, give Six days notice at least, of the day appointed, to the Constables or one of them, of each Town or Parish within his bailiwick; who are hereby required, forthwith, to affix the same to the most public place, of each Town or Parish, as aforesaid for the Election.

Forty days allowed between the teste and return of the writs.

Sheriff to indorse the day he received writ
Time and place of election to be notified by the Sheriff.

II. And be it further enacted, That no Sheriff or under-Sheriff shall give, pay, receive, or take, any fee, reward, or gratuity whatsoever, for the making out receipt, delivery, return or execution, of any such writ or precept, unless a Poll shall be demanded; and in case a Poll shall be demanded, he shall be intitled, to have and receive an allowance, of Ten Shillings per diem, for himself, and Five Shillings per diem, for a Poll Clerk, to be by him appointed, for taking such Poll, in manner hereafter mentioned, for each day, the said Poll shall be held; and also, for each day, the Scrutiny shall be held, in case of any Scrutiny granted, as hereinafter mentioned; which allowance, for holding the Poll, shall be paid out of the Province Treasury, upon the account thereof being submitted to, and audited by the Assembly, at their next Session; and, which allowance, for holding the Scrutiny, shall be paid by the party, or parties, losing his or their Election, upon such Scrutiny; and shall be recovered, by action of debt, in any Court of Record, in this Province, having jurisdiction thereof.

No reward to be allowed the Sheriff for execution of Writ unless a Poll be demanded.

In that case the Sheriff to have 10s. per diem, and 5s. for a Poll Clerk, and in case of a scrutiny the same allowance to be paid by the party losing the election.

III. And be it further enacted, That the Members to be chosen, to serve in such Assembly, shall be chosen, in every County, which hath right to chuse, by persons, whereof, every one of them shall have a Freehold in such County, of the clear value of Twenty-five Pounds, in case such persons reside in such County; and in case such persons do not reside in such County, shall have a Freehold in such County, of the clear value of Fifty Pounds, free from all incumbrances; and shall have respectively possessed the same, and have had their title Deeds registered, Six Months, before the teste of the said writ: And the person to be chosen, shall be possessed of real Estate, of the value of Two Hundred Pounds, within the County, for which he shall be chosen; and shall have been possessed of the same, and the Deeds thereof duly registered, Six Months before the teste of the writ: And such as have the greatest number of votes of Electors, qualified as aforesaid, shall be returned by the said Sheriffs, Members, to serve in such Assembly, by Indentures, between the said Sheriff and the said Electors. Provided always, that no person, who shall have mortgaged his Lands, and remain in possession thereof, and receive the income therefrom, shall, by reason of such Mortgage, be debarred from giving his vote, or being elected as aforesaid.

Qualification of resident Electors.

Of non-residents.

Qualification of Candidates.

Mortgagors in possession not debarred voting or being elected.

Place of election.

IV. And be it further enacted, That upon every Election so to be made, of any Member, to serve in this or any future Assembly, the Sheriff of the County where such Election shall be made, shall hold his Court for the same Election,

at the most usual and public place of Election, within the said County ; but, in case the said Election be not determined, upon the view, with the consent of the Electors there present, and that a Poll shall be demanded, for the determination thereof, then the said Sheriff, or in his absence his under-Sheriff, shall forthwith, in some open or public place, proceed to take the said Poll.

Sheriff's oath to be taken immediately after reading the writ.

V. And be it further enacted, That every Sheriff shall immediately after reading the writ, or precept, for the Election of such Member, take and subscribe the following Oath, viz : " I, A. B. do solemnly swear, that I have not, directly, or indirectly, received any sum, or sums of money, office, place, or employment, gratuity or reward, or any bond, bill or note, or any promise, or gratuity whatsoever, either by myself, or any other person, to my use, benefit, or advantage, for making any return, at the present Election, of Members, to serve in Assembly ; and that, I will return such person, or persons, as shall, to the best of my judgment, appear to me, to have the Majority, of legal Votes." Which Oath, any Justice of the Peace, of the County, where such Election shall be made, or in his absence, any three of the Electors, are hereby required, and authorized, to administer. And such Oath, so taken and subscribed, shall be entered among the Records, of the Session, of such County.

This Act to be read openly before the Electors assembled at the place of election.

VI. And be it further enacted, That every Sheriff shall and is hereby required, at the time of such Election, immediately after reading such writ, or precept, and taking and subscribing such Oath, as aforesaid, to read, or cause to be read, openly before the Electors there assembled, this present Act, and every clause therein contained.

Sheriff to appoint Clerks for taking the Poll.

VII. And for the more due and orderly proceeding, in the said Poll, when required as aforesaid, the said Sheriff shall appoint such number of Clerks, as to him shall seem meet, and convenient, for taking thereof, which Clerks shall take the said Poll, in the presence of the said Sheriff, or his under-Sheriff ; and before they begin to take the said Poll, every Clerk so appointed, shall by the said Sheriff, or his under-Sheriff, as aforesaid, be sworn truly and indifferently to take the same Poll, and to set down the name of each Elector, and the place of his Freehold, and for whom he shall poll, and to poll no Elector who is not sworn, if so required, by the Candidates, or any of them, then and there present. Which Oath of the said Clerks, the said Sheriff, or his under-Sheriff is hereby empowered to administer :

Clerks to be sworn.

Sheriff to appoint such persons as the Candidates shall nominate to be Inspectors of the Clerks.

And the Sheriff, or his under-Sheriff as aforesaid, shall appoint for each Candidate, such one person, as shall be nominated to him, by each Candidate, then and there present, to be Inspectors of every Clerk, who shall be appointed for taking the Poll. And every Elector at the time of polling, shall distinctly name the Candidate, or Candidates for whom he votes, and before he is admitted to poll, at the same Election, shall, if required by the Candidates, or any one of them, first take the Oaths herein after mentioned, or any or either of them, viz. : " You shall swear, that you are a Freeholder, of the County of

Electors, if thereto required, to be sworn.

Form of oaths as to Freehold, &c.

" and have real Estate of the value of Twenty-five Pounds, (or Fifty Pounds if the Elector do not reside in the said County) lying at , within the said County of ; and that you have not been before polled at this Election, and that you have not procured this Freehold, to give your voice in this Election, and that the place of your abode, is at in ; So help you GOD." And also the Oaths, in and by an Act, made in the First year of the reign, of His late Majesty King George the First, intituled, " An Act, for the further security of His Majesty's Person and Government, and the succession

State Oaths.

See oath prescribed in lieu of this by 9 G. 4, C. 36, S. 5.
See oaths directed instead of these by 50 G. 3, C. 36.

“succession of the Crown, in the heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors,” appointed to be taken; and also the following Oath:—“You shall swear, that you have not received, or had, by yourself or any other person whatsoever, in trust for you, or for your use and benefit, directly or indirectly, any sum or sums of money, office, place or employment, gift or reward, or any promise, or security for any money, office, employment or gift, in order to give your vote at this Election. So help you God.” Or, being one of the people called Quakers, shall, if required as aforesaid, solemnly affirm the effect of each and every of the said Oaths, which shall be required as aforesaid; which same Oaths or Affirmations, the said Sheriff, his under-Sheriff, or such sworn Clerk by him appointed for taking of the said Poll as aforesaid, are hereby authorized to administer. And if any Elector shall, being thereunto required as aforesaid, refuse or neglect to take the said Oaths herein before appointed to be taken, or either of them, or to affirm the effect thereof as aforesaid, that then the Poll or Vote of such person so neglecting or refusing, shall be, and is hereby declared to be null and void, and as such shall be rejected and disallowed. And if any Sheriff, under-Sheriff or sworn Clerk, shall neglect or refuse, when thereunto requested as aforesaid, to administer the above Oaths and Affirmations, or shall otherwise offend in the premises, contrary to the true intent, and meaning of this Act, every such Sheriff, under-Sheriff or sworn Clerk, shall for every such offence, forfeit the sum of Fifty Pounds, together with full costs of suit, to be recovered by action of debt, bill, plaint or information, in any of His Majesty’s Courts of Record in this Province.

The vote of any Elector refusing to take these oaths to be rejected.

Sheriff, &c. refusing to administer such oaths, &c. to forfeit £50.

VIII. And be it further enacted, That if any person or persons, shall wilfully, falsely, and corruptly, take the Oaths or Affirmations, set forth and appointed in and by any part of this Act, or either of them, and be thereof lawfully convicted, by Indictment, or Information, or if any person, or persons shall corruptly procure, or suborn, any other person, to take the said Oaths, or Affirmations or either of them, and the person so procuring, or suborning, shall be thereof convicted, by Indictment, or Information, every person so offending, shall for every such offence, incur and suffer such penalties, forfeitures and disabilities, as persons convicted of wilful and corrupt perjury are liable to. And no person convicted of wilful and corrupt perjury, or subornation of perjury, shall after such conviction, be capable of voting in any Election of any Member or Members to serve in the Assembly of this Province.

Persons falsely taking such oaths or affirmations, or suborning others, shall incur the penalties of wilful and corrupt perjury,

and be rendered incapable of voting.

IX. And be it further enacted, That if any person, who hath or claimeth to have, or hereafter shall have, or claim to have, any right to vote in such Election, shall take any money, or other reward, by way of gift, loan, or other device, or contract or agree for any money, gift, office, employment or other reward, to give, or forbear to give, his vote in any such Election; or if any person by himself, or any person employed by him, doth or shall by any gift, or reward, or by any promise, agreement, or security for any gift or reward, corrupt or procure any person or persons to give his vote or votes, or to forbear to give his, or their vote, or votes, in any such Election, such person so offending, in any of the cases aforesaid, shall for every such offence forfeit the sum of Twenty Pounds, to be recovered as before directed in the seventh section of this Act, with full costs of suit; and every person offending, in any of the cases aforesaid, in this clause mentioned, from and after judgment obtained against him in any such action of debt, bill, plaint or information, or being any otherwise lawfully convicted thereof, shall for ever be disabled to vote in any Election for any Member or Members of the Assembly of this Province.

Any person who shall take any reward for giving or forbearing to give his vote, or shall procure others so to do, to forfeit £20 and be disabled to vote.

X.

Poll to commence on the day when demanded or the next day, and be continued daily.

Removal of Poll.

Closing of Poll.

Sheriff to declare the persons who have the majority of votes and forthwith make his return, unless a Scrutiny be demanded; but not to delay beyond the return day of the writ.

In a Scrutiny the Sheriff to decide for the different Candidates alternately.

Poll to be kept open every day seven hours between Eight in the morning and Sun-set.

Sheriff authorized to administer an oath to any person touching any thing material on a Scrutiny.

m Number of Members to be returned.

Members for Saint John to be chosen by the Freemen and Freeholders.

n Qualification of Freemen.

X. And be it further enacted, That every Poll, which shall be so demanded, shall commence on the day the same shall be demanded, or upon the next day, (unless that shall happen to be a Sunday, and then on the day after,) and shall be duly and regularly proceeded in, from day to day, (Sundays excepted,) without any delay or other adjournment, until all the voters present, shall have opportunity to be polled; after which the Sheriff, by the consent of at least half the Candidates, shall have liberty to remove the Poll, to such other place or places in the same County as he and such Candidates consenting shall think necessary, where such Sheriff or returning officer, shall proceed in like manner, until the Poll be finished. And if such Poll shall continue unto the Fifteenth day, then the same shall be finally closed, at or before the hour of Three in the afternoon of the same day. And the Sheriff at every such Election, shall immediately, or on the day next after the final close of the Poll, truly, fairly, and publicly, declare the name or names of the person or person who have the majority of votes on such Poll, and shall forthwith make a return of such person, or persons, unless the Sheriff, upon a Scrutiny being demanded by any Candidate, or any two or more Electors, shall deem it necessary to grant the same; in which case it shall and may be lawful for him so to do, and to proceed thereupon, but so as that in all cases of an Election of any new Assembly, or to fill any vacancy in the present or any future Assembly, every Sheriff having the return of a writ, shall close such Scrutiny, and make his return upon such writ, on or before the day on which such writ is returnable.

XI. And be it further enacted, That whenever a Scrutiny shall be granted as aforesaid, and there shall be more parties than one, objecting to votes on such Scrutiny, the Sheriff shall decide alternately, or by turns, on the votes given for the different Candidates who shall be parties to such Scrutiny, or against whom the same shall be carried on.

XII. And in order that Electors may have full time, and opportunity to poll, Be it enacted, That every Sheriff, unless prevented by any unavoidable accident, shall, during the continuance of the Poll, on every day subsequent to the commencement of the same, cause the said Poll to be kept open for Seven Hours, at the least, in each day, between the hour of Eight in the morning and Sun-set.

XIII. And be it further enacted, That upon every Election of any Member or Members to serve in this or any future Assembly, it shall and may be lawful for the Sheriff, if he see cause, and he is in such case authorized, during the continuance of any Scrutiny which shall have been granted as aforesaid, to administer an Oath to any person whatsoever, consenting to take the same, touching the right of any person having voted at such Election, or touching any other matter or thing material or necessary towards carrying on such Scrutiny.

XIV. And be it further enacted, That the respective Sheriffs for the different Counties, shall return the following number of Members, to serve in Assembly, to-wit: For the County of Saint John, four; the County of Westmoreland, four; the County of Charlotte, four; the County of Northumberland, two; King's County, two; Queen's County, two; the County of York, four; the County of Sunbury, two; and two for the City of Saint John, which two Members for the said City shall be chosen by the Freemen being Inhabitants, and the Freeholders there. Provided, that such Freemen who shall vote, shall have been Freemen of the said City six months, and shall actually have dwelt therein, six months before

the

m See 7 G. 4, C. 31, S. 10, giving Kent and Gloucester each one Member—1 W. 4, C. 50, S. 8, giving one Member to Carleton; and 4 W. 4, C. 47, giving an additional member to each of these three Counties.

n See 9 G. 4, C. 36, S. 2, 3, for further regulations as to the City of Saint John.

the teste of such writ of Election, and be possessed of personal Estate, to the value of Twenty-five Pounds, at the time of such Election. Which said Freemen, so to give their votes, shall be subject to the like regulations, restrictions, forfeitures, penalties and disabilities, as Freeholders by this Act are made subject to, except that instead of the Oath herein directed to be taken by Freeholders, such Freemen shall take (or being Quakers affirm the effect of) the following Oath:—"You shall swear, that you are a Freeman of the City of Saint John, "duly qualified; that you have dwelt in the same City Six Months past, and "that your dwelling place is now in the same City; and that you are possessed "of personal Estate, to the value of Twenty-five Pounds.—So help you God."

Oath to be taken by Freemen.

XV. And be it further enacted, That the writ for the Election of the said two Members for the said City, shall be directed to the Sheriff of the City and County of Saint John, who shall execute the same, and make return thereof, in the same manner, and under the like regulations, restrictions, penalties, and forfeitures, except as in the last preceding clause, as Sheriffs holding Elections in Counties are made subject and liable to.

Writ for electing the Members for the City of Saint John.

XVI. And be it further enacted, That every Sheriff shall forthwith deliver, to such person or persons as shall desire the same, a copy of the Poll taken at such Election, paying only a reasonable charge for writing the same; and every Sheriff, for every wilful offence contrary to this Act, not provided for by particular penalties in and by this Act inflicted, shall forfeit to every party so aggrieved, the sum of Thirty Pounds, to be recovered in manner aforesaid.

Sheriff to deliver on requisition, a copy of the Poll.

For every wilful offence not particularly provided for to forfeit £30.

XVII. And be it further enacted, That no person whatsoever, being under the age of Twenty-one years, shall at any time hereafter be admitted to give his vote for Election of any Member or Members to serve in this present or any future Assembly in this Province; and that no person shall hereafter be capable of being elected a Member, to serve in this, or any future Assembly of this Province, who is not the age of Twenty-one years: And every Election and Return of any person under that age, is hereby declared to be null and void.

No person to vote nor be chosen under the age of Twenty-one years.

XVIII. And be it further enacted, that no person or persons hereafter to be elected to serve in Assembly, for any County, City or place within this Province, after the teste, or issuing out, or ordering, of any writ of summons for a new Assembly hereafter to be called, or after any such place becomes vacant hereafter, in the time of this present, or of any other Assembly in this Province, shall or do, hereafter, by himself or themselves, or by any other ways, or means, on his or their behalf, or at his or their charge, before his or their Election to serve in Assembly for any such County, City or Place, directly or indirectly, give, present, or allow to any person or persons having voice or vote in such Election, any money, meat, drink, entertainment or provision, or make any present, gift, reward or entertainment, or shall at any time hereafter make any promise, agreement, obligation, or engagement to give, or allow any money, meat, drink, provision, present, reward or entertainment, to or for any such person or persons, in particular, or to any such County, City or place in general, or to or for the use, advantage, benefit, employment, profit, or preferment of any such person, or persons, place or places, in order to be elected, or for being elected, to serve in Assembly for such County, City or place.

No Candidate to give money, meat, drink, entertainment, or make any gift, &c.

XIX. And be it further enacted, That every person or persons so giving, presenting or allowing, making, promising or engaging, doing, acting or proceeding, shall be, and are hereby declared, and enacted, disabled and incapacitated upon such Election to serve in Assembly for such County, City or Place; and that such person or persons shall be deemed, and taken, no Members in Assembly, and

Every person offending against the last clause incapacitated to serve in Assembly.

and shall not act, sit, or have any vote, or place, in Assembly, but shall be, and are hereby declared and enacted to be, to all intents, constructions and purposes, as if they had been never returned, or elected, Members for the Assembly.

Sheriff to return writ to the Clerk of the Crown in Chancery.

XX. And be it further enacted, That the Sheriffs having the execution and return of any such writ for the electing Members to serve in Assembly, which shall be issued for the future, shall, on or before the day that any future Assembly shall be called to meet, and with all convenient expedition, after any Election made by virtue of any new writ, either in person, or by his deputy, make return of the same to the Clerk of the Crown in Chancery, to be by him filed in the Crown Office; and every Sheriff having execution and return of any such writ as aforesaid, who shall not make the returns, according to the true intent and meaning of this Act, shall forfeit for every such offence, the sum of One hundred Pounds; one moiety whereof, shall be to His Majesty, and the other moiety, to him or them that shall sue for the same; to be recovered by action of debt, bill, plaint or information, in any of His Majesty's Courts of Records in this Province.

Sheriff not making return according to this Act to forfeit the sum of £100.

Clerks to enter the places of the Elector's freehold and abode.

XXI. And be it further enacted, That in taking any Poll which shall be required as aforesaid, the Sheriff and Clerks shall enter, not only the place of the Elector's freehold, but also the place of his abode, as he shall declare the same at the time of giving his vote, and shall also make or enter "Jurat" against the name of every such voter who shall be tendered and take the Oath first herein required to be taken by Electors. And that the said Sheriff or returning Officer shall within the space of Twenty days next after such Election, faithfully deliver over upon Oath, (which Oath the two next Justices of the Peace, one of whom to be of the Quorum, are hereby enabled and required to administer,) unto the Clerk of the Peace of the same County, all the Poll books of such respective Elections, without any embezzlement or alteration, to be carefully kept and preserved among the Records of the Sessions of the Peace of and for the said County.

"Jurat."

Sheriff within twenty days after Election, to deliver over, upon oath, all the Poll books, to the Clerk of the Peace.

For every false return the party aggrieved may sue the offenders and recover double damages and costs.

XXII. And be it further enacted, That all false returns, wilfully made, of any Member to serve in the Assembly of this Province, are against Law, and are hereby prohibited. And in case any person or persons shall return any Member to serve in the Assembly of this Province, for any County, City or Place, contrary to the right of Election in and by this Act declared, such return so made, shall and is hereby adjudged to be a false return; and the party grieved, to wit, every person that shall be duly elected to serve in such Assembly for any County, City or Place, by such false return, may sue the officers and persons making and procuring the same, and every or any of them, at his Election, in the Supreme Court of this Province, and shall recover double the damages he shall sustain by reason thereof, together with his full costs of suit. And if any officer shall wilfully, falsely and maliciously return more persons than are required to be chosen by the writ or precept on which any choice is made, the like remedy may be had, against him or them, and the party or parties that willingly procure the same, and every or any of them, by the party grieved, at his Election: Provided always, That every suit, action, or information grounded on this Act, shall be brought within One year after the cause of action shall arise, and not after.

The like remedy in case of returning more persons than the writ requires.

Limitation of

Duration of Assemblies.

XXIII. And be it further enacted, That this present Assembly, and all other Assemblies hereafter to be called, or held in this Province, shall and may respectively have continuance for Seven Years, and no longer, to be accounted from the day on which, by the writs of summons, this present Assembly hath been,

or

or any future Assembly may be appointed to meet, unless this present, or any succeeding Assembly hereafter to be summoned, shall be sooner dissolved, by the Governor or Commander in Chief of this Province for the time being. Provided that this Act shall not be in force, until His Majesty's Royal approbation be thereunto had and declared.

N. B. *This Act was "Confirmed, finally enacted and ratified," by an Order of His Majesty in Council, dated at the Court of Saint James's the 3d of June, 1795.*

Anno Regni, GEORGII III Regis, Tricesimo Secundo.

AT the General Assembly of the Province of New Brunswick, begun and holden at the City of Saint John, on the third day of January, in the year of our Lord One thousand Seven hundred and Eighty-six, and in the Twenty-sixth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth : And from thence, continued by several prorogations, to the Fourteenth Day of February, One thousand Seven hundred and Ninety-two, at Fredericton ; being the Sixth Session of the First Assembly convened in the said Province.

CAP. I.

An Act for continuing the Establishment of a Militia and for regulating the same.

[*Repealed by S4 G. 3, C. 1.*]

CAP. II.

a An Act in amendment of an Act, intituled, “ An Act, for more effectually securing the Title of Purchasers of Real Estates, against Claims of Dower,” and also, to enable Femmes Covert, more easily to convey any Real Estate, they may hold in their own Right.

Preamble.

“ **W**HEREAS, in and by an Act made and passed in the Twenty-seventh
“ year of His Majesty’s reign, intituled, “ An Act, for more effectual-
“ ly securing the Title of Purchasers of Real Estates, against Claims of Dower,”
“ it is enacted, that no Deed of Bargain and Sale, or other conveyance of any
“ Lands, Tenements or Hereditaments, in which any Feme Covert is or may be
“ entitled to a right of Dower, shall be valid, and sufficient to bar such right of
“ Dower, or the recovery thereof, after the decease of her husband, unless such
“ Feme Covert or married woman shall sign, seal and deliver such Deed, and
“ shall also appear before some one of His Majesty’s Council, Judge of the Supreme
“ Court, or one of the Judges of the Inferior Court of Common Pleas in the several
“ Counties

a Refer to 27 G. 3, C. 9, and See further 33 G. 3, C. 5, and 52 G. 3, C. 20.

“ Counties of this Province, and being examined, separate and apart from her said husband, shall declare that she executed the same, freely and voluntarily, without any threat, fear or compulsion from him : And whereas it is expedient, that some provision should be made, to secure such Purchasers, against the Claims of Dower of Femmes Covert residing out of the Province, who cannot conveniently appear to make the acknowledgment required by the said recited Act : And whereas it is also expedient, that some further provision should be made, to enable Femmes Covert, or married women, to convey any Estate of Freehold, or Inheritance, which may be vested in them, in their own right ;”

“ I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That if any Feme Covert, whose right of Dower is to be barred, by any Deed of bargain and sale, or other conveyance, of any Lands, Tenements, or Hereditaments in this Province, shall live in parts beyond the sea, or out of the limits of this Province, the acknowledgment of such Deed or Conveyance shall be made, as follows, that is to say ; if such Feme Covert live within the kingdoms of Great Britain or Ireland, the acknowledgment of such Deed or Conveyance may be had and taken by and before any Judge of any of the Courts of King’s Bench, or Common Pleas, or Baron of the Exchequer, or any Master in Chancery, or any Judge or Lord of Council and Session in Scotland ; and if in any other part of the British dominions, by and before any Judge of the Supreme or Superior Court of Judicature in such Colony, or part of the said British dominions, wherein such Feme Covert shall reside, and certified on the said Deed or Conveyance, by and under the hand of such Judge, or other person so taking the acknowledgment thereof as aforesaid ; such Certificate being also authenticated, if in the British Plantations, under the hand and seal of the Governor, Lieutenant Governor or Commander in Chief of the Province where the same shall be made, and if in Great Britain or Ireland, affidavit in writing shall be made, and certified, under the seal of some Corporation there, that the signature of the person taking such acknowledgment is the actual and proper hand writing of such person so taking such acknowledgment : And if such Feme Covert live in any foreign state or kingdom, the acknowledgment of such Deed or Conveyance, may be had and taken by and before any public Minister, Ambassador, or Consul, from the Court of Great Britain, resident in any such State, or Kingdom, and certified on such Deed or Conveyance, by and under the hand and seal of such Minister, Ambassador, or Consul, so taking the acknowledgment thereof as aforesaid. And all such acknowledgments so taken under and by virtue of this Act, shall be registered with the respective Deeds and Conveyances so acknowledged, and shall be an effectual bar to the recovery of any such Femmes Covert respectively of their right of Dower in and to the premises mentioned in any such Deed or Conveyance, any thing in the said herein before recited Act to the contrary notwithstanding.

II. And be it further enacted, That the acknowledgment of all Deed of bargain and sale, or other Conveyances, duly made and executed by any Feme Covert, of any Estate of freehold, or inheritance, which such Feme Covert may hold in her own right, in any Lands, Tenements or Hereditaments in this Province, shall and may be had and taken, and certified, in the same manner, and before the same persons respectively, as any such Feme Covert can or may acknowledge any Deed of bargain or sale, or other Conveyance, for barring her right of Dower, under and by virtue of this or the said herein before recited Act.

Mode of acknowledgment of conveyances by Femmes Covert who live out of the Province ;
In Great Britain or Ireland ;

in other parts of the British dominions ;

in any Foreign State.

Acknowledgments to be registered with the conveyances.

The acknowledgment of conveyances made by Femmes Covert of Estates held in their own right.

CAP. III.

An Act to provide for the Maintenance of Bastard Children.

b

Preamble.

“ WHEREAS the laws now in being are not sufficient to provide for the security, and indemnification, of the several Parishes in this Province, from the great charges frequently arising from Children begotten and born, out of lawful Matrimony; for remedy thereof,”

If any woman being delivered of a Bastard Child, or being with Child, likely to be born a Bastard, and chargeable to a Parish, shall on examination before a Justice charge any person with having gotten her with Child, such Justice on application to issue a Warrant against the person so charged, and to commit him to Gaol, unless he give security.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That if any single woman shall be delivered of a Bastard Child, which shall be chargeable or likely to become chargeable to any Parish, or shall declare herself to be with Child, and that such Child is likely to be born a Bastard, and to be chargeable to any Parish, and shall in such case, in an examination to be taken in writing, upon Oath, before any one or more Justice or Justices of the Peace of any County, or of the City and County of Saint John, wherein such Parish shall lie, charge any person with having gotten her with Child, it shall and may be lawful to and for such Justice or Justices, upon application made to him, or them, by the Overseers of the Poor of such Parish, or by any one of them, to issue out his or their warrant or warrants, for the immediate apprehending such person so charged as aforesaid, and for bringing him before such Justice or Justices, or before any other of His Majesty's Justices of the Peace of such County, or of the City and County of Saint John, as the case may be; and the Justice or Justices before whom such person shall be brought, is and are hereby authorized, and required, to commit the person so charged as aforesaid to the common Gaol, or House of Correction of such County, or City and County, unless he shall give security to indemnify such Parish, or shall enter into a recognizance, with sufficient surety, upon condition to appear at the next General Sessions of the Peace to be holden in and for such County, or City and County, and to abide and perform such order, or orders, as shall be made in pursuance of an Act of Parliament, passed in the Eighteenth Year of the Reign of Her Majesty Queen Elizabeth, concerning Bastards begotten and born out of lawful Matrimony.

18 Eliz. c. 3.

If the woman die, or marry or miscarry, or appear not to have been with Child, the person to be discharged.

II. Provided nevertheless and be it enacted, That if the woman so charging any person as aforesaid shall happen to die, or be married, before she shall be delivered, or if she shall miscarry of such Child, or shall appear not to have been with Child at the time of her examination, then and in any of the said cases, such person shall be discharged from his recognizance at the next General Sessions of the Peace to be holden for such County, or City and County, or immediately released out of custody, by warrant under the hand and seal, or hands and seals, of any one or more Justice or Justices of the Peace residing in or near the limits where such Parish shall lie.

Justice of the Peace, upon application of any person committed, to summon the Overseers of the Poor to shew cause why he should not be discharged, and if no order made within Six weeks after the delivery of such woman, to discharge him.

III. Provided also, and be it enacted, That upon application made by any person who shall be committed to any Gaol or House of Correction, by virtue of this Act, or by any person in his behalf, to any Justice or Justices residing in or near the limits where such Parish shall lie, such Justice or Justices is and are hereby authorized, and required, to summon the Overseer or Overseers of the Poor of such Parish, to appear before him or them, at a time and place to be mentioned in such summons, to shew cause why such person should not be discharged: And if no order shall appear to have been made, in pursuance of the said Act of the Eighteenth Year of the Reign of Her Majesty Queen Elizabeth, within Six Weeks after such woman shall have been delivered, such Justice or

Justices

Justices shall and may discharge him, from his imprisonment, in such Goal or House of Correction, to which he shall have been committed.

IV. Provided always, and be it further enacted, That it shall not be lawful, for any Justice or Justices of the Peace, to send for any woman whatsoever before she shall be delivered, and in one Month after, in order to her being examined concerning her pregnancy, or supposed pregnancy, or to compel any woman, before she shall be delivered, to answer to any questions relating to her pregnancy; any Law, Usage, or Custom, to the contrary notwithstanding.

Justice not to send for any woman or compel her to answer questions before her delivery, nor in one month after.

CAP. IV.

An Act for altering the Times of holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas, in the County of Northumberland.

[*This Act altered the Terms to first Tuesdays in March and August; the subsequent alteration by 2 G. 4, C. 11, S. 1, made the Act obsolete.*]

CAP. V.

An Act to encourage the destroying of Wolves.

“**W**HEREAS many losses have been suffered by sundry Inhabitants of this Province, from the destruction of their Sheep by Wolves, to the great discouragement of the increase of that valuable Stock;”

Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the publication of this Act, a reward of Twenty Shillings shall be paid to any Inhabitant of this Province, for each full-grown Wolf he shall kill within the limits of the same, and Ten Shillings for each Wolf's Whelp under a year old, and to every Indian, Ten Shillings for every full-grown Wolf, and Five Shillings for every Wolf's Whelp under a year old, which he shall kill within the limits aforesaid.

Bounty for each Wolf and Whelp.

II. And be it further enacted, That whosoever shall kill any Wolf, Wolves, their Whelps or Whelp, shall bring the head or heads of the same, to one of His Majesty's Justices of the Peace within the County, residing nearest to the place where the same shall be killed, who shall examine the party on Oath, (if he judge it necessary,) and, on being satisfied of his being entitled to the reward, shall disfigure the head of the Wolf or Whelp, by cutting off both the ears, and shall give under his hand and seal a certificate, specifying the reward to which the party is entitled, directed to the Treasurer of the Province, or his deputy, in case any such deputy shall be resident in the County, who shall pay the same out of the Monies belonging to the Province Treasury: Which certificate shall be a sufficient Voucher to the Treasurer, for the Money paid by virtue of this Act.

Proof required.

Payment.

CAP. VI.

An Act to prevent the destruction of Sheep by Dogs.

[*Repealed by 8 G. 4, C. 18, which makes other provisions.*]

CAP. VII.

An Act to continue an Act, intituled, “ An Act to prevent Frauds in the Sale of Damaged Goods imported into this Province.”

[*Expired.*]

CAP. VIII.

An Act to enable the Justices of the Court of General Sessions of the Peace and Inferior Court of Common Pleas in King’s County, to hold the same Courts for the present Year, at the Time therein mentioned.

[*Obsolete.*]

CAP. IX.

An Act to restrain all Persons that may be concerned in the collection of Impost Duties, from owning any Vessel, or trading or dealing in Dutiable Articles.

The Treasurer or his deputies or any person concerned in collecting Impost duties, are not to own vessels, or trade in dutiable articles, under the penalty of fifty pounds, and of being dismissed from office.

BE it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, neither the Treasurer of the Province, nor any of his deputies, nor any person or persons concerned in the collection of any Impost Duties, made payable by any Act or Acts of Assembly, shall own any vessel or vessels, or any share or shares in any vessel or vessels, trading to and from any Port or Ports in this Province, or shall trade or deal, directly or indirectly, in any article or articles made dutiable by any such Act or Acts, under the penalty of Fifty Pounds, to be recovered by bill, plaint or information, in the Supreme Court of this Province, and of being forthwith dismissed from his or their office and offices.

CAP. X.

An Act for raising a Revenue in this Province.

[*Expired.*]

CAP. XI.

An Act to defray the Expences incurred, and to be incurred, in the Public Service therein mentioned.

[*Expired.*]

Anno Regni, GEORGII III Regis, Tricesimo Tertio.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the Twelfth Day of February, in the year of our Lord, One thousand Seven hundred and Ninety-three, and in the Thirty-third year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth: being the First Session of the Second Assembly convened in the said Province.

CAP. I.

An Act to continue sundry Acts of the General Assembly which have expired, or are near expiring.

[*Expired.*]

CAP. II.

An Act to prevent the encumbering, or filling up of Harbours.

[*Repealed by 3 G. 4, C. 28.*]

CAP. III.

An Act for apprehending Deserters from His Majesty's Service, and for punishing unlawful Dealings with Soldiers or Deserters.

“ **W**HEREAS several Soldiers, being duly listed, do afterwards desert, “ and are often found wandering, or otherwise absenting themselves “ illegally, from His Majesty's Service;”

Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for any Constable of the Town or Place where any person who may be reasonably suspected to be such a Deserter shall be found, within this Province, to apprehend, or cause him to be apprehended, and to cause such Person to be brought before any Justice of the Peace living in or near such Town or Place, who hath hereby power to examine such suspected person, and

Suspected Deserters may be apprehended by any Constable and brought before a Justice of the Peace for examination, who shall on

examination
commit him to
Prison and re-
port to Com-
manding Offi-
cer.

Gaoler to re-
ceive the sub-
sistence of De-
serter while in
custody; but
no Fees.

Penalty for har-
bouring or as-
sisting Deser-
ters,
or purchasing
arms, cloathing,
&c.,

or causing the
colour of their
cloathes to be
changed.

Recovery and
application of
penalties.

For want of
effects offender
to be imprison-
ed.

if by his confession, or the testimony of one or more witness or witnesses, upon Oath, or by the knowledge of such Justice of the Peace, it shall appear or be found, that such suspected Person is a listed Soldier, and ought to be with the Troop or Company to which he belongs, such Justice of the Peace shall forthwith cause him to be conveyed to the Gaol of the County or Place where he shall be found, or other public Prison where such Deserter shall be apprehended, and transmit an account thereof to the Officer commanding His Majesty's Forces within this Province for the time being, to the end such person may be proceeded against according to Law; and the keeper of such Gaol or Prison shall receive the full subsistence of such Deserter or Deserters, during the time that he or they shall continue in his custody, for the maintenance of such Deserter or Deserters, but shall not be entitled to any Fee or Reward, on account of the imprisonment of such Deserter or Deserters.

II. And be it further enacted, That if any person shall harbour, conceal or assist any Deserter from His Majesty's service, knowing him to be such, the person so offending shall forfeit for every such offence, the sum of Five Pounds; or if any person shall knowingly detain, buy or exchange, or otherwise receive, from any Soldier or Deserter, or any other person, upon any account or pretence whatsoever, any Arms, Clothing, Caps or other Furniture, belonging to the King, or any such articles belonging to any Soldier or Deserter, as are generally deemed Regimental necessaries, according to the custom of the Army, being provided for the Soldier, and paid for by deductions out of his pay, or cause the colour of any such cloathes to be changed, the person so offending shall forfeit, for every such offence, the sum of Five Pounds; and upon conviction, by the Oath of one or more credible witness or witnesses, before any of His Majesty's Justices of the Peace, the said respective penalties of Five Pounds, and Five Pounds, shall be levied, by warrant under the hands of the said Justice or Justices of the Peace, by distress and sale of the goods and chattels of the offender; one moiety of the said first mentioned penalty of Five Pounds to be paid to the informer by whose means such Deserter shall be apprehended, and one moiety of the last mentioned penalty of Five Pounds to be paid to the Informer, and the residue of the said respective penalties, to be paid to the Officer to whom any such Deserter or Soldier did belong: And in case any such offender, who shall be convicted as aforesaid, of harbouring or assisting any such Deserter or Deserters, or having knowingly received any Arms, Cloathes, Caps or other Furniture belonging to the King, or having caused the colour of such cloathes to be changed, contrary to the intent of this Act, shall not have sufficient goods and chattels, whereon distress may be made to the value of the penalties recovered against him for such offence, or shall not pay such penalties within Four days after such conviction, then and in such case, such Justices of the Peace shall and may, by warrant under his hand and seal, commit such offender to the common Gaol, there to remain, without bail or mainprize, for the space of Three Months.

[This Act was repealed by 45 G. 3, C. 6, which was limited by the then existing War, and expired in 1814. The Legislature seems to have considered this Act as having then revived, for by 59 G. 3, C. 15, S. 8, it was suspended during the continuance of that Act, which expired in 1830. See further 4 W. 4, C. 18.]

CAP. IV.

An Act to explain and amend an Act, intituled, "An Act to provide for the support of a Light House to be built upon Partridge Island."

[*Repeated by 10 and 11 G. 4, C. 14.*]

CAP. V.

An Act in amendment of an Act, intituled, "An Act for more effectually securing the Title of Purchasers of Real Estate, against claims of Dower." a

66 **WHEREAS** in and by an Act, made and passed in the Twenty-seventh Preamble.
 "year of His Majesty's reign, intituled, "An Act for more effectually securing the Title of Purchasers of Real Estates, against claims of Dower," it is enacted that no Deed of bargain and sale or other conveyance, of any Lands, Tenements or Hereditaments in which any Feme Covert is or may be entitled to a right of Dower, shall be valid and sufficient to bar such right, or the recovery thereof, after the decease of her husband, unless such Feme Covert or married woman shall sign, seal and deliver such Deed, and shall also appear before some one of his Majesty's Council, Judge of the Supreme Court, or one of the Judges of the Inferior Court of Common Pleas in the several Counties of this Province, and being examined separate and apart from her husband, shall declare that she executed the same, freely and voluntarily, without any threat, fear or compulsion from him. And whereas great inconveniences have been experienced, for want of a greater number of persons authorized to take such acknowledgment of Femes Covert."

Be it enacted by the Lieutenant Governor, Council and Assembly, That, from and after the passing of this Act, any such acknowledgment of any Feme Covert or married woman of any Deed, in which the consideration money shall not exceed Two hundred Pounds, shall be valid and sufficient to bar her right of Dower, and the recovery thereof, if made before any one of his Majesty's Justices of the Peace in this Province, or Register of Deeds in the County in which the premises to be conveyed lie, in the same manner, and as fully, to all intents and purposes, as if such acknowledgment should be made before any of the persons mentioned, and described, in and by the said herein before recited Act.

The acknowledgment of Deeds by Femes Covert in which the consideration does not exceed £200 sufficient to bar their right of dower if made before a Justice of the Peace or register of deeds.

CAP. VI.

An Act in amendment of an Act, intituled, "An Act to regulate and provide for the support of the Poor in this Province." 26 G. 3, C. 43.

66 **WHEREAS** in and by the said Act the Justices in the respective Preamble.
 "Counties are authorized to examine and allow the account of expenditures of the Overseers of the Poor in each Parish at the First General Sessions in each year only, which has been found inconvenient by reason of many persons becoming Poor and chargeable long before any provision can be made for their relief; which inconvenience to prevent,"

Be

The Justices at any General Sessions may examine the accounts of Overseers of the Poor, and issue warrants of assessment.

Not more than two assessments in Saint John in one year.

Be it enacted by the Lieutenant Governor, Council and Assembly, That the Justices in the respective Counties, and in the City of Saint John, may, at any General Sessions to be by them holden, examine and allow all such accounts, and issue their warrants to make an assessment, in the same manner they are now authorized in their first annual General Sessions; any thing in the said Act to the contrary notwithstanding. Provided nevertheless, that in the City and County of Saint John, the Justices shall not make more than Two assessments for the purposes aforesaid in any one year.

CAP. VII.

An Act for regulating the Size and Contents of Lime Hogsheads, within this Province.

Lime Hogsheads to contain 100 gallons, and half-hogsheads 50 gallons, and be branded with the maker's name.

Penalty for making casks of a smaller size, or neglecting to brand them.

Penalty for shipping Lime in smaller casks, or casks not branded.

Recovery of penalties.

For want of distress offender to be imprisoned.

Lime may be shipped in smaller casks if contents ascertained, and marked thereon.

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That from and after the First day of May next, every Cooper or other person, who shall make any Hogsheads or Half-Hogsheads for the purpose of receiving Lime, shall make the same agreeably to the following dimensions, that is to say, each Hogshead shall contain One Hundred Gallons at the least, and each Half-Hogshead shall contain Fifty Gallons at the least; and each and every such Hogshead and Half-Hogshead shall be branded upon one of the heads thereof, with the name of the Cooper or other person making the same; and if any Cooper or other person shall make any such Hogshead, or Half-Hogshead, of a smaller size than is herein before specified, or shall neglect to brand the same as aforesaid, before any Lime shall be put therein, every such offender shall for each and every offence forfeit and pay the sum of Five Shillings.

II. And be it further enacted, That from and after the first day of July next, if any Lime shall be shipped for Exportation, on board any ship or vessel, in any Hogshead or Half-Hogshead of a smaller size than is herein before specified, or which shall not be branded as aforesaid, the owners or shippers of such Lime, and the Master of the vessel receiving the same on board, shall each forfeit and pay the sum of Five Shillings for each Hogshead and Half-Hogshead so shipped.

III. And be it further enacted, That the several penalties and forfeitures inflicted by this Act, shall be recovered before any one of His Majesty's Justices of the Peace in the County where the offence shall be committed, on the Oath of one credible witness, and shall be levied by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of such Justice, rendering the overplus, if any, after deducting the costs and charges of prosecution, to the offender; and for want of sufficient distress such offender shall suffer imprisonment not exceeding Ten days. Provided always, that it shall and may be lawful for any owner or shipper of Lime, to pack the same for sale or exportation in any Hogsheads or Casks of a smaller size, if such Hogsheads or Casks, previous to such sale or exportation, shall have their contents ascertained by a sworn Guager, and the exact number of Gallons marked by such Guager upon such Hogsheads and Casks respectively, any thing herein before contained to the contrary notwithstanding.

CAP. VIII.

An Act to levy an Assessment on the Proprietors of the Township of Sackville, for defraying the Expences of a Survey and Plan of said Township.

“ **W**HEREAS, from the loss of Boundaries and inaccuracies of Surveys heretofore made in the Town of Sackville, in the County of Westmorland, difficulties have arisen in ascertaining with precision the Boundary lines between adjoining Proprietors, who have generally agreed to a new Survey of the Lands in the said Town, as nearly as possible conforming to the ancient Boundaries in the original plan, whereby expence has been incurred, which ought equally to be borne by the different Proprietors in proportion to their interests.”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That Charles Dixon and Jonathan Burnham, Esquires, and Mr. Hezekiah King, be, and they are hereby appointed Commissioners, with full power and authority to examine, liquidate and adjust, all accounts relative to the survey and plan of the said Town of Sackville; and the amount of the said sum of the expence of the said survey and plan being so adjusted, the said Commissioners shall and may assess the same, upon all owners and proprietors of any Lands lying within the limits of the said survey, as equally as may be, in proportion to the actual expences incurred by the survey and plan on each Lot or Right, and the benefits to be received by the different Proprietors of each Lot or Right respectively, according to the best knowledge and discretion of the said Commissioners: And the said assessment being so made, and public notice thereof given in writing, within the said Town of Sackville, and at the Court House of the said County of Westmorland, it shall be the duty of each and every Proprietor, resident in this Province at the time of making and publishing the said assessment as aforesaid, to pay their respective quotas or shares of such assessment, within Three Months after the same shall be made; and it shall also be the duty of every Proprietor absent from this Province at the time of making and publishing the said assessment as aforesaid, to pay his respective quota of such assessment, within Nine Months, from the making and publishing such assessment as aforesaid. And in case any Proprietor resident in this Province as aforesaid, shall neglect or refuse to pay his quota of such assessment, within Three Months as aforesaid, or any Proprietor absent from this Province at the time of making and publishing the said assessment as aforesaid, shall neglect or refuse to pay his quota of such assessment, within Nine Months as aforesaid, the said Commissioners shall, and may, issue a warrant under their hands and seals, directed to the Sheriff of the County or Constable of the said Town, with their bill of assessment thereto annexed, thereby commanding them, to levy and collect the quota of each delinquent Proprietor, on the goods and chattels of such delinquent respectively.

Commissioners appointed to examine the accounts, and to assess the amount thereof on the Proprietors.

Proprietors resident in the Province to pay their quota in three months,

and absent Proprietors in nine months.

And in case of refusal or neglect, Commissioners to issue their warrant for collecting the same.

II. And be it further enacted, That in case no goods or chattels of such delinquents shall be found, and no person shall appear to pay the quota or proportion of such delinquent Proprietor, in such assessment made as aforesaid, such Commissioners, or any two of them, shall by advertisement during Three Months in the Royal Gazette, and also at the said Court House, cause notice to be given, for letting out the Lands of such delinquent Proprietor, in the said Town, or so much thereof as shall answer such Proprietor's assessment with the charges, and thereupon may proceed to lease the same, for such term as shall be necessary for that purpose.

If no effects can be found and no Person appears, Commissioners may lease the Lands of Delinquents.

III. And be it further enacted, That no possession to be acquired under the said

No possession acquired under the survey of this act to be deemed an adverse possession.

Assessment not to exceed £120.

The plan to be completed and deposited with the Town Clerk previous to assessment.

said survey, or this Act, shall be taken or deemed to be an adverse possession against the real owner, or enable the person or persons acquiring such possession, or any person or persons claiming under them, to plead or give the same in evidence, to entitle him or them to the benefit of the Act of Limitation.

IV. And be it further enacted, That the sum to be raised or assessed under this Act, shall not exceed the sum of One hundred and twenty Pounds, any thing herein before contained, to the contrary thereof, in any wise notwithstanding.

V. And be it further enacted, That the before mentioned plan shall be completed, and deposited with the Town-Clerk of the said Town or Parish of Sackville, for the time being, or such person as the majority of the Proprietors in the said Town of Sackville shall from time to time nominate for that purpose, for the inspection and use at all times gratis, of persons interested in the Lands contained in the said plan, or any part thereof, previous to the making such assessment as aforesaid.

CAP. IX.

b An Act for regulating the Fisheries, in the different Rivers, Coves and Creeks of this Province.

No incumbrance to be set up, or nets placed across any river, &c. to injure the course of the fish, under the penalty of £10. Recovery thereof.

Penalty for second offence, and how recovered.

Third offence.

Application of penalties.

Proviso.

Justices in Sessions to appoint Overseers.

Their powers.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That if any person or persons after the publication of this Act, shall presume to erect or set up any hedge, wear, fish garth or other incumbrance, or place any seine or seines, net or nets across any river, cove or creek in this Province, in such manner as to obstruct, injure or hurt the natural course of the Fish in any river or place where they usually go, such person or persons shall forfeit and pay the sum of Ten Pounds, upon due conviction thereof by the Oath of one or more credible witness or witnesses before any two of His Majesty's Justices of the Peace in the County where such offence shall be committed, to be levied by warrant of distress and sale of the offender's goods, rendering the overplus, if any, to such offender; and Twenty Pounds for the second offence, to be recovered with costs, by action of debt, bill, plaint or information, in any Court of Record in this Province; and Fifty Pounds for the third and every subsequent offence, to be recovered with costs, in the manner last mentioned; one half of which penalties shall on conviction be paid to the Informer, and the other half to the Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of the Poor: Provided always, That nothing herein before contained shall extend, or be construed to extend, to prevent the erection of wears upon the flats, or drawing seines upon the shores, or setting nets, under the regulations hereinafter mentioned, in any such Rivers, Coves or Creeks.

II. And be it further enacted, That the Justices of the Peace in their General Sessions held in the several Counties in this Province, may and are hereby required to appoint one or more fit person or persons, Inhabitants, not being employed as Fishermen, to be Overseers of the Fisheries for each Town or Parish within their respective Counties, who shall be sworn to the faithful discharge of their duty, and shall have power to remove any net, hedge, wear, fish garth, seine

OR

b See further 34 G. 3, C. 3, as to Harbour of Saint John, and River below Boarshead, and as to imprisonment of offenders against this or that Act—39 G. 3, C. 5, and subsequent Acts there referred to, as to County of Westmorland—47 G. 3, C. 13, as to County of Charlotte—50 G. 3, C. 20, as to Rivers Saint John and Saint Croix, as to fishing between Saturday and Monday, and as to fishways in Mill Dams—60 G. 3, C. 21, as to drifting—9 G. 4, C. 25, as to County of Kent, and 3 W. 4 C. 27, as to County of Gloucester.

or other incumbrance, that shall be found in any river, cove or creek, contrary to the provisions of this Act.

III. And be it further enacted, That if any net, hedge, wear, fish garth, seine or other incumbrance shall be found in any river, cove or creek in this Province, contrary to the provisions of this Act, it shall and may be lawful for such Overseers of the fisheries, and they and each of them are hereby required respectively forthwith to seize the same, and if no owner shall appear to claim the same in Ten days, such net, seine or fish garth shall, together with the Fish, if any found therein, be forfeited and sold by the said Overseers to satisfy the respective penalties in this Act mentioned and inflicted, and the overplus, if any, shall be paid to the Overseers of the Poor, for the use of the Poor of the Town or Parish where such offence shall be committed.

Overseers to seize any net &c. found contrary to this Act, and if not claimed sell the same.

Overplus after paying the penalties to the Poor.

IV. And be it further enacted, That the said Overseers of the Fisheries shall be intitled to demand and receive One Shilling and no more, for each net to be set in the districts to which they shall be respectively appointed, from the Proprietors of such nets, as a compensation for their trouble.

Overseers to receive One Shilling for each net.

V. And be it further enacted, That if any such Overseer of the Fisheries shall at any time wilfully and knowingly delay, neglect or refuse to perform the duty in and by this Act enjoined, such offender shall forfeit and pay for every offence the sum of Five Pounds, to be sued for, recovered and applied in the same manner as the penalty of Ten Pounds herein before mentioned can or may be sued for, recovered and applied.

Overseer neglecting his duty to forfeit £5.

VI. And be it further enacted, That if any Overseer shall so neglect to perform the duty in and by this Act enjoined, it shall and may be lawful for any person or persons to apply to any Sheriff or Constable, who are hereby authorized and required to take up and remove any such incumbrance forthwith; and if no person or persons appear to claim the same within Ten days, the said net or nets so taken up and removed as aforesaid, shall be considered the one moiety as the property of the person or persons so complaining, and the other moiety as the property of the Sheriff or Constable who may take up and remove the said nets or other incumbrance.

Overseer neglecting his duty Sheriff or Constable may act.

If no claim of nets in Ten days to become the property of the complainant and officer.

VII. And be it further enacted, That no net shall be set longer than thirty fathoms in the main river Saint John, or extend more than thirty fathoms into the said river, or the broad part of the Kennebeckacis river, or more than one fourth part of the width of the water between the shores on each side the said rivers, and any Islands or Sand-bars in the said rivers; and in any of the branches of the said rivers, not more than one fourth part of the width of the branch, where such net shall be so set; and that no drag, net nor seine shall be used in either of the same Rivers, or the branches thereof, to sweep the same Rivers or the branches thereof, or either of them, more than one fourth part of the width of such River or branch.

Length and extent of nets in the main river Saint John, and broad part of the Kennebeckacis, and between shores and Islands, and in the branches, &c.

VIII. And be it further enacted, That the width of all such branches, coves or creeks, wherein there are any Islands or Sand-bars, shall be computed from the opposite shores to the said Islands or Sand-bars to where the water surrounding the said Islands or Bars is Three feet in depth.

Width of branches where there are Islands how computed.

IX. And be it further enacted, That no net shall be set in the River Saint John below the Boarshead or in the harbour of Saint John, more than Twenty fathoms in length: And that no net shall at any time be set or remain in the water, or any seine be drawn, or any Salmon speared, in any part of this Province, between

c Nets below the Boarshead. No net to remain in the water, or seines be drawn, or Salmon speared

from Saturday night to Monday morning.

d No nets to be placed within less than fifty feet of each other.

between the time of Sun-set on Saturday night and Sun-rise on Monday morning; and that no nets shall be placed within less than Fifty Feet of each other measured upon a straight line, running parallel as near as may be with the shore, in any of the said places in this clause mentioned, under the penalty of Ten Pounds for each and every of the said offences herein before described and prohibited, to be sued for, recovered and applied in the manner herein last before mentioned, any law, usage or custom to the contrary thereof in any wise notwithstanding.

X. }
XI. } [Repealed by 39 G. 3, C. 5.]

Repealed by 39 G. 3, C. 5.

Sessions in Westmorland and Charlotte to make regulations for said Counties.

To be enforced by the Overseers.

XII. And be it further enacted, That the Justices of the Peace in the said County of Northumberland, in their General Sessions, shall and may make such rules and regulations for the Fisheries in all other rivers, coves and creeks within the said County as they shall think fit; and also the Justices of the Peace for the Counties of Westmorland and Charlotte in their General Sessions shall make such regulations for the Fisheries within the said Counties as they shall think fit. Provided the same regulations so to be made, be not contrary to, nor inconsistent with the provisions herein before contained; and the Overseers of the Fisheries in the said Counties are hereby required to see that such rules and regulations so to be made are observed and enforced in the same manner as any of the rules and regulations in this Act are required to be observed and enforced under such penalties not exceeding Ten Pounds as they in their discretion shall think fit.

[So much of this Act as relates to Northumberland repealed by 39 G. 3, C. 5.]

CAP. X.

An Act for raising a Revenue in this Province.

[Continued by 34 G. 3, C. 7, and 35 G. 3, C. 7, until 1st April, 1796, and then expired.]

d See further, 34 G. 3, C. 3, S. 2.

Anno Regni, GEORGII III Regis, Tricesimo Quarto.

AT the General Assembly of the Province of New-Bruuswick, begun and holden at Fredericton, on the Twelfth day of February, in the year of our Lord One thousand Seven hundred and Ninety-three, and in the Thirty-third year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth: And from thence continued by several prorogations to the Fourth day of February, One thousand Seven hundred and Ninety-four; being the second Session of the second Assembly, convened in the said Province.

CAP. I.

An Act for the better Regulating the Militia in this Province.

[Expired.]

CAP. II.

An Act for apprehending Persons in any County or Place upon Warrants granted by Justices of the Peace of any other County.

“**W**HEREAS it frequently happens that persons against whom warrants are granted by the Justices of the Peace for the several Counties within this Province, escape into other Counties, or places out of the jurisdiction of the Justices of the Peace granting such warrants, and thereby avoid punishment for the offences wherewith they are charged; for the remedy whereof,”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That in case any person against whom a legal warrant shall be issued by any Justice or Justices of the Peace of any City or County, shall escape out of the jurisdiction of such Justice or Justices granting such warrant, it shall and may be lawful for any Justice or Justices of the Peace of the City or County to which such person shall escape, go into, reside or be, and such Justice or Justices is and are hereby required, upon proof being made upon Oath of the hand writing of the Justice or Justices granting such warrant, to indorse his or their name or names on such warrant,

Preamble.

Warrant against a person escaping from the jurisdiction of Justices granting the Warrant, to be endorsed by a Justice where the person may be, and offender apprehended.

warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant in such other City or County out of the jurisdiction of the Justice or Justices granting such warrant as aforesaid, and to apprehend and carry such offender or offenders before the Justice or Justices who indorsed such warrant, or some other Justice or Justices of such other City or County where such warrant was indorsed, in case the offence for which such offender shall be so apprehended in such other City or County as aforesaid shall be bailable in Law, and such offender or offenders shall be willing and ready to give Bail for his appearance at the next General Goal Delivery or General Sessions of the Peace to be held in and for the said City or County where the offence was committed, such Justice or Justices of such other City or County before whom such offender or offenders shall be brought, shall and may take Bail of such offender or offenders for his or their appearance at the next General Goal delivery or General Sessions of the Peace to be held in and for the City or County where such offence was committed, in the same manner as the Justices of the Peace of the City or County should or might have done in such proper City or County ; and the Justice or Justices of such other City or County so taking Bail as aforesaid, shall deliver the recognizance, together with the examination or confession of such offender or offenders and all other proceedings relating thereto, to the Constable or other person or persons so apprehending such offender or offenders as aforesaid, who are hereby required to receive the same and to deliver over such recognizance, examination and other proceedings to the Clerk of the Crown on the Circuits, or Clerk of the Peace of such City or County where such offender or offenders is or are required to appear by virtue of such recognizance ; and such recognizance, examination or confession shall be as good and effectual in Law to all intents and purposes, and of the same force and validity as if the same had been entered into, taken or acknowledged before any Justice or Justices of the Peace in and for the proper City or County where the offence was committed, and the same proceedings shall be had thereon : and in case such Constable or other person, to whom such recognizance, examination, confession, or other proceedings shall be so delivered as aforesaid, shall neglect or refuse to deliver the same to the Clerk of the Crown on the Circuits, or Clerk of the Peace of the City or County where such offender or offenders is or are required to appear by virtue of such recognizance, such Constable or other person shall forfeit the sum of Ten Pounds, to be recovered against him by bill, plaint or information in any Court of Record proper to try the same, by any person or persons who will prosecute or sue for the same: and in case the offence for which such offender or offenders shall be apprehended and taken in any other City or County shall not be bailable in Law, or such offender or offenders shall not give Bail for his appearance at the next General Gaol Delivery or General Sessions of the Peace to be held in and for the said City or County where the offence was committed, to the satisfaction of the Justice before whom such offender or offenders shall be brought in such other City or County, then and in that case the Constable or other person or persons so apprehending such offender or offenders shall carry and convey such offender or offenders before one of His Majesty's Justices of the Peace of the proper City or County where such offence was committed, there to be dealt with according to Law.

Justice to deliver the recognizance, &c. to the Constable

to be delivered to Crown Officer.

Penalty on Constable for not delivering over.

If the offence be not bailable, or offenders do not give Bail,

the Constable to carry offenders before a Justice where the offence was committed.

The Justice indorsing the warrant not liable to an action.

II. And be it further enacted, That no action of Trespass, false Imprisonment, Information or Indictment, or other Action, shall be brought, sued, commenced, or prosecuted by any person or persons whatsoever, against the Justice or Justices

tices who shall indorse such warrant, for or by reason of his or their indorsing such warrant.

III. Provided nevertheless, That such person or persons shall be at liberty to bring or prosecute his or their action or suit against the Justice or Justices who originally granted such warrant, in the same manner as such person or persons might or could have done in case this Act had not been made.

The Justice granting the warrant may be prosecuted.

CAP. III.

An Act to explain and amend an Act, intituled, "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks, of this Province." § 3 G. 3, C. 9.

“ WHEREAS in and by an Act made and passed in the Thirty-third year of His Majesty's reign, intituled, "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province," it is enacted, "That no net shall be set in the river Saint John below the Boars-head, or in the harbour of Saint John, more than twenty fathoms in length:" And whereas, doubts have arisen whether under the said Law more than One length of such nets may be set; for preventing such doubts in future,"

Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, only One length of the nets herein before described, shall be set in the same line running into the water in any part of the river Saint John below the Boarshead, or in the harbour of Saint John; and if any person shall set any length of net running into the water in the same line with the net which is permitted to be set by the said herein before recited Act, every person so offending shall for every offence forfeit and pay the sum of Ten Pounds, to be recovered, paid and applied in the same manner, and to the same uses as the first penalty mentioned in the said herein before recited Act can or may be recovered, paid and applied.

Not more than one net to be set in the same line, below the Boars Head, or in the harbour of Saint John,

under the penalty of £10 for every offence.

" And whereas, in and by the said herein before recited Act, it is enacted, " That no nets shall be placed within less than Fifty feet of each other, measured upon a strait line running parallel, as near as may be, with the shore in any of the places in the said Act for that purpose particularly mentioned:" And whereas doubts have arisen whether the distances between such nets may be marked and ascertained upon more than one such line parallel with the same shore; for preventing such doubts in future,"

II. Be it enacted, That the distances between such nets shall be marked and ascertained upon One such line, parallel with any part of the shore, in the river Saint John below the Boarshead, or in the harbour of Saint John.

Distances between nets to be marked upon one line parallel with the shore.

III. And be it further enacted, That where no goods or chattels can be found whereon to levy, by warrant of distress and sale of the offender's goods, the fines and penalties inflicted in this and the said herein before recited Act, it shall and may be lawful for the Justice and Justices, and the Court before whom or which the conviction may be, to commit the offender or offenders to the Public Gaol in the County, for any time not exceeding Thirty nor less than Ten days, as such Justice or Justices, or Court shall respectively think fit.

Offenders may be committed to Prison for want of effects.

IV. And be it further enacted, That the said herein before recited Act, and every clause, matter and thing therein contained, shall be and remain in full force, any thing herein before contained to the contrary notwithstanding.

CAP. IV.

An Act for altering the times of holding the Inferior Court of Common Pleas and General Sessions of the Peace in the County of Charlotte.

Preamble.

“ WHEREAS the Times appointed for holding the Inferior Court of Common Pleas and General Sessions of the Peace in the County of Charlotte have been found inconvenient; for remedy thereof,”

Courts to be held on the second Tuesday in April and third Tuesday in September.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the said Courts shall hereafter be holden on the second Tuesday in April and third Tuesday in September in every year, instead of the first Tuesday in April and first Tuesday in September as heretofore accustomed.

II. [*Obsolete.*]

CAP. V.

An Act to alter and amend an Act, intituled, “ An Act for regulating Inn-Holders, Tavern-Keepers and Retailers of Spirituous Liquors.”

[*Repealed by 1 W. 4, C. 24.*]

CAP. VI.

d An Act to alter and amend an Act, intituled, “ An Act for ascertaining Damages of Protested Bills of Exchange.”

Preamble.
26 G. 3, C. 22.

“ WHEREAS in and by an Act made and passed in the Twenty-sixth year of His Majesty’s reign, intituled, “ An Act for ascertaining Damages on Protested Bills of Exchange,” it is enacted, That all Bills of Exchange drawn by Persons residing within this Province, on persons in any part of America and the West Indies, and sent back protested, shall be subject to five per cent. damages, together with the accustomed charge of protest and postage, and also six per cent. per annum interest on the amount of principal, damages and charges, to commence from the date of the protest for non-payment, and continue till the same is paid :” And Whereas the said damages are found in many such cases to be inadequate to the loss ;”

Protested Bills of Exchange drawn upon persons residing in the West Indies, subject to 10 per cent. damages and charges, and 6 per cent. interest.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the First day of June next, all Bills of Exchange drawn by persons residing within this Province on persons residing in the West Indies and sent back protested, shall be subject to ten per cent. damages together with the accustomed charge of protest and postage, and also six per cent. per annum interest on the amount of principal, damages and charges, to commence from the date of the protest for non-payment, and continue till the same is paid, any thing in said herein before recited Act to the contrary notwithstanding.

26 G. 3, C. 22, except as herein amended, to be in force.

II. And be it further enacted, That the said herein before recited Act, and every clause, matter and thing therein contained, except wherein it is hereby altered and amended, shall be and remain in full force, any thing herein before contained to the contrary notwithstanding.

c See further, 35 G. 3, C. 2, granting additional Terms of Common Pleas; and see also Table of Courts in the Appendix, No. 1.

d Refer to 26 G. 3, C. 22.

CAP. VII.

An Act to continue an Act, intituled, “ An Act for raising a Revenue in this Province.”

[*Expired.*]

CAP. VIII.

An Act in addition of an Act, intituled, “ An Act for appointing Commissioners of Sewers.”

[*Repealed by 10 & 11 G. 4, C. 29.*]

CAP. IX.

An Act for preserving the Bank of the River Saint John, in front of the Parishes of Magerville, Sheffield and Waterborough.

“ **W**HEREAS the annual overflow of the River Saint John washes away Preamble.
 “ large portions of very valuable Land on its Banks in front of the
 “ Parishes of Magerville and Sheffield, in Sunbury County, and the upper part
 “ of Waterborough Parish, in Queen’s County, and frequently obliges the Inha-
 “ bitants to remove their houses, fences, and other improvements, to their great
 “ damage and inconvenience: And Whereas the pasturing of Cattle on the said
 “ Banks contributes greatly to this alarming waste of Land, and prevents grass
 “ and bushes when planted from growing, binding and preserving the ground ;”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That no f No neat cat-
 tle, &c. to go at
 large on the
 Bank of the
 river Saint
 John in Mager-
 ville, Sheffield
 and Waterbo-
 rough, between
 10th March
 and 10th No-
 vember.
 neat cattle, horses, sheep, swine or goats, shall be suffered to go at large in the
 highway, or graze on the Bank of the River Saint John, in front of the Parishes
 of Magerville and Sheffield, and the upper part of Waterborough Parish, as far
 as the upper line of Benjamin Birdsall’s Land, between the Tenth day of March
 and the Tenth day of November annually, and if any person or persons shall find
 any such Cattle going at large or grazing as aforesaid, such persons are hereby
 authorized to take and drive the same to the nearest Pound, and the Pound
 Keeper shall receive and detain the same until the owner or owners shall pay the
 penalty of Three Shillings for each neat cattle or horse, and One Shilling for
 each sheep, swine or goat, and also One Shilling per day to the Pound Keeper
 for feeding each neat cattle or horse, and Four Pence per day for feeding each
 sheep, swine or goat, together with the usual charges for crying the same, with-
 in Fourteen days after they shall be so impounded, one half of which penalties Penalty.
 shall be for the use of the Poor in such Parish where the offence may be com-
 mitted, and the other half to the person or persons who shall impound the same;
 and may be sued for and recovered before any one of His Majesty’s Justices of
 the Peace. Application.

II. And be it further enacted, That in case the owner or owners of such neat
 cattle, horses, sheep, swine or goats so impounded, shall neglect or refuse to pay
 the

e Statute Labor may be applied for preservation of the Banks in front of said Parishes, See 45 G. 3, C. 13.
 f Not to extend above that part of Magerville where the present Highway leaves the River Saint John,
 1 W. 4, C. 29.

Pound keeper
to sell where
Overseers of
Cattle neglect
to pay Penalties
and Charges.

Justices may
cause Gates to
be erected
across the
Highways
with water
fences ad-
joining ;

and Posts to be
fixed at each
Gate.

Assessment for
the expence.

Leaving open
or destroying
Gates, &c.
Penalty.

Act not to ex-
tend to cattle
&c. travelling.

Limitation.

the aforesaid penalties and charges, then the said Pound Keeper is hereby authorized to sell publicly so many of them as may be necessary for that purpose, and the overplus money arising from such sale shall be paid by the said Pound Keeper to the owner or owners thereof.

III. And be it further enacted, That the Justices in their General Sessions within the respective Counties where such Parishes lie, are hereby authorized to cause to be erected and kept up across said Highway from the said Tenth day of March to the said tenth day of November, two strong Swing Gates of suitable width, and a Water-fence adjoining to each Gate, one of which Gates so to be kept up, to be erected at or near the upper line of the Parish of Magerville, and the other at or near the upper line of the Lands of Benjamin Birdsall, in the said Parish of Waterborough ; and the said Justices shall also cause two suitable Posts of wood, one on each side of each Gate, to be fixed firmly in the ground, with notches cut into the said Posts for steps for the benefit of travellers ; and the said Justices are hereby also authorized and required to order an Assessment of the expence of erecting the said Gates, Fences and Posts to be made on the Freeholders and Inhabitants residing within the district of the Parishes where such Gates, Fences and Posts are hereby authorized to be set up ; and if any person or persons shall wantonly leave open, pull down, or destroy such Gate or Gates, Water-fences or Posts, such offender or offenders upon conviction, shall pay double costs or damage as may be awarded to any person or persons whatsoever, to be sued for and recovered in manner aforesaid ; and in case of inability to pay the same shall suffer One Month's Imprisonment without Bail or Mainprize.

IV. Provided always, and be it further enacted, That this Act shall not extend to any neat cattle, horses or other stock which may be travelling along said Road from one part of this Province to another.

V. And be it further enacted, That this Act shall be and remain in full force for and during the term of Two Years and no longer.

[Revived and continued by 36 G. 3, C. 3 ; continued by 41 G. 3, C. 10, and 45 G. 3, C. 19 ; revived and continued by 50 G. 3, C. 29 ; and made perpetual by 56 G. 3, C. 12.]

CAP. X.

An Act for appropriating and disposing of the Public Monies.

[Expired.]

Anno Regni, GEORGI II III Regis, Tricesimo Quinto.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the Twelfth day of February, in the year of our Lord, One thousand Seven hundred and Ninety-three, and in the Thirty-third year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth : And from thence continued by several prorogations to the Third day of February, One thousand Seven hundred and Ninety-five ; being the third Session of the second Assembly convened in the said Province.

CAP. I.

An Act for the more easy and speedy Recovery of Small Debts.

[*Continued five years by 37 G. 3, C. 1, and then expired.*]

[*The following Sections are retained in the Statute Book as relating to other Acts.*]

XVIII. And be it further enacted, That from and after the passing of this Act, all jurisdiction, power, authority, fees and rights given to, or exercised by any Clerk or Clerks of the Clerk's Court, and every of them, be fully and absolutely taken away and determined : And that an Act made and passed in the twenty-sixth year of His Majesty's reign, intituled " An Act for the regulating the Courts of Law established in the several Counties for the Trial of Causes to the value of Forty Shillings," be and the same is hereby repealed ; and that from and after the passing of this Act, all and every sum and sums of money not exceeding three pounds to be sued for and prosecuted in any Court of Record by virtue of any Law of this Province, shall be and are hereby made cognizable before any one Justice of the Peace in the manner aforesaid, and in no other Court whatsoever.

XIX. And be it farther enacted, That the Clerk's Court in the City of Saint John shall be authorized and enabled to hold plea and take cognizance of all causes of debt, detinue, account, covenant, trespass, and trespass on the case, not exceeding the sum of three pounds.

Provided always, That nothing in this Act contained shall extend or be construed to extend to the City of Saint John, the preceding Section of this Act only excepted.

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

The Jurisdiction of the Clerk's Court taken away.

The Act for regulating the Courts of Law for the trial of causes to the value of 40s. repealed.

All sums of money not exceeding £3 to be recovered before a Justice of the Peace.

The Clerk's Court in the City of St. John to have cognizance of actions of debt, &c.

Sec. 19, only to extend to the City of Saint John.

Limitation.

CAP.

CAP. II.

“ An Act to regulate the Terms of the Sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the Jurisdiction of the same, and for the Summary Trials of Certain Actions.

Preamble.

“ WHEREAS the enabling the Justices of the several Inferior Courts of Common Pleas in this Province, to hold four Terms in the year, will tend to the more speedy and easy administration of Justice ;”

Two additional Terms in each year for the Inferior Courts of Common Pleas.

h Westmorland.

c Charlotte.

d York.

e Sunbury.

f Queen's.

g King's.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That there shall be two additional Terms in each year, for the Sittings of the said Inferior Courts of Common Pleas, in the several Counties, at the times following, to wit: For the County of *Westmorland* on the third Tuesdays of *April* and *October* ; for the County of *Charlotte* on the second Tuesdays of *July* and *December* ; for the County of *York* on the second Tuesdays in *April* and *October* ; for the County of *Sunbury* on the third Tuesdays in *April* and *October* ; for *Queen's* County on the fourth Tuesdays in *April* and *October* ; for *King's* County on the first Tuesdays in *May* and *November* ; at which said Terms no Jury shall be summoned to attend.

Preamble.

“ And whereas doubts have arisen, whether the Jurisdiction of the said Inferior Courts of Common Pleas, extended to any other causes, than those in which the parties were Inhabitants of the County, and where the promise was made, or other cause of action arose, immediately within the County, in which the suit was brought ; And whereas it is deemed advisable, to extend the Jurisdiction of the said Inferior Courts of Common Pleas, so as that they may have cognizance of causes, where the sum or thing in contest may exceed the value of Fifty Pounds ;”

The Jurisdiction of the said Courts to extend to all actions except where the Titles to lands come in question.

May issue Subpoenas, to other Counties.

h The Defendant in any suit in which the thing in contest exceeds £10 may remove the same into the Supreme Court, and either party

II. Be it further enacted, That the Jurisdiction of the said Courts respectively, shall be considered to extend to all transitory actions, and all other actions, arising within any other place or County, (except where the title to Lands come in question) and shall in those cases, except as aforesaid, have a concurrent Jurisdiction with the Supreme Court of this Province: And that the said Justices of the Inferior Courts of Common Pleas be, and hereby are empowered, to issue Subpoenas for any witness or witnesses, residing in any of the Counties within the said Province. And that all Subpoenas so issued from the said Justices of the said Inferior Court of Common Pleas, shall be of the same validity to compel the appearance of the witness or witnesses, as if such Subpoena or Subpoenas had been issued from the Inferior Court of Common Pleas, in the County where the witness or witnesses reside. Provided always, That it shall and may be lawful, to and for any Defendant or Defendants, in any suit, to be commenced in either of the said Inferior Courts of Common Pleas, in which the sum or thing

a See Table of Courts in the Appendix, No. 1, and refer to 31 G. 3, C. 9, and 32 G. 3, C. 4 (a); and see also 56 G. 3, C. 8, giving additional Terms in Northumberland.

b Altered and made first Tuesday in April, by 3 G. 4, C. 6, and second Tuesday in September, by 42 G. 3, C. 3—Jury Terms on third Tuesday in June and November, see 58 G. 3, C. 1, and 4 G. 4, C. 28.

c Refer to 34 G. 3, C. 4, altering the Jury Terms to second Tuesday in April and third Tuesday in September.

d April Term altered and made third Tuesday in March by 45 G. 3, C. 2.

e April Term altered and made fourth Tuesday in March by 45 G. 3, C. 10.

f Refer to 31 G. 3, C. 9, which altered the Jury Terms to fourth Tuesdays in January and June.

g Refer to 31 G. 3, C. 9, and 3 G. 4, C. 12, altering the Jury Terms to first Tuesday in July, and first Tuesday in March.

h See 42 G. 3, C. 7, and 5 W. 4, C. 29 as to Removal of Actions to Supreme Court, and as to Costs in Actions not Summary.

in contest exceeds the sum of Ten Pounds, to remove the same suit before it shall be determined into the said Supreme Court by Habeas Corpus; and after any suit shall be determined, and the amount of the Judgment shall exceed the sum of Ten Pounds, it shall and may be lawful for either party to bring a Writ of Error upon the said Judgment, to remove the same into the said Supreme Court.

may bring a Writ of Error after Judgment if exceeding £10.

III. And be it further enacted, That in cases where the Plaintiff's cause of action shall amount to upwards of Three Pounds, and affidavit thereof made and filed, the Defendant or Defendants in such suit may be held to bail, as has been heretofore accustomed.

The Defendant may be held to Bail on affidavit where the cause of action exceeds £3. Affidavit where the Plaintiff resides in any other County.

IV. And be it further enacted, That in cases where the Plaintiff or Plaintiffs reside in any other County, than that in which the suit is intended to be commenced, the affidavit to hold to bail may be made, either before the Chief Justice or other Justice of the Supreme Court, or any Justice of the Common Pleas of the said County in which the same Plaintiff or Plaintiffs reside, or any Commissioner appointed for taking affidavits to be read in the Supreme Court, for the same County; and in all cases the affidavit to hold to bail may be made, before the officer who issues the process or his deputy.

“ And whereas, it has been found by experience that the present mode of practice in the prosecution of suits in the said Inferior Court of Common Pleas and the Mayor's Court of the City of Saint John, where the sum or thing in contest has not exceeded the sum of Ten Pounds, has been attended with an expence that does not bear a reasonable proportion to the said sum or thing in contest;”

Preamble.

V. Be it therefore enacted, That from and after the passing of this Act, the said Courts are hereby respectively empowered, in all actions of debt, actions of assumpsit, and actions of trover and conversion brought before them, the sum total whereof shall not exceed Ten Pounds, to proceed in a summary way by the examination of witnesses in open Court, or other legal evidence, to try the merits of such causes, wherein no dilatory plea shall be admitted; and to determine therein according to Law or Equity, and make up Judgment accordingly, unless such cause shall be put to issue by a Jury, in which case such cause shall be continued to the next stated Term, Provided always, That where the cause shall be determined by the said Court the first Term, the said Court shall grant a stay of execution for Three Months, or until the next Term.

The Courts of Common Pleas and Mayor's Court of Saint John in all actions not exceeding £10 to proceed in a summary way to try the cause, and make up Judgment; unless the cause be put to issue by a Jury.

VI. And be it further enacted, That in the said causes, the Bill of complaint or declaration shall be inserted in the writ, a copy of which shall be served on the Defendant or Defendants, who shall at the Term to which the writ is returnable, or within Twenty days after, put in bail or enter his or their appearance in the said actions, and if he or they intend to defend the same, file the General Issue and give a copy thereof to the said Plaintiff or Plaintiff's Attorney; and the said cause shall be tried and determined, by the Court or Jury at the next succeeding Term, unless upon application made by either party, and sufficient cause shewn by affidavit, the Court may think proper to put off the trial on account of the absence of a material witness; and in case the Defendant or Defendants shall not at the Term to which the writ is returnable, or within Twenty days after as aforesaid, file the General Issue in the said cause and give to the said Plaintiff or Plaintiff's Attorney a copy thereof, that then Judgment may be entered by default in the said causes at the next succeeding Term, and the Court assess the damages as has been heretofore accustomed.

The declaration to be inserted in the Writ. Service thereof. Appearance. Plea.

Trial at the next Term unless put off.

Judgment by default.

VII.

; No person to be held to Bail in Common Pleas for less than £5, 42 G. 3, C. 7; and see 60 G. 3, C. 11, as to appointment of Commissioners to take Bail.
; See 42 G. 3, C. 7, extending this Summary Jurisdiction to £20.

Presiding Justice to sign the entry of Judgment.

Certified copy to be evidence in all Courts.

k Fees in Summary Actions.

Justices.

Clerks.

Attornies.

VII. And be it further enacted, That the presiding Justice in the said Courts respectively, shall sign the entry made in the minutes of the said Courts, of the Judgments so given in every cause determined in a summary way, either by the Court or Jury as aforesaid; a copy of which certified by the Clerk under the Seal of the Court, shall be evidence of the said Judgment, in all Courts within this Province.

VIII. And be it further enacted, That the Fees attending the prosecution of suits determined in a summary way by the Court as aforesaid shall be as follows: To the Justices, upon filing the writ, Two Shillings; for Trial and Judgment and taxing Costs, Three Shillings; taking Bail, (if at his Chambers,) Two Shillings; to the Clerk for signing and sealing the Writ and filing the Præcipe, One Shilling and Sixpence; for filing the Affidavit for Bail, Four Pence; for filing the Writ and entering the Cause, One Shilling and Six Pence; for final Judgment, Two Shillings; for entering the Defendant's appearance and filing Plea, One Shilling and Six Pence; to the Attorney, for Writ, Præcipe, Affidavit and Declaration, Eleven Shillings and Eight Pence; if no Bail required then Ten Shillings; and in all causes that do not go to a Jury for all other proceedings until final Judgment, Eight Shillings and Fourpence; to the Sheriff and Crier the same Fees as in other cases in this Court.

[The remaining part of this Act obsolete.]

CAP. III.

l An Act in addition to an Act, intituled, "An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes."

Preamble.

“WHEREAS the Boundaries of the Towns or Parishes of *Westfield, Sussex, Springfield*, and *Kingston*, as established in and by an Act made and “passed in the Twenty-sixth year of His Majesty's reign, intituled, “An Act for “the better ascertaining and confirming the Boundaries of the several Counties “within this Province, and for subdividing them into Towns or Parishes, have “been found inconvenient;”

The Parishes of Westfield, Sussex, Springfield, and Kingston, in King's County, limited and bounded.

Boundaries of Westfield.

Boundaries of Sussex.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the said Towns or Parishes of *Westfield, Sussex, Springfield* and *Kingston*, in *King's County*, shall be bounded and limited respectively, in the manner herein after described, any thing in the said recited Act to the contrary notwithstanding, that is to say:—The said Town or Parish of *Westfield* to be bounded on the North, South, and West, by the northern, southern and western boundary lines of the County, and on the East, by a line running from the mouth of a Creek, which discharges into the Long Reach at Devil's Head, North-west to the Northern line of the County, and South-east to the rear line of the Lots fronting on the North-west shore of Kennebeckacis Bay, thence South-west to the North-eastern line of Lot number Twenty-eight, granted to Dennis Coombes, thence South-east to the southern line of the County, including Kennebeckacis Island:—The said Town or Parish of *Sussex*, to be bounded on the North and East, by the northern and eastern lines of the County; on the West and South, by a line beginning at the mouth of Halfway Brook on the

k See 5 W. 4, C. 29 as to Costs in Actions not Summary.

l Refer to 26 G. 3, C. 1, S. 5.

the River Kennebeckacis, and running North to the northern line of the County, and South to the centre of the Weston or cleared Road, thence South, seventy six degrees East, to the southern line of the County, thence along the southern line of the County, to the south eastern angle thereof:—The said Town or Parish of *Springfield* to be bounded on the North by the northern line of the County, on the West by the upper or eastern line of the Chaloner's Lot number Seven and the prolongation thereof, North-west to the northern line of the County, then following Bellisle Bay up-stream, until it comes opposite to a designed road between number One and number Eighteen of the Lots on the South-east side of the said Bay, and following the said designed Road, and the rear of the said Lots, to the division line between Lots number Fifteen and number Sixteen, in the back Settlements, and along that division line to the designed Road running through the said Settlements and dividing the two ranges of Lots, and on the South by the last mentioned Road and its prolongation to the Parish of Sussex:—And the said Town or Parish of *Kingston* to be bounded on the north by Bellisle Bay and the Long Reach, on the West by the Parish of Westfield, on the South by the Kennebeckacis Bay and River, until it comes to the lower or south-western line of Isaac Ketchum's Lot number Thirty-four in the Kingston grant, and on the East by the Parish of Springfield and the said Line of Lot number Thirty-four and its prolongation to the said Parish of Springfield, including Long Island.

Boundaries of
Springfield.Boundaries of
Kingston.

II. And be it further enacted, That all that tract of Land in King's County, bounded on the North by the Parish of Springfield, on the East by the Parish of Sussex, on the South by a line running along the centre of the Westmorland road, and on the West by the Parish of Kingston and the lower or South-west line of Lot number Fourteen, granted to John Fritch, on the South-east side of the river Kennebeckacis, and the prolongation of the said line to the centre of the Westmorland road, be one distinct Town or Parish, distinguished by the name of *Norton*.

Parish of Nor-
ton erected.

III. And be it further enacted, That all that tract of Land in King's County, bounded on the North by the northern line of the County, on the West by the Parish of Westfield, on the South by the Long Reach and Bellisle Bay, and on the East by the Parish of Springfield, including the islands in the Long Reach and mouth of Bellisle Bay, be another distinct Town or Parish, distinguished by the name of *Greenwich*.

Parish of
Greenwich.

IV. And be it further enacted, That all the remaining tract of Land in King's County, bounded Westerly, Northerly, and Easterly, by the Kennebeckacis Bay and River, the Parishes of Norton and Sussex, and Southerly by the southern line of the County, including Darling's Island, be another distinct Town or Parish, distinguished by the name of *Hampton*; all which said lines, of the said Towns or Parishes herein before mentioned, are to be considered as lines run by the magnet and not otherwise, except where they are limited and bounded by the lines of the County.

m Parish of
Hampton.

CAP. IV.

An Act for preserving the Bank of the River Saint John, in front of the Parish of Lincoln, in the County of Sunbury.

[Expired.]

CAP. V.

An Act to continue several Acts that are near expiring.

[*Expired.*]

CAP. VI.

An Act to provide for the support of Beacons, to be erected for better securing the Navigation of Passamaquoddy Bay, and building a Slip in the Harbour of Saint Andrews.

[*Expired.*]

CAP. VII.

An Act further to continue an Act, intituled, "An Act for raising a Revenue in this Province."

[*Expired.*]

Anno Regni, GEORGII III Regis, Tricesimo Sexto.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord, One thousand Seven hundred and Ninety-six, and in the Thirty-sixth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth: being the first Session, of the third Assembly, convened in the said Province.

CAP. I.

An Act to prevent Acts of the General Assembly from taking effect, from a Time prior to the passing thereof.

Passed the 12th March, 1796.

“ **W**HEREAS every Act of the General Assembly, in which the commencement thereof is not directed to be from a specific time, doth commence from the first day of the Session of the General Assembly in which such Act is passed: And whereas the same is liable to produce great and manifest injustice; for remedy whereof,” Preamble.

Be it enacted by the Lieutenant Governor, Council and Assembly, That the Clerk of the Council shall indorse, in English, on every Act of the General Assembly, which shall pass after the Twentieth day of February, One thousand Seven hundred and Ninety-six, immediately after the title of such Act, the day, month, and year, when the same shall have passed, and shall have received the Governor's assent: And such indorsement shall be taken to be a part of such Act, and to be the date of its commencement, where no other commencement shall be therein provided. Clerk of the Council to indorse on every Act the date of Governor's assent, which shall be the date of its commencement.

CAP. II.

An Act for reviving and continuing an Act, intituled, “ An Act for the Support and Relief of Confined Debtors.”

Passed the 12th March, 1796.

[*Expired.*]

CAP.

CAP. III.

An Act to revive and continue an Act, intituled, "An Act for preserving the Bank of the River Saint John, in front of the Parishes of Magerville, Sheffield and Waterborough."

Passed the 12th March, 1796.

[*Expired.*]

CAP. IV.

An Act for preventing unnecessary Expence and Delay in the Process of barring Entails, and for establishing a plan and easy Form of conveying and assuring Estates-Tail.

Passed the 12th March, 1796.

Preamble.

“**W**HEREAS the ill consequences of fettered Inheritances, and the utility “ and expedience of setting them at liberty, are now generally allowed; and the state of this Colony renders the practice of docking and barring “ Estates-Tail, by Fines and common Recoveries, very burthensome;”

Estates Tail, whereof no reversion or remainder is or shall be in the King's Majesty, may be conveyed as Estates in fee simple by deed of bargain and sale.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful, for any person or persons, as well Femes Covert as others whomsoever, by deed of bargain and sale duly made and executed, and proved or acknowledged, and registered according to the form of the several Acts of the General Assembly, in such cases heretofore made and provided, to grant, bargain, sell and convey any Lands, Tenements or Hereditaments, whereof such person or persons is, are or shall be in any ways seized of any Estate-Tail, in possession, reversion or remainder, and whereof no reversion or remainder is or shall be in the King's Majesty, his heirs and successors, of the gift or provision of His Majesty, his progenitors, his heirs or successors, to any person or persons, to hold the same to them and their heirs in fee simple absolute and unconditional, as fully and freely to all intents and purposes, as such Grantor or Grantors, Bargainor or Bargainors, might or could by law grant, bargain, sell and convey any Estate of inheritance in fee simple, of which he, she or they were or might be seized in possession, reversion or remainder; and that all and every such grants, bargains, sales and conveyances, having words sufficient to pass the fee simple in such Lands, Tenements, and Hereditaments, so made and executed, proved or acknowledged, and registered as aforesaid, shall be good and available in the Law to the said Grantee and Grantees, Bargainee and Bargainees, and their heirs and assigns, against the said Grantor and Grantors, Bargainor and Bargainors, and against all and every the Issues of their bodies, and against all and every person or persons whomsoever, whom the said Grantor or Grantors, Bargainor or Bargainors, by Fine with Proclamations duly levied, or by common recovery duly suffered, or both, or either such Fine and Recovery, or other ways or means, might cut off or debar from any remainder or reversion, rent, profit, charge, right, title or possibility of in or unto all and any the said Lands, Tenements and Hereditaments.

II. Provided always, and be it further enacted, That in all cases of grants, bargains, sales and conveyances of such Estates-Tail by Femes Covert, the acknowledgment of the Deed or Conveyance, and the examination of the Feme Covert who executed the same, shall be had, taken and certified in manner and form as is prescribed and provided for the taking of the examination and acknowledgment of Deeds of Femes Covert by the Act of the General Assembly,

made

made and passed in the Twenty-seventh year of the reign of our Sovereign Lord the present King, intituled, "An Act for more effectually securing the Title of Purchasers of Real Estates against Claims for Dower," or in case such Femmes Covert do not live within this Province, then such acknowledgment and examination shall and may be had, taken and certified in manner and form as is provided in and by the Act of the General Assembly, made and passed in the Thirty-second year of the reign of our said Sovereign Lord the King, intituled, "An Act for the more effectually securing the Title of Purchasers of Real Estates against Claims of Dower, and also to enable Femmes Covert more easily to convey any Real Estate they may hold in their own right," and in all cases the examination of such Femmes Covert, shall be had and made, separate and apart from her husband.

27 G. 3, C. 9.
or in case such
Femme Covert
live out of the
Province, by

32 G. 3, C. 2.

CAP. V.

An Act to prevent bringing Infectious Distempers into the City of Saint John.

Passed the 12th March, 1796.

[*Repealed by 39 G. 3, C. 9.*]

CAP. VI.

An Act to amend an Act, intituled, "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province," so far as the same respects the Fisheries in that part of the County of Northumberland which is within the Bay and River Miramichi and its Branches.

Passed the 12th March, 1796.

[*Expired.*]

CAP. VII.

An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the same.

Passed the 12th March, 1796.

[*Continued by 41 G. 3, C. 7, and 45 G. 3, C. 16, until 11th February 1810, and then expired.*];

Anno Regni, GEORGI II III Regis, Tricesimo Septimo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord, One thousand Seven hundred and Ninety-six, and in the Thirty-sixth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth ; and from thence continued by several prorogations to the Seventeenth day of January, One thousand Seven hundred and Ninety-seven ; being the second Session of the third Assembly convened in the said Province.

CAP. I.

An Act to continue an Act, intituled, "An Act for the more easy and speedy Recovery of Small Debts."

Passed the 18th February, 1797.

[Expired.]

CAP. II.

An Act to alter and amend an Act passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act for preventing Trespasses."

Passed the 18th February, 1797.

[Repealed by 41 G. 3, C. 3.]

CAP. III.

An Act to authorize the Erection of Fences and Gates across certain Roads in the several Counties in this Province, where the same shall be found necessary.

Passed the 18th February, 1797.

[Expired.]

CAP.

CAP. IV.

An Act for regulating the Exportation of Fish and Lumber, and for repealing the Laws now in force regulating the same.

Passed the 18th February, 1797.

[*Repealed by 59 G. 3, C. 11, S. 1.*]

CAP. V.

An Act to prevent the Growth of Thistles.

Passed the 18th February, 1797.

[*Expired.*]

CAP. VI.

An Act to alter and amend an Act, intituled, "An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province; and for suspending for a limited time, all the Laws now in force relating to the same."

Passed the 18th February, 1797.

[*Expired with 36 G. 3, C. 7.*]

Anno Regni, GEORGII III Regis, Tricesimo Octavo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord, One thousand Seven hundred and Ninety-six, and in the Thirty-sixth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth; and from thence continued by several prorogations to the Sixteenth day of February, One thousand Seven hundred and Ninety-eight; being the third Session of the third Assembly convened in the said Province.

CAP. I.

An Act to continue sundry Acts of the General Assembly that are near expiring.

Passed the 9th day of February, 1798.

[Expired.]

CAP. II.

An Act in addition to and in amendment of an Act, intituled, "An Act for the Regulation of Seamen."

Passed the 9th day of February, 1798.

[Repealed by 7 G. 4, C. 12.]

Anno Regni GEORGIUM III. Regis, Tricesimo Nono.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord, One thousand Seven hundred and Ninety-six, and in the Thirty-sixth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth; and from thence continued by several prorogations to the Fifteenth day of January, One thousand Seven hundred and Ninety-nine; being the Fourth Session of the Third Assembly convened in the said Province.

CAP. I.

An Act for raising a Revenue in this Province.

[*Expired.*]

CAP. II.

An Act to provide for payment of sundry Debts of the Province for the Year One thousand, Seven hundred and Ninety-five.

Passed the 4th February, 1799.

[*Expired.*]

CAP. III.

An Act for defraying the Ordinary Services of the Year One thousand Seven hundred and Ninety-five.

Passed the 4th February, 1799.

[*Expired.*]

CAP.

CAP. IV.

An Act to provide for payment of the Services therein mentioned.

Passed the 8th February, 1799.

[*Expired.*]

CAP. V.

a An Act for regulating the Fisheries in the County of Northumberland.

Passed the 8th February, 1799.

Preamble.

“**WHEREAS** the Laws now in force for regulating the Fisheries in the County of Northumberland have been found inadequate to the purposes intended ; for remedy whereof,”

33 G. 3. C. 9,
repealed so far
as relates to
Northumber-
land.

Limitation of
distances to
which Nets
may be extend-
ed into the Bay
and River
Miramichi.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That so much of an Act made and passed in the Thirty-third year of His Majesty's reign, intituled, “ An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province,” as relates to the County of Northumberland, be and the same is hereby repealed ; and that from and after the passing of this Act, the Fisheries in the said County of Northumberland, shall be regulated in the manner hereinafter mentioned, (that is to say,) In the Bay and River Miramichi and its branches, no Net whatever to be set off any part of Fox-Island, Waltham, alias Portage-Island, or any other Island, Middle Ground or Shoal in the said Bay, River and branches, excepting as is herein after permitted :—No Net to be set from Point Esquiminac to the western extremity of Huckleberry Island, to extend into the Bay more than One hundred fathoms from low water, and no Net to be set in the said space but by the Acadian or other Inhabitants of lower Bay du vin :—from thence to the Lot formerly owned by Thomas Ian, now owned by Duncan Robertson, no Net to be set along the South shore in the said space, to extend into the Bay more than Two hundred fathoms from Three feet water at low water :—a base line to run from the said Lot to the Barn now owned by James Horton, Esquire, in Bay du vin, no Net to extend into the Bay more than Two hundred fathoms from the said line :—from the said Barn to the Eastern line of the Lot lately owned by John Mark Crank Delesdernier, no Net to extend into the Bay more than Two Hundred fathoms :—from thence to the Point Aux Bar, no Net to extend into the Bay more than Two hundred fathoms :—from Point Aux Bar, to the Lot owned by Alexander Wilson, no Net to extend into the Bay more than Three hundred fathoms from low water :—a base line to run from the said Alexander Wilson's Lot to Point Cheval, no Net to extend into the Bay more than Three hundred fathoms from the said line :—from Point Cheval to the upper extremity of the Sand-beach in Napan Bay, no Net to extend into the Bay more than Two hundred and Fifty fathoms from low water :—no Net to be set off either side of Bay du vin Island, to extend into the Bay more than Sixty-eight fathoms from low water :—a base line to run from the upper extremity of the said Sand-beach in Napan Bay to a point commonly called Green Point, on the West side of a small Creek at the end of George Murdoch's marsh, no Net to extend into the Bay

a Refer to 33 G. 3. C. 9, and see 4 G. 4. C. 23, as to penalties for incumbrances and for nets set contrary to Law—3 W. 4. C. 16, as to Bass Fishery, and 5 W. 4. C. 24, as to Shad and Gaspercaux Fisheries.

Bay more than Two hundred fathoms from the said line, and no Net set from the said line to be nearer than One hundred fathoms to the said Green Point :— from the said Green Point to within Forty rods of the Fish-shed, formerly occupied by James Anderson, no Net to be set to extend into the Bay more than One hundred and fifty fathoms from low water :—from thence to the lower extremity of East Point, no Net to be set to extend into the River more than Eighty fathoms from low water :—no Net to be set off East Point to extend into the River more than Fifty fathoms from low water :—no Net to be set off Sheldrake Island to extend into the River or Bay more than Sixty fathoms from low water :—no Net to be set off Hay Island opposite Neguac, to extend into the Bay more than Twenty fathoms from low water :—from thence to Lot No. 81, owned by James Fraser, Esquire, inclusive, no Net to extend into the Bay more than Three hundred fathoms from low water, and no Net to be set in the said space to be more than Two hundred fathoms in length :—from thence to Lot No. 76, owned by James Thom, inclusive, no Net to extend into the Bay more than Two hundred and eight fathoms from low water :—a base line to run from low water on Lot No. 76, to the first Point above the House owned by John English, opposite to the lower end of Sheldrake Island, no Net to extend into the Bay more than Two hundred and fifty fathoms from the said line :—from thence to the lower line of Lot No. 71, no Net to extend into the Bay more than Two hundred fathoms from low water :—no Net to be set in front of Lot No. 71, to extend into the River more than Seventy fathoms from low water :—a base line to commence at the upper line of Lot No. 71, or Moody's Point, at low water mark, and end at low water mark on Lot No. 69, from thence to continue to low water mark on Lot No. 66, no Net to extend into the River more than Sixty-five fathoms from the said line :—no Net to be set in front of the Lots No. 65 and 66, to extend into the River more than Sixty-five fathoms from low water :—no Net to be set in front of the Lots No. 64 and 63, to extend into the River more than Seventy fathoms from low water :—no Net to be set in front of Lot No. 62, to extend into the River more than Sixty-five fathoms from low water :—no Net to be set in front of Lot No. 61, to extend into the River more than Forty-five fathoms from low water :—from Lot No. 61 to Lot No. 57, inclusive, no Net to extend into the River more than Sixty-five fathoms from low water :—no Net to be set in front of the Lots No. 56, No. 55, and No. 54, to be longer than Sixty-five fathoms, beyond Forty fathoms from low water :—no Net to be set in front of the Lots No. 53, No. 52, and No. 51, to be longer than Sixty-five fathoms, beyond Fifty fathoms from low water :—no Net to be set in front of Lot No. 50, to extend into the River more than Sixty-five fathoms from low water :—from thence to Lot No. 39, inclusive, no Net to be set to extend into the River more than Thirty-seven fathoms from low water :—no Net to be set in front of Lot No. 38, to extend into the River more than Fifty fathoms from low water :—no Nets to be set in front of Lots No. 37, No. 36, No. 35, and No. 34, to extend into the River more than Sixty-eight fathoms from low water :—from thence to Delesdernier's Saw Mill Cove, inclusive, no Net to extend into the River more than Seventy fathoms from low water :—from thence to Lot No. 14, inclusive, no Net to extend into the River more than Fifty fathoms from low water :—from thence to Lot No. 5, inclusive, no Net to extend into the River more than Forty-two fathoms from low water :—from thence to Lot No.

δ Net set in front of No. 57 may be 65 fathoms in length, and extend that distance beyond 40 fathoms from low water. See 55 G. 3, C. 3.

No. 1, inclusive, no Net to extend into the River more than Fifty-five fathoms from low water :—from thence along the North shore to the Cove below James Oxford's house on the North-west branch, no Net to extend more than thirty fathoms from low water :—from thence to the Saw Mill Cove, inclusive, no Net to be set to extend into the River more than Forty fathoms from low water, excepting in front of the Lots now occupied by James Oxford, Duncan MacIntire and George Hubbard, where the Nets shall not extend into the River more than Twenty fathoms, from one foot water at low water :—from the said Saw Mill Cove to the Cove below Barr's Point, no Net to extend into the River more than Eighty fathoms from low water :—from thence to the upper Bass fishery, no Net to extend into the River more than Forty fathoms from low water :—from thence to Barnet's Point, no Net to extend into the River more than Sixty fathoms from low water, excepting in front of the Lots occupied by George Urquhart and Thomas Wright, where no Net shall extend into the River more than Eighty fathoms from low water :—from thence to the Lot claimed by John Stewart, on the North side, opposite to the Lot occupied by him on the South side, no Net to extend into the River more than Forty fathoms from low water :—no Net to be set in front of the Lot owned and occupied by John Stewart on the South side, nor along the South or Western shore, downwards to Beauhebert's Point, inclusive, to extend into the River more than Forty fathoms from low water :—a base line to run from East Point to West Point, no Net to extend into the River more than Fifty fathoms from the said line :—from low water mark at West Point, a base line to run to low water mark at the lower Point of Lot No. 9, no Net to extend into the River more than Sixty-five fathoms from the said line :—from the said Point of Lot No. 9, to Terril's Point, no Net to extend into the River more than Sixty-five fathoms from low water, excepting in front of Lots No. 18 and No. 19, where the Nets are to extend Sixty-five fathoms beyond Twenty fathoms at low water :—no Net to be set off Terril's Point to extend into the River more than Forty fathoms from low water :—a base line to run from Terril's Point to the lower end of Middle Island, no Net to be set to extend into the River more than Forty-eight fathoms from the said line :—no Net to be set from Middle Island towards the North shore to extend into the River more than Fifty fathoms from low water :—no Net whatever to be set from Middle Island towards the South shore :—no Net to be set from the South shore opposite to the upper end of Middle Island, to Alexander Gunn's lower Lot, inclusive, to extend into the River more than Fifty-two fathoms from low water, excepting in front of the Lots No. 28, and No. 29, which shall not exceed Sixty fathoms from low water :—and in front of Lot No. 32, no Net to extend into the River more than Thirty-eight fathoms from low water :—no Net to be set in front of Lot No. 33 to extend into the River more than Fifty-five fathoms from low water :—no Net to be set in front of the Lots No. 50, No. 51, No. 52, No. 53 and No. 54, inclusive, to extend into the River more than Sixty fathoms from low water :—from thence to Lot No. 58, inclusive, no Net to extend into the River more than Sixty fathoms from low water :—no Net to be set in front of the Lots No. 59, No. 60, and No. 61, to extend into the River more than Fifty fathoms from low water :—from thence to the Lot No. 41, in the Grant to the late William Davidson, Esquire, no Net to extend into the River more than Forty fathoms from low water :—no Net to be set in front of the Lot lately occupied by Joel Spencer Turner, to extend into the River more than Seventy fathoms from low water :—no Net to be set from Beauhebert's Island, to extend into the River more than Thirty fathoms from

from low water:—no Net whatever to be set in the Tickle between Beauhebert's Island and Beauhebert's Point:—and no Net whatever to be set in front of the Burying Ground on Beauhebert's Point:—no net to be set from either side of the South-west branch from Beauhebert's Point on the Western shore and Joel Spencer Turner's Lot on the Eastern shore to the Elm Tree, inclusive, to extend into the River more than Forty fathoms from low water:—no Net to be set between the extremity of Barnaby's Island and the Lot owned by Wiliam Gillice on the North shore, to extend into the River more than Thirty fathoms from low water:—from the Elm Tree to the Nashwaack Portage, no Net to be set from either side to extend more than one third part across the said branch. Provided always, and it is hereby declared, that no Net to be set in either of the branches by virtue of this Act, shall extend more than one third part across such branch, any thing hereinbefore contained to the contrary notwithstanding; and that no Net shall at any time be set or remain in the water, or any Seine be drawn, or any Salmon speared, in any part of the Bay and River Miramichi and its branches, between Sun-set on Saturday night and Sun-rise on Monday morning; and that this clause shall extend to the cross-Net claimed by the heirs of the late William Davidson, Esquire, at the Elm Tree in the South-west branch of Miramichi River aforesaid:—no Nets whatever to be set inside of any base lines allowed in the Bay, River and Branches, excepting in front of the Lot owned by Robert England in Nassau Bay, where the Net may extend into the Bay in front of the said Lot two hundred fathoms from low water; and in front of the Lot owned by Richard Home in the said Nassau Bay, where the Net may extend Two hundred fathoms from low water, provided no part of the said quantity of Net is set outside of the said line:—no Net to be set off vacant Lands in the Bay, River or Branches below the upper Settlement on the South-west branch, to extend from either shore more than Five fathoms from low water, until the said Lands are allotted by Government or occupied by permanent Settlers.

No Net to be set in the said Bay or River, nor Seine drawn, nor Salmon speared, between Sun-set on Saturday and Sun-rise on Monday.

No Net to be set off vacant Lands, more than five fathoms from low water.

II. [*Repealed by 4 G. 4 C. 23.*]

III. And be it further enacted, That the Justices of the Peace in the said County of Northumberland in their General Sessions, may, and are hereby required to appoint one or more fit person or persons, to be Overseers of the Fisheries for each Town, Parish or District, who shall be sworn to the faithful discharge of their duty; and shall have power to remove any Net, Hedge, Wear, Fish-garth, Seine, or other Incumbrance, that shall be found in any River, Cove or Creek, contrary to the provisions of this Act.

General Sessions to appoint Overseers of the Fisheries.

Their Oath and Powers.

IV. And be it further enacted, That if any Net, Hedge, Wear, Fish-garth, or other Incumbrance, or any drift-Net, shall be found in any River, Cove or Creek, contrary to the provisions of this Act, it shall and may be lawful for such Overseers of the Fisheries, and they and each of them are hereby required respectively forthwith to seize the same; and if no owner shall appear to claim the same, within Ten Days, such Net, Seine or Fish-garth, shall, together with the Fish, if any found therein, be forfeited and sold by the said Overseers to satisfy the respective penalties in this Act mentioned and inflicted, and the overplus, if any, shall be paid to the Overseers of the Poor for the use of the Poor of the Town or Parish where such offence shall be committed.

Further duties and powers of Overseers

V. And be it further enacted, That the said Overseers of the Fisheries shall be entitled to demand and receive One Shilling and no more, for each set of Nets to be set in the district to which they shall be respectively appointed from the Proprietors of such Nets, as a compensation for their trouble.

Their Fees.

Penalty for neglect of duty.

VI. And be it further enacted, That if any such Overseer of the Fisheries shall at any time wilfully and knowingly delay, neglect, or refuse to perform the duty in and by this Act enjoined, such offender shall forfeit and pay, for every offence, the sum of Five Pounds, to be sued for, recovered and applied, in the same manner as the penalty of Ten Pounds herein before mentioned can or may be sued for, recovered or applied.

In case of neglect of Overseers, Sheriff or Constable on application to take up nets, &c.

VII. And be it further enacted, That if any Overseer shall so neglect to perform the duty in and by this Act enjoined, it shall and may be lawful for any person or persons to apply to the Sheriff, his deputy, or any Constable, who are hereby authorized and required to take up and remove any such Incumbrance forthwith: and if no person or persons appear to claim the same within Ten days, the said Net or Nets so taken up and removed as aforesaid, shall be considered the one moiety as the property of the person or persons so complaining, and the other moiety as the property of the Sheriff, his deputy, or any Constable who may take up and remove the same.

No Salmon to be taken from 30th August to 1st of April, nor purchased, under penalty of five shillings.

VIII. And be it further enacted, That no Salmon shall be taken or killed in any manner whatever, in the River Miramichi, or in the River Restigouche, or in any of the branches of the said Rivers, from the Thirtieth day of August to the First day of April in every year; nor shall any person purchase any Fish so killed or taken, under the penalty of Five Shillings for each Fish so killed, taken or purchased, to be recovered before any of His Majesty's Justices of the Peace for the County of Northumberland, for the uses aforesaid.

General Sessions to make rules and regulations for the Fisheries in all other places of the said County, not contrary to this Act.

To be enforced by Overseers.

IX. And be it further enacted, That the Justices of the Peace in the said County of Northumberland, in their General Sessions, shall and may make such rules and regulations for the Fisheries in all other Rivers, Coves and Creeks within the said County, not herein and hereby regulated, as they shall think fit; provided the same regulations so to be made, be not contrary to, nor inconsistent, with the provisions herein before contained; and the Overseers of the Fisheries to be appointed in pursuance of this Act, are hereby required to see that such rules and regulations so to be made are observed and enforced, in the same manner as any of the rules and regulations in this Act are required to be observed and enforced, under such penalties, not exceeding Ten Pounds, as they the said Justices in their discretion shall think fit.

Continuance of the Act.

X. And be it further enacted, That this Act shall continue and be in force Seven Years, and no longer.

[Continued by 45 G. 3, C. 19—50 G. 3, C. 4—60 G. 3, C. 4—4 G. 4 C. 23—9 & 10 G. 4, C. 3—and 4 W. 4, C. 31, to 10th May, 1836.]

CAP. VI.

An Act in amendment of an Act made and passed in the Thirty-first Year of His Majesty's reign, intituled, "An Act for the support and relief of Confined Debtors."

Passed the 8th February, 1799.

[Expired.]

CAP. VII.

An Act to authorize the Justices of the Sessions in several Counties of this Province, to make Regulations for the Weighing of Hay, within such Counties where it may be found necessary to erect Machines for that purpose.

Passed the 8th February, 1799.

BE it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the Justices of the General Sessions of the Peace for the several Counties in this Province, except the County of Saint John, be and hereby are authorized and empowered, if they think fit, to erect or give permission for erecting Machines for the Weighing of Hay in such Town or Parish as they from time to time shall judge necessary, and to make and ordain such rules and regulations, and establish such rates and allowances to the owners and proprietors of the said Hay Machines, in their respective Counties, as they may judge necessary for the better government and management of the same; and that the said Justices shall and may affix such penalties, not exceeding Ten Pounds, as they may think necessary for the carrying into execution such rules and regulations, and for the establishing such rates and allowances so by them to be made and established; such penalties to be recovered on the Oath of one or more credible witness or witnesses, before any two of His Majesty's Justices of the Peace for the County where the penalty shall be incurred, and to be levied by warrant of distress and sale of the offender's goods; one half to the informer, and the other half to the use of the poor of the Town or Parish where the offence shall be committed.

Justices in General Sessions, may erect or permit to be erected Machines for weighing Hay,

make regulations, establish rates,

and affix penalties.

Recovery thereof.

Application.

CAP. VIII.

An Act to prevent the Importation or Spreading of Infectious Distempers within this Province.

Passed the 8th February, 1799.

“WHEREAS Infectious Distempers have lately prevailed in different parts of the United States of America: And whereas it is necessary to prevent, if possible, the Importation of such desolating Disorders into this Province,”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That no Master, Mariner or Passenger whatsoever, belonging to or coming in any British vessel, or in any vessel owned in the United States of America, from any port or place where the Yellow Fever, putrid bilious Fever, or other pestilential or contagious Distemper does prevail, shall land within the limits of any County in this Province, without permission first had and obtained in writing under the hand and seal of one of His Majesty's Justices of the Peace for such County, under the penalty of Ten Pounds, for each and every person so landing without a written permission as aforesaid.

Preamble.

No person coming in any Vessel from any infected place shall land without permission of a Justice of the Peace, under penalty of £10.

II. And be it further enacted, That if any Master, Owner or other person
whatever,

See 3 G. 4, C. 8, amending this Act,—3 W. 4, C. 28—5 W. 4, C. 47, as to Boards of Health,—1 W. 4, C. 40—2 W. 4, C. 17, as to Charlotte and Northumberland—2 W. 4, C. 19, as to Westmorland, Gloucester and Kent,—3 W. 4, C. 21—4 W. 4, C. 8, as to Saint John.

Masters, &c. who shall land any person within the County of Charlotte without such permission, upon conviction, that such person had within 30 days been at any infected place in the United States, shall forfeit £10.

Tavernkeepers, &c. to report to the nearest Justice, under penalty of £10.

Justices in Charlotte to remove aliens coming from infected places.

Justices of the Peace to make further regulations.

Fines to be recovered before two Justices of the Peace.

Not to extend to City of Saint John.

whatever, having charge of any vessel or coasting craft, or of any boat, skiff or other craft, do land any person whatever within the limits of the County of Charlotte, taken from on board any vessel or craft whatever, or from any of the shores of the United States of America, or from Moose Island, Dudley Island, or Frederick Island, without a written permission first had and obtained as aforesaid, such offender shall, on conviction that such person so unlawfully landed has been, within Thirty days of such landing, at any port or place in the United States infected as aforesaid, forfeit and pay for every person so landed, the sum of Ten Pounds, and on failure of such payment, shall suffer not exceeding Three Months' imprisonment.

III. And be it further enacted, That all Tavern-keepers and other House-keepers whatever, within the County of Charlotte, shall make immediate report to the nearest Justice of the Peace of all and every person whatsoever, coming by what route soever from any port or place infected as aforesaid, into any or either of their families, under the penalty of Ten Pounds, for each and every person so omitted to be reported as aforesaid.

IV. And be it further enacted, That it shall and may be lawful for any of His Majesty's Justices of the Peace within the said County of Charlotte to remove forthwith, or direct to be removed, without the limits of this Province, any person or persons, not being His Majesty's subjects, who may have come into the said County from any port or place infected as aforesaid, (provided such person shall not have resided Thirty days within the said County,) in case he suspects danger of Infection from such person continuing to reside within the said County.

V. And be it further enacted, That it shall and may be lawful for the Justices of the Peace in the respective Counties at their General Sessions, or at any Special Session to be called for the purpose, to make such further rules and regulations in aid of the present Act, for the better preventing the Importation or spreading of such Infectious Distempers, with such pains and penalties not exceeding Ten Pounds, for each and every offence, against such rules and regulations as to them may seem meet.

VI. And be it further enacted, That the Fines and penalties in this Act mentioned, shall and may be recovered before any two of His Majesty's Justices of the Peace for the County where such offence shall be committed, on the Oath of one or more credible witness or witnesses, and applied to the benefit of such County.

VII. And be it further enacted, That this Act shall not extend or be construed to extend to the City of St. John.

CAP. IX.

An Act to repeal an Act made and passed in the Thirty-sixth Year of His Majesty's Reign, intituled, "An Act to prevent bringing Infectious Distempers into the City of Saint John," and to make more effectual provision for preventing the Importation and spreading of such contagious Distempers.

Passed the 8th February, 1799.

[Repealed by 10 & 11 G. 4, C. 27.]

CAP. X.

An Act for defraying the Ordinary Services of the Province, for the Years One thousand Seven hundred and Ninety-six, One thousand Seven hundred and Ninety-seven, One thousand Seven hundred and Ninety-eight, and One thousand Seven hundred and Ninety-nine.

Passed the 8th February, 1799.

[*Expired.*]

CAP. XI.

An Act for raising a Revenue and for appropriating the same towards reimbursing the Members attending in General Assembly.

Passed the 8th February, 1799.

[*Expired.*]

Anno Regni, GEORGII III Regis, Quadragesimo
Primo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord, One thousand Seven hundred and Ninety-six, and in the Thirty-sixth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth; and from thence continued by several prorogations to the Twentieth day of January, One thousand Eight hundred and one; being the fifth Session of the third Assembly convened in the said Province.

CAP. I.

An Act for raising a Revenue in this Province.

Passed the 21st February, 1801.

[*Expired.*]

CAP. II.

a An Act for the rendering Justices of the Peace more safe in the execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants.

Passed the 21st February, 1801.

Preamble.

“ WHEREAS Justices of the Peace are discouraged in the execution of their office by vexatious actions brought against them for or by reason of small and involuntary errors in their proceedings: And whereas it is necessary that they should be, (as far as is consistent with Justice and the safety and liberty of the subjects over whom their authority extends,) rendered safe in the execution of the said office and trust: And whereas it is also necessary that the subjects should be protected from all wilful and oppressive abuse of the several Laws and Statutes committed to the care and execution of the said Justices of the Peace;”

I.

a See English Stat. 24 G. 2, C. 44. Provisions of this Act extending to proceedings before Justices of the Peace in Civil Suits, under 4 W. 4, C. 45. See Sec. 4 of that Act.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, no Writ shall be sued out against, nor any copy of any Process at the suit of a subject, shall be served on any Justice of the Peace for any thing by him done in the execution of his office, until notice in writing of such intended Writ or Process shall have been delivered to him or left at the usual place of his abode, by the Attorney or Agent for the party who intends to sue or cause the same to be sued out or served, at least One Calendar Month before the suing out or serving the same; in which notice shall be clearly and explicitly contained, the cause of action which such party hath or claimeth to have against such Justice of the Peace; on the back of which notice shall be indorsed the name of such Attorney or Agent, together with the place of his abode, who shall be entitled to have the fee of Ten Shillings for the preparing and serving such notice and no more.

No process to be sued out against a Justice for any thing done in the execution of his office, until notice given him one month previous thereto.

Notice to contain cause of action.
Attorney's Fee.

II. And be it further enacted, That it shall and may be lawful, to and for such Justice of the Peace, at any time within One calendar Month after such notice given as aforesaid, to tender amends to the party complaining, or to his or her Agent or Attorney, and in case the same is not accepted, to plead such tender in bar to any action to be brought against him, grounded on such Writ or Process, together with the plea of Not Guilty, and any other plea with the leave of the Court; and if upon issue joined thereon the Jury shall find the amends so tendered to have been sufficient, then they shall give a verdict for the Defendant, and in such case, or in case the Plaintiff shall become nonsuit or shall discontinue his or her action, or in case Judgment shall be given for such Defendant or Defendants, upon Demurrer, such Justice shall be entitled to the like costs as he would have been entitled unto in case he had pleaded the general issue only; and if upon issue so joined the Jury shall find that no amends were tendered, or that the same were not sufficient, and also against the Defendant or Defendants on such other plea or pleas, then they shall give a verdict for the Plaintiff and such damages as they shall think proper which he or she shall recover, together with his or her costs of suit.

Justice within one Month may tender amends,

and plead such tender in bar, and any other plea with leave.
In what cases defendant is to be entitled to costs.

III. And be it further enacted, That no such Plaintiff shall recover any verdict against such Justice in any case where the action shall be grounded on any act of the Defendant as Justice of the Peace, unless it is proved upon the trial of such action, that such notice was given as aforesaid; but in default thereof such Justice shall recover a verdict and costs as aforesaid.

Plaintiff not to recover without proof of notice.

IV. And be it further enacted, by the authority aforesaid, That in case such Justice shall neglect to tender any amends, or shall have tendered insufficient amends before the action brought, it shall and may be lawful for him, by leave of the Court where such action shall depend, at any time before issue joined, to pay into Court such sum of money as he shall see fit; whereupon such proceedings, orders and judgments shall be had, made and given in and by such Court, as in other actions where the Defendant is allowed to pay money into Court.

Justice may pay money into Court.

V. And be it further enacted, That no evidence shall be permitted to be given by the Plaintiff on the trial of any such action as aforesaid, of any cause of action except such as is contained in the notice, hereby directed to be given.

Evidence to be confined to cause specified in the notice.

VI. And be it further enacted, by the authority aforesaid, That from and after the passing of this Act, no action shall be brought against any Constable or other officer, or against any person or persons acting by his order and in his aid, for any thing done in obedience to any warrant under the hand or seal of any Justice of the Peace, until demand hath been made or left at the usual place of

No action to be brought against any Constable, &c.

his

until demand made of the perusal and a copy of the Warrant and refusal of the same,

nor without making Justice a defendant.

If action brought against Justice and Constable jointly, and verdict given for Constable on production of Warrant, and against the Justice, the costs against Justice to include Plaintiff's costs to Constable. Wilful injury certified, &c. double costs against Justice.

Limitation of actions.

his abode by the party or parties intending to bring such action, or by his, her or their attorney or agent, in writing, signed by the party demanding the same, of the perusal and copy of such warrant, and the same hath been refused or neglected for the space of Six days after such demand; and in case after such demand and compliance therewith by shewing the said warrant to and permitting a copy to be taken thereof by the party demanding the same, any action shall be brought against such Constable, or other officer, or against such person or persons acting in his aid for any such cause as aforesaid, without making the Justice or Justices who signed or sealed the said warrant, Defendant or Defendants, that on producing or proving such warrant at the trial of such action, the Jury shall give their verdict for the Defendant or Defendants, notwithstanding any defect of jurisdiction in such Justice or Justices, and if such action be brought jointly against such Justice or Justices, and also against such Constable or other officer, or person or persons acting in his or their aid as aforesaid, then on proof of such warrant the Jury shall find for such Constable or other officer, and for such person or persons so acting as aforesaid, notwithstanding such defect of jurisdiction as aforesaid; and if the verdict shall be given against the Justice or Justices, that in such case the Plaintiff or Plaintiffs shall recover his, her or their costs against him or them, to be taxed in such manner by the proper officer as to include such costs as such Plaintiff or Plaintiffs are liable to pay to such Defendant or Defendants, for whom such verdict shall be found as aforesaid.

VII. Provided always, That where the Plaintiff in any such action against any Justice of the Peace shall obtain a verdict, in case the Judge before whom the cause shall be tried, shall in open Court certify on the back of the Record that the injury for which such action was brought was wilfully and maliciously committed, the Plaintiff shall be entitled to have and receive double costs of suit.

VIII. Provided also, and be it enacted by the authority aforesaid, That no action shall be brought against any Justice of the Peace for any thing done in the execution of his office, or against any Constable or other officer or person acting as aforesaid, unless commenced within Six calendar Months after the act committed.

CAP. III.

An Act to repeal all the Acts now in force relating to Trespasses, and for making new Regulations to prevent the same.

Passed the 21st February, 1801.

[*Repealed by 1 W. 4, C. 9.*]

CAP. IV.

An Act for the better securing the Navigation of Passamaquoddy Bay within Deer Island.

Passed the 21st February, 1801.

[*Revived and continued for 10 years by 50 G. 3, C. 3, and then expired.*]

CAP.

CAP. V.

An Act for the support and relief of confined Debtors.

Passed the 21st of February, 1801.

[Continued by 45 G. 3, C. 19. Revived and made perpetual by 50 G. 3, C. 30. Repealed by 10 & 11 G. 4, C. 30, which makes other provisions.]

CAP. VI.

An Act for erecting a Court House and Gaol in the County of Westmorland, and for altering the Shire Town of the said County. Refer to 26 G. 3, C. 1, S. 10.

Passed the 21st of February, 1801.

66 **WHEREAS** the Court House and Gaol in the County of Westmorland have been lately consumed by fire, and the place where the same stood is not in a central situation for the accommodation of the Inhabitants ;” Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That after the passing of this Act, the Town of Dorchester shall be the Shire-Town of the said County, where all the Courts of Record shall be held instead of the Town of Westmorland in the same County. Dorchester made the Shire Town.

[The remainder of this Act is obsolete.]

CAP. VII.

An Act to continue an Act made and passed in the Thirty-sixth Year of His Majesty's Reign, intituled, “ An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the same.”

Passed the 21st of February, 1801.

[Expired.]

CAP. VIII.

An Act for the further and better support of the Poor in the City of Saint John.

Passed the 21st of February, 1801.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That the Mayor, Aldermen and Commonalty in the City of Saint John, be and they are hereby authorized, yearly, and every year during the continuance of this Act, to lay a Tax upon Dogs ; to be levied upon the owners of the same living within the limits of the said City, and collected in such manner as the Corporation of the said City by Law or Ordinance shall appoint : which said Tax shall be appropriated and applied for the support of the Poor, and to no other purpose Annual tax on Dogs in the City of Saint John,
for support of the Poor,

not to exceed
five shillings for
any one dog.
Limitation.

purpose whatsoever. Provided that such Tax shall not amount to more than Five Shillings for any one Dog.

II. And be it further enacted, That this Act shall continue and be in force for Five Years and no longer.

[Continued to 1st March, 1810, by 45 G. 3, C. 19, and made perpetual by 50 G. 3, C. 19.]

CAP. IX.

An Act for preserving the Bank of the River Saint John, in front of the Parish of Lincoln, in the County of Sunbury.

Passed the 21st of February, 1801.

Preamble.

“ WHEREAS the pasturing of Neat Cattle, Horses, Sheep, Goats or Swine, in the Spring and during the Summer season, on the slope of the Bank of the River Saint John, along the Intervale Lands in the Parish of Lincoln, both prevents the growth and occasions the destruction of bushes, which contribute greatly to bind the soil and preserve it from being washed away during the Freshes ;”

Intervale Land
pastured, to be
fenced on River
front.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, every person who pastures Intervale Land in the said Parish or any part thereof fronting on the said River, shall keep up a Fence along the front of the Land so pastured, of the legal height, or at least sufficient to confine his Neat Cattle, Horses, Sheep, Goats or Swine within the same; and that if he do neglect to keep up such Fence as aforesaid, his Neat Cattle, Horses, Sheep, Goats or Swine, shall be liable, when found trespassing on the slope of the said Bank, to be impounded and dealt by according to the provisions of an Act made and passed this present Session, intituled, “ An Act to repeal all the Acts now in force relating to Trespasses, and for making new regulations to prevent the same.”

Cattle &c. tres-
passing on slope
of the Bank, to
be impounded.
&c.

Preamble.

“ And whereas Horses and Cattle frequently go from Fredericton and other places, down on a long and narrow tongue of low Intervale Land extending to and terminating at the mouth of the River Oromocto, and from thence spread along the Bank of the aforesaid River Saint John, throughout the extent of the said Parish ;”

Gate to be erec-
ted across the
road on Knox's
or Wilmot's
lots.

II. Be it further enacted, That the Commissioners of Highways in the said Parish shall, from and after the passing of this Act, be empowered, and they are hereby directed, to erect one strong Swing-Gate across the public Road on the Upland adjoining to the said tongue of Intervale, either on the Lot now belonging to Thomas Knox, Esquire, or on that now belonging to and occupied by Lemuel Wilmot, Esquire, as to them in their discretion shall seem most convenient, and to keep the same in repair; the expence of which erection and repairs they are hereby authorized to pay by ordering an assessment to be made for the said purposes, on the owners or occupiers of the said Lands as above described, by the Parish Assessors.

And repaired
at expence of
owners of the
lands.

Not to be block-
ed up, or prop-
ped open, on
penalty of 10s.,

nor destroyed
on penalty of
2s.

III. And be it further enacted, That no persons or persons between the First day of May and the First day of September, shall block up and fasten, or prop open the said Gate and so leave the same, under the penalty of Ten Shillings; or wantonly or maliciously take down or destroy the said Gate, under the penalty of Three Pounds, to be recovered upon conviction before any one of His Majesty's

ty's Justices of the Peace for the said County, upon the Oath of one or more credible witness or witnesses, and to be levied by warrant of distress and sale of the offender's goods, under the hand and seal of such Justice, rendering the overplus, if any, after deducting the costs and charges of the distress and sale to the offender; which penalty and forfeiture shall be applied to the erection, maintaining and keeping of the said Gate in repair, and shall be paid into the hands of the Commissioners of Highways for the said Parish for the said purpose; and such offender or offenders shall be further liable to an action of Trespass for any damages sustained thereby.

Penalties how
recovered,

and applied.

IV. And be it further enacted, That this Act shall continue and remain in force for Five Years and no longer.

imitation.

[Continued by 45 G. 3, C. 19 and 50 G. 3, C. 29—and made perpetual by 56 G. 3, C. 12.]

CAP. X.

An Act to continue an Act, intituled; "An Act for preserving the Bank of the River Saint John, in front of the Parishes of Maugerville, Sheffield and Waterborough."

Passed the 21st of February, 1801.

[Expired.]

CAP. XI.

An Act to empower the Justices of the Peace for the County of York, to make such Regulations respecting the Winter Roads in that County as may be found necessary.

Passed the 21st of February, 1801.

[Expired.]

CAP. XII.

An Act for appropriating certain Monies for defraying the Expenses of the Province.

Passed the 21st of February, 1801.

[Expired.]

CAP. XIII.

An Act for granting certain Sums for repairing and laying out Roads.

Passed the 21st of February, 1801.

[Expired.]

Anno Regni, GEORGII III Regis, Quadragesimo
Secundo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord, One thousand Seven hundred and Ninety-six, and in the Thirty-sixth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth ; and from thence continued by several prorogations to the Twenty-sixth day of January, One thousand Eight hundred and Two ; being the sixth Session of the third Assembly convened in the said Province.

CAP. I.

An Act for regulating the Militia.

Passed the 5th of March, 1802.

[*Repealed by 45 G. 3, C. 1.*]

CAP. II.

An Act for altering the Times of holding the Inferior Court of Common Pleas and General Sessions of the Peace for the County of King's.

Passed the 5th of March, 1802.

[*Obsolete. This Act altered the Term from February to March.*]

CAP. III.

An Act for altering the Times of holding the Courts of General Sessions of the Peace and Common Pleas in the County of Westmorland.

Passed the 5th of March, 1802.

“ **W**HEREAS the Times for holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of Westmorland, have been inconvenient ;” I.

^a See Table of Courts in Appendix, No. .

^b Refer to 31 G. 3, C. 9, and 35 G. 3, C. 2—and see Table of Courts in the Appendix, No. 1.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the said Courts shall be hereafter holden on the second Tuesdays in June and December in each year, at which Terms the Juries shall be summoned to attend, and the additional Terms or return Courts of the said Court of Common Pleas, shall be holden on the second Tuesdays in March and September in each year, any Law or usage to the contrary notwithstanding.

c Courts to be holden in June and December.

d Return Terms in March and September.

II. [*Obsolete.*]

III. And be it further enacted, That the several and respective Town and Parish Officers shall annually be appointed on the second Tuesday in December, any Law or usage to the contrary notwithstanding.

Parish officers to be appointed in December.

CAP. IV.

An Act to render Persons convicted of Petit Larceny, competent Witnesses.

Passed the 5th of March, 1802.

[*Repealed by 1 W. 4, C. 14.*]

CAP. V.

An Act for the easy and speedy Recovery of Small Debts, and for regulating the proceedings thereon.

Passed the 5th of March, 1802.

[*Continued by 45 G. 3, C. 19, until 1st March, 1810, and then expired.*]

CAP. VI.

An Act for aiding and encouraging Parish Schools.

Passed the 5th of March, 1802.

[*Obsolete.*]

CAP. VII.

An Act in addition to an Act, to regulate the Terms of the Sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the jurisdiction of the same, and for the summary Trial of Actions.

Passed the 5th of March, 1802.

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That no Defendant shall be held to Bail in any Action hereafter to be brought in any Inferior Court of Common Pleas, or Mayor's Court in the City of Saint John, unless the Plaintiff's cause of action shall amount to upwards of Five Pounds, and affidavit thereof made and filed as heretofore accustomed.

No bail in Inferior Court of Common Pleas unless action exceed £5.

II.

c Terms altered from second to third Tuesday in June by 59 G. 3, C. 1, and from second Tuesday in December to third Tuesday in November by 4 G. 4, C. 28.

d March Term altered to first Tuesday in April by 3 G. 4, C. 6.

e Refer to 35 G. 3, C. 2. and see Table of Courts in the Appendix, No. I.

In actions not exceeding £20 proceedings to be summary.

II. And be it further enacted, That in all actions hereafter to be brought in the said Courts wherein the sum or matter in demand shall not exceed Twenty Pounds, the declaration shall be inserted in the Writ, and the said Courts shall proceed thereon in a summary way, in the same manner as is directed in and by the said Act in matters not exceeding Ten Pounds; in which actions no dilatory plea shall be allowed, and no Judgment shall be reversed or set aside for any circumstantial error or defect of form or pleading, or rendering Judgment, where substantial Justice shall appear to have been done.

Removal of action by Habeas Corpus.

III. And be it further enacted, That no Defendant or Defendants in any action hereafter to be brought, shall remove such action into the Supreme Court by Habeas Corpus, unless the matter in demand shall exceed Twenty Pounds. Provided always, That either party after Judgment given, may bring a Writ of Error to remove such Judgment into the Supreme Court.

Writ of Error.

Actions not exceeding £20 to be brought in Inferior Court of Common Pleas unless title to Lands is questioned
Former Act in full force except as hereby altered.

IV. And be it further enacted, That all actions hereafter to be brought, wherein the sum or matter in demand shall not exceed Twenty Pounds, shall be heard and determined in the Inferior Court of Common Pleas in the respective Counties, and Mayor's Court in the City of Saint John, and no other Court shall hold Plea or Jurisdiction of the same, unless the Title to Lands shall come in question.

V. And be it further enacted, That the said Act, except where the same is hereby altered, shall be and continue in full force, any thing herein contained to the contrary notwithstanding.

CAP. VIII.

An Act for raising a Revenue in this Province, and for appropriating the same, together with the Monies now in the Treasury.

Passed the 5th of March, 1802.

[*Expired.*]

**Anno Regni, GEORGII III Regis, Quadragesimo
Tertio.**

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord One thousand Eight hundred and Three, and in the Forty-third year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and so forth; being the first Session of the fourth Assembly convened in the said Province.

CAP. I.

An Act for transferring to and vesting in the Crown, such Lands and Tenements of any Person or Body Politic, on which it may be judged suitable and necessary to erect Fortifications, or which may be wanted for other uses of War and Defence, and for ascertaining the value thereof and making compensation for the same to the former Owners. a

Passed the 16th March, 1803.

“ WHEREAS it is highly reasonable, just and requisite, that His Majesty Preamble.
“ should be authorized and empowered to resume the Grants of any
“ Lands or Tenements of the Crown heretofore made, or hereafter to be made
“ and passed, upon which it may be suitable and necessary to erect Fortifications
“ and other Military works, or which may be wanted for other uses and purposes
“ of War and Defence; for a valuable consideration to be therefor paid to the
“ owners and occupants according to a just and equal valuation of the same;”

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That at any time or times hereafter, whenever the General or Commander in Chief of His Majesty's forces, or Commanding Royal Engineer in this Province, shall judge it expedient for His Majesty's service, and the better security and defence of this frontier Territory, to erect Fortifications or other Military works, upon Lands or Tenements granted and belonging to any person or persons or body politic, or to hold, occupy and possess the same for any Military uses and purposes whatsoever, and shall make a representation or suggestion thereof Upon representation of the General or Commanding Engineer, that any lands are wanted for Military uses,

a See 53 G. 3, C. 3. vesting parts of certain Streets in Saint John in the King for Military purposes.

the Governor may order writs to be issued,

Is directed to Sheriff, & commanding him to inquire, by a Jury, who are owners or occupants, &c. after advertising two months in Royal Gazette.

Inquisition to be returned into Chancery.

The General or Commander in Chief may deposit with the Clerk of the Crown the amount of valuation and damages, to be paid under the direction of the Court of Chancery to the Owners, &c.

Inquisition being made and the amount of the valuation and damages being deposited with the Clerk of the Crown,

The lands to revert to and vest in the King.

thereof to this effect to the Governor, Lieutenant Governor or Commander in Chief of the Province, it shall and may be lawful for the Governor, Lieutenant Governor or Commander in Chief of the Province for the time being, if to his wisdom and discretion it shall appear fit for His Majesty's service and the security of the Province, to order the Clerk of the Crown in Chancery, to issue a Writ or Writs, in His Majesty's name, directed to the Sheriff of the County in which the Lands or Tenements so required are situate, and thereby commanding him, after advertising his intention Two Months in the Royal Gazette, by the Oath of honest and lawful men, being Freeholders of his bailiwick, by whom the truth of the matter may be better known, diligently to inquire who is or are the true and rightful owner or owners, occupant or occupants of such Lands and Tenements so required as aforesaid, (if to the said Jurors he or they may be known,) and of every part and parcel thereof, and how much the same Lands and Tenements and every part and parcel thereof are worth, according to a just and true valuation thereof, and of the Estate and interest of the owner or owners therein; and to what damage or what prejudice of the rightful owner or owners, occupant or occupants respectively it will be, if the said Lands and Tenements be resumed by and vested in the King, his heirs and successors; and that the inquisition thereupon distinctly and openly made to the King in his Chancery, under the seal of the said Sheriff, and the seals of those by whom it was made, he send without delay, together with the said Writ.

II. And be it further enacted, That upon all and every such inquisition and inquisitions being duly made and returned as aforesaid, it shall and may be lawful for the General or Commander in Chief of His Majesty's forces in this Province for the time being, within Twelve calendar Months next after such return, to deposit with the said Clerk of the Crown the amount of such valuation and damages by such inquisition or inquisitions found, to be paid and applied by him under the orders and directions of the Court of Chancery aforesaid, to such person or persons or body politic as shall, by the same inquisition or inquisitions, or other competent evidence, appear to the said Court to be the rightful owner or owners, occupant or occupants of such Lands and premises, or any part and parcel thereof, according to their several and respective Estates and interests therein, in full payment, compensation and satisfaction of and for the same.

III. And be it further enacted, That such inquisition and inquisitions so being made and returned as aforesaid, and the amount of the valuation and damages thereby found, being deposited with the Clerk of the Crown as aforesaid, within the time herein limited, for the use of the Proprietor, his heirs or assigns, all the said Lands and premises, in such writ or writs, and inquisition or inquisitions respectively mentioned and described, and every part and parcel thereof, shall thereupon and by virtue of such proceedings as aforesaid revert to and vest in the King, his heirs and successors; and all the right, title, interest and estate of any person or persons, or body politic whatsoever, of, in, and to the same, shall be thereby conveyed and transferred to His Majesty, his heirs and successors; who shall thenceforth stand and be seized and possessed, and be deemed and adjudged in full and lawful seisin and possession, in right of his Crown, of and in the same Lands and premises, with their appurtenances, to all intents, constructions and purposes in the Law, as fully and perfectly as if all persons, being of full age and capacity, and bodies politic having estate or interest therein, had by Grant or other Deed, or by fine or recovery or other conveyance of Record, given, granted,

granted, bargained, sold, aliened, released and confirmed the same to His said Majesty, his heirs and successors.

CAP. II.

An Act to enable the Justices of the General Sessions of the Peace and Inferior Court of Common Pleas in the County of Northumberland, to hold the same for the present Year, at the times therein mentioned.

Passed the 16th March, 1803.

[*Obsolete.*]

CAP. III.

An Act for altering the divisions of four of the Wards in the City of Saint John, ^c and for changing the mode of Elections within the two other Wards of the said City.

Passed the 16th March, 1803.

“**W**HEREAS since the granting of the Charter of the City of Saint John, “ by reason of the removal of many persons from some of the Wards, “ the disproportion of Inhabitants in the several Wards is at this time very great, “ and one of the Wards almost entirely depopulated: And whereas many of the “ Freemen and Inhabitants of the said City, have by Petition, prayed that a “ remedy may be provided for the evil consequences arising from such changes;”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That instead of the present division of the four Wards of the said City on the Eastern side of the Harbour, the same Wards be hereafter divided by lines drawn from the Harbour to the rear of the said City as follows, to wit, through the centre of King street, Duke street, and Saint James and Stormont street, and that all that part of the said City lying to the Northward of King street, be forever hereafter called and known by the name of *King's Ward*; that all that part of the said City between King street and Duke street, be forever hereafter called and known by the name of *Queen's Ward*; that all that part of the said City lying between Duke street, and Saint James and Stormont street, be forever hereafter called and known by the name of *Duke's Ward*; and that the residue thereof lying to the Southward of Saint James and Stormont street, be forever hereafter called and known by the name of *Sidney Ward*: And that the Elections for the Aldermen, Assistants and Constables of the same Wards be held annually within the same Wards, as in and by this Act divided and bounded, in the same manner and at the same times, and under and subject to the same regulations and restrictions as are provided by the said Charter.

Wards divided by lines drawn from the Harbour to the rear of City.

King's Ward.

Queen's Ward.

Duke's Ward.

Sidney Ward.

Elections to be held within the Wards as directed by the Charter.

II. [*Repealed by 9 and 10 G. 4, C. 18.*]

III. Provided always, and be it further enacted, That the said Charter of the said City, and every clause, matter and thing therein contained, except as herein and hereby particularized, altered and amended, shall be and for ever remain in full force and effect, any thing herein contained to the contrary thereof in any wise notwithstanding.

Charter, except as herein altered, to remain in force.

CAP.

CAP. IV.

An Act in addition to an Act, intituled, "An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns and Parishes."

Passed 16th March, 1803.

d Boundary line between the County of Northumberland, and the adjoining Counties established.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That a direct line from the northwest corner of the County of Westmorland, until it meets the southwest branch of Miramichi river, where the Portage leading from the River Nashwaack now joins the same, thence by a line running north twenty-two degrees thirty minutes west by the true meridian, from the junction of the said Portage, with the said southwest branch of the Miramichi as aforesaid, to the southern boundary of the Province of Lower Canada, shall be deemed the boundary line of the County of *Northumberland*, and the dividing line between that and the adjoining Counties.

e Campo-Bello Island made a distinct Parish.

II. And be it further enacted, That the Island of *Campo-Bello* with its appurtenances in the County of *Charlotte*, be constituted a distinct Town and Parish, by the name of the Town and Parish of Campo-Bello: any Law or Ordinance to the contrary notwithstanding.

CAP. V.

f An Act for erecting the upper part of the County of York into a distinct Town and Parish.

Passed 16th March, 1803.

Upper part of the County of York erected into the Parish,

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That all that tract of country in the County of *York*, laying and being above the Towns of Woodstock and Northampton, and extending to the White Marsh, three miles above the Garrison at Presque Isle inclusive, and from the said upper boundary extending a line parallel to the upper boundary of the said Parishes of Woodstock and Northampton, be and the same is hereby erected and made a distinct Town and Parish, by the name of the Town and Parish of *Wakefield*.

to be called Wakefield.

Justices at their General Sessions to appoint Parish Officers.

II. And be it further enacted, That the Justices of the General Sessions of the Peace for the County of York, at their General Sessions next ensuing, and annually thereafter, shall appoint Town and Parish Officers in and for the said Town and Parish, who shall be under like rules and regulations as other Town and Parish Officers in the same County.

CAP. VI.

An Act for regulating the Exportation of Butter.

Passed 16th March, 1803.

BE it enacted by the Lieutenant Governor, Council and Assembly, That all Butter made for Exportation shall be packed in Firkins to contain Sixty

d See 7 G. 4, C. 31, dividing Northumberland into three Counties.

e Refer to 26 G. 3, C. 1, S. 4.

f Refer to 26 G. 3, C. 1, and see further, 2 G. 4, C. 22, erecting the Parish of Kent—and see 1 W. 4, C. 50, dividing York into two Counties.

Sixty pounds weight, as near as possible, which Firkin shall be made of good hard wood seasoned, and shall be made tight with three hoops at each end, and bilge, and sufficient to hold pickle, and before any Butter shall be shipped for Exportation, every Firkin shall be inspected by some sworn Inspector, who shall brand each Firkin with the tare thereof, and the quality of the Butter contained therein, free of pickle and loose salt, whether first, second or third quality, with the name of the County where the same shall be made, and such Inspector shall be intitled to receive Three Pence for every Firkin so by him inspected.

II. And be it further enacted, That the Justices at their first General Sessions of the Peace, and annually thereafter, shall and may appoint one or more Inspectors of Butter in each Town where the same shall by them be judged necessary, who shall be sworn to the faithful discharge of their duty, and shall inspect all such Butter as shall be intended for Exportation, and in case of refusal to accept of such office or neglect of duty when reasonably called upon, such Inspector shall be subject to the same penalties as other Town or Parish officers by Law are subject to for neglect of duty, to be recovered and paid to the County Treasurer of such County. And every such Inspector shall provide himself with sufficient marks or brands and instruments for the purposes aforesaid, and shall be intitled to receive pay for the same out of the County Treasury.

III. And be it further enacted, That no Butter being in Firkins, shall be deemed merchantable, or shall be sent out of any County, unless such Butter shall have been inspected by a proper Inspector, and if any person or persons shall export for sale any Butter in Firkins without inspection, or being branded or marked as aforesaid, such person so offending shall for each Firkin incur the penalty of Ten Shillings, to be recovered and paid as aforesaid.

g Butter to be packed in Firkins containing 60lbs. made tight, of hard wood.

To be inspected and branded.

Allowance to the Inspector.

Justices annually to appoint Inspectors, who shall be sworn.

Penalty for refusal or neglect of duty.

Inspectors to provide marking instruments.

No Butter deemed merchantable unless inspected.

Persons exporting Butter unmarked, to forfeit 10s. for each Firkin.

CAP. VII.

An Act to explain and amend an Act, intituled, "An Act for regulating the Exportation of Fish and Lumber, and repealing the Laws now in force regulating the same."

Passed the 16th March, 1803.

[*Repealed by 59 G. 3, C. 11, S. 1.*]

CAP. VIII.

An Act to continue sundry Acts of the General Assembly that are near expiring.

Passed the 16th March, 1803.

[*Expired.*]

CAP. IX.

An Act for raising a Revenue in this Province.

Passed the 16th March, 1803.

[*Continued by 45 G. 3, C. 17, to 1st April, 1807, and then expired.*]

g Firkins may be of any seasoned wood free from sap except Pine and Cedar, 45 G. 3, C. 20.

CAP. X:

An Act for appropriating certain Monies for defraying the Expences of the Province.

Passed the 16th March, 1803.

[*Expired.*]

CAP. XI.

An Act for granting certain Sums for repairing and laying out Roads:

Passed the 16th March, 1803.

[*Expired.*]

Anno Regni, GEORGII III Regis, Quadragesimo
Quinto.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of Our Lord, One thousand Eight hundred and Three, and in the Forty-third year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and so forth; and from thence continued by several prorogations to the Twenty-ninth day of January, One thousand Eight hundred and Five; being the second Session of the fourth Assembly convened in the said Province.

CAP. I.

An Act for the better regulating the Militia in this Province.

Passed the 5th of March, 1805.

[*Repealed by 50 G. 3, C. 9.*]

CAP. II.

An Act to alter one of the Terms of holding the Inferior Court of Common Pleas for the County of York.

Passed the 5th of March, 1805.

“ WHEREAS the second Tuesdays in April appointed by Law as an additional Term for the Sittings of the Inferior Court of Common Pleas in the County of York, having been found inconvenient, owing to the dangerous state of the River Saint John at that period;”

Preamble.

I. Be it therefore enacted by the President, Council and Assembly, That the said Court shall hereafter be holden on the third Tuesdays of March, instead of the said second Tuesdays in April, in each and every year.

Court to be held on 3d Tuesday in March.

II. [*Obsolete.*]

CAP.

CAP. III.

An Act to prevent the Importation and Sale of Goods by Persons not his Majesty's Subjects.

Passed the 5th of March, 1805.

[*Expired.*]

CAP. IV.

An Act for the better regulating the Weight and Rates at which Gold Coins pass current in this Province.

Passed the 5th of March, 1805.

[*Disallowed by the King in Council.*]

CAP. V.

An Act to continue an Act, intituled, "An Act for the better securing the Navigation of Passamaquoddy Bay, within Deer Island."

Passed the 5th of March, 1805.

[*Expired.*]

CAP. VI.

An Act for the more effectual prevention of Desertion from His Majesty's Forces.

Passed the 5th of March, 1805.

[*Expired. Refer to 33 G. 3, C. 3, and the note thereupon.*]

CAP. VII.

c An Act to alter and amend an Act, intituled, "An Act for securing the Navigation of the River Magaguadavic."

Passed the 5th of March, 1805.

Preamble.

“WHEREAS the erection of Saw-Mills, and other improvements on the “River Magaguadavic, are found to be of great Public advantage; “and that for the securing and further promoting thereof some alterations and “amendments are required to the Act, intituled, “An Act for securing the “Navigation of the River Magaguadavic;”

26 G. 3, C. 34.

Dams or Booms may be placed across the River Magaguadavic,

I. Be it therefore enacted by the President, Council and Assembly, That for erecting of Mills, and securing of Logs and other purposes, it shall and may be lawful to throw a Dam or Dams, a Boom or Booms, across the said River Magaguadavic,

gagaudavic, where the same may be found convenient, at or near the second Falls or other parts of the said River. Provided always, That such Dam or Dams, Boom or Booms, be so constructed as to secure a sufficient Sluice way or passage for conveying Boats, Rafts of Boards or other Lumber through the same.

provided a sufficient sluice way be left for boats and rafts,

CAP. VIII.

An Act to regulate the Winter Roads in the Counties of York and Sunbury. d

Passed the 5th of March, 1805.

I. **BE** it enacted by the President, Council and Assembly, that from and after the passing of this Act, the Commissioners of Highways or the major part of them for the time being, in the several Towns and Parishes in the Counties of York and Sunbury along which it may be necessary to break Winter Roads on the River Saint John, in the said Counties, shall order the Surveyors of Highways in their several districts, so soon as the Ice shall be sufficiently strong to bear a Team or Teams, and immediately after the first fall of Snow, to summon the Inhabitants of the said Parishes to labor on the said Winter Roads by marking the same in lines as straight as may be, with one Row of Evergreen or other Bushes, &c.

This part of Sect. 1 is printed as necessary to the understanding of the remainder of the Act.

I. }
 II. } [Repealed by 52 G. 3, C. 18.]
 III. }

IV. And be it further enacted, That the said Commissioners or the major part of them, shall and they are hereby required to agree and determine the distance upon the said River, which is to be worked by their respective Towns or Parishes, and the Surveyors of Highways shall proceed to break the said Winter Roads, agreeably to Law.

Commissioners to determine the distances to be worked by their respective Parishes.

V. [Repealed by 52 G. 3, C. 18.]

VI. And be it further enacted, That if any person shall wilfully cut or take down, or destroy, any of the Bushes so to be erected, shall forfeit and pay the sum of Thirty Shillings upon conviction before any one of His Majesty's Justices of the Peace, upon the Oath of one or more credible witness or witnesses, to be levied by warrant of distress and sale of the offender's goods, rendering the overplus, if any, after deducting the costs and charges to the offender, to and for the use of the Informer, and for want of such effects to levy on the said offender or offenders shall be imprisoned for a time not less than Six nor exceeding Ten days.

Persons cutting or destroying bushes to forfeit 30s,

to the use of the Informer.

VII. And be it further enacted, That every Inhabitant in the said Counties keeping a Team or any Carriage whatever drawn by one or more Horses, Ox or Oxen, shall be obliged, on being duly summoned, to send his Team or Carriage with a competent driver, to work in such manner as the said Surveyors shall direct. And on such person or persons neglecting or refusing to send his Team or Carriage and a good driver, or not performing such reasonable work as the said Surveyors shall direct, the owner of such Team or Carriage shall forfeit the sum of Ten Shillings. And every Commissioner or Surveyor who shall refuse or neglect to perform the duty enjoined and required by this Act, shall forfeit and pay for every such refusal or neglect the sum of Three Pounds, the fines aforesaid to

Inhabitants to send their Teams with drivers to work as the Surveyors shall direct, under the penalty of 10s.

Commissioners or Surveyors for neglect of duty to forfeit £3.

be

d See 52 G. 3, C. 18, as to Winter Roads on the River, from Fredericton through Sunbury—and see General Highway Act, 5 W. 4, C. 2

Forfeitures applied for repairing the high-ways.
Persons keeping Pleasure Sleighs only, to do no labour but breaking roads.
No person to go more than three miles from home.

Labour on the Nashwack and Penniack in the Winter with Shovels, &c.

Penalty for neglect.

Width of Sleds on the Nashwack and Penniack.

Penalty.

Recovery and application.

Not to extend to Farm Sleds or Pleasure Sleighs.

Road for single sleds &c. to the settlements on the Nashwack or Penniack on the westerly side of the Nashwack.

be recovered on complaint, with costs of suit, before any one of His Majesty's Justices of the Peace, and the forfeiture applied for repairing the Highways, under the direction of the Commissioners or the major part of them, of the Towns or Parishes where the said forfeiture shall accrue. Provided always, That such person or persons keeping a pleasure Sleigh or Sleighs only, shall not be obliged by this Act to perform any other labour on the said Winter Roads, except to break the same when duly summoned so to do.

VIII. And be it further enacted, That no person or persons summoned as aforesaid, shall be obliged to go further from their respective homes than three Miles, or to work on the said Winter Roads more than Four days in any one Winter.

IX. And be it further enacted, That whenever the Surveyors of Highways on the Rivers Nashwack and Penniack, in the Parish of Saint Mary's and County of York, shall during the Winter season deem the labour of Men necessary, it shall and may be lawful for such Surveyors forthwith to summon such and so many of the Inhabitants with their Shovels or such other proper implements as the said Surveyors or Surveyor shall direct, not exceeding Four times in any one Year, nor a greater distance than three miles from their own houses, and in case of refusal or neglect shall forfeit and pay for each and every offence the sum of Three Shillings, to be recovered with costs of suit in manner described in the seventh section of this Act..

X. And be it further enacted, That all Sleds made use of for the purpose of transporting Wood, Hay, or other heavy materials to or from or in the Settlements on the Rivers Nashwack and Penniack aforesaid, and drawn by one Horse or one Ox, shall not be less or more than Three feet Eight inches from outside to outside of the runners thereof: And if any person or persons whatever shall make use of any single Horse or Ox Sled as aforesaid of less dimensions, and be thereof convicted by the Oath of one or more credible witness or witnesses before any one of His Majesty's Justices of the Peace or on view of such Justice, shall forfeit and pay the sum of Five Shillings, the same to be recovered, and applied in manner directed in the seventh section of this Act. Provided always, That nothing herein contained shall be construed to extend to any Sled a Man may use upon his own Farm only, or to any Pleasure Sleigh whatever.

XI. And be it further enacted, That all persons travelling to the Settlements on the Rivers Nashwack or Penniack above the great Rapids so called, with Sleds or Sleighs drawn by one Horse or one Ox, shall at all times be obliged to travel on the Highways as now laid out, on the westerly side of the said River Nashwack, leading from the Moncton Ferry to the said Settlements, under the penalty of Ten Shillings, to be recovered as aforesaid, all which forfeitures shall be paid to the person or persons prosecuting the same to conviction.

CAP. IX.

26 G. 3, C. 6. An Act in addition to an Act, intituled " An Act for regulating Juries and declaring the qualifications of Jurors."

Passed the 5th of March, 1805.

Preamble.

“ WHEREAS in and by an Act made and passed in the Twenty-sixth year of His Majesty's Reign, intituled " An Act for regulating Juries and declaring the qualifications of Jurors," no provision is made respecting the Fees

“ Fees to be paid to Jurymen returned to serve on special Juries under the authority of the said Act;”

Be it therefore enacted by the President, Council and Assembly, That any person who shall after the first day of May next serve upon any special Jury appointed or returned by authority of the said Act, shall be allowed to take for serving on such Jury no more than the sum of money which the Judge who tries the issue or issues shall think just and reasonable, not exceeding the sum of Five Shillings per day, and that the Sheriff for summoning and returning such Jury shall be intitled to receive a sum not exceeding Thirty Shillings, to be taxed at the discretion of the Judge.

Special Jurors to be allowed, not exceeding 5s. per day,

Sheriff to receive not exceeding 30s.

CAP. X.

An Act for altering one of the Terms of holding the Inferior Court of Common Pleas in the County of Sunbury.

Passed the 5th of March, 1805.

“ WHEREAS the third Tuesdays in April appointed by Law as an additional Term for the sitting of the Inferior Court of Common Pleas in the County of Sunbury, have been found inconvenient, owing to the dangerous state of travelling;”

Preamble.

I. Be it therefore enacted by the President, Council and Assembly, That the said Courts shall be holden on the fourth Tuesdays in March instead of the third Tuesdays in April.

Court to be holden on the fourth Tuesday in March.

II. [Obsolete.]

CAP. XI.

An Act to provide for punctuality of Payment at the Treasury, by issuing Notes to the amount of the Public Appropriations.

Passed the 5th of March, 1805.

[Obsolete.]

CAP. XII.

An Act for encouraging and extending Literature in this Province.

Passed the 5th of March, 1805.

“ WHEREAS the Education of Youth is of the utmost importance in Society, and public attention to that object has by experience been found to be attended with the most beneficial effects;”

Preamble.

I. Be it therefore enacted by the President, Council and Assembly, That a Public Grammar School be and the same is hereby established in the City of Saint John.

Grammar School established at Saint John

II. And be it further enacted, That the Rector of Trinity Church in the said City for the time being, the Mayor of the said City for the time being, and the Recorder

Corporation appointed.

Rector of Trinity Church to be President.

Name.

May hold real estate not exceeding £1000 per annum.

Board for dispatch of Business.

Building, Master and Ushers.

Bye Laws.

In the absence of the Rector Mayor of the City to act as President,

or the Recorder in their absence.

Vacancies in Boards of Directors how filled.

Free Scholars.

£100 per annum granted for the support of a master,

and the sum of £100 towards procuring a building.

Board to be accountable to the Legislature.

Recorder of the said City for the time being, together with *the Honorable George Leonard, Esquire, Jonathan Bliss, William Pagan, John Robinson, John Black, and Thomas Wetmore, Esquires*, Inhabitants of the said City be, and they are hereby appointed Trustees and Directors of the said School, and the said Rector of Trinity Church always to be President of the Board : And that the said President and Directors shall be and they are hereby incorporated by the name of *The President and Directors of the Public Grammar School in the City of Saint John*, and shall by that name have perpetual succession and be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, and to receive, take and hold gifts and grants of Lands and real Estate (the annual income of which shall not exceed One thousand Pounds) and to accept and receive donations for the erection of a Building for and the endowment of the said School.

III. And be it further enacted, That the President and Directors of the said Grammar School and their successors, or the major part of them when duly summoned and assembled, shall form a Board for dispatch of business, and such Board of Directors or the major part of them so assembled, are hereby empowered to point out and procure a proper place whereon to erect the Building for the said School, to contract for and superintend the Building thereof, to provide a Master and one or more Ushers or Tutors, as they shall judge expedient, and from time to time to make and establish Bye Laws, Ordinances and Regulations, for the government of the said School, and to enforce obedience to the same by fines and expulsions, or other public censures, as they may judge proper.

IV. And be it further enacted, That during any vacancy or absence of the Rector of the said Church, the Mayor of the said City shall act as President, and it shall be the duty of the President at all times to summon a Board of Directors whenever the same shall be requested by three or more of the said Directors, and in case of sickness or absence of the said Rector, the Board may be summoned by the said Mayor, and in case of the inability or absence of both the said Board may be summoned by the said Recorder.

V. And be it further enacted, That in case of death or removal from the said City of any of the said Directors not being permanent by office, the remaining Directors at a Board for that purpose, to be summoned within Three Months after, shall elect another fit person being an Inhabitant of the said City for his successor, who being approved of by the Commander in Chief of the said Province for the time being, shall be one of the Directors of the said School, and every other vacancy shall be filled from time to time in like manner.

VI. [*Repealed by 5 W. 4, C. 30, which provides for public examinations.*]

VII. And be it further enacted; That whenever the said President and Directors shall think proper they may admit any number not exceeding Eight to be free Scholars of the said Grammar School, without any charge for their tuition.

VIII. And be it further enacted, That One hundred Pounds annually be included in the Estimate for the ordinary expences of the Province, and granted to the said President and Directors of the said Public Grammar School, to be applied by them for or towards the support of the Master thereof, and that the sum of One hundred Pounds be granted to the said President and Directors, for the purpose of assisting them to purchase or erect a Building for the said School; and that they the said President and Directors shall be accountable from time to time to the Legislature of the Province for their conduct and management of the property so vested and to be vested in them by virtue and in pursuance of this Act.

Provided

Provided always, That as soon as the annual sum of said Grammar School, in whatever manner the same may arise, shall amount to Six hundred Pounds, then and in such case the annual sum of One hundred Pounds hereby granted shall cease.

£100 per annum to cease when the Funds of the School amount to £600 per annum.

[Sections 9, 10, 11, 12, and 13, were limited to six years, and afterwards were continued by 50 G. 3, C. 33, to 5th March, 1816, and then expired.]

CAP. XIII.

An Act to enable the Commissioners of Highways in the Parishes of Mager-
ville, Sheffield, and Waterborough, to lay out Highways, and to appropriate
part of the Statute Labour for securing the Bank of the River in front of
those Parishes.

Passed the 5th of March, 1805.

“ WHEREAS great damage frequently happens to the Bank of the
“ River Saint John in front of the Parishes of Magerville, Sheffield,
“ and Waterborough, and to the Highways laid out thereon;”

Preamble.

I. Be it therefore enacted by the President, Council and Assembly, That the
Commissioners of the Highways for the time being, in such Parishes shall and
they are hereby empowered to alter the said Highways in the Parishes aforesaid
that have been or hereafter may be washed away, or otherwise damaged by the
freshes, as may appear to them convenient and necessary.

Commissioners may alter Highways damaged by the Freshes.

II. And be it further enacted, That the Surveyors of Highways in the Pa-
rishes aforesaid, shall, after the first day of April in every year, when required
by the said Commissioners so to do, summon every male Inhabitant in their
districts, with their Teams and such Implements as may be necessary, who are
liable to work on the Highways, giving them at least six days notice, to labour
thereon by planting the said Bank with Willows or Alders, or otherwise bushing
the same, as the said Commissioners may deem most effectual for the preservation
thereof, and such labor so done shall be allowed by the said Commissioners in
part of the labor which the said Inhabitants by Law are liable to perform, under
the penalty of Five Shillings, and for every neglect of Teams turning out with a
competent driver, Ten Shillings for each and every offence or neglect, to be re-
covered on complaint of any one of the said Commissioners to any one of His
Majesty’s Justices, to be levied by warrant of distress and sale of the offender’s
goods and chattels, rendering the overplus, if any, to the owner or owners, to be
laid out under the direction of the said Commissioners in the districts where the
same shall be recovered.

Surveyors, when required, to summon Inhabitants to work with teams, &c. in planting the bank with bushes to be allowed as part of the labor, they are by Law to perform.

Penalties.

Recovery and

Application.

CAP. XIV.

An Act for the regulation of Booms for securing Masts, Logs, and Lumber, in
the County of Charlotte.

Passed the 5th of March, 1805.

“ WHEREAS it has been found necessary to erect Booms on several of
“ the Rivers and Streams in the County of Charlotte, for the purpose
“ of

Preamble.

g Refer to 34 G. 3, C. 9.

h Refer to 26 G. 3, C. 34, and Acts there referred to—and See 4 G. 4 C. 7, in addition to this Act.

“ of securing such Timber as may be hauled out and thrown into the same in a general deposit, until it can be conveniently conveyed by the respective owners to the different places of destination. And whereas it is necessary that proper regulations should be established to secure the safe delivery of the same to the owners ;”

Justices in Sessions to make regulations respecting Booms, and appoint boom masters and fix their Fees.

No Booms to be erected so as to impede the Navigation.

Be it therefore enacted by the President, Council and Assembly, That it shall and may be lawful for the Justices of the Peace for the County of Charlotte, in their General Sessions, to make and establish such regulations as to them may appear necessary respecting such Booms as have been erected or may be hereafter erected in said County, and to appoint Boom Masters from time to time, and fix their Fees for attending such Booms and superintending the safe delivery of the Lumber passed through the same. Provided always, That it shall not be lawful for said Justices to grant permission for erecting any Boom or Booms which may impede the Navigation of any River or Stream in said County.

CAP. XV.

An Act for granting aid in support of the College of New Brunswick, incorporated by Charter and established at Fredericton.

Passed the 5th of March, 1805. 1

[*Repealed by 9 and 10 G. 4, C. 29.*]

CAP. XVI.

An Act to continue an Act made and passed in the Thirty-sixth Year of His Majesty's reign, intituled, “ An Act for regulating, laying out and repairing Highways and Roads.”

Passed the 5th of March, 1805. 2

[*Expired.*]

CAP. XVII.

An Act to continue an Act made and passed in the Forty-third Year of His Majesty's reign, intituled, “ An Act for raising a Revenue in this Province.”

Passed the 5th of March, 1805. 3

[*Expired.*]

CAP. XVIII.

2 An Act for dividing the Eastern part of the County of Westmorland into a distinct Town or Parish.

Parish of Bots-

BE it enacted by the President, Council and Assembly, That all that Tract of Land situate in the County of Westmorland, lying East of the promontory

of

of the North line, between the Parishes of Westmorland and Sackville, to Northumberland streights from thence Eastward to Chemogue, and round the Capes Tormentin and Saint Lawrence, along the Bay Verte, until it meets the Boundary of the Parish of Westmorland, and extending Westerly to the first Boundary, be one distinct Town or Parish, distinguished by the name of the Town or Parish of Botsford; and that the Justices of any special Sessions may appoint such Town or Parish officers for the current year, as they may deem necessary to continue in office, until further appointments in the General Sessions.

Justices in Special Sessions to appoint Parish Officers.

CAP. XIX.

An Act to continue sundry Acts of the General Assembly that are near expiring.

Passed the 5th of March, 1805.

[*Expired.*]

CAP. XX.

An Act to amend an Act, for regulating the Exportation of Butter.

43 G. 3, C. 6.

Passed the 5th of March, 1805.

“**W**HEREAS the restriction in the Act for regulating the Exportation of “**B**utter, that the same should be packed in Firkins of hard seasoned “**w**ood,” has been found inconvenient, for remedy whereof;”

Preamble.

I. Be it enacted by the President, Council and Assembly, That all Butter hereafter to be shipped for Exportation, may be packed in any Firkins of seasoned Wood other than Pine or Cedar, so as the same be free of sap, tight and well hooped.

Butter may be packed in any wood except Pine & Cedar.

II. And be it further enacted, That the said in part recited Act and every clause thereof, except wherein the same is hereby altered, shall continue and be in full force, any thing to the contrary herein contained notwithstanding.

43 G. 3, C. 6. in force except as hereby altered.

CAP. XXI.

An Act to appropriate the Public Revenue.

Passed the 5th of March, 1805.

[*Expired.*]

Anno Regni, GEORGII III. Regis, Quadragesimo
Septimo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord one thousand eight hundred and three, in the forty-third year of the reign of our said Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. and from thence continued by several Prorogations, to Tuesday the twenty-seventh day of January, one thousand eight hundred and seven; being the third Session of the Fourth General Assembly, convened in the said Province.

CAP. I.

An Act for the more effectual punishment of such Persons, as shall seduce Soldiers to desert.

Passed the 5th of March, 1807.

[Expired at the end of the then present War.]

CAP. II.

An Act for the further relief of Debtors, with respect to the imprisonment of their Persons.

Passed the 5th of March, 1807.

[Repealed by 10 & 11 G. 4, C. 30.]

CAP. III.

An Act to ascertain the rights of Fishery.

Passed the 5th of March, 1807.

[Disallowed by His Majesty in Council.]

CAP. IV.

An Act in alteration and amendment of an Act, for establishing the Rates to be taken for Wharfage and Cranage.

Passed the 5th of March, 1807.

[*Repealed by 54 G. 3, C. 9.*]

CAP. V.

An Act to confirm the Proceedings of the Justices of the Peace in King's County, and to authorise the said Justices to build and finish a Gaol and Court House in the said County.

Passed the 5th of March, 1807.

[*Expired.*]

CAP. VI.

An Act to render Justices of the Peace more safe in the execution of their duty.

Passed the 5th of March, 1807.

[*Repealed by 50 G. 3, C. 25.*]

CAP. VII.

An Act to prevent divers Misdemeanours in idle and disorderly Persons.

Passed the 5th of March, 1807.

“**W**HEREAS the unlawful cutting or taking away of corn and grain growing, robbing of orchards, gardens and other plantations, digging up, taking away, or injuring fruit trees, breaking of pales or other fences, cutting or spoiling of woods or underwoods standing or growing, and such like offences, are now more commonly committed than in former times, and the said offences are great causes of the maintaining of idleness, and the persons who commit the same are for the most part unable to make satisfaction; for remedy whereof,”

Preamble

I. Be it enacted by the President, Council and Assembly, That all and every person and persons who, from and after the passing of this Act, shall cut and unlawfully take away any corn or grain of any kind whatsoever, growing, or shall rob any orchards, gardens or other plantations of the fruit, vegetables, or other things therein growing, or in the night shall enter into any garden or other inclosure with intent to rob the same, or break or cut any hedge, pales, rails, or fence, or shall wantonly throw down the same, or cut up, destroy, or take away any logs, rails, or other materials prepared for erecting any fence, and their procurer and procurers, receiver and receivers, knowing the same, being thereof lawfully convicted by the confession of the party or by the testimony of one sufficient witness upon oath before any one of His Majesty's Justices of the Peace in and for the County, City or Place where the offence shall be committed or

Persons unlawfully cutting and carrying away grain growing, robbing orchards, gardens, &c. or entering inclosures in the night with intent to rob, or breaking or throwing down fences, &c. or destroying or taking away materials, on conviction to forfeit not ex-

the

ceeding £5 with
costs of prose-
cution.

Application.

the offender be apprehended, shall forfeit and pay such sum not exceeding Five Pounds, and within such time as such Justice shall order and appoint, together with costs of such prosecution; one moiety thereof to the party complaining and prosecuting the same to effect, and the other moiety to the Overseers of the Poor where the conviction shall be had.

Persons wilful-
ly injuring fruit
trees,

or cutting or
spoiling woods,
&c. or carrying
away wood, or
digging or car-
rying away
stone without
permission,

on conviction to
make satisfac-
tion at the dis-
cretion of a
Justice.

II. And be it further enacted, That all and every person or persons, who shall hereafter dig, pull up, take away, or wilfully break or otherwise injure any fruit tree or fruit trees in any orchard, garden, or elsewhere, or shall cut or spoil any woods, underwoods, poles, or trees standing, or shall take and carry away any wood that may have been felled, or may have been blown down, without the consent of the owner or owners thereof, or shall come upon the land of any person or persons and dig, quarry or carry away any Stone, being fit for building or other purposes, without the consent of the owner or owners thereof, and all and every person or persons aiding or procuring the same to be done, and being thereof lawfully convicted in manner aforesaid, before any one of His Majesty's Justices of the Peace as aforesaid, shall give to the party and parties complain- ing, such recompence and satisfaction for his and their damages, and within such time as such Justice shall order and appoint, together with costs and charges of prosecution.

Persons unable
or refusing to
make payment
to be committed
to gaol.

III. And be it further enacted, That when any person or persons convicted of any of the offences herein before mentioned shall be thought in the discre- tion of the Justice before whom shall be convicted, to be not able or sufficient, or shall neglect or refuse to pay such sum or make such recompence and satis- faction in manner and form above mentioned, such Justice shall commit all and every offender and offenders to the common Gaol or House of Correction of the County, City or place, there to remain without bail or mainprize, for a term not exceeding Thirty days, nor less than Five days.

Parents and |
guardians re-
sponsible for of-
fenders under
age

IV. And be it further enacted, That the parents, guardians, or masters of all persons under age, who may be convicted of any of the offences aforesaid, shall be and hereby are made respectively liable to make good the damages and pe- nalties adjudged to be paid by such offender or offenders, and in case of refu- sal or neglect, such offender or offenders, shall be committed as aforesaid.

CAP. VIII.

An Act to enable the Owners of Stray Cattle, more easily to recover the same.

Passed the 5th of March, 1807.

Preamble.

“ **W**HEREAS from the want of a sufficient quantity of Land inclosed, “ many of the Inhabitants in different parts of the Province suffer “ their Horses, Neat Cattle and Sheep to run at large; and from the very exten- “ sive range in wilderness Land, it frequently happens that they stray to a great “ distance from where they were turned out, whereby the owner or owners “ are put to great trouble and expence, and very often after the most diligent “ search are unable to find them;”

Persons having
strayed Cattle
in their posses-
sion to give no-
tice in writing
to the Clerk of
the Parish de-
scribing the
Cattle.

I. Be it therefore enacted by the President, Council and Assembly, That from and after the passing of this Act, any person or persons whatsoever, who at any time hereafter between the first day of November, and the first day of May in each and every year, shall have any strayed Horses, Neat Cattle or Sheep, upon their inclosed Land, shall within twenty days thereafter, deliver or
cause

cause to be delivered, to the Clerk of the Town or Parish where such Horses, Neat Cattle or Sheep shall happen to be, a note in writing, containing their several ages, colours and marks, natural and artificial, as near as may be, together with the place of abode of such person or persons, and that for so doing, such person or persons shall have for their trouble one shilling per head for every such Horse or Neat Cattle, and three-pence for every Sheep so notified: And that on receipt of such notice, the said Clerk shall make full entry thereof at large in a Book to be provided by him for that purpose; for which entry so made he shall be paid by the person or persons giving such notice the sum of one shilling, for each and every such Horse or Neat Cattle, and three pence for every Sheep so entered as aforesaid, which several sums, for the notice given and entry as aforesaid made, shall be paid to the possessor, by the respective owner or owners of such Horses, Cattle or Sheep, together with reasonable charges for the keeping of the same.

Clerk to enter notice in a book.
Clerk's Fee.

II. And be it further enacted, That if no owner or owners shall claim the said Horses, Cattle or Sheep, within the space of six months after notice given and entry made by the Clerk as aforesaid; then, the possessor is hereby required to sell them at Public Auction to the highest bidder, first giving at least ten days notice by advertisement to be posted up at three or more of the most public places within the said Town or Parish where the said Horses, Neat Cattle or Sheep have been kept, of the time and place of sale, and to retain the money arising from such sale in his or their hands until the owner or owners shall appear, unto whom shall then be paid the remaining part of the money by the possessor, after deducting the aforesaid allowance and reasonable charges for keeping and sale as aforesaid. Provided always, that such owner or owners as do not demand the same within six months after such sale, shall be, and hereby are precluded and debarred for ever after from recovering of the possessor, all or any part of the money arising from such sale. And the remainder after the aforesaid deduction, shall be paid into the hands of the Overseers of the Poor of the Town or Parish where the said Horses, Neat Cattle or Sheep may happen to be sold, to be applied by them towards the support of the Poor of the said Parish.

No owner claiming in six months, Cattle to be sold at Auction.

The money, when the owner appears to be paid to him.

Owner not appearing in six months, precluded from recovering the money, which after deducting costs and charges, to be paid to the Overseers of the Poor.

III. And that the good intent of this Act may not be evaded, Be it further enacted, that if the possessor or possessors of the remaining money arising from the sales of such Horses, Neat Cattle or Sheep as aforesaid, shall not within three months after the time limited above, pay the same to the Overseers of the Poor of the Town or Parish where such Horses, Neat Cattle and Sheep shall happen to be taken up, and sold in manner as aforesaid, every such defaulter shall forfeit and pay double the sum so remaining in his or their hands for the use above mentioned, to be recovered over and above the said remaining money, with costs of suit, by the said Overseers of the Poor of the Town or Parish where such default shall happen, by action of debt, bill, plaint or information, in any Court within the County where the cause of action shall arise competent to determine the same. And the said Overseers of the Poor are hereby respectively vested with full power and authority to sue for and recover the same.

Overseers of the Poor may sue for money withheld from them.

IV. And be it further enacted, That any person or persons whatsoever, who shall between the first day of November and the first day of May, in each and every year hereafter, knowingly have any such Horses, Neat Cattle and Sheep as aforesaid, in his or their inclosed land or possession, and do not acquaint the owner or owners therewith, or give notice as prescribed by this Act within twenty days thereafter, such person or persons so offending shall not only forfeit any

Persons not giving notice of stray Cattle to forfeit 20s., and 2s. for every Sheep.

demand they might otherwise have for keeping and feeding such Horses, Neat Cattle and Sheep as aforesaid, but shall also forfeit to the owner or owners thereof for every wilful neglect, for each and every Horse or Neat Cattle, the sum of twenty shillings, and for each and every Sheep the sum of two shillings, to be recovered before any Justice of the Peace within the said County where such neglect may happen, with full costs of suit.

Books kept by the Clerks of the Parishes to be open to inspection.

Fee for searching.

Ear-marks to be registered.

Persons not recording marks not intitled to any benefit of this Act.

V. And be it further enacted, That the Books as aforesaid to be provided and kept by the respective Clerks of each Town or Parish, shall by them be kept free and open for any person or persons who at any time shall have occasion to search therein, for which search the said Clerk shall be intitled to receive six pence and no more. And it shall be the duty of the Town Clerks in the respective Towns, and Parishes, to enter and register such Ear-mark in a Book for that purpose, as any owner of any Sheep or Cattle shall request to have entered, for which such owner shall pay six pence, which mark shall be the proper mark of such owner and of no other person in such Parish. Provided always, That no owner of any such stray Sheep or Cattle, shall be entitled to any benefit from this Act until he shall have entered and registered a proper Ear-mark in the manner herein before mentioned.

CAP. IX.

An Act to provide for the redeeming and cancelling the Treasury Notes that have been issued in this Province.

Passed the 5th of March, 1807.

[*Obsolete.*]

CAP. X.

An Act for raising a Revenue in this Province.

Passed the 5th of March, 1807.

[*Continued by 48 G. 3, C. 5—continued and amended by 50 G. 3, C. 14, 52 G. 3, C. 1—continued by 54 G. 3, C. 18—continued and amended by 56 G. 3, C. 29—and continued by 57 G. 3, C. 2, to 1818, and then expired.*]

CAP. XI.

An Act to enable the Justices of the County of York in their General Sessions, to assess the same, for the purpose of completing the Gaol of the said County.

Passed the 5th of March, 1807.

[*Expired.*]

-CAP. XII.

An Act in addition to an Act, intituled “ An Act for the better regulating the Militia in this Province.”

Passed the 5th of March, 1807.

[*Repealed by 50 G. 3, C. 9.*]

CAP. XIII.

An Act to empower the Justices of the Peace for the County of Charlotte, in *a* their General Sessions, to regulate the Fisheries in the said County.

Passed the 5th of March, 1807.

“ **W**HEREAS the local situation of the Fisheries in the County of *Preamble.*
 “ Charlotte render further and other regulations than those contained
 “ in the several Acts for regulating the Fisheries in the different Rivers, Coves
 “ and Creeks of this Province, necessary for carrying said Acts into effect ;”

Be it therefore enacted by the President, Council and Assembly, That it shall and may be lawful for the Justices of the County of Charlotte, in their General Sessions, to make such further regulations relating to the Fisheries in said County, as they may find necessary. Provided always, That such regulations are not contrary to and do not interfere with the general regulations and restrictions contained in any Act of Assembly or private right.

Justices in their General Sessions may make regulations, not to interfere with the general regulations established by Law.

CAP. XIV.

An Act to appropriate the Public Revenue.

Passed the 5th of March, 1807.

[*Expired.*]

CAP. XV.

An Act to make perpetual sundry Acts of the General Assembly, which are near expiring.

Passed the 5th of March, 1807.

BE it enacted by the President, Council and Assembly, That an Act made and passed in the twenty-sixth year of His Majesty's Reign, intituled “ An Act for relief against Absconding Debtors ;” also an Act made and passed in the twenty-eighth year of His Majesty's Reign, intituled “ An Act, in addition to an Act, intituled “ An Act for relief against Absconding Debtors ;” also an Act made and passed in the twenty-sixth year of his Majesty's Reign, intituled “ An Act to regulate the sale of Goods at Public Auction or Out-cry ;” also an Act made and passed in the twenty-sixth year of His Majesty's Reign, intituled “ An Act to prevent fraud in the sale of Damaged Goods imported into this Province ;”

26 G. 3, C. 13.

28 G. 3, C. 2.

26 G. 3, C. 44.

26 G. 3, C. 51.

a Refer to 33 G. 3, C. 9, S. 12, which also gives powers to Justices of Charlotte relative to Fisheries—and see further, 50 G. 3, C. 20, S. 2, as to River Saint Croix, &c.

Province ;” also an Act made and passed in the twenty-seventh year of His Majesty’s Reign, intituled “ An Act to authorise the respective Proprietors of certain Islands in the River Saint John, and other Rivers in this Province, to make rules and regulations for their better improvement and cultivation ;” and an Act made and passed in the twenty-eighth year of His Majesty’s Reign, intituled “ An Act to empower the Justices of the Sessions in several Counties in this Province to make such rules and regulations respecting Markets and Ferries within such Counties as may be found necessary ;” be and the same are hereby made perpetual.

CAP. XVI.

An Act to prevent illicit and clandestine Trade, and for imposing a Duty upon Articles illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof.

Passed the 5th of March, 1807.

[*This Act was passed with a suspending clause until His Majesty’s approbation had and declared, and was confirmed by His Majesty in Council on the 26th day of August, 1807. Continued by 50 G. 3, C. 10, and made perpetual by 54 G. 3, C. 1 ; repealed by 1 W. 4, C. 34.*]

Anno Regni, GEORGII III Regis, Quadragesimo
Octavo.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord One thousand Eight hundred and three, in the Forty-third year of the Reign of our said Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c., and from thence continued by several prorogations, to Tuesday the fifth day of July, One thousand Eight hundred and eight; being the fourth Session of the fourth General Assembly, convened in the said Province.

CAP. I.

An Act for the greater security of the Province, by the better regulating the Militia thereof.

Passed the 30th of July, 1808.

[*Repealed by 50 G. 3, C. 9.*]

CAP. II.

An Act for making Process in Courts of Equity effectual against Persons who \bar{o} reside out of this Province and cannot be served therewith.

Passed the 30th of July, 1808.

“ **W**HEREAS sometimes, persons have withdrawn themselves out of the Preamble.
“ limits of this Province, and thereby rendered it impracticable to
“ serve them with Process for their appearance in the Court of Chancery of
“ this Province; for remedy of the inconveniences thence ensuing;”

I. Be it enacted by the President, Council and Assembly, That if in any suit Defendant not
appearing to
Subpcena or
other process,
which hath been or hereafter shall be commenced in the said Court of Chancery,
any Defendant or Defendants against whom any Subpcena or other Process
shall issue, shall not cause his, her or their appearance to be entered upon such
Process

and affidavit made that such Defendant is out of the Province or cannot be found,

or that the Heirs, Executors or Administrators of persons dying within or absenting themselves from the Province, reside without the limits thereof, the Court may make an order for Defendant's appearance, which shall be published in the Royal Gazette, and also posted up in the Parish where the Defendant last dwelt.

If Defendant do not appear, the Court may order the Plaintiff's bill to be taken pro confesso, and make decree and compel performance,

and may order the Plaintiff's demand to be paid upon security given to abide such order, touching restitution, as the Court shall make upon the Defendant's appearance and paying costs.

If no security given, the estate and effects of Defendant to remain under the direction of the Court.

Process within such time and in such manner as according to the rules of the Court the same ought to have been entered in case such Process had been duly served, and an affidavit or affidavits shall be made to the satisfaction of the said Court, that such Defendant or Defendants is or are out of the limits of this Province, or that upon inquiry at his, her or their usual place of abode, he, she or they could not be found so as to be served with such Process, and that there is full ground to believe that such Defendant or Defendants is or are gone out of this Province, or otherwise abscond to avoid being served with the Process of the said Court, or that such Defendant or Defendants departed from this Province after the cause of action upon which such suit hath been or shall be commenced, accrued, and have or hath not resided within this Province for the term of twelve months next preceding the commencement of such suit; or that the Heirs, Executors or Administrators of any person dying in this Province, or of any person who shall have so absented him or herself from this Province, in cases in which such Heirs, Executors or Administrators may be made Defendant or Defendants in such suit, reside without the limits of this Province, then and in such case the said Court may make an order directing and appointing such Defendant or Defendants to appear at a certain day therein to be named, and a copy of such order shall within fourteen days after such order made, be inserted in the Royal Gazette, published by the King's Printer in this Province, and shall continue to be inserted in the same Gazette for the space of three months thence next ensuing; and also a copy of such order shall within the time aforesaid of fourteen days, be posted in some public place in the Town or Parish in which such Defendant or Defendants last dwelt within this Province; and if such Defendant or Defendants do not appear within the time limited by such order or within such further time as the Court shall appoint, then on proof made of such publication of such order as aforesaid, the Court being satisfied of the truth thereof, may order the Plaintiff's Bill to be taken pro confesso, and make such decree thereon as shall be thought just, and may thereupon issue process to compel the performance of such decree, either by an immediate sequestration of the real and personal estate and effects of the party so absenting, if any such can be found, or such part thereof as may be sufficient to satisfy the demands of the Plaintiff or Plaintiffs in such suit, or by causing possession of the estate or effects demanded by the Bill to be delivered to the Plaintiff or Plaintiffs, or otherwise as the nature of the case shall require; and the said Court may likewise order such Plaintiff or Plaintiffs to be paid and satisfied his, her or their demands out of the estate or effects so sequestered according to the true intent and meaning of such decree, such Plaintiff or Plaintiffs first giving sufficient security in such sum as the Court shall think proper to abide such order, touching the restitution of such estate or effects as the Court shall think proper to make, concerning the same upon the Defendant or Defendants appearance to defend such suit, and paying such costs to the Plaintiff or Plaintiffs as the Court shall order; but in case the Plaintiff or Plaintiffs shall refuse or neglect to give such security as aforesaid, then the said Court shall order the estate or effects so sequestered or whereof possession shall be decreed to be delivered, to remain under the direction of the Court, either by appointing a receiver thereof or otherwise as to such Court shall seem meet, until the appearance of the Defendant or Defendants to defend such suit, and his, her or their paying such costs to the Plaintiff or Plaintiffs as the said Court shall think reasonable, or until such order shall be made therein as the Court shall think just.

II. Provided always, That if any decree shall be made in pursuance of this Act

Act against any person or persons being out of this Province or absconding in manner aforesaid at the time such decree is pronounced, and such person or persons shall within three years after the making of such decree, return or become publicly visible, then and in such case he, she or they shall be served with a copy of such decree within a reasonable time after his, her or their return or public appearance shall be known to the Plaintiff or Plaintiffs; and in case any Defendant against whom such decree shall be made, shall, within three years after the making of such decree, happen to die before his or her return into this Province or appearing openly as aforesaid, or before his or her being served with a copy of such decree, then his or her Heir, if such Defendant shall have any real Estate sequestered or whereof possession shall have been delivered to the Plaintiff or Plaintiffs, and such Heir may be found, or if such Heir shall be a Feme Covert, Infant, or non compos mentis, the Husband, Guardian, or Committee of such Heir respectively, or if the personal Estate of such Defendant be sequestered or possession thereof delivered to the Plaintiff or Plaintiffs, then his or her Executor or Administrator (if any such there be) may and shall be served with a copy of such decree, within a reasonable time after it shall be known to the Plaintiff or Plaintiffs that the Defendant is dead, and who is his or her Heir, Executor or Administrator, or where he, she or they respectively may be served therewith.

Persons absent or absconding, against whom any decree is made, returning within three years, or the legal representatives of persons dying before their return, to be served with a copy of such decree.

III. Provided always, That if any person or persons so served with a copy of such decree, shall not within six months after such service, appear and petition to have the said cause reheard, such decree so made as aforesaid, shall stand absolutely confirmed against the person and persons so served with a copy thereof, his, her or their respective Heirs, Executors and Administrators, and all persons claiming or to claim by, from or under him, her or them or any of them, by virtue of any Act done or to be done subsequent to the commencement of such suit.

Persons served with a copy of the decree not appearing within six months, the decree to be confirmed.

IV. Provided nevertheless, That if any person so served with a copy of such decree, shall within six months after such service, or if any person not being so served shall within three years next after the making of such decree, appear in Court and petition to be heard with respect to the matter of such decree, and shall pay down, or give security for payment of such costs as the Court shall think reasonable in that behalf, the person or persons so petitioning, his, her or their respective representatives, or any person or persons claiming under him, her or them respectively by virtue of any Act done before the commencement of the suit, may be admitted to answer the Bill exhibited, and issue may be joined, and witnesses on both sides examined, and such other proceedings, decree and execution may be had thereon as there might have been in case the same party had originally appeared and the proceedings had then been newly begun, or as if no former decree or proceedings had been in the same cause.

Persons appearing within six months after service of the copy of decree or in three years after making thereof, and paying costs, may answer the bill in like manner as if no decree had been made.

V. Provided nevertheless, and be it further enacted, That if any person or persons against whom such decree shall be made, his, her or their Heirs, Executors or Administrators, shall not within three years next after the making of such decree, appear and petition to have the cause reheard, and pay down or give security for payment of such costs as the Court shall think reasonable in that behalf; such decree made as aforesaid shall stand absolutely confirmed against the person and persons against whom such decree shall be made, his, her and their Heirs, Executors and Administrators, and against all persons claiming or to claim by, from or under him, her or them, or any of them, by virtue of any Act done or to be done subsequent to the commencement of such suit; and at

For want of appearance within three years and payment of costs, the decree confirmed, the Court may make such further order as shall be just.

the end of such three years it shall and may be lawful for the Court to make such further order as shall be just and reasonable according to the circumstances of the case.

CAP. III.

31 G. 3, c. 5. An Act to alter and amend an Act, intituled “ An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication.”

Passed the 30th of July, 1808.

Preamble.

“ **W**HEREAS in and by an Act made and passed in the thirty-first year “ of His Majesty’s Reign, intituled “ An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication,” it is enacted, that the fixed and stated Terms of holding the “ Court of Governor and Council for the purposes and causes therein mentioned, “ shall be and commence on the first Tuesday in February and the third Tuesday in July in each and every year : And whereas it is expedient to alter the “ commencement of one of the said Terms ;”

Court of Governor and Council.

I. Be it therefore enacted by the President, Council and Assembly, That from and after the first day of January next, the fixed and stated Terms of holding the said Court of Governor and Council for the purposes and causes in the said herein before recited Act mentioned, shall be, and commence on the first Tuesday in February, and the first Tuesday in July in each and every year, any thing in the said herein before recited Act to the contrary thereof in any wise notwithstanding.

July Term altered.

Former Act not hereby altered, to continue in force.

II. And be it further enacted, That every clause, matter, and thing in the said herein before recited Act contained, not hereby altered, shall be and remain in full force, any thing herein before contained to the contrary in any wise notwithstanding.

CAP. IV.

An Act to make more effectual provision for repairing the Aboideau or Bridge across the Marsh Creek in the City and County of Saint John.

Passed the 30th of July, 1808.

[Repealed by 50 G. 3, C. 28.]

CAP. V.

47 G. 3, C. 10. An Act to continue an Act, intituled “ An Act for raising a Revenue in this Province.”

Passed the 30th of July, 1808.

[Expired.]

CAP. VI.

An Act to appropriate the Public Revenue.

Passed the 30th of July, 1808.

[*Expired.*]

—

Anno Regni, GEORGII III Regis, Quinquagesimo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the twenty-seventh day of January, in the year of our Lord One thousand Eight hundred and ten, in the Fiftieth year of the Reign of our said Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. being the first Session of the fifth General Assembly convened in the said Province.

CAP. I.

An Act to authorize the Sheriff or other Executive Officer serving Process at the Parish of Saint Martin's, to convey any Prisoner there arrested, to the Gaol in the City of Saint John, by way of the Public Road leading through a part of King's County.

Passed the 14th of March, 1810.

Preamble.

“ WHEREAS the only communication by land between the City of Saint John, where the Gaol of the City and County of Saint John is, and the Parish of Saint Martin's in the same County, is by the public Road from the said City to the said Parish, which passes through a part of King's County, by means whereof no prisoner arrested at the said Parish, can legally be conveyed to the said Gaol in any other way than by water, which may be at times more dangerous and inconvenient, as well as more expensive than by the said public Road; for remedy whereof;”

Prisoners arrested at Saint Martin's may be conveyed to St. John by the Road leading through a part of King's County.

I. Be it enacted by the President, Council and Assembly, That any person or persons who may be legally arrested at the said Parish of Saint Martin's upon any Process, civil or criminal, may be conveyed from thence to the City of Saint John, to be committed to the said Gaol there, or for other legal purposes by the way of the said public Road, which passes as aforesaid, through a part of King's County, from the said Parish to the said City, as such prisoner or prisoners might have been conveyed in case the said public Road passed through the County of Saint John, only. Provided, that in the conveying of any such prisoner or prisoners, no other deviation shall take place than resorting to such house or houses upon or near to the said Road as may be requisite for rest or refreshment.

CAP.

CAP. II.

An Act for making further provisions to prevent the destroying and murdering of Bastard Children, and for the further prevention of the malicious using of means to procure the miscarriage of women.

Passed the 14th of March, 1810.

[*Repealed by 1 W. 4, C. 14.*]

CAP. III.

An Act to revive, continue and amend “ An Act for the better securing the Navigation of Passamaquoddy Bay, within Deer Island.”

Passed the 14th of March, 1810.

[*Expired.*]

CAP. IV.

An Act to continue for a limited time an Act passed in the thirty-ninth year of His Majesty’s Reign, intituled, “ An Act for regulating the Fisheries in the County of Northumberland.”

Passed the 14th^o of March, 1810.

[*Expired.*]

CAP. V.

An Act for the better security of the Navigation of certain Harbours in the County of Northumberland.

Passed the 14th of March, 1810.

[*Continued by 54 G. 3, C. 3—58 G. 3, C. 11, and made perpetual by 3 G. 4, C. 4—repealed by 10 and 11 G. 4, C. 16.*]

CAP. VI.

An Act for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways, within the several Towns and Parishes in this Province.

Passed the 14th of March 1810.

[*Continued by 52 G. 3, C. 3—54 G. 3, C. 7—56 G. 3, C. 24—58 G. 3, C. 3—3 G. 4, C. 22—5 G. 4, C. 14—9 G. 4, C. 13 and 10 and 11 G. 4, C. 31, and repealed by 1 W. 4, C. 33.*]

CAP. VII.

a An Act to provide for the more easy partition of Lands in co-parcenary, joint-tenancy, and tenancy in common.

Passed the 14th of March, 1810.

Preamble.

“ **W**HEREAS the proceedings upon rights of partition between co-parceners, joint-tenants, and tenants in common are tedious, chargeable and often times ineffectual, by reason of the difficulty of discovering the persons and estates of the tenants of the Lands, Tenements and Hereditaments to be divided, and the defective or dilatory executing and returning of the process of summons, attachment and distress, and other impediments in making and establishing partitions, by reason of which divers persons having undivided parts or purparts may be greatly oppressed and prejudiced, and the premises may be wasted and destroyed, or lie uncultivated and un-manured, so that the profits of the same may totally or in a great measure be lost, for remedy whereof ;”

The first part of this Section repealed by 52 G. 3, C. 19, which see.

Court to award a writ of partition directed to the Sheriff.

Manner of assigning the shares.

Sheriffs to give notice to the tenants forty days before the execution of the writ.

I. Be it enacted by the President, Council and Assembly, That upon the petition of any one or more co-parceners, joint-tenants, or tenants in common to the Supreme Court, praying a division of the lands in which they may be interested to the proprietors in severalty, according to their respective shares and rights, it shall and may be lawful for the said Court to examine the title of the petitioners preferring such petition, and the quantity of their respective parts and purparts, and accordingly as they shall find their respective rights, parts and purparts to be, to award a writ of partition as nearly as may be in the form for that purpose established in the register of judicial writs, and directed to the Sheriffs of the several and respective Counties in this Province, to be executed by them respectively in the presence of two of the Justices of the Peace in their several and respective Counties, in manner following, that is to say, that in assigning the shares in severalty in virtue of such writ of partition, the lands actually occupied and improved shall be set off and assigned to all such proprietors respectively, who shall have so occupied and improved the same to the extent of their several and respective rights and shares therein ; and that in assigning the rights to the lands unimproved, after the division thereof into shares according to the number of grantees in each Grant, Deed, Will, or other Conveyance, or of the persons intitled to such lands as co-heirs or co-parceners in any manner whatsoever, each number shall be written on a separate paper, which papers shall be rolled up and placed in a box, from which each grantee present shall, in the order in which he is named in the Patent, Grant, Deed, Will, or other Conveyance, or by seniority in cases of co-heirs or co-parceners as aforesaid, draw out one of the said papers in the presence of the Jury summoned by the said Sheriffs respectively by virtue of such writ ; and the number so drawn shall be expressed in the Inquisition to be found by such Jury, and accordingly signed by such Sheriffs and Justices respectively in their return of such writ of partition, and shall be confirmed by the judgment of the said Court, and the said Sheriffs respectively are hereby required to give due notice to the tenants or occupiers of the lands respectively, or if they cannot be found, to the wife, son or daughter, being of the age of twenty-one years and upwards, of the tenant or tenants, or to the tenant in actual possession, by virtue of any estate of freehold or for term of years, or uncertain interest or at will, of the lands, tenements or hereditaments whereof the partition is demanded, forty days before

a See further, 52 G. 3, C. 19, in amendment of this Act.

before any such Sheriff shall proceed to execute the said writ of partition, and if it shall appear to the said Court, upon return of any such writ of partition, by the affidavit or affidavits of one or more credible person or persons that such notice shall have been given, and if it shall so appear that any of the persons notified neglected to appear, judgment shall be given by default as against them, and a final judgment for partition shall be given against such persons as were present at the time of executing such writ, and if any persons against whom the judgment shall be so given by default, shall not at the term of the Supreme Court next after serving them respectively with notice of the said judgment, apply to the said Court by motion, and shew a good and probable matter in bar of the said partition, the said judgment by default shall be confirmed, and final judgment entered, which shall be good and conclude all persons whatsoever after notice as aforesaid, whatever right or title they may have or may at any time claim to have in any of the Lands, Tenements and Hereditaments mentioned in the said judgment and writ of partition, although all persons concerned may not be named in any of the proceedings, nor the title of the tenants truly set forth.

Judgment by default and final judgment.

Judgment by default when made final.

II. Provided nevertheless, That if the tenants or persons concerned, admitting the title, parts and purparts of the petitioners, shall shew to the Court any inequality in the partition, the Court may award a new partition to be made in presence of all persons concerned, if they will appear, notwithstanding the return and filing upon record the former, which said second partition returned and filed shall be good and firm forever against all persons whomsoever, except infants, femmes covert, and persons of non-sane memory, who shall within one year after the respective disabilities shall be determined, be intitled to apply to the said Court, and shew a good and probable matter in bar of the said partition, in which case the said Court may suspend or set aside such judgment, and award a new writ of partition, to be executed in presence of all persons concerned, which partition shall be final and conclusive against all persons whatsoever. Provided, that all persons absent from the Province may, within one year after such judgment of partition publicly notified in the Royal Gazette three weeks successively, by their Agents or Attornies, apply to the said Court and shew a good and probable matter against the said partition, in which case the said Court may award such new partition and judgment as aforesaid, which shall conclude such absent persons, and all others claiming and deriving title under such Patents, Grants, Deeds, Wills or other Conveyances, or as co-heirs or co-parceners as aforesaid, to the lands of which the said partition shall be made as aforesaid: Provided likewise, that in such second writs of partition, no lands that shall have been built upon, ploughed or otherwise improved bona fide by the proprietor, intitled under the former judgment of partition, shall be divested out of such proprietor, but that the equality of partition shall be made out of the unimproved lands.

Tenants shewing inequality, the Court may award a new partition, which shall bind all except infants, Femmes Covert, &c. who may have a new partition upon shewing a good and probable matter in bar.

The like relief for persons absent from the Province.

In second partition no proprietor shall be divested of lands improved under the first partition.

No plea in abatement to be admitted.

Appellant to pay costs.

III. And be it further enacted, That no plea in abatement shall be admitted or received in any suit for partition, nor shall the same be abated by reason of the death of any tenant, and that in all cases where the former judgment shall upon such application or appeal as aforesaid be confirmed, the person so appealing shall be awarded to pay costs.

Sheriffs, &c. to give due attendance for executing writs of partition, or be liable to costs and damages not exceeding £5.

IV. And be it further enacted, That the respective Sheriffs and all Justices of the Peace within their respective Counties, shall give due attendance to the executing of such writ of partition, unless reasonable cause be shown to the Court upon oath, and there allowed of, or otherwise be liable every of them to pay unto such petitioner or petitioners, such costs and damages as shall be awarded by the Court, not exceeding Five Pounds, for which such petitioner or petitioners may bring

bring his, her or their action in the said Court ; and the said Court shall award what each person shall receive, having respect to the distance of the place from their respective habitations, and the time they must necessarily spend about the same, to be assessed, levied, collected and paid in the manner herein after mentioned.

“ V. And whereas, the usual method of executing writs of partition by the Sheriff's summoning the Jury to attend on the lands, in order to view and make division of the same, may be often times attended with an expence equal to or exceeding the value of the premises, and in many cases be very difficult, if not impracticable from the nature, situation, and large extent of the lands to be divided ;” Be it further enacted, That it shall and may be lawful for the respective Sheriffs upon receiving any writ of partition for dividing any lands, to proceed to the execution thereof in any place within the County in which the lands shall be, by a Jury of the said County, who shall accordingly make a division of the same agreeably to the bounds expressed in the Patent, Grant, Deed, Will or other Conveyance, or otherwise howsoever, and the best information that can be procured of the value, nature and quality of the lands ; and such division, so made, shall be as valid and effectual, to all intents and purposes whatsoever, as if the same had been made on the lands to be divided by virtue of such writ. Provided, that the said division be made in every respect agreeably to the directions of this Act. ;

Partition may be made at any place within the County, provided it be done conformably to the provisions of this Act.

“ VI. And whereas, difficulties may arise in the recovery of the charges and expences attending the execution of writs of partition, unless the same be provided for by Law ;” Be it further enacted, That all accounts of charges and expences which may hereafter arise for the obtaining and executing of writs of partition for the division of lands in any County in this Province, until final judgment thereon, together with the charges of surveying the said lands, and all other incidental expences relative thereto shall be laid before the said Supreme Court, and when the same shall have been allowed by the said Court, two or more persons shall be appointed by the said Court to assess the amount thereof in due proportion on the several shares allotted to each and every proprietor, and the same shall be levied out of the profits and other goods and chattels thereon, or belonging to each proprietor respectively, or to the person in possession of the respective shares or any part thereof, and shall be paid to the person or persons appointed by the said Court to collect and receive the same.

Charges and expences of partition to be laid before the Supreme Court,

and assessed on the several shares and levied of the proprietor or possessor, and paid to a receiver.

In case of refusal or neglect to pay the assessment, the same to be levied by warrant of distress.

VII. And be it further enacted, That if any proprietor or other person in possession of any land allotted and assigned as aforesaid, shall refuse or neglect to pay the sum assessed as his dividend or proportion of the charges aforesaid, it shall and may be lawful for any one of His Majesty's Justices of the Peace, on complaint of the collector and receiver appointed as aforesaid, to issue a warrant of distress and sale of the delinquent's goods and chattels, for the recovery of the sum so assessed with the charges of prosecution.

If no person be resident on the land or non-resident proprietor do not pay the assessment, the Supreme Court may order a sale of so much of the land or the timber thereon, as shall be sufficient to pay the same with the charges, and

VIII. And be it further enacted, That in case no person be resident on any lands allotted and assigned as aforesaid, nor any goods and chattels thereon, whereout the sum due as aforesaid may be levied, and any non-resident proprietor shall neglect or refuse to pay his or her proportion of any such assessment made as aforesaid, it shall and may be lawful upon the petition of such collector and receiver as aforesaid to the said Supreme Court, setting forth such refusal or neglect, to direct a sale to be made at public auction to the highest bidder, of so much of such non-resident proprietor's lands or timber thereon as shall be sufficient to pay his or her proportion of such assessment, together with the charges arising from such sale, and good and sufficient Deeds of conveyance of the land

so sold, to be made and executed, by and in the name of the Sheriff of the County, in which such lands may respectively lie, reasonable means having been previously used by the said Court, according to its discretion, for the ascertaining of such proprietor, and for the enabling him by due notice, to prevent the necessity of such sale, by satisfying the said charges and expences, with the costs attending such inquiry and notice as aforesaid.

deeds to be executed in the name of the Sheriff, reasonable means having been first used to notify the proprietor.

CAP. VIII.

An Act in addition to the Act to prevent the encumbering or filling up of Harbours.

Passed the 14th of March, 1810.

[*Repealed by 52 G. 3, C. 12, and 3 G. 4, C. 28.*]

CAP. IX.

An Act for better regulating the Militia in this Province.

Passed the 14th of March, 1810.

[*Amended and continued by 52 G. 3, C. 8, repealed by 53 G. 3, C. 1.*]

CAP. X.

An Act to continue an Act, intituled, "An Act to prevent illicit and clandestine Trade, and for imposing a duty upon articles illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof." 47 G. 3, C. 16.

Passed the 14th of March, 1810.

[*Expired.*]

CAP. XI.

An Act to authorise the Justices of the Sessions in the City and County of Saint John, to levy an assessment for the purpose of repairing and adding to the Gaol of the said City and County.

Passed the 14th of March, 1810.

[*Obsolete.*]

CAP. XII.

An Act in amendment of the Acts now in force for regulating Seamen.

Passed the 14th of March, 1810.

[*Repealed by 7 G. 4, C. 12.*]

CAP.

CAP. XIII.

An Act to continue and amend an Act, intituled “An Act for regulating Pilots.”

Passed the 14th of March, 1810.

[Repealed by 2 G. 4, C. 6.]

CAP. XIV.

An Act to continue and amend an Act, intituled “An Act for raising a Revenue in this Province.”

Passed the 14th of March, 1810.

[Continued by 52 G. 3, C. 1—54 G. 3, C. 18—56 G. 3, C. 29, and 57 G. 3, C. 2, to 1818, and then expired.]

CAP. XV.

An Act for the preservation of Oysters in the Counties of Westmorland and Northumberland.

Passed the 14th of March, 1810.

[Expired.]

CAP. XVI.

An Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John.

Passed the 14th of March, 1810.

[Expired, having been continued by 54 G. 3, C. 16—56 G. 3, C. 25—58 G. 3, C. 9—3 G. 4, C. 18—5 G. 4, C. 26—9 G. 4, C. 5—10 & 11 G. 4, C. 25—and 2 W. 4, C. 31, to 1st April, 1836—which last Act is repealed by 3 W. 4, C. 13, which makes provision for repairing the Streets and Bridges in the City of Saint John.]

CAP. XVII.

An Act for the more easy and speedy recovery of Small Debts.

Passed the 14th of March, 1810.

[Repealed by 4 W. 4, C. 45, which makes other provisions.]

CAP. XVIII.

An Act in addition to an Act, intituled “ An Act to empower the Justices of the Sessions, in the several Counties in this Province, to make such regulations respecting Markets and Ferries within such Counties as may be found necessary.”

Passed the 14th of March, 1810.

“ **W**HEREAS it may be convenient to extend the powers given to the Justices of the General Sessions of the Peace in the several Counties in this Province, in and by an Act made and passed in the twenty-eighth year of His Majesty’s Reign, intituled “ An Act to empower the Justices in the several Counties in this Province, to make such regulations respecting Markets and Ferries within such Counties as may be found necessary.” And to enable the said Justices in like manner to make regulations respecting causeys, promenades or walks, made and provided for the accommodation of foot passengers in the public Streets or Squares in the several Towns and Parishes, where the same may be found necessary ;”

Be it enacted by the President, Council and Assembly, That in such of the Towns and Parishes in the several and respective Counties wherein any causey, promenade, walk, pavement or other structure shall be made and provided for the accommodation of foot passengers in the public streets, squares or other public places in any such Town or Parish, except the Parish of Saint John, in the County of Saint John, it shall and may be lawful for the Justices of the General Sessions of the Peace, in the several and respective Counties to make such orders, rules and regulations respecting the same, and to prevent any injury being done to the same by riding with horses, carts or carriages over the same, or by wilfully cutting down, injuring or destroying any posts, railings, trees or other defences placed and erected for the ornament or protection of the same, or otherwise howsoever, as such Justices in their discretion shall from time to time think expedient and necessary, under such and the like penalties, to be recovered, levied and applied in like manner as is provided in and by the said herein before recited Act, for carrying into execution the powers given and granted to such Justices, in and by the same Act, any Law, Usage or Custom to the contrary thereof in anywise notwithstanding.

Preamble.

28 G. 3, C. 8.

Justices in Sessions may make regulations respecting Causeys, Promenades, Walks, &c. or other public places in any Town or Parish except Saint John, and

for preventing injuries to the same under the like penalties as are provided by the recited Act.

CAP. XIX.

An Act to make perpetual an Act, for the further and better support of the Poor in the City of Saint John.

Passed the 14th of March, 1810.

BE it enacted by the President, Council and Assembly, That an Act made and passed in the forty-first year of His Majesty’s Reign, intituled, “ An Act for the further and better support of the Poor in the City of Saint John,” be, and the same is hereby made perpetual.

41 G. 3, C. 8, made perpetual.

^b See 5 W. 4, C. 38, authorizing Justices to establish Ferries.

CAP. XX.

c An Act for the further regulation of Fisheries, and for preventing their decay.

Passed the 14th of March, 1810.

Preamble.
33 G. 3, C. 9.

“ WHEREAS by an Act made and passed in the thirty-third year of His Majesty's Reign, intituled, “ An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province ;” it is enacted that “ no net shall be set in the river Saint John, below the Boars Head, or in the harbour of Saint John, more than twenty fathoms in length : and whereas doubts “ have arisen as to the outward limits of the said harbour ;”

No Nets to be set in the Harbour of Saint John exceeding specified lengths under £10.

I. Be it enacted by the President, Council and Assembly, That no net more than twenty fathoms in length, shall be set in any part of the said harbour on the northerly side of Partridge Island, nor within or to the northward of straight lines to be drawn, the one from a point commonly called Black Point, on the western side of the said harbour to the most westerly point on the said island ; and the other from the most easterly point on the same island, to a Point called Lower Battery Point, on the eastern side of the said harbour, under the penalty of ten pounds for each and every offence : and no net more than thirty fathoms in length shall be set any where on the outer or southerly side of the above described limits, under the like penalty of ten pounds; and every net that shall be set in violation of this regulation shall be liable to seizure and sale, in the manner and under the conditions and regulations prescribed in the third Section of the said Act for regulating the Fisheries in the different rivers, coves and creeks of this Province.

Nets set contrary to these regulations to be seized and sold.

No net to be set at the Shag rocks, nor any two nets tied together be set, nor any drift net used below the Boars head, nor in the harbour of Saint John, nor in the River St. Croix.

II. And be it further enacted, That no net shall be set at or upon the rocks commonly called Shag Rocks, laying between Partridge and Manawagonish Islands, nor shall any two nets tied or fastened together be set, nor any drift net be used for the purpose of catching fish, in the river Saint John, below the Boars Head, nor in the harbour of Saint John, as above limited, nor in any part of the river Saint Croix, within the limits of this Province, under the like penalty respectively of ten pounds for each and every offence, and the seizure and sale of the nets as aforesaid.

d Length of drift nets in the River Saint John and Kennebeckacis, and branches of the said Rivers. Penalty.

III. And be it further enacted, That no drift net, whether single or composed of two or more nets tied or fastened together, and of a length in the whole exceeding thirty fathoms, shall be used for taking fish above the Boars Head in the River Saint John, or in the River Kennebeckacis, under the penalty of five pounds for each and every offence ; nor shall there be used in any branch of either of the said rivers, any such net of a length exceeding in the whole one-fourth part of the width of such branch respectively, under the like penalty of five pounds; nor shall any drift nets be any where made use of as aforesaid, within a less distance than thirty fathoms from each other, under the penalty of ten pounds; nor shall any net whatever remain in the water in any part of this Province, at any time between sun-set on Saturday, and sun-rise on the next ensuing Monday, under the penalty of five pounds. And all the several penalties imposed in this and the two preceding Sections (excepting the seizure and sale of nets,) shall be recovered, paid and applied in like manner as is directed in and by the first Section of the herein before recited Act.

Drift nets not to be used nearer together than thirty fathoms. Penalty.

No net to remain in the water between sun-set on Saturday and sun-rise on Monday. Penalty

IV. [Repealed by 56 G. 3, C. 4.]

V. And be it further enacted, That the Overseers of the Fisheries for any City or

or Parish bordering upon the Bay of Fundy, or upon any other arm of the sea, shall at all times have power and authority to seize and sell any nets set or used unlawfully in any arm of the sea adjacent to such City or Parish, in like manner as by Law they would have if the waters thereof were within the limits of such City or Parish; and that the Overseers of the Fisheries for the City of Saint John, shall have power to seize and sell as aforesaid, any nets set or used unlawfully, or that may be found drifting any where within the harbour of Saint John, or within the distance of two miles around Partridge Island.

VI. And be it further enacted, That in all Mill Dams or other Fabrics which have been or hereafter shall be erected or placed on or across any river situate either wholly or in part within this Province, and which has been usually resorted to by Fish from the sea in considerable quantities, at their seasons for spawning, there shall be a waste-gate or fish-way, sufficient for such Fish, in the proper seasons, to pass up and return without any such hindrance or obstruction as may in future tend to divert them from such their usual resort: and if any Mill Dam or other Fabric erected or placed as aforesaid, shall at any time after the first day of November next ensuing, be found without such waste-gate or fish-way as is hereby required, and complaint thereof be duly made on oath to the Justices of the Peace of the County where such Mill Dam or other Fabric, shall be so found, in their General Sessions of the Peace (of which complaint the owner or owners of such Mill Dam, or other Fabric, shall have timely notice in writing,) it shall be lawful for the said Justices in such Sessions, and they are hereby directed forthwith to issue their Precept to the Sheriff in due form of Law, commanding him to empanel and swear a Jury of twelve good and lawful men of the said County, (but not of the Parish in which such Mill Dam, or other Fabric shall be so found) and with such Jury, to view the premises complained of. And the said Sheriff, after due inquest made by the said Jury, touching all matters and things set forth in such complaint, upon due examination of witnesses on oath, to be by him administered, shall make return of such inquest to the said Justices in their Sessions, who thereupon, in case the Jury do find the said complaint to be just and true, shall make an order in writing, to be endorsed upon the inquest so returned, thereby directing the owner or owners, occupier or occupiers of such Mill Dam or other Fabric, to make or cause to be made therein such sufficient waste-gate or fish-way, as is hereby required within a reasonable time, to be in such order specified; and also requiring the offender or offenders so convicted to pay a fine not exceeding twenty pounds nor less than ten pounds immediately into the hands of the County Treasurer, for the use of the said County. And if any such offender or offenders shall refuse or neglect to pay such fine, together with reasonable charges of prosecution, to be taxed and allowed by the Court, it shall be lawful for the said Justices in their Sessions, and they are hereby directed to issue a warrant for levying such fine and charges by distress and sale of the goods and chattels of the said offender or offenders; and if no sufficient distress can be found, then on due return thereof made by the Sheriff, the said Justices in their Sessions shall by a further warrant to be by them issued in due form of Law, commit such offender or offenders to the public gaol of the County, wherein the offence shall have been committed, there to remain for the space of three months, or until the said fine and charges be paid.

VII. And be it further enacted, That whenever the owner or owners, occupier or occupiers of any such Mill Dam or other Fabric erected or placed as aforesaid, shall after such order and conviction as aforesaid, continue for the space of twenty days, such Mill Dam or other Fabric, without such sufficient waste-gate or fish-way

Overseers of Fisheries for any place bordering on the Bay of Fundy or other arm of the sea, to have the same power to seize nets set therein as if set within the limits of such place.

Mill Dams on Rivers usually resorted to by fish, to have a fish-way sufficient for the fish to pass at proper seasons.

If any Mill Dam be found without such fish-way on complaint to the Justices of the Peace in Sessions a Jury to be summoned to view the premises.

Sheriff after inquest to make return to the Sessions, who, if the complaint is found to be true, shall order a fish-way to be made,

and require the offender to pay a fine not exceeding £20 nor less than £10, which if not paid, shall be levied by warrant of distress with costs. If no sufficient distress can be found the offender to be imprisoned three months, or until fine and charges be paid.

Every twenty days continuance of any Mill Dam without a fish-way, after order and con-

viction to be deemed a new offence, and the offender shall be liable to the like penalty.

fish-way as is hereby required, it shall be considered as a new offence, and the offender or offenders shall incur the like penalty, to be recovered before any general or special Sessions of the Peace to be holden in and for the same County, and applied as aforesaid: and every twenty days continuance shall be deemed a new offence, and may be prosecuted as such, and the penalty aforesaid recovered so often as the same may happen.

CAP. XXI.

- e An Act to regulate the proceedings in Actions of Replevin, and to enable the sale of Goods distrained for Rent, in case the Rent be not paid in a reasonable time, and for the more effectual securing the payment of Rents, and preventing fraud by Tenants.

Passed the 14th of March, 1810.

Preamble.

“ WHEREAS no County Courts are held by the Sheriffs of the several “ and respective Counties in this Province; and whereas the proceedings in Actions of Replevin, by Writ issuing out of the Court of Chancery, are dilatory and expensive;”

Actions of Replevin may be prosecuted by Writs issuing out of the Supreme Court and Courts of Common Pleas. Form of Writs.

I. Be it enacted by the President, Council and Assembly, That Actions of Replevin, shall and may be prosecuted by Writ issuing out of the Supreme Court, and out of the several and respective Inferior Courts of Common Pleas, in the several and respective Counties in this Province; and that such Writs of Replevin, shall be tested and made returnable in the said Courts respectively, as Writs in other causes within the jurisdiction and cognizance of such Courts; and that such Writs shall, as soon as may be, be framed by the Justices of the Supreme Court, conformably, as near as may be, to the Writs and Processes in that behalf used in England, any Law, Usage or Custom to the contrary thereof, in any wise notwithstanding.

The like proceedings to be had as if the writs had issued out of Chancery, returnable to the Supreme Court.

II. And be it further enacted, That such and the like proceedings shall be had upon such Writs, and upon the return and filing thereof, in all respects, and to all intents and purposes in the said Courts respectively, as could or might be had in the said Supreme Court, in case such Writs had issued out of the Court of Chancery and been made returnable in the said Supreme Court.

If title to lands come in question, or the King be a party, the cause to be removed to the Supreme Court.

III. Provided always, and be it further enacted, That if any thing touching the freehold or title to lands shall come in question, or the King shall be a party, or the taking of any distress, shall be in right of the Crown, that then, and in all such cases, no farther proceedings shall be had thereon, in the said Inferior Courts, but the party desirous to proceed therein, shall remove such cause, by Certiorari into the Supreme Court, where the same shall be finally heard and determined, any thing herein before contained to the contrary notwithstanding.

Goods distrained for Rent may be appraised and sold.

IV. And be it further enacted, That when any goods and chattels shall be distrained for any rent reserved and due upon any demise, lease or contract whatsoever, and the tenant or owner of the goods so distrained, shall not within five days next after such distress taken, and notice thereof (with the cause of such taking) left at the dwelling house or other most notorious place on the premises charged with the rent distrained for, replevy the same, with sufficient security to be given to the Sheriff, according to Law, that then in such case, after such distress and notice as aforesaid, and expiration of the said five days, the persons distraining, shall and

and may with the Sheriff, or under Sheriff of the County, or with a Constable of the Parish, City or Place, where such distress shall be taken, (who are hereby required to be aiding and assisting therein,) cause the goods and chattels so distrained, to be appraised by two sworn appraisers, (whom such Sheriff, under Sheriff or Constable are hereby empowered to swear) to appraise the same truly, according to the best of their understandings; and after such appraisement, shall and may lawfully sell the goods and chattels so distrained, for the best price that can be gotten for the same, towards satisfaction for the rent, for which the said goods and chattels shall be distrained, and of the charges of such distress, appraisement and sale, leaving the overplus, if any, in the hands of the said Sheriff, under Sheriff or Constable, for the owner's use.

V. And be it further enacted, That upon any Pound Breach, or rescous of goods or chattels distrained for rent, the person or persons grieved thereby, shall, in a special action upon the case for the wrong thereby sustained, recover his and their treble damages and costs of suit against the offender or offenders in any such rescous or Pound Breach, any or either of them, or against the owner of the goods distrained, in case the same be afterwards found to have come to his use or possession.

Treble damages for Pound Breach.

VI. Provided always, and be it further enacted, That in case any such distress and sale as aforesaid, shall be made by virtue or colour of this Act, for rent pretended to be arrear and due, when in truth no rent is arrear or due to the person or persons distraining, or to him or them in whose name or names, or right, such distress shall be taken as aforesaid, that then the owner of such goods or chattels distrained and sold as aforesaid, his Executors or Administrators, shall and may, by action of trespass, or upon the case, to be brought against the person or persons so distraining, any or either of them, his or their Executors or Administrators, recover double of the value of the goods and chattels so distrained and sold, together with full costs of suit.

Double damages and costs against wrongful distrainer.

VII. And be it further enacted, That where any distress shall be made for any kind of rent justly due, and any irregularity or unlawful act shall be afterwards done by the party or parties distraining, or by his, her, or their Agents, the distress itself, shall not be therefore deemed to be unlawful, nor the party or parties making it be deemed a trespasser or trespassers ab initio, but the party or parties aggrieved by such unlawful act or irregularity, shall or may recover full satisfaction for the special damage he, she or they shall have sustained thereby, and no more, in an action of trespass, or on the case at the election of the Plaintiff or Plaintiffs: Provided always, that where the Plaintiff or Plaintiffs shall recover in such action, he, she or they shall be paid his, her or their full costs of suit, and have all the like remedies for the same as in other cases of costs.

Distress for rent not unlawful, &c. for any irregularity in the disposition of them.

VIII. Provided nevertheless, That no tenant or tenants, lessee or lessees, shall recover in any action for any such unlawful act or irregularity as aforesaid, if tender of amends hath been made by the party or parties distraining, his, her or their Agent or Agents before such action brought.

Tenants not to recover on tender of amends.

IX. And be it further enacted, That it shall and may be lawful to and for all Defendants in Replevin, to avow or make cognizance, generally that the Plaintiff in Replevin, or other tenant of the lands and tenements, whereon such distress was made, enjoyed the same under a grant or demise, at such a certain rent during the time wherein the rent distrained for incurred, which rent was then and still remains due; without further setting forth the grant, tenure, demise or title of such landlord or landlords, lessor or lessors, any law, usage or custom to the contrary notwithstanding. And if the Plaintiff or Plaintiffs, in such action, shall

Defendants in Replevin may avow, &c. that the plaintiff held the premises at a certain rent, &c.

become

become non-suit, discontinue his, her or their action, or have judgment given against him, her or them, the Defendant or Defendants in such Replevin, shall recover double costs of suit.

X. [*Repealed by 4 W. 4, C. 38, which makes other regulations for proceedings in Replevin.*]

Landlords may
distrain and sell
goods fraudu-
lently carried
off the premises
within 30 days.

XI. And be it further enacted, That in case any tenant or tenants, lessee or lessees, for life or lives, term of years, at will, sufferance or otherwise, of any messuages, lands, tenements or hereditaments, upon the demise or holding whereof any rent is or shall be reserved, due or made payable, shall fraudulently or clandestinely convey away, or carry off from such premises, his, her or their goods, or chattels, to prevent the landlord or lessor, landlords or lessors, from distraining the same for arrears of rent, so reserved, due, or made payable, it shall and may be lawful to and for every such landlord or lessor, landlords or lessors, or any person or persons by him, her, or them, for that purpose lawfully empowered, within the space of thirty days next ensuing such conveying away, or carrying off such goods or chattels as aforesaid, to take and seize such goods and chattels wherever the same shall be found, as a distress for the said arrears of rent; and the same to sell or otherwise dispose of in such manner as if the said goods and chattels had actually been distrained by such lessor or landlord, lessors or landlords, in and upon such premises for such arrears of rent, any Law, Custom or Usage to the contrary in any wise notwithstanding.

Unless sold to
any person not
privy to the
fraud.

XII. Provided always, That no landlord or lessor, or other person entitled to such arrears of rent, shall take or seize any such goods or chattels as a distress for the same, which shall be sold bona fide, and for valuable consideration, before such seizure made, to any person or persons not privy to such fraud as aforesaid, any thing herein before contained to the contrary notwithstanding.

Landlords may
break open
houses to seize
goods fraudu-
lently secured
therein.

XIII. And be it further enacted, That when any goods or chattels fraudulently or clandestinely conveyed or carried away by any tenant or tenants, lessee or lessees, his, her, or their servant or servants, agent or agents, or other person or persons, aiding or assisting therein, shall be put, placed, or kept, in any house, barn, stable, out-house, yard, close or place locked up, fastened or otherwise secured, so as to prevent such goods or chattels from being taken and seized as a distress for arrears of rent, it shall and may be lawful for the landlord or landlords, lessor or lessors, his, her, or their bailiff, receiver, or other person or persons empowered to take and seize as a distress for rent, such goods and chattels (first calling to his, her, or their assistance a Constable, or other Peace officer of the Parish, district or place, where the same shall be suspected to be concealed, who are hereby required to aid and assist therein), and in case of a dwelling house, (oath being also first made before some Justice of the Peace, of a reasonable ground to suspect that such goods or chattels are therein) in the day time, to break open, and enter into such house, barn, stable, out-house, yard, close and place, and to take and seize such goods and chattels for the said arrears of rent, as he, she, or they might have done by virtue of this Act, if such goods and chattels had been put in any open field or place.

Distresses may
be secured and
sold on the pre-
mises.

XIV. And be it further enacted, That it shall and may be lawful, to and for any person or persons, lawfully taking any distress for any kind of rent to impound or otherwise secure the distress so made, of what nature or kind soever it may be, in such place, or on such part of the premises chargeable with the rent as shall be most fit and convenient for the impounding and securing such distress, and to appraise, sell, and dispose of the same, upon the premises in like manner, and under the like directions and restraints to all intents and purposes, as any person

son taking a distress for rent may do off the premises by virtue of this Act; and that it shall be lawful, to and for any person or persons whatsoever, to come and go to and from such place or part of the said premises, when any distress for rent shall be impounded and secured as aforesaid, in order to view, appraise and buy, and also in order to carry off, or remove the same on account of the purchase thereof; and that if any pound breach or rescous shall be made of any goods and chattels, or stock distrained for rent and impounded, or otherwise secured by virtue of this Act, the person or persons aggrieved thereby shall have the like remedy as in cases of pound breach, or rescous is given and provided by this Act.

XV. And to obviate some difficulties that many times occur in the recovery of rents, when the demises are not by deed: Be it further enacted, That it shall and may be lawful to and for the landlord or landlords, where the agreement is not by deed, to recover a reasonable satisfaction for the lands, tenements or hereditaments, held or occupied by the Defendant or Defendants, in an action on the case for the use and occupation of what was so held or enjoyed; and if on evidence on the trial of such action, any parol demise or any agreement (not being by deed) whereon a certain rent was reserved shall appear, the Plaintiff in such action shall not therefore be nonsuited, but may make use thereof, as an evidence, of the quantum of damages to be recovered.

Rents how to be recovered where the demises are not by Deed.

XVI. And be it further enacted, That in case any tenant or tenants for any term of life, lives, or years, or other person or persons, who are, or shall come into possession of any lands, tenements, or hereditaments, by, from, or under, or by collusion with such tenant or tenants, shall wilfully hold over any lands, tenements, or hereditaments, after the determination of such term or terms, and after demand made and notice in writing given for delivering the possession thereof, by his or their landlords or lessors, or the person or persons to whom the remainder or reversion of such lands, tenements, or hereditaments, shall belong, his or their agent or agents, thereunto lawfully authorized, then and in such case, such person or persons so holding over, shall, for and during the time he, she, or they shall so hold over, or keep the person or persons entitled, out of possession of the said lands, tenements, and hereditaments as aforesaid, pay to the person or persons, so kept out of possession, their executors, administrators or assigns, at the rate of double the yearly value of the lands, tenements, and hereditaments, so detained, for so long time as the same are detained, to be recovered in any Court of Record in this Province, having cognizance of the same, by action of debt, whereunto the defendant or defendants shall be obliged to give Special Bail against the recovery of which said penalty there shall be no relief in equity.

Persons holding over lands, &c. after expiration of Leases, to pay double the yearly value.

XVII. And be it further enacted, That in case any tenant or tenants shall give notice of his, her, or their intention to quit any premises by him, her, or them holden at a time mentioned in such notice, and shall not accordingly deliver up the possession thereof, at the time in such notice contained, that then the said tenant or tenants, his, her, or their executors or administrators, shall from thence forward pay to the landlord or landlords, lessor or lessors, double the rent or sum, which he, she, or they, should otherwise have paid: to be levied, sued for, and recovered at the same times and in the same manner, as the single rent or sum, before the giving such notice could be levied, sued for, or recovered, and such double rent or sum shall continue to be paid, during all the time such tenant or tenants shall continue in possession as aforesaid. Provided always, that when any houses, lands, tenements or hereditaments, shall be let by the year, three months' notice, when by the month, one month's notice, and when by the week, one week's notice shall be given, either to the tenant in possession to quit, or by the tenant to the landlord, of an intention to quit as aforesaid. XVIII.

Tenants holding after the time they notify for quitting, to pay double rent.

Notice regulated.

Defendants
may plead the
general issue,
&c.

XVIII. And be it further enacted, That in all actions of trespass, or upon the case to be brought against any person or persons entitled to rents of any kind, his, her, or their bailiff or receiver, or other person or persons relating to any entry by virtue of this Act, or otherwise upon the premises chargeable with such rents, or to any distress or seizure, sale or disposal of any goods or chattels thereupon, it shall and may be lawful to and for the Defendant or Defendants in such actions, to plead the general issue, and give the special matter in evidence, any Law, Usage or Custom to the contrary notwithstanding. And in case the Plaintiff or Plaintiffs in such action shall become nonsuit, discontinue, his, her or their action, or have judgment against him, her or them, the Defendant or Defendants shall recover double costs of suit.

Debt may be
brought against
Tenant for life
for rent.

XIX. And be it further enacted, That it shall and may be lawful for any person or persons having any rent in arrear, or due upon any lease or demise for life or lives, to bring an action or actions of debt for such arrears of rent, in the same manner as they might have done, in case such rent were due and reserved upon a lease for years.

Rent in arrear
upon a lease for
life, &c. expired
may be dis-
trained for
after the deter-
mination of the
lease.

XX. And be it further enacted, That it shall and may be lawful for any person or persons having any rent in arrear, or due upon any lease, for life or lives, or for years, or at will, ended or determined, to distrain for such arrears, after the determination of the said respective leases, in the same manner as they might have done if such lease or leases, had not been determined.

Distress to be
within six
months after
the end of the
lease, &c.

XXI. Provided that such distress be made within the space of six calendar months, after the determination of such lease, and during the continuance of such landlord's title or interest, and during the possession of the tenant from whom such arrears become due.

On half a year's
rent in arrear,
Landlord may
re-enter,
serving a de-
claration of
ejectment.

XXII. And be it further enacted, That in cases between landlord and tenant, as often as it shall happen that one half-year's rent shall be in arrear, and the landlord or lessor, to whom the same is due, hath right by Law, to re-enter for non-payment thereof, such landlord and lessor shall and may, without any formal demand or re-entry, serve a declaration in ejectment for the recovery of the demised premises; or in case the same cannot be legally served, or no tenant be in actual possession of the premises, then to affix the same upon the door of any demised messuage; or in case such ejectment shall not be for the recovery of any messuage, then upon some notorious place of the lands, tenements or hereditaments, comprised in such declaration in ejectment, and such affixing shall be deemed legal service thereof; which service or affixing such declaration in ejectment, shall stand in the place and stead of a demand and re-entry: and in case of judgment against the casual ejector, or nonsuit for not confessing lease entry and ouster, it shall be made appear to the Court, where the said suit is depending, by affidavit or be proved upon the trial, in case the defendant appears, that half a year's rent was due before the said declaration was served, and that no sufficient distress was to be found on the demised premises, countervailing the arrears then due, and that the lessor or lessors in ejectment, had power to re-enter, then, and in every such case the lessor or lessors in ejectment, shall recover judgment and execution in the same manner as if the rent in arrear had been legally demanded, and a re-entry made; and in case the lessee or lessees, his, her or their assignee or assignees, or other person or persons, claiming or deriving under the said leases, shall permit and suffer judgment to be had and recovered in such ejectment and execution to be executed thereon, without paying the rent and arrears, together with full costs. and without filing any bill or bills, for relief in equity, within six calendar months after such execution executed, then and in such case

When Lessor
in ejectment
may recover
judgment, &c.

the

the said lessee or lessees, his, her or their assignee or assignees, and all other persons claiming and deriving under the said lease, shall be barred and foreclosed from all relief or remedy in law or equity, other than by writ of error, for reversal of such judgment, in case the same shall be erroneous, and the said landlord or lessor, shall from thenceforth hold the said demised premises discharged from such lease, and if in such ejectment verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall be nonsuited therein, except for the Defendant or Defendants not confessing lease, entry and ouster, then in every such case such Defendant or Defendants shall have, and recover his, her and their full costs. Provided always, that nothing herein contained shall extend to bar the right of any mortgagee or mortgagees of such lease, or any part thereof, who shall not be in possession, so as such mortgagee or mortgagees, shall and do within six calendar months after such judgment obtained, and execution executed, pay all rent in arrear, and all costs and damages sustained by such lessor, person or persons intitled to the remainder or reversion as aforesaid, and perform all the covenants and agreements which on the part and behalf of the first lessee or lessees, are and ought to be performed.

Not to bar the right of any Mortgagee.

XXIII. And be it further enacted, That in case the said lessee or lessees, his, her or their assignee or assignees, or other person or persons claiming any right, title, or interest, in law or equity, of, in or to the said lease, shall within the time aforesaid, file one or more bill or bills for relief in any Court of Equity, such person or persons shall not have or continue any injunction against the proceedings at law on such ejectment, unless he, she or they, do or shall within forty days next after a full and perfect answer shall be filed by the lessor or lessors of the Plaintiff in such ejectment, bring into Court, and lodge with the proper officer, such sum and sums of money as the lessor or lessors of the Plaintiff in the said ejectment, shall in his, her or their answer, swear to be due, and in arrear, over and above all just allowances, and also the costs taxed in the said suit, there to remain till the hearing of the cause, or to be paid out to the lessor or landlord, on good security, subject to the decree of the Court; and in case such bill or bills shall be filed within the time aforesaid, and after execution is executed, the lessor or lessors of the Plaintiff shall be accountable only for so much and no more, as he, she or they shall really and bona fide, without fraud, deceit or wilful neglect, make of the demised premises, from the time of his, her or their entering into the actual possession thereof, and if what shall be so made by the lessor or lessors of the Plaintiff happen to be less than the rent reserved on the said lease, then the said lessee or lessees, his, her or their assignee or assignees, before he, she or they shall be restored to his, her or their possession or possessions, shall pay such lessor or lessors, or landlord or landlords, what the money so by them made, fell short of the reserved rent for the time such lessor or lessors of the Plaintiff, landlord or landlords, held the said lands.

Lessees filing Bill in Equity, not to have an injunction against proceedings at Law, &c.

XXIV. Provided always, and be it further enacted, That if the tenant or tenants, his or their assignee or assignees, do or shall at any time before the trial in such ejectment, pay or tender to the lessor or landlord, his executors or administrators, or his, her or their Attorney in that cause, or pay into the Court where the same cause is depending, all the rent and arrears, together with the costs, then, and in such case, all farther proceedings on the said ejectment, shall cease and be discontinued; and if such lessee or lessees, his, her or their executors, administrators or assigns, shall, upon such bill, filed as aforesaid, be relieved in equity, he, she or they, shall have, hold and enjoy the demised lands according to the

Tenants paying all rent with costs, proceedings to cease.

the lease thereof made, without any new lease to be thereof made to him, her or them.

XXV. } [Repealed by 1 W. 4, C. 9, which makes provisions relating to
XXVI. } Trespasses.]
XXVII. }

CAP. XXII.

An Act to prevent the destruction of Moose on the Island of Grand Manan.

Passed the 14th of March, 1810.

[Continued by 54 G. 3, C. 3—58 G. 3, C. 11—and 3 G. 4, C. 5, to 1825, and then expired.]

CAP. XXIII.

An Act to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber.

Passed the 14th of March, 1810.

[Repealed by 59 G. 3, C. 11.]

CAP. XXIV.

An Act to authorise the Justices of the Peace in their General Sessions to establish Ferries in their respective Counties.

Passed the 14th of March, 1810.

[Expired.]

CAP. XXV.

An Act to repeal An Act, intituled, “An Act to render Justices of the Peace more safe in the execution of their duty.”

Passed the 14th of March, 1810.

Preamble.

“WHEREAS Justices of the Peace are rendered sufficiently safe in the execution of their duty, by the Act of Assembly, passed in the forty-first year of His Majesty’s Reign, intituled “An Act for the rendering Justices of the Peace more safe in the execution of their office; and for indemnifying Constables and others acting in obedience to their warrants;”

47 G. 3, C. 6: repealed.

Be it therefore enacted by the President, Council and Assembly, That an Act passed in the forty-seventh year of His Majesty’s Reign, intituled “An Act to render Justices of the Peace more safe in the execution of their duty,” be, and the same is hereby repealed. Provided always, that this Act shall have no retrospective force or operation.

CAP.

CAP. XXVI.

An Act in addition to an Act, intituled “An Act for the more effectual prevention of desertion from His Majesty’s Forces.”

Passed the 14th of March, 1810.

[*Obsolete by the expiration of 45 G. 3, C. 6.*]

CAP. XXVII.

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.

Passed the 14th of March, 1810.

[*Repealed by 1 W. 4, C. 23, which makes other provisions.*]

CAP. XXVIII.

An Act to repeal an Act, intituled “An Act to make more effectual provision for repairing the Aboideau or Bridge across the Marsh Creek, in the City and County of Saint John.

Passed the 14th of March, 1810.

BE it enacted by the President, Council and Assembly, That the Act made and passed in the forty-eighth year of His Majesty’s Reign, intituled “An Act to make more effectual provision for repairing the Aboideau or Bridge, across the Marsh Creek in the City and County of Saint John,” be, ^{48 G. 3, C. 4.} and the same is hereby repealed. ^{repealed.}

CAP. XXIX.

An Act to revive and continue sundry Acts of the General Assembly, that have expired.

Passed the 14th of March, 1810.

[*Expired.*]

CAP. XXX.

An Act to revive and make perpetual an Act intituled “An Act for the support and relief of confined Debtors,” and further to extend the provisions of the same.

Passed the 14th of March, 1810.

[*Repealed by 10 & 11 G. 4, C. 30.*]

CAP. XXXI.

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

Passed the 14th of March, 1810.

f Upon application of any proprietor of intervale lands in Queen's or Sunbury to two Justices of the Peace for leave to erect a fence and gate across the Highway, five disinterested Freeholders to be appointed who shall examine and report on oath to the Sessions.

I. **BE** it enacted by the President, Council and Assembly, That when any Proprietor or Occupant of any intervale lands in Queen's County, or the County of Sunbury, over which any Highway or Public Road passes, shall think it necessary or expedient for the protection of such intervale land, that a fence or fences should be erected across such road or highway, with a swinging gate or gates therein, and with a fence or fences extending into the water, from the place or places where such road or highway may require fencing, (if the same shall be at or near the shore of any river or other water) it shall and may be lawful for such proprietor or occupant, to prefer a petition to any two of His Majesty's Justices of the Peace in the said respective Counties, stating particularly the object and grounds of such application, and praying for permission to erect such fence or fences; upon the presenting whereof the said Justices are authorized and required forthwith, by order thereon indorsed, to appoint five substantial and disinterested freeholders of the said respective Counties, not resident in the Town or Parish in which such fence or fences is, or are proposed to be erected, to be Commissioners to examine and report upon such petition, which Commissioners shall be sworn to the faithful discharge of their trust, before the said Justices, or either of them; a certificate of which shall be indorsed upon the same petition: And the said Commissioners shall thereupon proceed to view the said place or places where the same fence or fences are proposed to be erected, and to report thereon in writing, to the then next Court or General Sessions of the Peace for the said respective Counties: And if it shall appear to the Justices of such Court from the report so made by the said Commissioners, or by any three of them, that it is necessary or expedient that the fence or fences prayed for, should be erected, they are hereby authorized and required to make an order for the erection of such fence or fences, with a good convenient swinging gate or gates in the same where such fence or fences cross the road, and to make such further order respecting the same as to them shall seem meet; and that it shall be lawful for the person or persons so petitioning at his, her or their own expence, to erect such fence or fences, with such swinging gate or gates, agreeably to the directions of the said Court.

If it appear to the Sessions necessary or expedient, licence may be granted to erect the fence with a gate.

Persons breaking or destroying the fence, or fastening up, staking open, or destroying the gate, to forfeit 20s.

II. And be it further enacted, That if any person or persons shall break, or throw down, or in any way destroy any fence or fences so to be erected, or any part thereof: or shall block up and fasten, or stake open, or take down, or destroy any gate or gates which may be erected by virtue and in pursuance of this Act, such offender or offenders shall upon conviction thereof, before any one of His Majesty's Justices of the Peace, of the said Counties respectively, upon the oath of one or more credible witness or witnesses, forfeit and pay the sum of twenty shillings, for each and every offence, to be levied with costs by warrant of distress and sale of the offender's goods, under the hand and seal of such Justice, directed to either of the Constables within the said respective Counties, and for want of goods whereon to levy the same, the offender or offenders shall be committed to the common gaol of the County, there to remain for the space of

of five days, unless the said sum with costs be sooner paid; which forfeiture, when recovered, shall be paid into the hands of the Overseers of the Poor of the Parish, where the offence shall be committed, for the use of the said Poor; and such offender or offenders shall be further liable for all damages sustained thereby, to be recovered with costs, by action or actions, at the suit of the party injured. Provided always, that if any gate or gates erected by virtue or in pursuance of this Act, shall not be kept in good repair by the proprietor or proprietors thereof, at his, her, or their own expence, he, she or they shall have no benefit or advantage from this Act.

To the use of the Poor;

And be liable for all damages.

If gates are not kept in repair the Proprietor to have no benefit of this Act.

The fence to be removed when the reason for erecting it ceases.

III. Provided always, and be it further enacted, That whenever it shall appear to the said Justices in General Sessions by the report of any three or more of five Commissioners (freeholders as aforesaid) to be appointed and sworn in manner as aforesaid, that the reason for erecting any such fence or fences, has ceased to exist, it shall and may be lawful for the said Justices in their General Sessions, to order such fence or fences to be removed; and the proprietor or proprietors of such fence or fences, shall not after such order, have any further benefit or advantage from this Act; and the continuance of such fence or fences, shall thereafter be considered and adjudged to be a nuisance upon the highway.

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

Limitation.

[Continued by 54 G. 3, C. 3—continued and extended to King's County by 58 G. 3, C. 5, and 3 G. 4, C. 7; further continued by 9 G. 4, C. 15, and by 4 W. 4, C. 24, to 1st April, 1839.]

CAP. XXXII.

An Act for regulating the Importation of certain Articles into this Province.

Passed the 14th of March, 1810.

[Expired.]

CAP. XXXIII.

An Act to continue the establishment of County Schools, as provided for by an Act, intituled "An Act for encouraging and extending Literature in this Province."

Passed the 14th of March, 1810.

[Expired.]

CAP. XXXIV.

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

Passed the 14th of March, 1810.

[Obsolete.]

CAP. XXXV.

An Act to grant and appropriate certain sums of money for Roads and Bridges,

Passed the 14th of March, 1810.

[*Obsolete.*]

CAP. XXXVI.

31 G. 3, C. 17. An Act in addition to an Act, intituled “ An Act for regulating Elections of Representatives in General Assembly, and for limiting the duration of Assemblies, in this Province.”

Passed the 14th March, 1810.

Preamble.

“ **W**HEREAS by an Act of the General Assembly of this Province, “ made and passed in the thirty-first year of His Majesty’s Reign, “ and afterwards confirmed and ratified by an Order of His Majesty in Council, “ intituled “ An Act for regulating Elections of Representatives in General As- “ ssembly, and for limiting the duration of Assemblies in this Province,” it is “ among other things enacted, that every Elector, before he is admitted to poll, “ shall, if required by the Candidates or any one of them, take the oaths in and by “ an Act made in the first year of the Reign of His late Majesty King George the “ First, intituled “ An Act for the further security of His Majesty’s Person and “ Government, and the succession of the Crown in the Heirs of the late Princess “ Sophia, being Protestants, and for extinguishing the hopes of the pretended “ Prince of Wales, and his open and secret abettors,” appointed to be taken : “ And whereas in cases where the said oaths, have been required to be taken, “ Freeholders Professing the Religion of the Church of Rome, have thereby been “ prevented from Polling : And whereas it is just and expedient that all His Ma- “ jesty’s faithful subjects, should participate in the enjoyment of a right equally “ interesting to all, as far as may be consistent with the safety and security of “ His Majesty’s Person and Government ;”

Be it therefore enacted by the President, Council and Assembly, That at any future Election of Representatives to serve in General Assembly, instead of the oaths appointed to be taken by the said Act, made in the first year of the Reign of His late Majesty King George the First as aforesaid, every Elector at the time of Polling, and before he is admitted to Poll at the Election, shall, if required by the Candidates, or any one of them, take the following oath, that is to say,

Oath to be taken instead of the Oaths formerly appointed.

I A. B. do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King George the Third, and him will defend to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against His Person, Crown or Dignity. And I will do my utmost endeavour to disclose and make known to His Majesty and His Successors, all treasons and traitorous conspiracies which I shall know to be against him or any of them. So help me God!—or being one of the People called Quakers, shall, if required as aforesaid, solemnly affirm the effect of the said oath ; which oath or affirmation the Sheriff or any sworn Clerk duly appointed for taking the Poll, is hereby authorised to administer : Provided that this

this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

[This Act was confirmed, finally enacted, and ratified by an order of His Royal Highness the Prince Regent in Council, in the name and on the behalf of His Majesty, dated at the Court at Whitehall, the 22d of June, 1811.]



Anno Regni, GEORGII III Regis, Quinquagesimo
Secundo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the twenty-seventh day of January, in the year of our Lord one thousand eight hundred and ten, in the fiftieth year of the Reign of our said Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. and from thence continued by several Prorogations, to Tuesday the first day of February, one thousand eight hundred and twelve; being the Second Session of the Fifth General Assembly convened in the said Province.

CAP. I.

An Act to continue and amend the Act, for raising a Revenue in this Province, and an Act in amendment thereof.

Passed the 21st of February, 1812.

[Continued by 54 G. 3, C. 18—56 G. 3, C. 29, and 57 G. 3, C. 2. until 1818, and then expired.]

CAP. II.

^a An Act to amend an Act, intituled, “An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication.”

Passed the 21st of February, 1812.

Preamble.
31 G. 3, C. 5.

“WHEREAS in and by an Act made and passed in the thirty-first year “of His Majesty’s Reign, intituled, “An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery, and Fornication,” it is provided and enacted, that in case there shall be no Parson, Vicar, Curate or other Person in Holy Orders of the Church of England, in any Town or Parish in this Province in which any Persons of lawful age and
“capacity,

^a Refer to 31 G. 3, C. 5, and the Notes thereto.

“ capacity, shall intend to make a contract of marriage, it shall and may be law-
 “ ful for any of His Majesty’s Justices of the Peace, being of the Quorum, in
 “ the County where such Persons respectively reside, to solemnize and take the
 “ acknowledgment of marriage between such parties, in the manner and form
 “ directed and prescribed in and by the said Act, first giving such notification of
 “ such Banns of Matrimony as is directed in and by the same Act; And whereas
 “ by His Majesty’s Letters Patent, or Royal Charter, granted, made and pas-
 “ sed under the Great Seal of this Province, to the Mayor, Aldermen and Com-
 “ monalty of the City of Saint John, ratified and confirmed by an Act of the
 “ General Assembly, made and passed in the twenty-sixth year of His Majes-
 “ ty’s Reign, it was among other things granted to the said Mayor, Aldermen
 “ and Commonalty of the said City, and to their Successors for ever, that the
 “ Mayor, Recorder and Aldermen of the said City, for the time being, should
 “ be at all times for ever thereafter Justices, and each of them a Justice of the
 “ Peace within the City and County of Saint John, and that they the sad
 “ Mayor, Recorder and Aldermen of the said City, for the time being, and such
 “ other Person and Persons as His Majesty, his Heirs and Successors should
 “ from time to time assign to be Justice and Justices of the Peace, within the
 “ said City and County of Saint John, whereof the said Mayor, Recorder, or
 “ any one of the Aldermen of the said City, for the time being, should be one,
 “ should and might for ever thereafter hold and keep four Courts of General
 “ Quarter Sessions of the Peace, in and for the said City and County, in every
 “ year. And whereas great inconveniences have arisen from the want of some
 “ Person or Persons duly authorised to solemnize and take the acknowledg-
 “ ment of marriage between such parties as aforesaid, intending to make a con-
 “ tract of marriage, in the several Parishes in the said County of Saint John,
 “ distinct from the said City, in which there is not any Parson, Vicar, Curate
 “ or other Person in Holy Orders of the Church of England, by reason that no
 “ Persons other than the said Mayor, Recorder and Aldermen of the said City,
 “ can, consistently with the said Royal Charter ratified and confirmed as afore-
 “ said, be appointed Justices of the Quorum in the said County; for remedy
 “ whereof,”

I. Be it enacted by the President, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for His Majesty’s Justices of the Peace, for the said City and County of Saint John, not being of the Quorum, severally and respectively to solemnize and take the acknowledgment of marriage, in all cases where any Justice of the Peace, being of the Quorum, may solemnize and take the same by virtue of the said first herein before in part recited Act, in manner and form as prescribed by the same Act, to such Justice of the Peace being of the Quorum, and such Justice of the Peace shall have the like power and authority in every respect as any Justice of the Peace, being of the Quorum, can or may have under and by virtue of the same Act: any thing in the same Act contained to the contrary thereof in any wise notwithstanding.

Justices in the City and County of Saint John, not being of the Quorum, may solemnize marriage.

II. And be it further enacted, That such Justices of the Peace as aforesaid, as shall solemnize and take the acknowledgment of any marriage under and by virtue of this Act, shall be respectively subject and liable to the same rules, regulations, penalties, and forfeitures, in every respect, and to all intents and purposes as Justices of the Peace, being of the Quorum, are subject and liable to, under and by virtue of the said first herein before recited Act: any thing in the same Act contained to the contrary thereof in any wise notwithstanding.

Subject to the same rules, &c. as Justices of the Quorum are by the recited Act.

Recited Act continued in force.

III. And be it further enacted, That the said first herein before recited Act, and every clause, matter, and thing therein contained, not altered and amended by this Act, shall be and remain in full force: any thing in this Act contained to the contrary thereof in any wise notwithstanding:

CAP. III.

50 G. 3, C. 6. An Act, to continue for a limited time an Act, intituled "An Act, for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways, within the several Towns and Parishes in this Province."

Passed the 21st of February, 1812.

[Expired.]

CAP. IV.

31 G. 3, C. 8. An Act, to repeal an Act passed in the thirty-first year of His Majesty's Reign, intituled "An Act, for fixing permanently the boundary lines between the different Grants in this Province."

Passed the 21st of February, 1812.

Preamble. :

“WHEREAS the Provisions made by an Act passed in the thirty-first year of His Majesty's Reign, intituled "An Act, for fixing permanently the boundary lines between the different Grants in this Province," have been found ineffectual for the purposes intended, by reason of the increasing variations of the magnetic needle from the true meridian, which are different in different places, and in the same places at different times, so that the course or direction of any line now to be run by the needle would differ widely from what it would have been, had the same nominal course been so run, at or soon after the time of the passing of the said Act;”

Act 31 G. 3, C. 8, repealed.

I. Be it therefore enacted by the President, Council and Assembly, That the said Act for fixing permanently the boundary lines between the different Grants in this Province, be, and the same is hereby repealed.

Proceedings under the repealed Act confirmed.

II. Provided always, That nothing in this Act contained, shall extend, or be construed to extend to invalidate or any wise affect any proceedings already had in any part of this Province under and by virtue of the said herein before recited Act, but that such proceedings shall be and remain in the same force as if this present Act had not been passed.

The lines of certain Grants in the County of Charlotte, to be ascertained by reference to the true meridian:

III. "And whereas, in certain Grants of Land in the County of Charlotte, passed under the Seal of the Province of Nova Scotia, the courses of the Boundary lines have by mistake been specified as lines to be run by the magnetic needle," Be it further enacted, that in the said Grants the courses of the boundary lines shall be ascertained by reference to the true meridian, as represented on the plans thereto annexed.

CAP. V.

An Act, to appropriate a sum of money as an aid to His Majesty in the defence of the Province.

Passed the 7th of March, 1812.

[*Expired.*]

CAP. VI.

An act, to impose a Duty on certain Articles, imported into this Province.

Passed the 7th of March, 1812.

[*Continued by 54 G. 3, C. 3—and 58 G. 3, C. 11—amended by 59 G. 3, C. 9—and 2 G. 4, C. 21—and further continued by 3 G. 4, C. 20, until 1826, and then expired.*]

CAP. VII.

An Act, to authorise the Justices of the Peace for the Counties of York and a Charlotte, respectively, to regulate the Assize of Bread in the Towns of Fredericton and Saint Andrews.

Passed the 7th of March, 1812.

I. **B**E it enacted by the President, Council and Assembly, That the Justices of the Peace in the respective Counties of York and Charlotte, be, and they are hereby authorised and empowered to make such rules and regulations for ascertaining the Assize of Bread, and sale thereof, for Fredericton, in the County of York, and for Saint Andrews, in the County of Charlotte, as they, or the major part of them, in General Sessions, or at any Special Sessions held for that purpose, shall deem just and expedient, and to enforce such regulations under such fines as they shall think fit. Provided that no fine for any one offence shall exceed the sum of forty shillings.

Justices in York and Charlotte may establish an Assize of Bread for the Towns of Fredericton and Saint Andrews,

and impose fines. Fines not to exceed 40s.

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

Limitation.

[*Made perpetual by 54 G. 3, C. 1. Repealed so far as relates to Fredericton by 5 G. 4, C. 18, which makes other Provisions for said Town.*]

CAP. VIII.

An Act, to amend and continue for a limited time an Act, intituled "An Act, for better regulating the Militia in this Province."

Passed the 7th of March, 1812.

[*Repealed by 53 G. 3, C. 1.*]

^a See 10 & 11 G. 4, C. 4, as to Portland—and 1 W. 4, C. 37, as to Newcastle and Chatham.

CAP. IX.

An Act, for erecting a Court-House and Gaol in the County of Northumberland.

Passed the 7th of March, 1812.

[*Obsolete.*]

CAP. X

An Act, to authorise the Justices of the Peace for the County of Charlotte, to levy an Assessment for paying off the County debt, and for finishing and completing the County Gaol and Court-House, lately erected in said County.

Passed the 7th of March, 1812.

[*Obsolete.*]

CAP. XI.

- b An Act, to authorise the Common Council of this City of Saint John, to appoint Constables for such Wards of the City, as shall omit to choose the same.

Passed the 7th of March, 1812.

Preamble.

“**W**HEREAS by the Charter of the City of Saint John, the Freemen “and Freeholders of the said City, being inhabitants, are authorised and empowered to elect annually, one Constable for each of the six “Wards of the City: And whereas it has frequently happened that in some of “the said Wards no Constable has been chosen agreeably to the provisions of “the said Charter;”

Common Council may annually appoint Constables for the Wards in which none shall have been chosen.

I. Be it enacted by the President, Council and Assembly, That it shall and may be lawful for the Common Council of the said City annually, to appoint one fit person to be Constable, for each and every of the said Wards, in which no Constable shall have been chosen, agreeably to the provisions of the said Charter.

In case of the death, removal from the City, or refusal of any person appointed or elected to the office of Constable, the Common Council may appoint another.

II. And be it further enacted, That if any person appointed to the office of Constable, under and by virtue of this Act, or elected to the same office agreeably to the provisions of the said Charter, shall happen to die, or remove out of the said city, within the time for which he shall be so appointed or elected, or shall refuse to take upon himself to execute the said office, when so appointed or elected, it shall and may be lawful for the said Common Council to appoint one other fit person to execute the said office, in the room of such person so dying, or removing, or refusing to take upon himself to execute such office.

Constables appointed by the Common Council to be sworn.

III. And be it further enacted, That every person appointed under and by virtue of this Act, shall, before he executes the office of Constable, be duly sworn as is provided by the said Charter, in the case of persons elected to the said office; and any person who shall refuse, deny, delay or neglect to take upon him to execute the said office when so appointed by the said Common Council,

And for refusal or neglect of duty to be liable

b See Charter of the City of Saint John, Appendix No. 2—and See 56 G. 3, C. 1, which increases the number of Constables.

Council, shall be subject to the like fine as is provided by the said Charter, upon the refusal or neglect of any person to take upon him to execute the said office, after being elected to the same; to be imposed or recovered, and levied and collected, as in and by the same Charter is provided.

to the same fine as Constables elected under the Charter.

IV. And be it further enacted, That the persons who may be appointed to the office of Constable, under and by virtue of this Act, for the several Wards in the eastern district of the said City, shall be inhabitants of the Wards, for which they shall be respectively appointed, and Freemen of the said City, and the persons who may be in like manner appointed for the Wards in the western district of the said City, shall be inhabitants of the said district, and Freemen of the said City.

Constables in the eastern and western districts to be inhabitants of the Wards for which they are appointed, and Freemen.

CAP. XII.

An Act, more effectually to prevent the encumbering or filling up of Harbours, and to authorize the appointment of Harbour Masters.

Passed the 7th of March, 1812.

[*Limited to two years; made perpetual by 54 G. 3, C. 1; repealed by 3 G. 4, C. 28.*]

CAP. XIII.

An Act, to authorise the Justices of the Peace in the City and County of Saint John, in their General Sessions, to levy an additional Assessment for the purpose of finishing the Gaol of the said City and County, and to discharge the debt already contracted in adding to the said Gaol.

Passed the 7th of March, 1812.

[*Obsolete.*]

CAP. XIV.

An Act, to establish a Winter Road from Bates' Mill Pond to the River Kennebeckacis, at or near the site of the old Court House in King's County.

Passed the 7th of March, 1812.

“**W**HEREAS the sum of thirty pounds has been granted, to be applied
 “ to the purpose of opening a Winter Road from the head of Bates’
 “ Mill Pond so called, in the Parish of Kingston, in King’s County, to the Ri-
 “ ver Kennebeckacis;”

Preamble.

Be it enacted by the President, Council and Assembly, That the Commissioner or Commissioners to be appointed by the President, to expend the said sum of thirty pounds, shall have full power and authority to lay out a Winter Road, on such part of the land lying between the head of the said Mill Pond and the Kennebeckacis River as he or they shall judge proper; which doings of such Commissioner or Commissioners, shall be returned to the Clerk of the Peace for said County, and shall be by him registered as other roads and high-

Commissioners to be appointed to lay out a Winter Road from the Mill Pond to the Kennebeckacis.

Return to be made and registered.

ways

Penalty for obstructing the road.

ways by law are required to be done; and in case any person or persons shall obstruct or lay any incumbrance on said road, he or they shall be liable to the same fines and penalties, as he or they would be subject to for the same offences on any other road or highway.

CAP. XV.

50 G. 3, C. 20. An Act, to alter and amend an Act, intituled "An Act for the further regulation of Fisheries, and for preventing their decay."

Passed the 7th of March, 1812.

[Repealed in part by 56 G. 3, C. 4, and remainder by 60 G. 3, C. 21.]

CAP. XVI.

c An Act, authorising 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.

Passed the 7th of March, 1812.

Preamble.

“WHEREAS the City of Saint John is in imminent danger from fire, “ from the improper construction of many chimnies and hearths within “ the said City, and whereas sundry regulations are necessary to be made, as “ well relating thereto, as to the dangerous practice of keeping gunpowder in “ many of the stores and dwelling-houses, and to sundry other practices which “ are liable to cause or promote fires, and also to provide for the better extinguishment of fires which may take place;”

Corporation may make laws for preventing and extinguishing fires, and compel the attendance and prescribe the duties of engineers, firemen, and others, and remove or prevent the construction of hearths, fire-places, &c. and direct the construction of deposits for ashes, and regulate the keeping and conveying of gunpowder. &c. and the use of light in stables, and direct the inhabitants to provide fire buckets,

I. Be it therefore enacted by the President, Council and Assembly, That the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, shall have full power and authority to pass and to provide for the execution of such Ordinance as they may deem proper for the more effectual prevention and extinguishment of fires in the said City, and to compel the attendance of all Engineers, and Firemen, and such other persons as they may deem necessary to assist at the extinguishment of fires, and to prescribe the duties of such Engineers, Firemen and other persons; and to remove or prevent the construction of any hearth, fire place, or chimney, stove, oven, or boiler kettle, or apparatus used in any manufacture or business which may be dangerous in causing or promoting fires, and also to direct the construction of deposits for ashes in safe and suitable places, and of materials secure against fire. And also to regulate the keeping, carting, conveying or transporting of gunpowder, or any other combustible or dangerous material within the said City, and to provide for the forfeiture thereof, if the same shall be kept, carted, conveyed or transported contrary to such regulations: And also to regulate the use of light and candles in livery and other stables, within the said City, and to direct the inhabitants or owners of houses, within the same City, to provide themselves with fire buckets, to be ready in their respective houses, for the purpose of extinguishing fires;

c See further, 59 G. 3, C. 5, as to Ladders to Houses, &c.—7 G. 4, C. 8—and 2 W. 4, C. 11, for the better extinguishing Fires in the City of Saint John—and 2 W. 4, C. 26, S. 18, as to supply of Water.

fires; and to authorise such suitable officer or officers, as they may think proper, at such reasonable time or times, as they may appoint to enter into and examine all dwelling-houses, lots, yards, enclosures and buildings of every description, within the said City, to examine and discover whether any danger exists therein, and to give order and direction concerning the same, so as effectually to provide for the safety of the inhabitants in the neighbourhood thereof; and for the more effectual and perfect execution of such laws and ordinances.

and may authorize suitable officers to examine dwelling houses, yards, buildings, &c.

II. Be it further enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty, in Common Council convened, from time to time to impose penalties for the non-observance of the same, not exceeding ten pounds, to be recovered, paid and applied in like manner as all other penalties inflicted by any of the Laws or Ordinances of the said Mayor, Aldermen and Commonalty of the said City.

May impose penalties not exceeding £10.

III. And be it further enacted, That this Act shall continue and be in force for five years, and to the end of the then next Session of the General Assembly and no longer.

Limitation.

[*This Act expired in 1817, but was revived and made perpetual by 59 G. 3, C. 4.*]

CAP. XVII.

An Act in further addition to an Act, intituled "An Act for better extinguishing Fires that may happen within the City of Saint John." 26 G. 3. C. 47.

Passed the 7th of March, 1812.

[*Repealed by 7 G. 4, C. 8.*]

CAP. XVIII.

An Act, in amendment of an Act, made and passed in the forty-fifth year of His Majesty's Reign, intituled "An Act, to regulate the Winter Roads in the Counties of York and Sunbury."

Passed the 7th of March, 1812.

I. **B**E it enacted by the President, Council and Assembly, That the first, second, third, and fifth Sections of an Act, made and passed in the forty-fifth year of His Majesty's Reign, intituled "An Act, to regulate the Winter Roads in the Counties of York and Sunbury," be, and the same are hereby repealed.

1st, 2d, 3d and 5th Sections of 45 G. 3, C. 8, repealed.

II. And be it further enacted, That from and after the passing of this Act, the Commissioners of Highways, or either of them, for the time being, in the Parishes of Fredericton, Kingsclear, and Saint Mary's, in the County of York, and the Commissioners of Highways, or either of them, for the time being, in the several towns and parishes in the County of Sunbury, where the major part of such Commissioners shall think it necessary, shall yearly and every year, order the Surveyors of Highways in their several districts, so soon as the ice shall be sufficiently strong to bear a team or teams; and immediately after the first fall of snow, to summon the inhabitants of the said parishes to labour on the said Winter Roads by marking the same in lines as straight as may be, with one row

Commissioners to order Surveyors to summon the inhabitants to mark the roads with one row of evergreen bushes.

of

of evergreen bushes, erected at distances not exceeding four rods from each other, and that the said Roads shall be marked on the river Saint John, excepting from the usual landing place below the town of Fredericton to the usual landing place above the said town, where the Road shall be marked upon the land through the front street of the Town Plat.

Roads to be laid out on each side of the bushes.

Travellers to leave the bushes on the left hand, under the penalty of 10s.

To be recovered before a Justice, and levied by warrant of distress Application For want of effects offender to be imprisoned. Recited Act confirmed.

III. And be it further enacted, That the said Commissioners, or either of them, are hereby required to lay out the said Winter Roads, on each side of, and within six feet from the said one row of bushes erected as aforesaid, and all persons travelling with their horses, cattle, sleds and carriages of every denomination, on the said Roads, within the aforesaid limits, shall leave the said one row of bushes always on the left hand, under the penalty of Ten Shillings, for each and every offence committed contrary to the true intent and meaning of this Act, to be recovered upon conviction, before any one of His Majesty's Justices of the Peace, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods, rendering the overplus, if any, after deducting the costs and charges, to the offender, to and for the use of the informer; and for want of such effects whereon to levy, the offender or offenders shall be imprisoned for a time not exceeding four days.

IV. And be it further enacted, That the said herein before recited Act, and every clause, matter and thing, therein contained, except wherein the same is hereby altered and repealed, shall be, and continue in full force; any thing herein contained to the contrary in any wise notwithstanding.

CAP. XIX.

d An Act, to amend an Act intituled "An Act to provide for the more easy partition of Lands in Coparcenary, Joint-Tenancy, and Tenancy in Common."

Passed the 7th of March, 1812.

Preamble.

50 G. 3, C. 7.

“WHEREAS by the first Section of an Act, made and passed in the fifth year of his present Majesty's Reign, intituled "An Act to provide for the more easy partition of Lands in Coparcenary, Joint-Tenancy, and Tenancy in Common," it is enacted, "that upon the petition of any one or more Coparceners, Joint-Tenants or Tenants in Common, to the Supreme Court, praying a division of the Lands in which they may be interested, to the proprietors in severalty according to their respective shares and rights, it shall and may be lawful for the said Court to examine the title of the Petitioners preferring such petition, and the quantity of their respective parts and purparts, and accordingly as they shall find their respective rights, parts and purparts to be, to award a Writ of Partition, as nearly as may be in the form for that purpose established in the register of Judicial Writs:" And whereas, the said recited part of the said Act has been found to be inconvenient,"

In part repealed.

I. Be it therefore enacted, by the President, Council and Assembly, That the same part of the said Act be, and the same is hereby repealed.

Proceedings at law for partition shall commence by writ out of the Supreme Court, in form of writ from Chancery,

II. And be it further enacted, That from and after the first day of May next, all proceedings at Law for partition between Coparceners, Joint-Tenants, and Tenants in Common, shall commence by Writ issuing out of the Supreme Court, as nearly as may be in the form of the Writ of Partition issuing out of the Court of Chancery in England, and after such Writ of Partition returned, and affida-

vit

vit being made by any credible person, of due notice given of the said Writ of Partition to the Tenant or Tenants to the action, and a copy thereof left with the Occupier, or Tenant or Tenants, or if they cannot be found, to the wife, son or daughter, (being of the age of twenty-one years or upwards) of the Tenant or Tenants, or to the Tenant in actual possession, by virtue of any estate of Freehold, or for term of years, or uncertain interest, or at will, of the lands, tenements or hereditaments, whereof the Partition is demanded, (unless the said Tenant in actual possession be demandant in the action) or if no such person can be found, by publishing such copy in the Royal Gazette, at least thirty days before the day of the return of the said Writ of Partition, if the Tenant or Tenants to such Writ or any of them, or the true Tenant to the messuages, lands, tenements and hereditaments, as aforesaid, shall not in such case, on or before the first day of the term next after the return of such Writ, cause an appearance to be entered, then in default of such appearance, the demandant having entered his declaration, the Court may proceed to examine the demandant's title and quantity of his part and purpart, and accordingly as they shall find his right, part and purpart, to be, they shall for so much thereof, give judgment by default, and award a Writ to make partition, and such proceedings shall be had thereon in every respect as are directed in and by the said herein before recited Act; any thing herein before contained to the contrary thereof in any wise notwithstanding.

and after return of such writ, and due notice to the Tenant, &c.

or if they cannot be found, being published in the Royal Gazette, if an appearance be not entered the Demandant having entered his Declaration, the Court to examine the title and give judgment by default, and award a writ to make partition.

Proceedings to be as directed by recited Act.

III. And be it further enacted, That if such Defendants or Tenants shall appear, the cause shall proceed according to due course of Law, and upon judgment that Partition be made between the parties in such action, a Writ to make Partition shall be in like manner awarded, and the same shall be executed in such manner and form as are particularly mentioned and directed in and by the same Act; any thing in the same Act contained to the contrary thereof in any wise notwithstanding.

If Defendants appear proceedings to be according to law, and upon judgment for partition a writ to be awarded and executed as directed by the recited Act.

IV. And be it further enacted, That the Sheriffs respectively, shall give twenty days' notice of the Writ to make Partition, instead of forty days, as required by the first Section of the said in part recited Act.

Notice of executing writ to make partition.

V. And be it further enacted, That the said herein before recited Act, and every clause, matter and thing therein contained, not altered or amended by this Act, shall be and remain in full force; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Recited Act confirmed.

CAP. XX.

An Act, supplementary to the Acts now in force for the public registering of Deeds, Conveyances, and Wills, and other Incumbrances of, or which may affect any lands, tenements or hereditaments within this Province, and for more effectually securing the title of purchasers of real Estates, against claims of dower.

Passed the 7th of March, 1812.

“WHEREAS it has been found to be necessary or expedient to make some further provision for the making and taking of acknowledgments or proof of any Deeds and Conveyances of land within this Province, “in

Preamble.

“ in order that the same may be registered in the respective offices erected in the
“ several Counties for registering such Deeds and Conveyances;”

Acknowledgment or proof of Deeds directed if the grantor or bargainor live in any foreign State or Kingdom.

Certificate,

if in Great Britain and Ireland,

and how certified

Acknowledgments to be registered with the deeds

Deeds so acknowledged, &c. subject to the same rules as other deeds proved and registered agreeably to 26 G. 3. C. 3.

Not to deprive any person before authorized of the power of taking the acknowledgment of any person residing in the United Kingdom

All deeds and conveyances duly acknowledged and proved sufficient to transfer estates and possession without livery of seisin or other ceremony.

Register's Fees.

I. Be it enacted by the President, Council and Assembly, That from and after the passing of this Act, if the grantors or bargainors in any Deeds or Conveyances of lands lying within this Province heretofore executed, or hereafter to be executed, shall live in any foreign state or kingdom, the acknowledgment or proof of such Deed or Conveyances may be had and taken by and before any Public Minister, Ambassador, or Consul, from the Court of Great-Britain, resident in any such state or kingdom, and certified on such Deeds or Conveyances, by and under the hand and seal of such Minister, Ambassador, or Consul, so taking the acknowledgment or proof thereof as aforesaid; and if such grantors or bargainors shall live or reside in any part of the United Kingdom of Great Britain and Ireland, the acknowledgment and proof of the execution of such Deeds or Conveyances, by the grantors or bargainors respectively, and also the acknowledgment of any Femes Covert therein named, of the execution of the same, by them may in all cases be had and taken before any Mayor, or other Chief Magistrate of the City, Borough or Town Corporate in any part of the said United Kingdom, where or near to which the said grantors or bargainors, and their wives respectively, shall reside, and certified under the Common Seal of such City, Borough, or Town Corporate, or the Seal of the office of such Officer, or other Chief Magistrate, and that all such acknowledgments or proofs so taken, under and by virtue of this Act, shall be registered with the respective Deeds and Conveyances, so acknowledged in the respective offices, of the Registers of Deeds and Wills, established in and by an Act made and passed in the twenty-sixth year of His present Majesty's Reign, intituled “ An Act for the public registering of all Deeds, Conveyances, and Wills, and other Incumbrances which shall be made of, or that may affect lands, tenements, or hereditaments, within this Province.” and such Deeds or Conveyances so acknowledged, certified, and registered, shall be subject to the same rules of construction, and shall have the same operation, force, and effect, and the certificates of the registry thereof intituled to the same credit in every respect, as any other Deeds or Conveyances, acknowledged or proved, and registered, agreeably to the provisions of the same Act: Provided always, that nothing herein contained shall be construed to deprive any other officers or persons before authorised by any Act of the General Assembly of this Province, of the power of taking the acknowledgment or proof of the execution of any Deeds or Conveyances of any persons residing within the said United Kingdom.

II. And be it further enacted and declared, That all Deeds, Grants, and Conveyances, which have been, or which hereafter shall be duly acknowledged or proved, before any Court, or Officer, or person authorised and empowered by the said Act, or by this or any other Act of the General Assembly of this Province, and duly registered agreeably to the provisions thereof, shall be, and shall be deemed and taken to be good, effectual, and available for the passing and transferring the estate and possession of such lands, tenements, and hereditaments, according to the intents and uses and purposes in such Deeds, Grants, and Conveyances expressed, without livery of seisin, or any other act or deed or form or ceremony whatsoever.

III. And be it further enacted, That the Registers of Deeds and Wills respectively, shall be entitled to receive for the entering and registering all Deeds, Conveyances and Wills, and for all certificates and all office copies, at the rate of one shilling for every hundred words contained therein, instead of the fees provided for the same services by the thirteenth Section of the said in part recited Act.

CAP. XXI.

An Act, more effectually to provide for the public Registering of all Marriages *f* solemnized within this Province.

Passed the 7th of March, 1812.

“ **W**HEREAS the provisions made for the Registry of Marriages have been “ found to be ineffectual: and it is expedient that there should be but “ one book in each County for the Registry of all Marriages solemnized within “ the same ;”

Preamble. ;

I. Be it therefore enacted by the President, Council and Assembly, That the fourth Section of an Act made and passed in the thirty-first year of the reign of His present Majesty, intituled “ An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery, and Fornication,” be, and the same is hereby repealed.

Fourth Section of 31 G. 3, C. 5, repealed.

II. And be it further enacted, That immediately after the passing of this Act, the Clerks of the Peace of the several Counties in this Province, shall each be provided with a book at the expense of the Province, for the Registry of the Certificates of all Marriages which may be celebrated and solemnized within the said Counties respectively, which book shall contain six quires of good paper, and be well bound, and every page thereof shall be marked at the top with the figure of the number of every such page, and the same book shall be intituled and deemed and taken to be the book of Registry of Marriages for the same County.

Clerks of the Peace in the several Counties to be provided with a book for the Registry of Certificates of Marriage.

III. And be it further enacted, That from and after the first day of May next, all Marriages shall be solemnized in the presence of two or more credible witnesses, besides the Minister or person who shall celebrate the same, and that immediately after the celebration of every marriage, a Certificate thereof shall be made, in which it shall be expressed that the said Marriage was celebrated by Banns or Licence, and if both, or either of the parties named by Licence, be under age, with consent of the Parents or Guardians as the case may be: and shall be signed by the said Minister or other person so celebrating the same, with his proper hand, and also by the parties named, and attested by such two witnesses; which Certificate shall be made in the form or to the effect following, that is to say:

Marriages to be solemnized in presence of two witnesses beside the Minister,

A. B. of the Parish of _____ and C. D. of the Parish of _____ (or some Parish,) were married by { Banns / Licence } with consent of { Father / Guardian } this _____ day of _____ in the year _____ by me E. F. { Rector, &c. as the / title may be. }
This Marriage was solemnized between us { A. B. / C. D. }
In the presence of { G. H. / I. K. }

and a Certificate made thereof and signed by the Minister, and the Parties, and the Witnesses.

Form of Certificate.

And the same Certificate so made and attested, shall be, within two months from the making thereof, transmitted by the said Minister or other person so celebrating such Marriage, to the Clerk of the Peace of the said County in which the same Marriage is solemnized, and be forthwith registered at full length by such Clerk, in the book so provided as aforesaid, and when registered, an indorsement made thereon of the day of such Registry, and the page of the book in which the same is registered, and then the same Certificate shall be filed by the said Clerk, to remain in his Office.

Certificate to be within two months transmitted by the Minister to the Clerk of the Peace of the County, to be by him registered, indorsed and filed.

IV. And be it further enacted, That at the time of the celebration of any Marriage, the Minister or person celebrating the same, shall demand and receive the sum

Minister to demand seven shillings and sixpence, one half

f Refer to 31 G. 3, C. 5.

g See 54 G. 3, C. 12, requiring Parties to sign Certificate of Marriage under Penalty of L.20.

of which to be paid to the Clerk of the Peace.

Minister refusing or neglecting to make and transmit Certificate, or Clerk to register, mark and file the same to forfeit L. 20.

Copies from the entries made by the Clerk, certified under his hand and the seal of the Court of Sessions, made evidence. Not to extend to marriages among Quakers.

sum of seven shillings and sixpence, one moiety thereof as a compensation for making the Certificate of such Marriage, and transmitting the same as herein before mentioned, and the other moiety shall be paid by him to the Clerk of the Peace, as his fee, for registering and filing such Certificate.

V. And be it further enacted, That for every neglect or refusal of any person so celebrating any Marriage, to make and transmit the Certificate thereof, or of any Clerk of the Peace to register and mark and file the said Certificate in manner and form aforesaid, the Person offending shall forfeit and pay to His Majesty, the sum of twenty pounds, to be recovered, with costs of suit, by bill, plaint, or information in the Supreme Court of Judicature.

VI. And be it further enacted, That copies from the said Register of the entries therein made, certified by the said Clerk of the Peace, under his hand, and the seal of the Court of General Sessions of the Peace, which the said Clerk is hereby authorised upon such occasions to use, shall be received and taken as evidence in all Courts of Law or Equity in this province, without other proof of the same being copies: Provided always, that nothing in this Act contained, shall be construed to extend to any Marriages amongst the people called Quakers.

CAP. XXII.

An Act, to provide for the payment of the Ordinary Services of the Province.

Passed the 7th of March, 1812.

[*Expired.*]

CAP. XXIII.

An Act, to provide for opening and improving Roads and erecting Bridges throughout the province.

Passed the 7th of March, 1812.

[*Expired.*]

CAP. XXIV.

An Act, to encourage the erection of a Passage Boat, to be worked by Steam, for facilitating the communication between the City of Saint John and Fredericton.

Passed the 7th of March, 1812.

[*Provisions extended by 53 G. 3, C. 4, and exclusive right of navigating the Saint John in Steam Vessels, granted by this Act to the persons therein named, further extended by 59 G. 3, C. 14, to 1819, and then expired.*]

Anno Regni, GEORGII III. Regis, Quinquagesimo
Tertio.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the twenty-seventh day of January, in the year of our Lord one thousand eight hundred and ten, in the fiftieth year of the reign of our said Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, King, Defender of the Faith, &c. and from thence continued by several Prorogations, to Tuesday the twelfth day of January, one thousand eight hundred and thirteen; being the Third Session of the Fifth General Assembly convened in the said Province.

CAP. I.

An Act, for regulating the Militia.

Passed the 3d of March, 1813.

[*Amended and continued by 54 G. 3, C. 21, and repealed by 56 G. 3, C. 6.*]

CAP. II.

An Act, to enlarge the limits of the Parish of Saint Stephen, in the County of ^a Charlotte.

Passed the 3d of March, 1813.

BE it enacted by the President, Council and Assembly, That all that tract of land in the County of Charlotte, lying southward of the prolongation of the rear line of the Parish of Saint David, to the Cheputnaticook River, and bounded northwardly by the said line, and westwardly by the Cheputnaticook and Saint Croix River, and northeastwardly and eastwardly by the line of the Parishes of Saint David and Saint Stephen, as described in the original formation of the same Parishes, be, and the same is hereby annexed to, and made part and parcel of, the said Parish of Saint Stephen. Saint Stephen enlarged.

^a Refer to 26 G. 3, C. 1, S. 4, and see 4 G. 4, C. 11, which erects Parish of Saint James.

CAP. III.

6 An Act, in amendment of, and in addition to, an Act, intituled "An Act, for transferring to, and vesting in the Crown, such lands and tenements of any person or body politic on which it may be judged suitable and necessary to erect fortifications, or which may be wanted for other uses of war and defence, and for ascertaining the value thereof, and making compensation for the same to the former owners."

Passed the 3d of March, 1813.

Preamble.

43 G. 3, C. 1.

“ WHEREAS by the first Section of an Act, made and passed in the forty-
 “ third year of His Majesty’s Reign, intituled “ An Act, for transfer-
 “ ring to, and vesting in the Crown, such lands and tenements of any person or
 “ body politic, on which it may be judged suitable and necessary to erect forti-
 “ fications, or which may be wanted for other uses of war and defence, and for
 “ ascertaining the value thereof, and making compensation for the same to the
 “ former owners,” it is enacted “ That at any time or times hereafter, whenever
 “ the General or Commander-in-Chief of His Majesty’s forces, or Commanding
 “ Royal Engineer in this Province, shall judge it expedient for His Majesty’s
 “ service, and the better security and defence of this frontier territory, to erect
 “ fortifications or other military works upon lands or tenements granted and be-
 “ longing to any person or persons or body politic, or to hold, occupy and pos-
 “ sess the same for any military uses and purposes whatsoever, and shall make a
 “ representation or suggestion thereof to this effect, to the Governor, Lieutenant
 “ Governor or Commander-in-Chief of the Province for the time being, if to his
 “ wisdom and discretion it shall appear fit for His Majesty’s service and the se-
 “ curity of the Province, to order the Clerk of the Crown in Chancery, to issue
 “ a writ or writs in His Majesty’s name, directed to the Sheriff of the County, in
 “ which such lands or tenements so required are situate, and thereby command-
 “ ing him, after advertising his intention two months in the Royal Gazette, by
 “ the oath of honest and lawful men, being Freeholders of his Bailiwick, by whom
 “ the truth of the matter may be better known, diligently to inquire who is or
 “ are the true and rightful owner or owners, occupant or occupants of such lands
 “ and tenements so required as aforesaid, (if to the said jurors he or they may be
 “ known) and of every part and parcel thereof, and how much the same lands and
 “ tenements and every part and parcel thereof are worth, according to a just and
 “ true valuation thereof, and of the estate and interest of the owner or owners
 “ thereof, and to what damage or what prejudice of the rightful owner or owners,
 “ occupant or occupants respectively it will be, if the said land and tenements be
 “ resumed by and vested in the King, his Heirs and Successors.” And where-
 “ as the delay occasioned by the notification of two months in the Royal Gazette,
 “ thereby required to be given by such Sheriff, may in certain cases be produc-
 “ tive of great injury to His Majesty’s service ;”

I. Be it therefore enacted by the President, Council and Assembly, That any Sheriff, to whom any Writ or Writs in His Majesty’s name, shall be directed for the purposes in the said hereinbefore recited act specified, shall and may proceed and make inquiry according to the exigence of any such Writ or Writs, forthwith after the reception of the same by him, and that every inquisition made and returned under and by virtue of this Act, shall be proceeded upon and have the like

Sheriff to proceed forthwith according to the exigence of the Writ.

Inquisitions so made may be proceeded upon

like force and effect in all respects as any inquisition made and returned under and by virtue of the said hereinbefore recited Act, any thing in the said hereinbefore recited Law, to the contrary notwithstanding.

and shall have the like effect as if made under the former Law.

“ And whereas, also certain fortifications and other military works have been erected within the limits of the City of Saint John, partly on that part of one of the Public Streets of the said City, called and known by the name of King-Street, which lies north of and adjoins to the lots described on the plan of the said City; by the numbers four hundred and twenty-eight, four hundred and twenty-nine, four hundred and thirty, four hundred and thirty-one, four hundred and thirty-two, four hundred and thirty-three, four hundred and thirty-four, and four hundred and thirty-five, and partly on that part of another Street commonly called Wentworth-Street, which lies between the said Street, called King-Street, and another Street called Leinster-Street, which works are deemed necessary for the public defence ;”

Preamble.

II. Be it further enacted, That the part of the said Street so adjoining the said lots hereinbefore particularly described, to the distance of fifty feet measuring from the south side thereof, as well as that part of the said Street called Wentworth-Street, which lies as aforesaid between King-Street and Leinster-Street, shall cease to be part of the public Streets of the said City, and the same are hereby transferred to, and vested in, the King's Majesty, his Heirs and Successors for the purpose of fortifications, and other military works as aforesaid.

Part of King-Street and of Wentworth-street of the City of Saint John vested in his Majesty for military uses.

CAP. IV.

An Act, to alter and extend the provisions of an Act, intituled “ An Act to encourage the erection of a Passage Boat to be worked by Steam, for facilitating the communication between the city of Saint John and Fredericton,” and to relieve the Persons named in the same Act from the penalty of a bond given by them to His Majesty in pursuance of the provisions of the same Act.

52 G. 3, C. 24.

Passed the 3d of March, 1813.

[*Expired. Refer to 52 G. 3, C. 24.*]

CAP. V.

An Act, for laying additional Duties on certain Articles imported into this Province.

Passed the 3d of March, 1813.

[*Expired.*]

CAP. VI.

An Act, to provide for the accommodation and billeting of his Majesty's Troops and Militia, when on their March.

Passed the 3d of March, 1813.

[*Expired.*]

CAP. VII.

An Act, to appropriate the Public Money.

Passed the 3d of March, 1813.

[*Expired.*]

CAP. VIII.

An Act, to explain an Act, intituled "An Act for regulating the Militia."

Passed the 3d of March, 1813.

[*Obsolete.*]

CAP. IX.

An Act, for the further increase of the Revenue of the Province.

Passed the 3d of March, 1813.

[*This Act was passed with a suspending clause, and confirmed in England on the 31st of July, 1813—and was continued by 56 G. 3, C. 29—57 G. 3, C. 2—and 58 G. 3, C. 14, to 1st April, 1820, and then expired.*]

Anno Regni, GEORGII III Regis, Quinquagesimo
Quarto.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the twenty-seventh day of January, in the year of our Lord, one thousand eight hundred and ten, in the fiftieth year of the Reign of our said Sovereign Lord, George the Third, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c.; and from thence continued by several Prorogations, to Tuesday the eleventh day of January, one thousand eight hundred and fourteen; being the Fourth Session of the Fifth General Assembly convened in the said Province.

CAP. I.

An Act to make perpetual several Acts of the General Assembly which are near expiring.

Passed the 7th of March, 1814.

BE it enacted by the President, Council and Assembly, That an Act made and passed in the forty-seventh year of His Majesty's Reign, intituled "An Act to prevent Illicit and Clandestine Trade, and for imposing a Duty upon Articles illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof;" also an Act made and passed in the fifty-second year of His Majesty's Reign, intituled "An Act to authorise the Justices of the Peace for the Counties of York and Charlotte respectively, to regulate the Assize of Bread in the Towns of Fredericton and Saint Andrews;" and an Act made and passed in the fifty-second year of His Majesty's Reign, intituled "An Act more effectually to prevent the incumbering or filling up of Harbours, and to authorize the appointment of Harbour Masters;" be, and the same are hereby made perpetual.

47 G. 3, C. 16.

52 G. 3, C. 7.

52 G. 3, C. 12,
made perpetual.

CAP. II.

An Act in addition to an Act, intituled "An Act for regulating the exportation of Fish and Lumber, and for repealing the Laws now in force regulating the same."

57 G. 3, C. 4.

Passed the 7th of March, 1814.

[Repealed by 59 G. 3, C. 11, S. 1.]

52 G. 3, C. 12, was repealed by 3 G. 4, C. 25.

CAP. III.

52 G. 3, C. 6.
50 G. 3, C. 22
ib C. 5.
ib C. 31

An Act to continue several Acts of the General Assembly, that are near expiring.

Passed the 7th of March, 1814

[*Expired.*]

CAP. IV.

53 G. 3, C. 6.

An Act to continue an Act, intituled “ An Act to provide for the accommodation and billeting of His Majesty’s Troops and the Militia when on their march.

Passed the 7th of March, 1814.

[*Expired.*]

CAP. V.

An Act for the preservation of Partridges.

Passed the 7th of March, 1814.

Preamble

“ WHEREAS it is necessary to prevent the killing Partridges during the “ time of their Breeding ; for the preservation of that species of Game,”

Penalty for killing, selling, or buying Partridges between the first of March and first of September

Be it enacted by the President, Council and Assembly, That from and after the passing of this Act, every person who shall take, kill or destroy, or who shall sell or expose for sale, or who shall buy or cause to be bought between the first day of March and the first day of September in any year, any Partridge, shall for every Partridge so taken, killed, destroyed, sold or exposed for sale, or found dead in his or her possession, forfeit the sum of ten shillings to the use of the person or persons who shall prosecute or sue for the same, to be recovered before any one of His Majesty’s Justices of the Peace for the County where the offence may be committed, on the oath of one or more credible witness or witnesses, or by confession of the Party offending, and levied on the goods and chattels of the offender ; and for the want of goods and chattels of such offender whereon to levy the same, it shall and may be lawful for such Justice to commit the offender to the common Gaol of the County, for the space of two days, or until the fine, together with the costs of prosecution and commitment, shall be paid.

Recovery and application.

For want of goods whereon to levy the fine the offender may be committed to Gaol

CAP. VI.

An Act for the better regulation of Licenses to Inns, Taverns and Houses, for selling Strong Liquors by Retail.

Passed the 7th of March, 1814.

[*Continued by 56 G. 3, C. 19—60 G. 3, C. 4—and 4 G. 4, C. 2; amended by 6 G. 4, C. 13; further continued by 9 G. 4, C. 10, to 1st April, 1831; and repealed by 1 W. 4, C. 24, S. 1.*]

CAP.

CAP. VII.

An Act further to continue for a limited time, an Act, intituled "An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns and Parishes in this Province." 50 G. 3, C. 6.

Passed the 7th of March, 1814.

[*Expired.*]

CAP. VIII.

An Act in amendment of an Act, intituled "An Act to repeal all the Acts now in force relating to Trespasses, and for making new regulations to prevent the same." 41 G. 3, C. 3.

Passed the 7th of March, 1814.

[*Repealed by 1 W. 4, C. 9.*]

CAP. IX.

An Act to repeal an Act, intituled "An Act in alteration and amendment of an Act, for establishing the Rates to be taken for Wharfage and Cranage," and for substituting other alterations and amendments of the same Act therein recited in lieu thereof.

Passed the 7th of March, 1814.

“WHEREAS the rates established by an Act made and passed in the twenty-sixth year of His Majesty’s Reign, intituled “An Act, establishing the Rates to be taken for Wharfage and Cranage of Ships and other Vessels within the limits of this Province,” and by an Act intituled “An Act, in alteration and amendment of an Act, for establishing the Rates to be taken for Wharfage and Cranage,” made and passed in the forty-seventh year of His Majesty’s Reign, have been found too small for the encouragement of erecting Wharves and keeping the same in repair;” 26 G. 3, C. 4J.
47 G. 3, C. 4

I. Be it therefore enacted by the President, Council and Assembly, That the first Section of the said herein before first mentioned Act, and the said herein before mentioned Act, made in alteration and amendment thereof, be, and the same are hereby repealed. 26 G. 3, C. 9.
S. 1, and 47 G. 3, C. 4. repealed.

II. And be it further enacted, That hereafter it shall and may be lawful for the owner or owners, proprietor or proprietors of any Wharf or Wharves now built or hereafter to be erected within the limits of this Province, to ask, demand, take and receive for Vessels whilst careening, loading, unloading or lying fast to any such Wharf or Wharves, the following rates:—that is to say, for every decked Vessel or Vessel of the description called Wood Boats, not exceeding fifty tons, the sum of one shilling and sixpence; for every Vessel above fifty tons, and not exceeding one hundred tons, the sum of two shillings and sixpence; for every Vessel above one hundred tons, and not exceeding one hundred and fifty tons, the sum of three shillings and sixpence; for every Vessel above one hundred Rates of Wharfage.
Decked Vessels and Wood Boats, not exceeding 50 Tons, 1s. 6d. From 50 to 100 Tons, 2s. 6d. 100 to 150 Tons, 3s. 6d.

150 to 200 Tons, 5s
 From 200 to 300 Tons, 7s 6d
 From 300 to 400 Tons, 10s
 Above 400 Tons, 12s 6d

dred and fifty tons, and not exceeding two hundred tons, the sum of five shillings; for every Vessel above two hundred tons, and not exceeding three hundred tons, the sum of seven shillings and sixpence; for every Vessel above three hundred tons, and not exceeding four hundred tons, the sum of ten shillings; and for every Vessel above four hundred tons, the sum of twelve shillings and sixpence, for each and every day such Vessel shall lie at any such Wharf or Wharves.

former Act to remain in force

III. And be it further enacted, That the said herein before first mentioned Act, and every clause therein, except such part thereof as is hereby altered and amended, shall be, and remain in full force.

CAP. X.

An Act for the Indemnification of Commissioners of Sewers.

Passed the 7th of March, 1814.

Preamble

“WHEREAS in many instances the Commissions for appointing Commissioners of Sewers have passed under the Seal of the Governor, Lieutenant Governor or Commander in Chief: And whereas doubts have arisen as to the validity of the powers derived from such Commissions, by reason that the same were not under the Great Seal of the Province: And whereas it is expedient that the Acts of any Commissioner or Commissioners of Sewers who may have been so appointed, should be rendered valid;”

Acts of Commissioners of Sewers, appointed by Commissions under the Seal of the Governor to be as valid as if their Commissions had been under the Great Seal

Be it therefore enacted by the President, Council and Assembly, That all and every Act and Acts heretofore done and transacted by all and every of the Commissioners of Sewers in this Province, who have been appointed by Commissions under the Seal of the Governor, Lieutenant Governor, or Commander in Chief, shall be deemed and taken, and are hereby declared to be equally valid and effectual to all intents and purposes, as if such Commissioners had severally and respectively been appointed by Commission or Commissions under the Great Seal.

CAP. XI.

An Act to authorise the Rector, Church Wardens, and Vestry of Saint Andrews' Church, in the Parish of Saint Andrews, to convey to the King's Majesty, a certain piece of Glebe Land of the Parish, for the purpose of erecting military fortifications thereon.

Passed the 7th of March, 1814.

Preamble

“WHEREAS a certain piece of Land situate in the Parish of Saint Andrews, in the County of Charlotte, being part of a Lot heretofore granted by Letters Patent under the Great Seal of this Province, to the Rector, Church Wardens, and Vestry of Saint Andrews' Church, in the said Parish of Saint Andrews, as a Glebe for the use, benefit and behoof of the Rector, Parson or Minister of the said Church for the time being, has been fixed upon by the commanding Royal Engineer, as a proper site for the erection of fortifications and other military works, for the better security and defence of this Province; which piece of land is bounded and described as follows, to wit, beginning at a stake about seven chains and eighty links from the South-west corner
 “ of

“ of said Glebe Lot, on the line dividing the said Glebe from the Town Plat of Saint Andrews, thence South forty-five degrees East, fourteen chains of four poles each, along the said dividing line to a stake; thence North forty-five degrees East, five chains to a stake; thence North forty-five degrees West, fourteen chains along the line dividing the said Glebe Lot from the lands belonging to Thomas Tomkins, to a stake; thence South forty-five degrees West, five chains to the place of beginning, containing seven acres;”

“ And whereas the said Rector, Church Wardens, and Vestry of Saint Andrews' Church, in the said Parish of Saint Andrews, have, with the consent of the Reverend Samuel Andrews, the present Rector or Minister of the said Parish, and the approbation of the Right Reverend the Bishop of Nova-Scotia, agreed to surrender the said piece of land to His Majesty, for the use aforesaid, upon condition of receiving a Grant to them from His Majesty of a certain other piece of land situate in the said Parish of Saint Andrews, being part of a tract reserved by the Surveyor-General of the Woods, for the use of the Crown, and bounded and described as follows, to wit, “ beginning at a stake on a line dividing the said reserve from the Town Plat of Saint Andrews opposite the Southwest corner of Block letter P, at the intersection of Parr-Street and Harriot-street; thence running North forty-five degrees East, eleven chains of four poles each, along the line of Harriot-street, to the North-west corner of the said Town Plat; thence North forty-five degrees West, along the North-easterly line of the said reserve, twelve chains to a stake; thence South forty-five degrees West, six chains to the road leading to the said Town of Saint Andrews; and thence South-easterly along the said road, about thirteen chains to the place of beginning, containing ten acres;” And whereas application has been duly made by the Lieutenant General commanding His Majesty's Forces, that the said agreement may be carried into effect;”

Be it therefore enacted by the President, Council and Assembly, That the said Rector, Church Wardens, and Vestry of Saint Andrews' Church, in the Parish of Saint Andrews, be, and they are hereby authorised and empowered, upon receiving a Grant under the Great Seal of this Province of the said herein before last described piece of land to them and their successors for ever, as a Glebe for the use, benefit, and behoof of the Rector or Minister of the said Church, for the time being, forthwith by a good and sufficient deed to convey to His Majesty, and his Heirs and Successors, the said herein before first described piece of ground, to hold the same to His Majesty, in right of his Crown, and to his Heirs and Successors for ever.

Rector, Wardens and Vestry of Saint Andrews' Church, in Saint Andrews, authorized upon receiving a Grant of a certain piece of Land to convey to the King another piece of Land as described in the Preamble.

CAP. XII.

An Act in addition to an Act, intituled “ An Act more effectually to provide for the Public Registering of all Marriages solemnized within this Province.”

52 G. 3, C. 21.

Passed the 7th of March, 1814.

“ **W**HEREAS by an Act, made and passed in the fifty-second year of His Majesty's Reign, intituled “ An Act more effectually to provide for the public Registering of all Marriages solemnized within this Province,” it is enacted as follows, viz. : “ That from and after the first day of May next, all Marriages shall be solemnized in the presence of two or more credible witnesses besides the Minister or person who shall celebrate the same; and that immediately

Preamble.

“ately after the celebration of every Marriage, a certificate thereof shall be made, “in which it shall be expressed that the said Marriage was celebrated by banns “or license, and if both or either of the parties named by license, be under age, “with the consent of parents or guardians, as the case may be, and shall be signed “by the said Minister or other person so celebrating the same, with his proper “hand, and also by the parties named, and attested by such two witnesses,” which “certificate is in and by the said in part recited Act, to be transmitted, within “two months, to the Clerk of the Peace of the County in which such Marriage “shall be solemnized, under a certain penalty therein named: And whereas it “has in several instances happened that persons solemnizing Marriage, have been “prevented from transmitting the Certificates of Marriages by them celebrated, “in consequence of the refusal of the persons married to sign the Certificate of “Mariage; for remedy whereof,”

Every person who shall be married shall immediately sign the Certificate under penalty of £20.

Be it enacted by the President, Council and Assembly, That every person who shall hereafter be married, shall, immediately after the celebration of the Marriage ceremony, sign the Certificate prescribed in and by the said in part recited Act, as therein and thereby prescribed under the penalty of twenty pounds, for the use of His Majesty, to be recovered, with costs of suit, by bill, plaint, or information, in the Supreme Court of Judicature.

CAP. XIII.

An Act to empower and authorise the Justices of the County of Westmorland, at their General Sessions of the Peace, to regulate the grazing and depasturing of the several Marshes, low Land or Meadows, within the said County.

Passed the 7th of March, 1814.

Preamble.

Marsh Lands in Westmorland.

“WHEREAS there are within the County of Westmorland, several large “enclosed tracts of Marsh, low Land or Meadow, which are held in severalty, but not subdivided with fences, and are depastured in common: And “whereas many inconveniences have arisen for the want of some general regulations for the grazing and depasturing the same; for the remedy whereof,”

The Justices in General Sessions, upon application, may make regulations for the grazing and depasturing of any tract of Marsh.

Penalty on the Owners of Cattle or Sheep found grazing upon such land contrary to such regulations, to be recovered before a Justice of the Peace.

If the Owner shall not be known the Cattle to be impounded.

I. Be it enacted by the President, Council and Assembly, That the Justices of the Peace in and for the said County, or the major part of them at their General Sessions, be, and they are hereby authorized and empowered, upon the application, or by consent and concurrence of the proprietors of at least one-half the quantity of any tract of Marsh, low land or Meadow, to make such regulations for the grazing and depasturing of such Marsh, low Land or Meadow, as shall be most expedient and agreeable to the nature and circumstances of the case; and if any Neat Cattle, Horses or Sheep, shall be found going at large, or grazing upon such tract of Marsh, low Land or Meadow, contrary to any regulations so made, the owner or owners thereof shall forfeit and pay to the informer, for each and every Neat Cattle or Horse, the sum of Five Shillings, and for each and every Sheep, One Shilling, so found going at large, or grazing as aforesaid; to be recovered upon conviction before any one of His Majesty's Justices of the Peace for the said County, to be levied upon the goods and chattels of the owner or owners of such Neat Cattle, Horses or Sheep; and in case the owner or owners of such Neat Cattle, Horses or Sheep, shall not be known, then it shall be lawful for the person or persons who shall find such Neat Cattle, Horses or Sheep, going at large or grazing

And as to enclosing Marshes &c., and as to natural Fences &c., and also as to erection of Gates and manner of defraying Expence, see 9 G. 4, C. 22.

grazing contrary to the regulations so made as aforesaid, to drive the same to the nearest Pound in the Parish where such offence shall be committed; and it shall be the duty of the keeper of such Pound to receive and detain such Neat Cattle, Horses or Sheep, so found going at large or grazing as aforesaid, until the owner or owners shall pay to the use of the informer the aforesaid fine of Five Shillings for each and every Neat Cattle or Horse, and the aforesaid fine of One Shilling for each and every Sheep, and also One Shilling per day to the Pound Keeper for feeding each Neat Cattle or Horse, and three pence per day for feeding each Sheep, together with the usual charges for impounding the same.

and detained by the Pound-keeper till the fine is paid.

II. And be it further enacted, That in case the owner or owners of such Neat Cattle, Horses or Sheep, so impounded, shall neglect or refuse to pay the aforesaid penalties and charges, then the said Pound Keeper having first given ten days' previous notice of the sale, is hereby authorized to sell publicly the said Neat Cattle, Horses or Sheep, or so many of them as may be necessary for that purpose; and the overplus money arising from such sale, shall be paid by the Pound Keeper to the owner or owners thereof, whenever he or they shall appear to claim the same.

If the owner shall neglect or refuse to pay the penalties and charges Pound-keeper after 10 days' notice, to sell so many of the Cattle as may be necessary for that purpose

Limitation.

III. And be it further enacted, That this Act shall be and remain in full force, for and during the term of two years, and thence until the end of the then next Session of the General Assembly.

[Continued by 56 G. 3, C. 19—60 G. 3, C. 4—4 G. 4, C. 4—7 G. 4, C. 3, and 1 W. 4, C. 4, to 1st April, 1836.]

CAP. XIV.

An Act to give full effect to, and to prevent the evasion of an Act, intituled "An Act for the further increase of the Revenue of this Province."

53 G. 3, C. 9.

Passed the 7th of March, 1814.

[Continued by 56 G. 3, C. 29—57 G. 3, C. 2—and 58 G. 3, C. 14, to 1st April, 1820, and then expired.]

CAP. XV.

An Act to enlarge the limits of the Parishes of Saint Patrick and Saint George, c in the County of Charlotte.

Passed the 7th of March, 1814.

I. **B**E it enacted by the President, Council and Assembly, That all that tract of Land in the County of Charlotte, lying Westward of the prolongation of the Westerly line of the Parish of Saint George, to the Northerly line of the County, and bounded Northerly by the said Northerly line of the County, Westerly by the Easterly line of the Parish of Saint David, and its prolongation to the said County line; and Southwardly by the line as described in the original formation of the Parish of Saint Patrick, be, and the same is hereby annexed to, and made a part and parcel of the said Parish of Saint Patrick.

Boundaries of Saint Patrick described.

II. And be it further enacted, That all that tract of Land in the County of Charlotte, lying Westward of the prolongation of the Westerly line of the Parish

Boundaries of Saint George.

of

of Penfield, to the Northerly line of the County, and bounded Northerly by the said Northerly line of the County, Westwardly by the Easterly line of the Parish of Saint Patrick, and Southerly by the line as described in the original formation of the Parish of Saint George, be, and the same is hereby annexed to, and made a part and parcel of the said Parish of Saint George.

CAP. XVI.

50 G. 3, C. 16. An Act to continue for a limited time "An Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John."

Passed the 7th of March, 1814.

[Expired.]

CAP. XVII.

26 G. 3, C. 1, d
S. 9. An Act in further addition to an Act intituled "An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes."

Passed the 7th of March, 1814.

Preamble.
Newcastle
and Alnwick.

"WHEREAS the Towns or Parishes of New-Castle and Alnwick, in the County of Northumberland, as bounded and established by an Act, made and passed in the twenty-sixth year of the Reign of His present Majesty, intituled "An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns and Parishes," are so extensive as to render it very inconvenient to perform the several parochial duties in the manner as by Law required; for remedy whereof,"

Parishes of New-
castle and Aln-
wick described.

I. Be it enacted by the President, Council and Assembly, That the said Towns or Parishes of New-Castle and Alnwick shall be, and the same are hereby bounded and limited respectively, in the manner hereinafter described, any thing in the said Act contained to the contrary notwithstanding: that is to say: The said Town or Parish of New-Castle to be bounded South-easterly by the river Miramichi; South-westerly by the division line, between the public Lot number Three, on which the Gaol and Court House of the County stand, and the adjoining Lot number Two, and by the prolongation of that line until it intersects the prolongation of the rear or Southerly line of the first division of Lots in the Tracadi Grant, to William Ferguson and associates, running West from the Sea shore; North-easterly by a line through the centre of Bartabogue River to the distance of six miles from its mouth, measured by its several courses, and from thence by a line running North, until it intersects the prolongation of the rear line of the Tracadi Grant aforesaid; and on the North by the same line, including Bartabogue Island: And the said Town or Parish of Alnwick to be bounded Westerly by the said Town or Parish of New-Castle; Southerly and Easterly by the Bay of Miramichi and the Sea shore; and on the North by the said rear line of the Tracadi Grant

Newcastle.

Alnwick.

Grant aforesaid, including Sheldrake Island at the mouth of the River Miramichi, and the Islands on the Coast in front, which lie to the Northward of the principal entrance into the said Bay : “ And whereas it has become necessary by the means “ of the increase of population in the said County of Northumberland, to constitute “ other Towns or Parishes within the said County ;”

II. Be it therefore further enacted, That there be erected and constituted in the said County, and there are hereby erected and constituted within the same, nine other Towns or Parishes, to be bounded, described, and named as follows, to wit :

Nine other Parishes erected and described

The first Town or Parish to be called, known, and distinguished, by the name of Wellington ; to be bounded Southerly by the said division line between the Counties of Northumberland and Westmorland, to the distance of twenty miles from the point of Shediack Island ; Westerly by a line running North twenty-two degrees West, from the termination of the said distance of twenty miles ; North easterly by the Sea shore, including the Islands in front, and Northwesterly by a line through the centre of a small River called Chockfish, lying about half-way between Richibucto and Chebuctuche, from its mouth to the distance of three miles, and from thence by a line running South sixty-eight degrees West, till it meets the prolongation of the said line running North, twenty-two degrees West, from the said division line of the said Counties of Northumberland and Westmorland.

Wellington

The second Town or Parish to be called, known, and distinguished by the name of Carleton ; and to be bounded Southeasterly by the said Town or Parish of Wellington ; Northeasterly by the Sea shore, including the Islands in front of Cape Escuminac ; Northwesterly by a line running South sixty-eight degrees West from the said Cape Escuminac, until it intersects the prolongation of the said line forming the rear of the said Town or Parish of Wellington, which same line is to be the rear or Southwestern bound of the said Parish of Carleton.

Carleton

The third Town or Parish to be called, known, and distinguished by the name of Glenelg ; to be bounded Southeasterly by the Town or Parish of Carleton ; Northwesterly by the Bay of Miramichi, and by a line through the centre of the River Napan, from its mouth about eight miles, or until it intersects the before mentioned line running North, twenty two degrees West, and forming the rear of the said Parishes of Wellington and Carleton ; and Southwesterly by the same line, including all the Islands in front, and lying to the Southward of the principal entrance of the said Bay of Miramichi.

Glenelg.

The fourth Town or Parish to be called, known, and distinguished by the name of Chatham ; to be bounded on the Southeast and Northeast by the said Parish of Glenelg ; on the Northwest by the River Miramichi ; and on the Southwest, by the line running South, twenty-two degrees East, from a marked Pine Tree, being the upper bounds of Lot number sixty-one, in the Grant to William Ledden and associates, and by the prolongation of that line until it intersects the said line from Cape Escuminac prolonged ; and on the Southeast by that line including Middle Island.

Chatham.

The fifth Town or Parish to be called, known, and distinguished by the name of Nelson ; to be bounded on the Northeast by the said Town or Parish of Chatham ; on the Southeast by the prolongation of the said line running South sixty-eight degrees West, from Cape Escuminac ; on the Southwest by a line running South, twenty-two degrees East, and North twenty-two degrees West, from the mouth of Renow's River ; and on the Northwest by a line running South sixty-eight degrees West from Beobear's Point, including Beobear's Island.

Nelson.

Ludlow

The sixth Town or Parish to be called, known, and distinguished by the name of Ludlow; to be bounded on the Northeast by the said Town or Parish of Nelson; and the prolongation of the said line, running South twenty-two degrees East, from the mouth of Renow's River, until it meets the County line; Southerly and Westerly by the said County lines; and Northwesterly by the prolongation of the said line running South, sixty-eight degrees West, from Beobear's Point.

Saumarez

The seventh Town or Parish to be called, known, and distinguished by the name of Saumarez; to be bounded on the North by the South line of lot number one, in the Grant to Simon Arsenau and associates, near the little Nipissiquid, on the Bay of Chaleur, and the continuation of that line West until it meets the line of the said public lot on which the Gaol and Court House stand, prolonged; on the South by the said Towns or Parishes of New-Castle and Alnwick; and Northerly, Easterly, and Southerly by the Bay of Chaleur, and Gulph of Saint Lawrence, including the Islands Shippegan and Miscou, and the other Islands in front.

Beresford

The eighth Town or Parish to be called, known, and distinguished by the name of Beresford; to be bounded Southerly by the Parish of Saumarez, and the continuation of the North line thereof, until it meets the County line, Easterly, Northerly, and Northwesterly, by the Bay of Chaleur, and the River Restigouche, including Heron Islands, and the Islands in the said Restigouche River; and Southwesterly by the said County line.

Northesk

The ninth Town or Parish to be called, known, and distinguished by the name of Northesk; to be bounded Northeasterly by the said Towns or Parishes of New-Castle and Saumarez; Southeasterly by the said Towns or Parishes of Nelson and Ludlow; Southwesterly by the County of York; and Northerly by the said Town or Parish of Beresford: All which the said lines of said Towns or Parishes herein before described, are to be considered as lines run by the Magnet and not otherwise, except where the same Towns or Parishes are limited and bounded by the lines of the County.

CAP. XVIII.

An Act to continue an Act for raising a Revenue in this Province, and the Acts in amendment thereof.

Passed the 7th of March, 1814.

[*Expired.*]

CAP. XIX.

An Act for laying additional Duties on certain Articles imported into this Province.

Passed the 7th of March, 1814.

[*Continued by 56 G. 3, C. 29, and 57 G. 3, C. 2, to 1819, and then expired.*]

d Divided into three Parishes by 10 & 11 G. 4, C. 15.

CAP. XX.

An Act to authorise the Justices of the Peace for the County of Northumberland, to hold a Special Session for the purpose of appointing Town or Parish Officers for the present year.

Passed the 7th of March, 1814.

[*Expired.*]

CAP. XXI.

An Act to continue and amend an Act, intituled "An Act for regulating the Militia." 53 G. 3, C. 1.

Passed the 7th of March, 1814.

[*Repealed by 56 G. 3, C. 6.*]

CAP. XXII.

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

Passed the 7th of March, 1814.

[*Expired.*]

CAP. XXIII.

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

Passed the 7th of March, 1814.

[*Expired.*]

Anno Regni GEORGE III Regis, Quinquagesimo
Sexto.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the twenty-seventh day of January, in the year of our Lord one thousand eight hundred and ten, in the fiftieth year of the Reign of our said Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. and from thence continued by several Prorogations, to Thursday the eleventh day of January, one thousand eight hundred and sixteen; being the Fifth Session of the Fifth General Assembly convened in the said Province.

CAP. I.

An Act to increase the number of Constables in the City of Saint John.

Passed the 7th of March, 1816.

Preamble.

“ WHEREAS in and by the Charter of the City of Saint John, the
“ number of Constables in and for the said City is limited to six, that
“ is to say, one Constable for each Ward in the said City, and that number is
“ found by experience to be greatly insufficient in the present increased state
“ of the population of the said City;”

Mayor, &c. em-
powered to ap-
point additional
Constables.

not to exceed
twelve.

Constables ap-
pointed by
virtue of this
Act to take the

I. Be it therefore enacted by the President, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful to, and for the Mayor, Aldermen, and Commonalty of the said City of Saint John, or the major part of them, in Common Council convened on the first Tuesday in April in each and every year, to name and appoint such and so many of the Inhabitants of the said City, being Freeholders there, or Freemen of the said City, as they shall see convenient, not to exceed the number of twelve, to be Constables in the said City, for the ensuing year, in addition to the Constables annually elected and chosen in each respective Ward in the said City, under and by virtue of the said Charter.

II. And be it further enacted, That the Constables to be appointed by virtue of this Act, shall take the same oaths, and be subject and liable to the same fines,

finer, penalties, duties, rules, ordinances and regulations, in every respect, and to all intents and purposes, that the Constables so elected and chosen under and by virtue of the said Charter, are by the said Charter directed to take, and are by the said Charter or otherwise by Law subject and liable unto.

same oaths, &c. as Constables chosen under and by virtue of the Charter.

III. And be it further enacted, That if any Constable in the said City of Saint John, shall be guilty of any neglect or misbehaviour in the execution of the duty of his office, he shall forfeit and pay, for the use of the Mayor, Aldermen, and Commonalty of the said City, the sum of forty shillings, for every such neglect and misbehaviour, to be recovered upon proof of such neglect or misbehaviour, by the oath of one credible witness, before the Mayor or Recorder, and any one of the Aldermen of the said City, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, after deducting the costs and charges of prosecution, to the offender.

Constable neglecting or misbehaving in the execution of his duty made subject to a fine of 40s.

CAP. II.

An Act to increase the number of Firemen in the City of Saint John.

[Passed the 7th of March, 1816.]

[*Repealed by 7. G. 4, C. 8, S. 1.*]

CAP. III.

An Act in amendment of an Act, intituled "An Act for regulating the Fisheries in the County of Northumberland."

Passed the 7th of March, 1816.

“**W**HEREAS in and by the first Section of an Act, made and passed in “the thirty-ninth year of the Reign of His present Majesty, intituled “An Act for regulating the Fisheries in the County of Northumberland,” it is “provided, “that from Lot number sixty-one to Lot number fifty-seven inclusive, on the River Miramichi, no Net should extend into the River more than “sixty-five fathoms from low water:” And whereas it is found by experience “that by confining the length of the Net in front of the said Lot number fifty-seven, to only sixty-five fathoms from low water mark, owing to a flat lying in front of the same, the Fishery there is rendered of but little use; for remedy whereof,”

b

Preamble.
39 G. 3, C. 5.

I. Be it enacted by the President, Council and Assembly. That the Net permitted to be set in front of the said Lot number fifty-seven, (which Lot is at present occupied by William Gordon) may be of the length and extend sixty-five fathoms beyond forty fathoms from low water; any thing in the said recited Act to the contrary notwithstanding.

Net to be set in front of Lot No. 57 may extend 65 fathoms beyond 40 fathoms from low water.

II. And be it further enacted, That this Act shall be taken and considered as a public Act, and continue and be in force during the time provided for the continuance of the herein before recited Act, and no longer.

To be considered as a public Act.

[Continued to 10th May, 1836 by 60 G. 3. C. 4—4, G. 4, C. 23—9 & 10 G. 4, C. 3—and 4 W. 4, C. 31.]

Limitations.

CAP. IV.

50 G. 3. C. 20 An Act to alter an Act, intituled “ An Act for the further regulation of Fisheries, and for preventing their decay,” and also to alter another Act, intituled “ An Act to alter and amend an Act, intituled “ An Act for the further regulation of Fisheries, and for preventing their decay.”

Passed the 7th of March, 1816.

BE it enacted by the President, Council and Assembly, That the fourth Section of an Act, made and passed in the fiftieth year of His Majesty's Reign, intituled “ An Act for the further regulation of Fisheries, and for preventing their decay,” and also, that the fourth Section of an Act, made and passed in the fifty-second year of His Majesty's Reign, intituled “ An Act to alter and amend an Act, intituled “ An Act for the further regulation of Fisheries, and for preventing their decay,” be, and the same Sections of the said recited Acts, are severally and respectively repealed.

CAP. V.

An Act to provide for the Punishment of Horse Stealing.

Passed the 7th of March, 1816.

Repealed by 1 W. 4, C. 14, S. 2.]

CAP. VI.

An Act for the organization and regulation of the Militia of this Province.

Passed the 7th of March, 1816.

[Repealed by 6 G. 4, C. 18.]

CAP. VII.

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.

Passed the 7th of March, 1816.

Preamble

“ **W**HEREAS, a negotiation has been entered into and concluded upon “ by and between William Botsford, James Fraser, and John Allen, “ Esquires, a Committee of the House of Assembly of the one part, and Colonel Harris William Hailes, the Agent of His Excellency Lieutenant Governor Thomas Carleton, (who is now in England) and the Governor and Trustees of the College of New Brunswick of the other part, for the purchase of “ the Mansion House commonly called and known by the name of the Government House, with the Out Houses and the Lands adjacent thereto, bounded “ North-easterly on the River Saint John, South-easterly by the Road at the “ upper end of the Town plat of Fredericton, in the County of York, South-westerly by the highway leading from Fredericton aforesaid into the County “ try,

Description of Premises

“try, and North-westerly by a line extending from the said highway to the
 “said River, parallel to the said Road, and being at the distance of forty-three
 “chains, of four poles each, and fifty links, measured along the said highway
 “from the Road aforesaid, and containing about fifty acres, now in the occupa-
 “tion of His Honour Major General George Stracey Smith, the President and
 “Commander in Chief of the Province, as a residence for, and the accommoda-
 “tion of the Governor or Commander in Chief for the time being of this Pro-
 “vince: And whereas it appears that although the equitable title to the said
 “Premises is in the said Lieutenant Governor Carleton, subject to an agreed
 “rent of six pounds, one shilling and eight-pence per annum, upon a part of the
 “said Lands, payable to the said College, yet the legal title thereto rests in the
 “said Governor and Trustees of the said College, which legal title they the
 “said Governor and Trustees have consented and agreed to part with and con-
 “vey upon such terms, with regard to the said rent, as the General Assembly
 “may deem proper: And whereas it appears that the said Agent of the said
 “Lieutenant Governor Carleton has consented and agreed to accept of the sum
 “of three thousand five hundred pounds of lawful money of this Province for
 “the same Premises, and upon the payment thereof, to release and convey all
 “the right and title of the said Lieutenant Governor Carleton and his Heirs to
 “the same Premises, in such way and manner as may or can be done by Law:
 “And whereas it is considered just and equitable to grant and pay to the said
 “Governor and Trustees of the said College, the sum of one hundred and fifty
 “pounds of like lawful money, to redeem the said rent: For the perfecting of
 “which said negotiation and agreement, and for carrying the same into full
 “force and effect;”

I. Be it enacted by the President, Council and Assembly, That the said Governor and Trustees of the College of New Brunswick, are hereby authorized and empowered to grant and convey all the right, title, and interest which they have of, in and to the same Premises, to the King's Majesty, his Heirs and Successors, and freed and discharged from the said annual rent.

Governor and Trustees of the College of New-Brunswick. empowered to convey.

II. And be it further enacted, That immediately upon the due execution of a grant and conveyance by the said Governor and Trustees of the said College of New Brunswick, of the said Premises, and also of a release and conveyance of the same by the said Agent of the said Lieutenant Governor Carleton, for and in the name of the said Lieutenant Governor Carleton, to the King's Majesty, his Heirs and Successors, for the purpose aforesaid; there shall be paid out of the Province Treasury, by warrant from the Governor or Commander in Chief for the time being, who is hereby authorised to issue the same with the advice of His Majesty's Council, the said sum of three thousand five hundred pounds, to the said Lieutenant Governor Carleton or his said Agent; and also in like manner to the said Governor and Trustees of the College, of New Brunswick, the said sum of one hundred and fifty pounds.

Purchase money granted.

III. And be it further enacted, That the said deeds and conveyances, when duly executed and entered in the office of the Register of the Records of this Province, shall be, and the same are hereby declared to be good and effectual in the Law, to all intents and purposes to transfer to and vest in the King's Majesty, his Heirs and Successors, for the purpose aforesaid, full and absolute property and seisin of and in the same Premises; saving nevertheless the right and title of any other person or persons, or body corporate and politic, except the said Lieutenant Governor Carleton and his Heirs, and the said Governor and Trustees of the College of New Brunswick.

Deeds to be good and effectual

Lands to be conveyed to be held to, a residence for the Governor, &c.

and not to be annexed or disposed of without the Act of Assembly

Commissioners appointed to superintend the repairs

To be deemed a public Act.

IV. And be it further enacted and declared, That the said Premises shall be from and after the transfer and conveyance thereof as aforesaid, deemed and considered to be holden by His said Majesty, and his Heirs and Successors, for the use and benefit of this Province, and for the sole purpose of a residence for, and the accomodation of the Governor or Commander in Chief of the Province for the time being, and that the same or any part thereof, shall not in any way, or by any means whatever, be alienated or granted, or disposed of to any person or persons whomsoever, or for any other purpose whatsoever, without an Act of the General Assembly of this Province authorising the same.

V. And be it further enacted, That the Honourable Jonathan Bliss, Chief Justice, the Honourable John Robinson, Esquire, Speaker of the House of Assembly, Thomas Wetmore, Esquire, the Attorney General, William Franklin Odell, Esquire, the Secretary, and the Honourable George Sproule, the Surveyor General of this Province, and their successors in office respectively, are hereby nominated and appointed to be Commissioners to have the care and management of the said Premises, and the superintendance and controul of any reparations and improvements to be from time to time made under and by the authority of the General Assembly of this Province.

VI. And be it further enacted, That this Act shall be deemed and taken to be a public Act, any thing to the contrary thereof notwithstanding.

CAP. VIII.

An Act to give two additional Terms in each year for the Sittings of the Inferior Court of Common Pleas in the County of Northumberland.

Passed the 7th of March, 1816.

Preamble

“ WHEREAS it has become expedient that two additional Terms for the Sittings of the Inferior Court of Common Pleas should be held in the County of Northumberland, as in the other Counties of this Province ;”

Two additional Terms for the Sittings of the Court

On 1st Tuesdays in June and November.

I. Be it enacted by the President, Council and Assembly, That there shall be two additional Terms for the Sittings of the Inferior Court of Common pleas for the said County of Northumberland, at the following times, viz: on the first Tuesday in June and the first Tuesday in November, in each and every year, at which Terms no Jury shall be summoned to attend.

[Remaining part of this Act obsolete.]

CAP. IX.

An Act to prevent the cutting or breaking down the Bank of any River, Seabank or Dyke, and for the preservation of the same.

Passed the 7th of March, 1816.

[Made perpetual by 60 G. 3, C. 3; repealed by 1 W. 4, C. 14, S. 2]

^c Refer to 35 G. 3. C. 2, and see Table of Courts, Appendix No. 1.
^d June Term altered to second Tuesday in June by 2 G. 4, C. 11.

CAP. X.

An Act to constitute the Island of Grand Manan and its appurtenances, in the e
County of Charlotte, into a distinct Town or Parish.

Passed the 7th of March, 1816.

“ **W**HEREAS the Island of Grand Manan being now a part of the Town Preamble.
“ or Parish of West Isles, in the County of Charlotte, is situated so
“ far distant from the other Islands forming that Town or Parish, as to render it
“ very inconvenient to perform the several Parochial duties within such Town
“ or Parish at large ;”

I. Be it therefore enacted by the President, Council and Assembly, That the Grand Manan,
a distinct
Parish.
said Island of Grand Manan with its appurtenances, be constituted a distinct
Town or Parish, by the name of the Town or Parish of Grand Manan ; any
law or ordinance to the contrary notwithstanding.

II. And be it further enacted, That the Justices of the Peace for the said Justices to ap-
point annually,
Parish Officers
who shall be
sworn, and be
liable to the
like penalty
for neglect or
refusal as other
Town or
Parish Officers.
County, shall and may have power to appoint annually from time to time, offi-
cers for the said Town or Parish of Grand Manan, in the same manner as for
the other Towns or Parishes within the said County, which officers shall be
sworn to the faithful discharge of their duties respectively, and be liable to the
like penalty for not accepting of their respective offices, or neglecting or refu-
sing to perform the duties of their several offices as any other Town or Parish
officers within the said County.

CAP. XI.

An Act to explain and amend an Act, intituled “ An Act for erecting a Parish 29 G. 3, C. 1.
in the City of Saint John, and for incorporating the Rectors, Church War-
dens, and Vestries of the Church of England, in the several Parishes in this
Province.”

Passed the 7th of March, 1816.

“ **W**HEREAS doubts have arisen whether the provisions of an Act, made Preamble.
“ and passed in the twenty-ninth year of His Majesty’s Reign, in-
“ titled “ An Act for erecting a Parish in the City of Saint John, and incor-
“ porating the Rectors, Church Wardens, and Vestries of the Church of Eng-
“ land, in the several Parishes in this Province,” do not extend to authorize the
“ Rector, Church Wardens, and Vestry of Trinity Church, in the said Parish
“ of Saint John, and the Rectors, Church Wardens, and Vestries of the several
“ and respective Churches already erected, or which shall be hereafter erected
“ in the several and respective Parishes in this Province, to sell and dispose
“ absolutely and in fee simple of the Lands, Tenements and Hereditaments,
“ which now do or hereafter may belong to such Churches respectively : Now
“ for the removing of such doubts ;”

I. Be it declared and enacted by the President, Council and Assembly, That Act not to
authorize any
absolute sale of
Lands, &c.
the said herein before recited Act doth not extend, and shall not be construed
to extend to authorize any such absolute sale and disposition of any such Lands,
Tenements and Hereditaments, which now do, or hereafter may belong to any
such

such Church ; any thing in the said herein before recited Act to the contrary hereof in any wise notwithstanding.

Corporations empowered to take Lands, &c. for the use of the Rectors,

II. And whereas doubts have arisen whether the said Rectors, Church Wardens, and Vestries of the several and respective Churches are capable of taking, receiving, and holding Lands in trust for the use of the said several Rectors of the said Churches for the time being : For the removal whereof, Be it further declared and enacted, That the said Rector, Church Wardens, and Vestry of Trinity Church, in the Parish of Saint John, and the said Rectors, Church Wardens, and Vestries of the several and respective Churches erected, or to be erected in the several and respective Parishes in this Province, shall be deemed in all Courts of Law and Equity, capable of purchasing, receiving, taking, and holding any Lands, Tenements or Hereditaments, for the use and benefit of the several Rectors for the time being of the said several and respective Churches ; any thing in the said herein before recited Act or elsewhere, to the contrary thereof notwithstanding : and that all Lands, Tenements or Hereditaments, heretofore granted or conveyed to the said several and respective Rectors, Church Wardens and Vestries, upon trust, for the use and benefit of such Rectors or of the Ministers of the said several and respective Churches for the time being, shall be held by, and deemed and taken in all Courts of Law and Equity, to be holden by the said several and respective Rectors, Church Wardens and Vestries, for the uses and trusts in the said several grants or conveyances of such Lands, Tenements and Hereditaments respectively expressed, and for no other use, trust or benefit whatever ; any thing to the contrary thereof notwithstanding.

Lands heretofore granted for the use of the Rectors to be held for the uses and trusts expressed in the grants.

Lands granted to the Corporations for the use of the Rectors, to be held subject to the sole management of the Rectors.

III. And be it further enacted, That all Lands, Tenements and Hereditaments, already granted or hereafter to be granted to the several and respective Rectors, Church Wardens and Vestries, as herein before mentioned, for the use and benefit of the Rectors or Ministers of the said several and respective Churches for the time being, shall be held subject to the sole management and direction of such Rectors or Ministers, and shall be used, occupied and enjoyed by them severally and respectively for the best benefit and advantage of themselves and their successors, in like manner as the Glebe Lands belonging to any Rectory or Parsonage in that part of Great Britain called England, are there usually held, occupied and enjoyed.

CAP. XII.

An Act to continue and make perpetual two Acts of the General Assembly that are near expiring.

Passed the 7th of March, 1816.

41 G. 3, C. 9, and 34 G. 3, C. 9, made perpetual.

BE it enacted by the President, Council and Assembly, That an Act, made and passed in the forty-first year of His Majesty's Reign, intituled "An Act for preserving the Bank of the River Saint John, in front of the Parish of Lincoln, in the County of Sunbury ;" and an Act made and passed in the thirty-fourth year of His Majesty's Reign, intituled "An Act for preserving the Bank of the River Saint John, in front of the Parishes of Mangerville, Sheffield and Waterborough," be, and the same Acts are hereby continued and made perpetual.

CAP. XIII.

An Act in addition to, and to explain an Act, intituled “An Act to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber.” 50 G. 3, C. 28.

Passed the 7th of March, 1816.

[*Repealed by 59 G. 3, C. 11, S. 1.*]

CAP. XIV.

An Act in addition to an Act, intituled “An Act for erecting a Court House and Gaol in the County of Northumberland.”

[Passed the 11th of March, 1816.

[*Obsolete.*]

CAP. XV.

An Act for establishing a Grammar School in the Town of Saint Andrews, in the County of Charlotte.

Passed the 11th of March, 1816.

“**W**HEREAS the Education of Youth is of the utmost importance in “society, and public attention to that object has by experience been “found to be attended with the most beneficial effects;” Preamble.

I. Be it therefore enacted by the President, Council and Assembly, That a Public Grammar School be, and the same is hereby established in the Town of Saint Andrews, in the County of Charlotte. Grammar School established in Saint Andrews.

II. And be it further enacted, That the Rector of Saint Andrew’s Church, in the Parish of Saint Andrews, for the time being, together with Robert Pagan, John Campbell, John Dunn, Colin Campbell, David W. Jack, Harris Hatch, Thomas Wyer, Junior, and John Strang, Inhabitants of the County of Charlotte, be, and they are hereby appointed Trustees and Directors of the said School, the said Rector for the time being always to be President of the Board; and that the said President and Directors shall be, and they are hereby incorporated by the name of the President and Directors of the Public Grammar School in the Town of Saint Andrews, and shall by that name have perpetual succession, and be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, and to receive, take and hold gifts and grants of Land and real Estates (the annual income of which shall not exceed one thousand pounds) and to accept and receive donations for the erection of a building, and for the endowment of the said School. Corporation appointed.

III. And be it further enacted, That the President and Directors of the said Grammar School, and their successors, or the major part of them, when duly summoned and assembled, shall form a board for the dispatch of business, and such board of Directors, or the major part of them so assembled, are hereby empowered to point out and procure a proper place whereon to erect the Building for the said School, to contract for and superintend the building thereof, to provide Rector of Saint Andrews to be President.

To have perpetual succession, and may hold real Estate not exceeding £1000 per annum.

Board of Directors to procure a place for a School House.

and provide
Teachers, and
may make
Bye Laws.

provide a Master and one or more Ushers or Teachers, as they shall judge expedient, and from time to time to make and establish Bye Laws, Ordinances and Regulations for the government of the said School, and to enforce obedience to the same by fines and expulsions, or other public censures as they may judge proper.

Board how to
be summoned.

IV. And be it further enacted, That during any vacancy in the Rectory, or absence of the Rector of the said Church, the senior Member of the Board of Directors shall act as President, and it shall be the duty of the President at all times to summon a Board of Directors whenever the same shall be requested by three or more of the said Directors, and in case of the sickness or absence of the said Rector, the Board may be summoned by the said senior Member.

Vacancies in
the Corporation
to be filled.

V. And be it further enacted, That in case of the death or removal from the said County of any of the said Directors, the remaining Directors at a Board for that purpose to be summoned, shall elect another fit person, being an inhabitant of the said County, for his successor, who being approved of by the Commander in Chief of the said Province for the time being, shall be one of the Directors of the said School, and every other vacancy shall be filled from time to time in like manner.

Public visitations
to be held
twice a-year.

VI. And be it further enacted, That the said President and Directors shall hold public visitations and examinations of the said School, twice in every year, to wit, on the first Tuesday in April, and first Tuesday in September.

Free Scholars
may be admitted.

VII. And be it further enacted, That whenever the said President and Directors shall think proper, they may admit any number not exceeding eight, to be free Scholars of the said Grammar School, without any charge for their tuition.

£100 per
annum granted
for the support
of a Master,

VIII. And be it further enacted, That one hundred pounds annually be included in the estimate for the ordinary expences of the Province, and granted to the said President and Directors of the said Public Grammar School, to be applied by them for or towards the support of the Master thereof, when such Master shall be procured, and that the sum of two hundred pounds be granted to the said President and Directors, for the purpose of assisting them to purchase or erect a building for the said School, and that they the said President and Directors shall be accountable from time to time to the Legislature of the Province, for their conduct and management of the property so vested, and to be vested in them by virtue and in pursuance of this Act: Provided always, that as soon as the annual income of said Grammar School, in whatever manner the same may arise, shall amount to six hundred pounds, then and in such case the annual sum of one hundred pounds hereby granted, shall cease.

and £200 to-
wards procur-
ing a Building,

Board to be ac-
countable to the
Legislature.

Annual Grant
to cease when
the funds
amount to
£600 per an-
num.

CAP. XVI.

An Act to exclude ignorant and unskilful Persons from the Practice of Physic and Surgery.

Passed the 11th of March, 1816.

Not lawful for
Persons not du-
ly qualified to
practice Physic
or Surgery, or
receive Fees.

I. **B**E it enacted by the President, Council and Assembly, That from and after the passing of this Act, it shall not be lawful for any person not duly qualified by a suitable education, to practice Physic or Surgery within this Province, nor to demand or receive any fee or reward directly or indirectly, for the cure of any disease, or the performance of any Surgical operation whatever,

whatever, and that any person who shall previously have obtained a Diploma or other authentic and sufficient testimonial of his skill and ability from some College or other public institution in Great Britain or Ireland legally authorized to grant the same, shall be deemed and adjudged to be duly qualified as aforesaid; and that any other person who shall have been carefully examined by competent judges to be named and appointed by the Governor or Commander in Chief for the time being, and upon their report shall have received a Licence under the hand and seal of the Governor or Commander in Chief for the time being, for that purpose, shall also be deemed and adjudged duly qualified for the profession and practice of Physic or Surgery, or both, as may be specified and expressed in such Licence.

Who shall be considered duly qualified.

Licences may be granted by the Governor after due examination.

II. And provided always, That the Governor or Commander in Chief for the time being, may, and he is hereby authorized to Licence such persons who have been established in the practice of Physic or Surgery for seven years, immediately preceding the passing of this Act.

Who may be licenced.

III. And be it further enacted, That every person duly qualified as aforesaid, shall be entitled to demand, sue for, and recover reasonable and customary fees for his services, and payment for Medicines by him administered in the course of his practice in the capacity either of a Physician or Surgeon.

Persons qualified may sue for Fees.

IV. And be it further enacted, That nothing in this Act contained, shall extend or be construed to extend to any Physician or Surgeon appointed by commission or warrant to serve in any Garrison or Military Corps, being within the limits of this Province.

Act not to extend to Military Physicians or Surgeons.

CAP. XVII.

An Act more effectually to provide for the support of a Nightly Watch in the City of Saint John.

Passed the 11th of March, 1816.

[Continued by 60 G. 3, C. 4—4 G. 4 C. 3—9 and 10 G. 4, C. 2, and 2 W. 4, C. 28, to 1st April, 1834, and then expired. See 4 W. 4, C. 33, making other provisions.]

CAP. XVIII.

An Act to authorize the Justices of the General Sessions of the Peace for the County of York, to levy an assessment for building a County Court House.

Passed the 11th of March, 1816.

[*Obsolete.*]

CAP. XIX.

An Act to continue certain Acts of the General Assembly which are near expiring.

Passed the 11th of March, 1816.

[*Expired.*]

CAP. XX.

An Act for granting further aid in support of the College of New Brunswick,
and of the Public Grammar School in the City of Saint John.

Passed the 11th of March, 1816.

[Repealed by 9 and 10 G. 4, C. 29, S. 2.]

CAP. XXI.

An Act to establish Grammar Schools in several Counties of this Province.

Passed the 11th of March, 1816.

[Repealed by 9 and 10 G. 4, C. 29, S. 6.]

CAP. XXII.

An Act for the establishment, regulation and improvement of the Great Roads
of Communication through the Province.

Passed the 11th of March, 1816.

[Repealed by 3 G. 4, C. 31.]

CAP. XXIII.

An Act to encourage the establishment of Schools in this Province.

Passed the 16th of March, 1816.

[Continued by 60 G. 3, C. 4, to 1823, and then expired.]

CAP. XXIV.

50 G. 3, C. 6. An Act further to continue an Act, intituled "An Act for regulating, laying out,
and repairing Highways and Roads, and for appointing Commissioners and
Surveyors of Highways, within the several Towns and Parishes in this
Province."

Passed the 16th of March, 1816.

[Expired.]

CAP. XXV.

50 G. 3, C. 16. An Act further to continue an Act, intituled "An Act to provide for the more
effectually repairing the Streets and Bridges in the City and County of
Saint John."

Passed the 16th of March, 1816.

[Expired.]

CAP. XXVI.

An Act to encourage the Fisheríes in this Province.

Passed the 16th of March, 1816.

[Amended by 57 G. 3, C. 3, and continued by 58 G. 3, C. 11, until 1822, and then expired.]

CAP. XXVII.

An Act to erect into a separate Parish all the Lands in Queen's County, in the rear of the Parishes of Wickham and Waterborough.

Passed the 16th of March, 1816.

I. **BE** it enacted by the President, Council and Assembly, That all that tract of Land in Queen's County, situate in the rear of the Towns or Parishes of Wickham and Waterborough, be one distinct Town or Parish, distinguished by the name of the Town or Parish of Brunswick.

Parish of Brunswick erected.

II. And be it further enacted, That the Justices of the Peace for the said County, shall and may have power to appoint annually from time to time, officers for the said Town or Parish of Brunswick, in the same manner as for the other Towns or Parishes within the said County, and also that the said Justices may at a special Session for that purpose to be holden, have power and authority to appoint such officers for the present year, which officers shall be sworn to the faithful discharge of their duties respectively, and be liable to the like penalty for not accepting of their respective offices, or neglecting or refusing to perform the duties of their several offices as any other Town or Parish Officers within the said County.

Justices empowered to appoint Parish Officers.

Justices may appoint Officers for the present year, at a Special Session.

“ And whereas the boundary lines of the said County have not yet been run out, and doubts may exist whether the whole of the Inhabitants forming the Settlement commonly called the New-Canaan Settlement, will be within the limits of the above named Town or Parish of Brunswick; for remedy whereof;”

Inhabitants of New Canaan to be considered as belonging to the Parish of Brunswick.

III. Be it further enacted, That until the said boundary lines shall be run out by some person duly authorized for that purpose, the whole of the said inhabitants forming the said Settlement, shall be deemed and taken to belong to the said Town or Parish of Brunswick; any thing to the contrary thereof notwithstanding.

CAP. XXVIII.

An Act to enable the Minister and Elders for the time being of the Church in Communion with the Kirk of Scotland, lately erected in the City of Saint John, to hold the same to them and their Successors for ever, and for other purposes therein mentioned.

Passed the 16th of March, 1816.

[Repealed by 2 W. 4, C. 18, which makes general provisions relating to the Church of Scotland.]

Refer to 26 G. 3, C. 1, S. 6, and see 5 W. 4, C. 23, dividing Brunswick and Canning and erecting Chipman.

CAP.

CAP. XXIX.

An Act to continue and amend the several Acts now in force for raising a Revenue in this Province.

Passed the 16th of March, 1816.

[Continued by 57 G. 3, C. 2, to 1818, and then expired.]

CAP. XXX.

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

Passed the 16th of March, 1816.

[Expired.]

CAP. XXXI.

An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province, and improving the Navigation of the River Saint John and its Branches.

Passed the 16th of March, 1816.

[Expired.]

CAP. XXXII.

An Act for the encouragement of the Trade of this Province in Plaster of Paris, otherwise called Gypsum.

Passed the 11th of March, 1816.

[Expired.]

**Anno Regni, GEORGII III Regis, Quinquagesimo
Septimo.**

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the fourth day of February, in the year of our Lord one thousand eight hundred and seventeen, in the fifty-seventh year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. being the First Session of the Sixth General Assembly convened in the said Province.

CAP. I.

An Act to prohibit the exportation of Corn, Meal, Flour, and Potatoes, out of the Province for a limited time.

Passed the 17th of February, 1817.

[*Expired.*]

CAP. II.

An Act further to continue the several Acts now in force for raising a Revenue in this Province. 47 G. 3, C. 10.
8c.

Passed the 22d of March, 1817.

[*Expired.*]

CAP. III.

An Act to amend and explain an Act, intituled "An Act to encourage the Fisheries in this Province." 50 G. 3, C. 26.

Passed the 22d of March, 1817.

[*Continued by 58 G. 3, C. 11, until 1822, and then expired.*]

CAP. IV.

26 G. 3, C. 52. An Act in addition to and amendment of an Act, intituled “ An Act for regulating Pilots.”

Passed the 22d of March, 1817.

[Repealed by 2 G. 4, C. 6.]

CAP. V.

An Act to encourage the raising of Bread Corn on new Land.

Passed the 22d of March, 1817.

[Amended and continued by 60 G. 3, C. 8, to 1826, and then expired.]

CAP. VI.

52 G. 3, C. 12. An Act in amendment of an Act, intituled “ An Act more effectually to prevent the encumbering or filling up of Harbours, and to authorize the appointment of Harbour Masters.”

Passed the 22d of March, 1817.

[Made perpetual by 59 G. 3, C. 2 ; repealed by 3 G. 4, C. 28.]

CAP. VII.

An Act to provide for the necessities of the Province, occasioned by the failure of the late Crop.

Passed the 22d of March, 1817.

[Expired.]

CAP. VIII.

An Act to regulate the exportation of Dutiable Articles from and out of this Province.

Passed the 22d of March, 1817.

[Expired.]

CAP. IX.

An Act for appointing Firewards in the Towns of Fredericton and Saint Andrews, and ascertaining their power and duty, and more effectually to prevent Fires in the said Towns.

Passed the 22d of March, 1817.

I. **BE** it enacted by the President, Council and Assembly, That the Governor or Commander in Chief for the time being, is hereby authorized and empowered, with the advice of His Majesty's Council, from time to time, by warrant under his hand and seal, to appoint a sufficient number of prudent and discreet persons, not exceeding eight, in the several parts of the Towns (commonly called the Town Plats) of Fredericton and Saint Andrews respectively, and their respective vicinities, to be Firewards, who shall be sworn to the faithful discharge of their duty respectively, before any one of His Majesty's Justices of the Peace for the said Counties of York and Charlotte, and certificates thereof indorsed on the several warrants of appointment, for which warrants, oaths and certificates, no fees shall be demanded or received from the persons so appointed and sworn.

Governor, with the advice of the Council, to appoint Firewards,

a in Fredericton and Saint Andrews, who shall be sworn before a Justice of the Peace, &c.

II. And be it further enacted, That in order that the said Firewards may be distinguished from others, when on duty at a Fire, and to enable them to communicate their directions with more facility, they shall each carry a Staff seven feet in length, coloured red, and also a speaking Trumpet, painted white, with the names of their respective Towns painted on it in black letters.

Firewards on duty to carry a Staff and Speaking Trumpet.

III. And be it further enacted, That whenever any Fire shall break out in the said Towns of Fredericton or Saint Andrews, or in their respective vicinities, and during the continuance thereof, the said Firewards respectively, for and in their respective Towns, are hereby authorized and required, jointly or separately, to command assistance for extinguishing the fire and removing household stuff, furniture, books, public stores, goods and merchandize, out of any houses, store-houses and other buildings actually on fire, or in danger thereof, and to appoint persons to take care of the same, and also to require assistance to prevent the further spreading of the fire in their respective Towns, and to prevent tumults and disorders in the same; and the said Firewards respectively, are hereby required upon the notice of fire breaking forth in their respective Towns (taking their badges and trumpets with them) immediately to repair to the place and vigorously to exert their authority in requiring assistance, and to use their utmost endeavours to extinguish the fire and prevent its spreading, and to preserve and secure property and effects, both public and private; and due obedience is hereby required to be yielded to them, and each and every of them, accordingly for that service, as well by the person or persons having the charge and management of any Engine or Engines in the said respective Towns, as all other persons whomsoever.

In case of Fire, the Firewards, jointly or separately, to command assistance for extinguishing Fires and removing goods, &c.

To appoint persons to take care of Goods, &c.

Firewards, upon notice of Fire, to repair with their Badges to the place, and exert their authority.

Due obedience to be yielded to the Firewards by persons having charge of engines, &c.

IV. And be it further enacted, That for every refusal or neglect in any person to obey the order of any Fireward, in performing any of the duties and services herein before mentioned, such person shall forfeit and pay the sum of three pounds; to be recovered upon conviction before any one of His Majesty's Justices of the Peace for the said Counties of York and Charlotte respectively on the oath of a Fireward or any other credible witness, and levied by distress and sale

Persons disobeying orders of the Firewards to forfeit £3.

of

a Provisions of this Act extended to Portland, in the County of Saint John, by 3 G. 4, C. 1. Repealed as to Fredericton by 5 G. 4, C. 5, and as to Saint Andrews, by 9 G. 4, C. 28, which make other provisions for those Towns respectively.

Recovery. of the offender's goods and chattels; and for want of sufficient distress, such offender shall suffer twelve days imprisonment, unless the penalty and costs shall be sooner paid; which penalty, when recovered, shall be paid into the hands of the Overseers of the Poor of the Parishes of Fredericton and Saint Andrews respectively, towards the support thereof.

Penalty to the use of the Poor. V. "And whereas it is necessary that prompt and implicit obedience should "at all times during the raging of a fire, be paid to the directions of the Firewards;" Be it further enacted, That the said Firewards respectively, or any or either of them, shall have power, and they and every of them are hereby authorized, when such necessity shall exist, to require and compel the persons present at any fire, to fall in and form the lines or ranks for the conveyance of water for extinguishing the fire, and to remain in such ranks as long as may be deemed necessary.

Firewards may compel Persons present at a Fire to form lines for conveyance of water. VI. And be it further enacted, That the Firewards in the several and respective Towns of Fredericton and Saint Andrews, or the major part of them, are hereby authorized and empowered from time to time and at all seasonable times, in the day time, to enter into any house, shop or other building within the limits of the said respective Towns and their vicinities, and to examine and inspect the manner in which any stove or stove-pipes are set up, placed, fixed or carried, or any hearths constructed; and if such stove and stove-pipes, or such hearths, shall be found to be in the opinion and judgment of the said Firewards, or the major part of them present at such inspection, so set up, placed, fixed or carried or constructed, as to be dangerous, such Firewards are hereby authorized and empowered to give directions in writing, to prevent the continuance of fire in any such stove or any other such hearth, until the same shall have undergone such alteration as shall be pointed out in writing by the same Firewards; and any person or persons who shall disobey any such direction of the said Firewards, shall for each offence forfeit and pay the sum of five pounds, to be recovered and applied in manner as aforesaid.

Persons disobeying directions of Firewards to forfeit £5. VII. And be it further enacted, That this Act shall continue and be in force for two years and no longer.

Limitation.

[*Made perpetual by 59 G. 3, C. 2.*]

CAP. X.

56 G. 3, C. 22. An Act in addition to and in amendment of an Act, intituled, "An Act for the establishment, regulation and improvement of the Great Roads of Communication throughout the Province."

Passed the 22d of March, 1817.

[*Repealed by 3 G. 4, C. 31.*]

CAP. XI.

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

Passed the 22d of March, 1817.

[*Expired.*]

Anno Regni, GEORGI II III Regis, Quinquagesimo
Octavo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the twentieth day of January, in the year of our Lord one thousand eight hundred and eighteen, in the fifty-eighth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. being the Second Session of the Sixth General Assembly convened in the said Province.

CAP. I.

An Act for altering the terms of holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas, in the County of Westmorland. ^a

Passed the 11th of March, 1818.

“ WHEREAS the times for holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas in the County of Westmorland, have been found inconvenient ; for remedy thereof,”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the said Courts shall be hereafter holden on the third instead of the second Tuesday in June, in each and every year. Westmorland Common Pleas and General Sessions, held on Third Tuesday in June.

II. [*Obsolete.*]

CAP. II.

An Act to prevent the destruction of the Cod and Scale Fisheries, in the Bays and Harbours of this Province.

Passed the 11th of March, 1818.

“ WHEREAS the valuable and extensive Cod and Scale Fisheries of Grand Manan, and other parts of this Province, have been greatly injured by throwing into the Sea, the heads and other offal of such Fish ; for the prevention whereof,” Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from

^a Refer to 31 G. 3, C. 9, and see 4 G. 4, C. 28, and Table of Courts, Appendix No. 1.

Persons throwing any Heads, Bones or Offal of Fish in places where Fish are usually taken to pay a fine not less than 10s. nor more than £5.

Recovery.

For want of Goods offender to be committed to Gaol.

Limitation.

from and after the passing of this Act, any person or persons, who shall throw on or about the Coasts of Grand Manan, or into any other Bay or Harbour of this Province, at such place or places, where such Cod or Scale Fish are usually taken, from or out of any Boat, Bark or Vessel, any Heads, Bones or other Offal of the fish they may take, purchase or bring from elsewhere, every person so offending shall forfeit and pay a fine, not less than ten shillings, and not exceeding five pounds, with costs, to be paid to the informer, upon due conviction thereof, by the oath of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace, for the County where, or next adjacent to which such offence shall be committed, to be levied by warrant of distress, and sale of the offender's goods and chattels, rendering the overplus, if any, to such offender; and for want of sufficient goods and chattels, the said Justice is hereby required to commit such offender to the common Gaol of the County wherein, or next adjacent to which, such offence shall be committed, there to remain for a term not less than three days, nor exceeding twenty days.

II. And be it further enacted, That this Act shall continue and be in force for four years, and thence to the end of the next Session of the General Assembly.

[*Made perpetual by 3 G. 4, C. 2.*]

CAP. III.

50 G. 3. C. 6. An Act further to continue and amend an Act, intituled "An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways, within the several Towns and Parishes in this Province."

Passed the 11th of March, 1818.

[*Continued by 3 G. 4, C. 22—5 G. 4, C. 14—9 G. 4, C. 13, and 10 and 11 G. 4, C. 31—and repealed by 1 W. 4, C. 33.*]

CAP. IV.

An Act to authorise the Justices of the Peace, in their General Sessions, to establish Ferries in their respective Counties.

Passed the 11th of March, 1818.

[*Continued by 4 G. 4, C. 5—and 9 and 10 G. 4, C. 6, to 1st April, 1835, and then expired. See 5 W. 4, C. 38.*]

CAP. V.

50 G. 3, C. 1. An Act further to continue an Act, intituled "An Act to provide for the erection of Fences with Gates across Highways, leading through Intervale Lands, in Queen's County and the County of Sunbury, where the same may be found necessary," and to extend the Provisions of the same to King's County.

Passed the 11th of March, 1818.

[*Expired.*]

CAP. VI.

An Act to enable the Lieutenant Governor or Commander in Chief of this Province, for the time being, to suspend upon the contingency, and in the manner therein mentioned, the further operation of the Act, “for the encouragement of the Trade of this Province, in Plaster of Paris, otherwise called Gypsum.”

Passed the 11th of March, 1818.

[*Obsolete.*]

CAP. VII.

An Act for the preservation of Oysters in the Counties of Westmorland and Northumberland.

Passed the 11th of March, 1818.

[*Altered and continued by 4 G. 4, C. 16, to 1828, and then expired.*]

CAP. VIII.

An Act in amendment of an Act, intituled “An Act to authorise the Justices of the General Sessions of the Peace for the County of York, to levy an Assessment, for building a County Court House.” 56 G. 3, C. 18.

Passed the 11th of March, 1818.

[*Obsolete.*]

CAP. IX.

An Act further to continue, and to amend “An Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John.” 50 G. 3, C. 16.

Passed the 11th of March, 1818.

[*Expired. Having been continued by 3 G. 4, C. 18—5 G. 4, C. 26—9 G. 4, C. 5—10 & 11 G. 4, C. 25—and 2 W. 4, C. 31, to 1st of April, 1836, which last mentioned Act is repealed by 3 W. 4, C. 13.*]

CAP. X.

An Act in further addition to an Act, intituled “An Act for erecting a Court House and Gaol, in the County of Northumberland,” and of the Act in addition thereto. 52 G. 3, C. 9.

Passed the 11th of March, 1818.

[*Obsolete.*]

CAP.

CAP. XI.

An Act to continue several Acts of the General Assembly, that are near expiring.

Passed the 11th of March, 1818.

[*Expired.*]

CAP. XII.

An Act further to provide for the security of the City of Saint John, against the ravages of Fire.

Passed the 11th of March, 1818.

b No Street or Way to be less than 50 feet in breadth. No Building to be on any Street or Way that shall not be 50 feet in width.

Not to extend to Streets or Ways already laid out, and on which Buildings are actually erected. Every Building erected on any Street or Way to be hereafter laid out less than 50 feet in width to be deemed a nuisance.

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That no Street, Way, Lane or Alley, shall be hereafter laid out and established as a Public Street and Highway, within the said City, unless the same shall be of the width of fifty feet at least, and that no Dwelling-house, Store or other Building of what nature or kind soever, shall be built, erected or set up on any Street, Way, Lane or Alley, public or private, hereafter to be laid out or thrown open for use, within the said City, that shall not be of the width of fifty feet as aforesaid.

Provided always, That nothing herein contained shall extend or apply unto, or be construed to extend or apply unto any Streets or Ways within the said City, already actually laid out or thrown open for use, and on which any Building or Buildings are actually built or erected.

II. And be it further enacted, That each and every Dwelling-house, Store or other Building that shall or may be erected, built or set up, within the said City, by any person or persons whomsoever, on any Street, Way, Lane or Alley hereafter to be laid out, or thrown open for use, as aforesaid, and which shall be less in width than fifty feet at least, as aforesaid, shall be deemed and adjudged a common nuisance.

CAP. XIII.

An Act to extend the powers of the Minister and Elders of the Kirk of Scotland, in the City of Saint John.

Passed the 11th of March, 1818.

[*Repealed by 2 W. 4, C. 18, which makes general provisions for the Church of Scotland.*]

CAP. XIV.

53 G. 3, c. 9. 54 G. 3, c. 14. An Act to continue an Act, intituled "An Act for the further increase of the Revenue of this Province, and also the Act to give full effect to the same."

Passed the 11th of March, 1818.

[*Expired.*]

b See 9 G. 4, C. 7, authorizing a Street to be laid out in the City of Saint John of 30 feet in width

CAP.

CAP. XV.

An Act to provide for punctuality of payment at the Treasury.

Passed the 11th of March, 1818.

[*This Act is obsolete. The Notes thereby authorized to be issued, having been cancelled in 1820, pursuant to 60 G. 3, C. 9.*]

CAP. XVI.

An Act in addition to, and in amendment of an Act, intituled “ An Act, to encourage the establishment of Schools in this Province.” 56 G. 3, C. 23.

Passed the 11th of March, 1818.

[*Continued by 60 G. 3, C. 4, to 1823, and then expired.*]

CAP. XVII.

An Act to provide payment for certain Public Services.

Passed the 11th of March, 1818.

[*Expired.*]

CAP. XVIII.

An Act to empower and authorise the Justices of the Peace for the County of Charlotte, to lease a certain piece of Common Land in the Parish of Saint Andrews, and to invest the proceeds towards the support of the Poor of the said Parish.

Passed the 11th of March, 1818.

“ **W**HEREAS a certain piece of Land situated in the Parish of Saint Andrews, in the County of Charlotte, was granted by Letters Patent under the great Seal of this Province, to the Justices of the Peace for the County of Charlotte, in trust for the benefit of the Inhabitants of the Town of Saint Andrews, which said piece of Land contains ten hundred and fifty-two Acres, and is bounded and described as follows, to wit, beginning at the North-easterly Bank or Shore of the River Saint Croix, at the South-westerly corner or bounds of Lot Number thirty-eight in the third Tract or Division of the Grant to the Penobscot Association, thence running along the South-easterly line of the same Lot North-easterly, until it meets the Westerly line of a Public Road laid off parallel to the Westerly or rear line of the Lots in the second Tract or Division of the Grant aforesaid, and four poles distant therefrom, thence along the Westerly line of the said Road, parallel to the rear line of the said Lots in the second Division of the said Grant, South-easterly until it meets the North-easterly line of a Reserve made by the Surveyor General of Woods, thence along the said line of the said Reserve, North-westerly until an extent of twenty chains of four poles each is completed, thence along the North-westerly line of the said Reserve twenty-two chains parallel to the North-westerly line of the Town

Preamble.

“ Plot of Saint Andrews, thence along the Northerly line of the said Reserve,
 “ North seventy-four degrees West, until it meets the North-easterly bank of the
 “ River Saint Croix, thence along the said bank, up stream, to the bounds first
 “ mentioned ;”

“ And whereas, from the extent of the said Tract or parcel of Land, a large
 “ portion of the same lies in a wilderness state, and is altogether unproductive
 “ to the Inhabitants of the said Town of Saint Andrews, but if leased, would be
 “ a Public benefit ;”

Justices may
 lease not ex-
 ceeding 500
 Acres. for any
 term not ex-
 ceeding 21
 years.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly,
 That the said Justices of the Peace for the County of Charlotte be, and they are
 hereby authorized and empowered, by good and sufficient Leases, to grant and to
 farm-let such part not exceeding eight hundred Acres of the herein before de-
 scribed Tract or parcel of Land, as they in their discretion may think fit for any
 term not exceeding twenty-one years, and to appropriate the proceeds arising
 therefrom, towards the support of the Poor of the said Parish of Saint Andrews.

CAP. XIX.

An Act for regulating the Inspection of Fish for Home Consumption.

Passed the 11th of March, 1818.

[Continued by 60 G. 3, C. 4, until 1823, and then expired.]

CAP. XX.

An Act for raising a Revenue in this Province.

Passed the 11th March, 1818.

[Continued by 59 G. 3, C. 18—60 G. 3, C. 1—and 2 G. 4, C. 18, until 1st
 April, 1822, and then expired.]

CAP. XXI.

56 G. 3, c. 22. An Act in addition to, and in amendment of an Act, intituled, “ An Act for the
 establishment, regulation and improvement of the Great Roads of Commu-
 nication throughout the Province, and an Act in addition to, and in amend-
 ment thereof.”

Passed the 11th March, 1818.

[Repealed by 3 G. 4, C. 31.]

CAP. XXII.

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

Passed the 11th March, 1818.

[Expired.]

CAP.

CAP. XXIII.

An Act in addition to an Act, intituled " An Act for establishing a Tender to be made in all payments in this Province."

Passed the 11th March, 1818.

WHEREAS by an Act made and passed in the twenty-sixth year of the " Reign of His present Majesty, intituled " An Act for establishing " a Tender in all payments to be made in this Province," it is enacted, " That " an English Guinea shall pass current and be received for twenty-three shillings, " and fourpence, and a Silver English or French Crown piece for five shillings and " sixpence, and all other English Gold and Silver Coin in the like proportion ; " and that Spanish Milled Dollars shall pass current and be received for five shil- " lings each, and a half Joannes for forty shillings, in all payments to be made " within this Province ;" And whereas since the passing of the said Act, a New " Gold and Silver Coinage has taken place in the United Kingdom, and doubts " have arisen whether the same is receivable by virtue of the said Act as a Tender " in this Province of the comparative value as in and by the same Act is provided " for English Gold and Silver Coin ; for the removal whereof,"

Preamble. 26 G. 3, C. 16.

I. Be it declared and enacted by the Lieutenant Governor, Council, and Assembly, That in all payments to be made in this Province, the Gold Coin of the United Kingdom denominated Sovereigns, being of the value each of twenty shillings lawful money of Great Britain, shall pass current and be received for twenty-two shillings and three pence each, and the new Silver Coin called Crowns, of the value of five shillings each, like lawful money, shall pass current and be received for five shillings and sixpence each, and all other Gold and Silver Coin of the new Coinage aforesaid of the United Kingdom, in the like proportion. Provided always, that in payments made with the smaller pieces of Silver Coin, no smaller fraction than a halfpenny shall be calculated in the proportionate value thereof unless several of them shall be paid together so as to amount to the value of a Crown or half Crown piece, when the same shall be received for the full intrinsic value which they bear in proportion with the same larger pieces.

Current value of Sovereigns.

Crowns,

other Coin in proportion. Proviso.

II. And be it further declared and enacted, That any former or future Gold or Silver English Coin, of the United Kingdom, shall be at all times hereafter current in this Province, and received in all payments to be made therein in the same, or a like proportion as is herein and in the before recited Act established and provided.

English Gold or Silver Coin, of the United Kingdom, a lawful Tender.

III. And be it further enacted, That in all payments to be made in this Province, the Gold Coin of the United States of America called Eagles, of the value each of ten Dollars of the Silver Coin of the said United States, shall pass current and be received for fifty shillings, and the said Dollar of the said United States, for five shillings, and other Gold and Silver Coin of the said United States in the like proportion.

Eagles and Dollars of the United States, current and at what rates.

IV. And be it further enacted, That this Act shall not be in force until His Majesty's Royal approbation be had and declared to the same.

Suspending clause.

[This act was confirmed, finally enacted and ratified by an Order of the King in Council, dated the 1st of February, 1821, and which was published and declared in the Province on the 5th June, 1821.]

c Refer to 26 G. 3, C. 16, and see 5 W. 4, Sess. 2, C. 7, making Spanish, Mexican, Peruvian, Chilian, and Central American Dollars, and their parts, a legal tender.

CAP. XXIV.

An Act to exclude certain description of Persons from serving as Representatives in General Assembly.

Passed the 11th of March, 1818.

Preamble.

“ WHEREAS it is expedient that Persons who are engaged as Spiritual Guides and Teachers in the profession of religious faith and worship, should abstain as much as possible from secular affairs ;”

Ministers of Religion, disqualified from being Members of the General Assembly

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, no Person shall be capable of being elected a Member to serve in Assembly, or of sitting and voting therein, who shall be a Minister of the Church of England, or of the Church of Scotland, or a Minister, Priest, Ecclesiastic, or Teacher, under any other form or profession of religious faith or worship whatever.

Suspending clause.

II. And be it further enacted, That this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

[*This Act was confirmed, finally enacted and ratified by an Order of the King in Council, dated the 6th of February, 1821, and was published and declared in the Province on the 12th of June, 1821.*]

Anno Regni, GEORGII III Régis, Quinquagesimo
Nono.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the second day of February, in the year of our Lord one thousand eight hundred and nineteen, in the fifty-ninth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. being the Third Session of the Sixth General Assembly convened in the said Province.

CAP. I.

An Act to prevent the further Issuing and Circulation of Treasury Notes.

Passed the 24th of March, 1819.

[*Obsolete.*]

CAP. II.

An Act to make perpetual several Acts of the General Assembly which are near expiring.

Passed the 24th of March, 1819.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fifty-seventh year of His Majesty's Reign, intituled "An Act for appointing Fire Wards in the Towns of Fredericton and Saint Andrews, and ascertaining their power and duty, and more effectually to prevent Fires in the said Towns"—And also an Act made and passed in the fifty-seventh year of His Majesty's Reign, intituled "An Act in amendment of an Act, intituled "An Act more effectually to prevent the encumbering or filling up of Harbours, and to authorise the appointment of Harbour Masters," be, and the same are hereby made perpetual.

57 G. 3, C. 9.

57 G. 3, C. 6,
(since repeal-
ed.)
Made per-
petual.

CAP.

CAP. III.

An Act to authorise the Justices of the Peace for the City and County of Saint John, to levy an Assessment on the Inhabitants of the said City, for the purpose of building a Poor House in the said City.

Passed the 24th of March, 1819.

[*Obsolete.*]

CAP. IV.

An Act to revive and make perpetual an Act intituled “ An Act authorising 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.”

Passed the 24th of March, 1819.

52 G. 3, C. 16.

Revived and made perpetual.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fifty-second year of His Majesty's Reign, intituled “ An Act authorising 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,” be, and the same is hereby revived and made perpetual.

CAP. V.

^a An Act in addition to, and amendment of an Act, intituled “ An Act to revive and make perpetual an Act authorising 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.”

59 G. 3, C. 4.

Passed the 24th of March, 1819.

Preamble.

“ **W**HEREAS it is necessary further to provide by Law for the more effectual prevention of Fires within the said City of Saint John, “ by compelling the Inhabitants and Owners of Houses within the said City to “ provide themselves with Ladders, and by other regulations to be made by the “ Common Council of the said City from time to time, as occasion may require ;”

The Mayor, Aldermen and Commonalty of Saint John, may direct the Owners or Inhabitants of Houses to provide Ladders, &c.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Mayor, Aldermen, and Commonalty of the said City of Saint John, in Common Council convened, shall and may have full power and authority, by Law or Ordinance to direct the Owners or Inhabitants of Houses within the said City or any of them, as the said Common Council shall from time to time see fit, to provide Ladders, to be kept on or near to their respective Houses, to be ready for being used in preventing and extinguishing Fires, under such regulations as the said Common Council shall see fit to ordain, and also from time to time, as occasion shall require, to make and ordain any other such provisions and regulations, as well for directing the Inhabitants or Owners of

of Houses within the said City, to furnish and provide themselves with any other such things as may be necessary to be used in preventing and extinguishing Fires, as for any other purpose relating to this end as may be expedient and necessary.

II. And be it further enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty, in Common Council convened, to impose penalties for the non-observance of any such Laws or Ordinances as they may, by virtue of this Act, from time to time pass and enact, not exceeding Ten Pounds, to be recovered, paid, and applied in like manner with any other penalties imposed and inflicted by the Laws or Ordinances of the said Mayor, Aldermen and Commonalty.

And may impose penalties for non-observance of any Laws or ordinances passed by virtue of this Act.

III. And be it further enacted, That this Act shall continue and be in force for ten years, and thence to the end of the next Session of the General Assembly, and no longer.

Limitation.

[Revived and Continued to 1st April, 1840, by 5 W. 4, C. 10.]

CAP. VI.

An Act for the more effectual punishment of Persons who shall be guilty of the Trespasses therein mentioned, in the City of Saint John.

Passed the 24th of March, 1819.

[Continued by 5 G. 4, C. 4—10 and 11 G. 4, C. 2—and 5 W. 4, C. 9, to 1st April, 1840. The Act 5 W. 4, C. 9, was repealed by 5 W. 4, (Second Session,) C. 9, S. 7, whereby this Act expired.]

CAP. VII.

An Act in amendment of the Act “for making further provision for preventing the importation and spreading of Contagious Distempers in the City of Saint John.”

Passed the 24th of March, 1819.

[Continued by 5 G. 4, C. 7, until 1830, and then expired.]

CAP. VIII.

An Act to provide for the support of a Light House to be built upon Point Escuminac, in the County of Northumberland.

Passed the 24th of March, 1819.

[Expired.]

CAP. IX.

An Act to explain and amend an Act, intituled, “ An Act to impose a Duty upon certain articles imported into this Province.”

Passed the 24th of March, 1819.

[*Continued by 3 G. 4, C. 20, until 1826, and then expired.*]

CAP. X.

An Act to enable the Province Treasurer to borrow the sum of Nine Thousand Pounds for paying off Bounties and other Debts payable by the Laws of this Province.

Passed the 24th of March, 1819.

[*Obsolete.*]

CAP. XI.

An Act to regulate the exportation of Lumber, and to repeal all the Acts now in force relating to the same.

Passed the 24th of March, 1819.

[*Repealed by 9 & 10 G. 4, C. 23. See 1 W. 4, C. 45.*]

CAP. XII.

An Act in addition to and in amendment of an Act, intituled “ An Act for the support and relief of Confined Debtors,” and the “ Act further to extend the provisions thereof.”

Passed the 24th of March, 1819.

[*Repealed by 10 & 11 G. 4, C. 30.*]

CAP. XIII.

An Act to regulate the exportation of Fish, and to repeal the Laws now in force relating thereto.

Passed the 24th of March, 1819.

[*Repealed by 10 & 11 G. 4, C. 28.*]

CAP. XIV.

An Act further to alter and extend the provisions of an Act, intituled, “ An Act ^{52 G. 3, C. 24.} to encourage the erection of a Passage Boat to be worked by Steam, for facilitating the communication between the City of Saint John and Frederickton,” and to give further encouragement to the present Proprietors of the Steam Passage Boat erected in pursuance of the same Act.

Passed the 24th of March, 1819.

[Expired.]

CAP. XV.

An Act to prevent Desertion from his Majesty’s Forces, and to punish unlawful dealings with Soldiers or Deserters.

Passed the 24th of March, 1819.

[Continued by 5 G. 4, C. 1, to 1830, and then expired.]

CAP. XVI.

An Act to regulate the Herring Fisheries in the Parishes of West-Isles, Campo-Bello, Pennfield, and Saint George, in the County of Charlotte.

Passed the 24th of March, 1819.

[Continued by 3 G. 4, C. 3, and 5 G. 4, C. 2, until 1827, and then expired. See 8 G. 4, C. 11.]

CAP. XVII.

An Act for laying a Duty on all Teas imported into this Province:

Passed the 24th of March, 1819.

[Expired.]

CAP. XVIII.

An Act to amend and continue an Act, intituled, “ An Act for raising a Revenue in this Province.”

Passed the 24th of March, 1819.

[Repealed by 60 G. 3, C. 1.]

CAP. XIX.

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

Passed the 24th of March, 1819.

[*Expired.*]

Anno Regni GEORGII III Regis, Anno Sexagesimo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the first day of February, in the year of our Lord one thousand eight hundred and twenty, in the sixtieth Year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. being the first Session of the Seventh General Assembly convened in the said Province.

CAP. I.

An Act to continue and amend an Act, intituled "An Act for raising a Revenue in this Province," and to repeal the one made in amendment thereof.

Passed the 20th of March, 1820

[Continued by 2 G. 4, C. 18, until 1st April, 1822, and then expired.]

CAP. II.

An Act for granting further aid in support of the Grammar School in the Town of Saint Andrews.

Passed the 20th of March, 1820.

[Continued by 4 G. 4, C. 15, and 8 G. 4, C. 3, until March 1829, and then expired.]

CAP. III.

An Act to continue and make perpetual the Act for the preservation of River and Sea Banks or Dykes, that is near expiring. 56 G. 3, C. 9.

Passed the 20th of March, 1820.

[Obsolete. The Act Referred to having been repealed by 1 W. 4, C. 14 S. 2.]

CAP.

CAP. IV.

An Act to continue several Acts of the General Assembly that are near expiring.

Passed the 20th of March, 1820.

[*Expired.*]

CAP. V.

An Act for altering the terms of holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas, in the County of King's.

Passed the 20th of March, 1820.

[*Obsolete. This Act altered the March Term, appointed by 31 G. 3, C. 9, to 1st Tuesday in January, the 3 G. 4, C. 12, altered the Term again to 1st Tuesday in March. See Table of Courts, Appendix, No. 1.*]

CAP. VI.

a An Act to confirm the Charter of the Madras School in New Brunswick and to extend the powers of the Governor and Trustees of the same.

Passed the 20th of March, 1820.

Preamble.

“**W**HEREAS by His Majesty's Royal Charter, or Letters Patent under “ the Great Seal of this Province, bearing date the twenty-third day “ of August, in the year of our Lord one thousand eight hundred and nineteen, “ and in the fifty-ninth year of His Majesty's Reign, a Corporation was erected, “ and created, with perpetual succession, by the name of “ The Governor and “ Trustees of the Madras School in New Brunswick,” with certain powers, “ rights, and privileges, as are in the same Royal Charter or Letters Patent “ expressed and contained ;”

The Charter of the Corporation of the Madras School declared to be good and valid in Law.

Ratified and confirmed.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the same Charter or Letters Patent be, and the same are hereby declared to be good, valid, perfect, authentic and effectual, in the Law, and shall stand, and be taken, reputed, deemed, and adjudged, good, perfect, sure, available, authentic, and effectual in the Law, according to the tenor and effect of the same Charter or Letters Patent ; and that the same be, and are to all intents and purposes hereby ratified and confirmed.

II. “ And whereas in and by the said Charter or Letters Patent, it is declared, “ that it shall be the duty of the said Governor and Trustees of the Madras School in New Brunswick, (among other things) to hold and keep the “ Central School always in the City of Saint John, and to extend the benefits “ of the Institution to every other part of the Province, from time to time, and “ as often as the funds and means of the said Corporation will enable them so “ to do.” And whereas provision may hereafter be made for the establishment “ of Branches of the said Provincial School, to be held and kept at the Seat “ of Government of the said Province, in Fredericton, and other parts of the “ Province :” Be it therefore further enacted, that special meetings of the same

a See the Charter of the Madras School, Appendix, No. 4.

same Governor and Trustees of the Madras School in New Brunswick, may be summoned and held in the manner as pointed out in and by the said Charter and Letters Patent, at the said Seat of Government of the said Province, solely for the regulation and government of any such other Schools as may hereafter be established in the Province, under the direction of the said Governor and Trustees of the Madras School in New Brunswick; at which said special meetings the Clerk and Treasurer of the said Corporation may severally attend, either in person or by deputy, as they shall from time to time find the same to be convenient.

Special meetings of the Governor and Trustees may be held at the Seat of Government.

Clerk and Treasurer may attend in person or by deputy.

CAP. VII.

An Act to enable the Justices of the Supreme Court to enlarge the time of the sittings of the said Court, when the same shall be expedient.

Passed the 20th of March, 1820.

“**W**HEREAS it frequently happens that the established duration of the “ terms of the Supreme Court is not sufficient for the requisite trial “ of causes and the hearing of matters depending in the said Court;”

Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Justices of the said Court, if they shall deem the same to be expedient, to adjourn the sittings of the said Court to the week next succeeding the said terms respectively, and that all causes and matters heard and determined on any day during the week next succeeding the said terms respectively, pursuant to such adjournment, shall have the same and the like force and effect, to all intents and purposes, as if such causes and matters had been heard and determined at any time during the said terms respectively, and that all parties concerned shall take due notice of such adjournments, from time to time respectively, and govern themselves accordingly; subject always to such rules and regulations as may by the Justices of the said Court, from time to time in that behalf, be made and established. Provided that no trials of any issues by Jury shall be had at any such adjourned sittings; any thing herein contained to the contrary notwithstanding.

b The Justices of the Supreme Court may adjourn the sittings to the second week.

Parties concerned to take due notice, &c.

But no trials by Jury shall be had at adjourned sittings.

The days of teste and return of Writs to remain as heretofore.

II. Provided also and be it further enacted, That the days of the teste and return of all Writs in the said Court, shall be and remain the same as heretofore established; any thing in this Act to the contrary thereof in anywise notwithstanding.

CAP. VIII.

An Act to explain, amend, and continue an Act, intituled, “ An Act to encourage the raising of Bread-Corn on new Land.”

57 G. 3, C. 5.

Passed the 22d of March, 1820.

[*Obsolete by the expiration of the Act referred to.*]

b See 5 W. 4, C. 37, authorizing sittings in York County out of Term, and making other provisions for the more convenient administration of Justice in the Supreme Court.

CAP.

CAP. IX.

An Act to provide for the cancelling the Treasury Notes that have been issued in this Province.

Passed the 22d of March, 1820.

[*Expired.*]

CAP. X.

An Act to increase the Fees of Marshals in the City Court of the City of Saint John, in certain cases.

Passed the 25th of March, 1820.

Preamble.

“**W**HEREAS the Fees at present established for Marshals, in the City Court of the City of Saint John, on certain Processes issuing out of the said Court, are found insufficient and inadequate to the duty performed;”

Marshals' Fees:

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the fee to the Marshal on every summons issuing out of the said Court, and served by such Marshal, shall be one shilling; and on every attachment, so issuing and served, shall be one shilling and sixpence; any law, usage, or custom to the contrary notwithstanding.

CAP. XI.

An Act to authorize and empower the Inferior Courts of Common Pleas in the respective Counties of this Province, to appoint Commissioners to take Bail in the same Courts.

Passed the 25th of March, 1820.

Preamble.

“**W**HEREAS great inconvenience has arisen in distant parts of the different Counties of this Province, in putting in Special Bail in the Inferior Courts of the respective Counties, for want of Commissioners being appointed to take the same;”

The Inferior Courts of Common Pleas may appoint Commissioners to take Bail in the same Courts.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the respective Inferior Courts of Common Pleas in the several Counties of this Province, to appoint Commissioners to take Bail in the same Courts, in such distant parts of their respective Counties, as the majority of the Justices of any of the said Courts, in term assembled, shall at any time or times, see fit and necessary; and such Commissioners to take Bail as aforesaid, shall be appointed by the said Inferior Courts aforesaid, in the same manner as Commissioners to take Bail are appointed in the Supreme Court.

CAP. XII.

An Act for granting Bounties on Grain raised in this Province.

Passed the 25th of March, 1820.

[*Repealed by 4 G. 4, C. 13.*]

CAP.

CAP. XIII.

An Act to incorporate sundry Persons by the name of the President, Directors and Company of the Bank of New Brunswick.

Passed the 25th of March, 1820.

“ **W**HEREAS it is thought that the establishment of a Bank at the City of Saint John, would promote the interests of the Province by increasing the means of circulation ;”

Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the Honorable John Robinson, the Honourable William Black, the Honourable Samuel D. Street, Henry Wright, Hugh Johnston, Thomas Millidge, Nehemiah Merritt, Ward Chipman, Junior, Zalmon Wheeler, Robert Pagan, Peter Fraser, Harry Peters, John Campbell, Charles I. Peters, Henry Smith, Mark Needham, Thomas Wyer, Junior, Christopher Scott, Elijah Miles, and William Botsford, their associates, successors, or assigns, be, and they are hereby declared to be, a Body Corporate, by the name of the President, Directors and Company of the Bank of New Brunswick, and that they shall be persons able and capable in Law to have, get, receive, take, possess, and enjoy houses, lands, tenements, hereditaments, and rents, in fee simple or otherwise, and also goods and chattels, and all other things real, personal, or mixt, and also to give, grant, let, or assign, the same, or any part thereof, and to do and execute all other things in and about the same, as they shall think necessary for the benefit and advantage of the said Corporation, and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of Law and Equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner as any other person or persons are in Law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto, and also that they shall have one common seal to serve for the ensembling of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation, and also that they the President, Directors and Company, or the major part of them, shall from time to time and at all times, have full power, authority and licence, to constitute, ordain, make and establish, such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation. Provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant and contrary to the laws and statutes of this Province.

Body Corporate, styled The President, Directors and Company of the Bank of New Brunswick.

Capable to sue and be sued, &c.

Shall have a Common Seal.

The President, Directors and Company may make Laws for government of the said Corporation.

II. And be it further enacted, That the capital or stock of the said Corporation shall consist of current Gold and Silver Coins of the Province to the amount of fifty thousand Pounds; the sum of twenty-five thousand Pounds, one half part thereof, to be paid in current Gold and Silver Coins of the Province, on or before the first day of September next; and the further sum of twenty-five thousand Pounds, the residue thereof, on or before the first day of September, which will be in the year one thousand eight hundred and twenty-one; the whole amount

c Capital Stock to amount to £50,000.

c This second Section, except so far as relates to the division of the Stock into Shares of £50 each, was repealed by 2 G. 4, C. 20, which reduced the Capital Stock to £30,000. It was again increased to £50,000 by 6 G. 4, C. 3.

in shares of
£50 each.

The Corpora-
tion may hold
lands, &c. not
exceeding
£3,000,

or to any
amount by
Mortgage as
collateral secu-
rity.

Shall not lend
money on mort-
gage, &c.

When 300
shares shall have
been subscribed
a General
Meeting of the
Members to be
called, to make
Bye Laws, &c.

and choose 13
Directors to
continue in
office one year.

Annual Meet-
ing of Stock-
holders.

President, how
to be chosen.

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

amount of said Stock to be divided into shares of fifty pounds each, making in the whole one thousand shares.

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

IV. And be it further enacted, That whenever three hundred shares shall have been subscribed of the said capital stock, a general meeting of the Members and Stockholders of the said Corporation, or the major part of them, shall take place by notice in one or more of the public newspapers thirty days previous to such meeting, for the purpose of making ordinary and establishing such bye laws, ordinances, and regulations, for the good management of the affairs of the said Corporation, as the Members and Stockholders of the said Corporation shall deem necessary, and also for the purpose of choosing thirteen Directors, being Stockholders and Members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen, shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations of the said Bank, subject nevertheless to the rules and regulations hereinafter made and provided; at which general meeting, the Members and Stockholders of the said Corporation, or the major part of them, shall determine the amount of payments to be made on each share, also the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the said Corporation, shall be binding upon the said Stockholders, their successors and assigns.

V. And be it further enacted, That there shall be a general meeting of the Stockholders and Members of the said Corporation, to be annually holden on the first Monday in May in each and every year at the City of Saint John; at which annual meeting there shall be chosen, by a majority of the said Stockholders and Members of the said Corporation, thirteen Directors, 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 hereinafter mentioned: and the Directors when chosen, shall at their first meeting after their election, choose out of their number a President. Provided always, that seven 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.

VI. And be it further enacted, That the Directors for the time being shall have power to appoint such Officers, Clerks, and Servants, as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services, as to them shall appear reasonable and proper; all which, together with the expenses of Buildings, House-rent, and all other contingencies shall be defrayed out

out of the funds of the Corporation ; and the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation, as shall be prescribed by the bye-laws and regulations of the same.

VII. And be it further enacted, That not less than seven Directors 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 and against any question before them, the President shall have a casting vote.

Not less than seven Directors to constitute a Board.

VIII. And be it further enacted, That no Director shall be entitled to any salary or emolument for his services ; but that the Stockholders and Members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

No Director to have a salary.

IX. And be it further enacted, That no person shall be eligible as Director, unless such person is a Stockholder and holding not less than ten shares of the capital stock of the said Corporation.

Qualification of Directors.

XI. And be it further enacted, That every Cashier and Clerk of the said Corporation, before he enters upon the duties of his office, shall give bonds, with two or more sureties, to be approved of by the Directors, that is to say, every Cashier in a sum not less than ten thousand Pounds, with a condition for his good and faithful behaviour, and every Clerk, with the like condition and sureties, in such sum as the Directors shall deem adequate to the trust reposed in him.

Sureties for the Cashier and Clerks.

XI. And be it further enacted, That the number of votes which each Stockholder shall be entitled to on every occasion when in conformity to the provisions of this Act the votes of the Stockholders are to be given, shall be in the following proportion, that is to say,—For one share and not more than two, one vote ; for every two shares above two, and not exceeding ten, one vote, making five votes to ten shares ; for every four shares above ten, and not exceeding thirty, one vote, making ten votes for thirty shares ; which said number of ten votes shall be the greatest that any Stockholder shall be entitled to have.

Number of Votes of Stockholders.

XII. And be it further enacted, That all Stockholders resident within this Province or elsewhere, may vote by proxy, provided that such proxy be a Stockholder, and do produce sufficient authority from his constituent or constituents so to act.

Stockholders may vote by proxy.

XIII. [*Obsolete.*]

XIV. And be it further enacted, That the Directors be, and they are hereby authorised to fill up any vacancy that shall be occasioned in the Board by the death, resignation, or absence from the Province for three months, of any of its Members ; but that in the case of the removal of a Director by the Stockholders, for misconduct or mal administration, his place shall be filled up by the said Stockholders, and the person so chosen by the Directors or the Stockholders, shall serve until the next succeeding annual meeting of the Stockholders.

Vacancies in the Board to be filled up by the Directors.

XV. } [*Obsolete.*]
XVI. }

XVII. And be it further enacted, That the shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf, but no assignment or transfer shall be valid or effectual, unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, nor until such person or persons

Shares to be assignable.

Sons so making the same, shall previously discharge all debts actually due and payable to the said Corporation—that in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable—that whensoever any Stockholder shall transfer in manner aforesaid, all his stock or shares in the said Bank, to any other person or persons whatever, such Stockholder shall cease to be a Member of the said Corporation.

The Company shall not deal in any thing but Bills of Exchange, Gold and Silver, or in sale of Goods pledged.

XVIII. And be it further enacted, That the said Company shall not directly or indirectly deal in any thing excepting in Bills of Exchange, Gold or Silver Bullion, or in the sale of Goods really and truly pledged for money lent and not redeemed in due time, or in the sale of Stock pledged for money lent and not so redeemed; which said Goods and Stock so pledged, shall be sold by the said Corporation at public sale, at any time not less than thirty days after the period for redemption; and if upon such sale of Goods or Stock there shall be a surplus, after deducting the money lent, together with the expences of sale, such surplus shall be paid to the proprietors thereof respectively.

The joint stock alone responsible for the debts.

XIX. And be it further enacted, That the joint stock or property of the said Corporation, shall alone be responsible for the debts and engagements of the said Corporation, and that no person or persons who shall or may have dealings with the said Corporation, shall, on any pretence whatsoever, have recourse against the separate property of any present or future Member of the said Corporation, or against their persons, further than may be necessary to secure the faithful application of the funds of the said Corporation.

Requisites in forms of Bank Notes, &c.

XX. And be it further enacted, That every Bond, Bank Bill, or Bank Note, or other Instrument, by the terms or effect of which the said Corporation may be charged or held liable for the payment of money, shall specially declare in such form as the Board of Directors shall prescribe, that payment shall be made out of the joint fund of the said Corporation.

Total amount of the debts shall never exceed twice the amount of the Capital Stock.

XXI. And be it further enacted, That the total amount of the debts which the said Corporation shall at any time owe, whether by Bond, Bill, or Note, or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the Stockholders; and in case of any excess, the Directors, under whose administration and management the same shall happen, shall be liable for such excess in their natural and private capacities. Provided always, that the lands, tenements, goods, and chattels of the said Corporation, shall also be liable for such excess.

Directors to make half-yearly dividends.

XXII. And be it further enacted, That the Directors shall make half-yearly dividends of all the profits, rents, premiums, and interest of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days previous notice in two of the newspapers published in this Province.

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

XXIII. And be it further enacted, That the Books, papers, correspondence, and funds, of the said Corporation, shall at all times be subject to the inspection of the Directors, but no Stockholder, not a Director, shall inspect the account of any individual with the said Corporation!

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

XXIV. And be it further enacted, That all the Bills or Notes issued by the said Corporation, shall be signed by the President for the time being, and countersigned and attested by the Cashier, and shall be printed and made in stereotype plates, and all Bills or Notes so signed and countersigned, shall be binding on the said Corporation.

The Company to pay to a bona fide holder, the

XXV. And be it further enacted, That the said Corporation shall be liable to pay to any bona fide holder, the original amount of any Note of the said Bank,

Bank, which shall have been counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration.

original amount
of any altered
Note.

XXVI. And be it further enacted, That the said Bank shall be kept and established at the City of Saint John, or at such other place as the Board of Directors may think it necessary to remove the said Bank, on account of any great emergency, for the security thereof.

The Bank to be
kept at Saint
John.

XXVII. And be it further enacted, That the Directors shall at the general meeting, to be held on the first Monday in May in every year, lay before the Stockholders for their information, an exact and particular statement of the amount of debts due to, and by the said Corporation, the amount of Bank Notes then in circulation, the amount of Gold and Silver on hand, and the amount of such debts as are, in their opinion, bad or doubtful, also the surplus or profit, if any remaining after deduction of losses and provisions for dividends; which statement shall be signed by the Directors, and attested by the Cashier, and a duplicate statement, so signed and attested, shall be transmitted to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Honourable His Majesty's Council. Provided always, that the rendering of such statement shall not extend to give any right to the Stockholders, not being Directors, to inspect the account of any individual or individuals with the said Corporation.

General Meeting
to be held
on first Monday
in May in each
year.

XXVIII. And be it further enacted, That any joint Committee hereafter to be appointed by the Honourable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or prorogation of the General Assembly, have free access to all the books and vaults of the same.

Committees of
the Legislature
to have access
to the Books,
&c.

XXIX. And be it further enacted, That any number of Stockholders, not less than sixty, who together shall be proprietors of three hundred shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the Stockholders, for purposes relating to the business of the said Corporation, giving at least thirty days previous notice in two of the newspapers published in the Province, and specifying in such notice the time and place of such meeting, with the objects thereof, and the Directors, or any seven of them, shall have the like power at any time (upon observing the like formalities) to call a general meeting as aforesaid.

Any number
not less than
sixty Stock-
holders may call
a General
Meeting.

XXX. And be it further enacted, That on any dissolution of the said Corporation, immediate and effectual measures shall be taken by the Directors then in office, for closing all the concerns of the said Corporation and for dividing the capital and profits which may remain among the Stockholders, in proportion to their respective interests.

On any dissolution
measures
to be taken
by the Direc-
tors for closing
the concern, &c.

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

Limitation.

CAP. XIV.

59 G. 3, C. 3. An Act in addition to an Act, intituled, "An Act to authorise the Justices of the Peace for the City and County of Saint John, to levy an assessment on the Inhabitants of the said City, for the purpose of building a Poor-House in the said City."

Passed the 25th of March, 1820.

[*Obsolete.*]

CAP. XV.

An Act to provide for sick and disabled Seamen, not being Paupers, belonging to the Province.

Passed the 25th of March, 1820.

Preamble.

66 **WHEREAS** it has become expedient to provide for such sick and disabled Seamen, who may hereafter be brought into this Province, "and are not Paupers of any Parish within the same ;"

d Every vessel above 60 tons to pay one penny per ton on arrival at any port.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act every ship or vessel that shall arrive at any port or place within this Province, and shall be of the burden of sixty tons, or upwards, shall pay to the Treasurer of the Province or his Deputy at the port or place where such ship or vessel may arrive, the sum of one penny per ton for every registered ton such ship or vessel shall be rated at ; which said sum of one penny shall be paid as aforesaid, by the master, owner, or consignee, at the time of entry, at the office of the Treasurer of the Province, or his Deputy, and before breaking bulk or discharging any ballast, at such port or place where such ship or vessel shall so arrive.

e To be paid over by the Treasurer to the Overseers of the Poor at such port.

II. And be it further enacted, That the duty imposed by this Act, when paid as aforesaid, shall be paid over by the Treasurer of the Province, or his Deputy, to the Overseers of the Poor at such port or place where such duty shall be levied and collected in and by virtue of this Act, by warrant under the hand and seal of the Lieutenant Governor or Commander in Chief (by and with the advice and consent of His Majesty's Council) for the time being.

The Overseers of the Poor shall render an account, under oath, to the Justices.

III. And be it further enacted, That the Overseers of the Poor in such ports or places where such duties shall be collected as herein before mentioned, shall render an account of the expenditure of such monies, for such sick and disabled Seamen as may be relieved by the provisions of this Act, under oath, to the Justices of the Peace, at any General Session, within such County where such expenditure shall be made, at least once in every year, which account so rendered, shall be by them transmitted to the Treasurer of the Province.

IV. [*Repealed by 3 G. 4, C. 27, S. 9.*]

V. And be it further enacted, That the master, owner, or consignee, of any ship

d As to mode of recovering Duty see 2 G. 4, C. 10, S. 1. Duty increased at the Port of Saint John, by 7 G. 4, C. 14, S. 1 ; and at Saint Andrews and Miramichi, by 8 G. 4, C. 16.

e This second Section repealed, so far as it related to Saint John, by 3 G. 4, C. 27—so far as it related to Miramichi and Saint Andrews, by 7 G. 4, C. 14, and so far as it related to Bathurst and Dalhousie, by 4 W. 4, C. 20, which Acts contain other provisions for said Ports respectively. The application of any overplus of Duty is directed by 2 G. 4, C. 10, S. 2.—at Saint John, by 3 G. 4, C. 27, S. 2.—at Saint Andrews and Miramichi, by 8 G. 4, C. 16.

ship or vessel owned in this Province, may, and they are hereby authorised to demand and take from the wages of every mate, seaman, or other person employed and articed for the management and navigation of any such ship or vessel, the sum of six-pence per month, to cover the amount of the tonnage duty arising in and by virtue of this Act.

VI. And be it further enacted, That this Act shall not extend, or be construed to extend, to make any vessel or vessels denominated and known coasters, liable to pay the said tonnage duty herein before imposed, more than once in each and every year, and to be paid by such vessel or vessels at the first time of entry into any port or place within this Province, in each and every year.

VII. [*This Sec. which limited the duration of the Act repealed by 3 G. 4, C. 27.*]

Master, Owner or Consignee may take 6d. per month from Seamen's wages for the said tonnage duty.

Coasting vessels not liable more than once in a year.

CAP. XVI.

An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province, and improving the Navigation of certain Rivers therein.

Passed the 25th of March, 1820

[*Expired.*]

CAP. XVII.

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

Passed the 25th of March, 1820.

[*Expired.*]

CAP. XVIII.

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

Passed the 25th of March, 1820.

[*Expired.*]

CAP. XIX.

An Act for the further increase of the Revenue of the Province.

Passed the 25th of March, 1820.

[*Repealed by 2 G. 4, C. 13.*]

CAP. XX.

An Act in addition to an Act, intituled “ An Act for the further increase of the Revenue of the Province.”

[Passed the 29th of March, 1820.

[*Repealed by 2 G. 4, C. 13.*]

CAP. XXI.

An Act to prevent the taking of Fish in the different Harbours and Rivers of this Province, with Drift Nets.

Passed the 29th of March, 1820.

f Preamble.

“ **W**HEREAS the practice of drifting for Fish has been found greatly injurious to the fisheries in this Province, notwithstanding the restrictions and regulations made thereon by the several Acts of the General Assembly ;”

No drift Net to be used.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, no person or persons shall use any drift net or nets, for taking any fish, in any of the harbours, creeks, coves, or navigable rivers of this Province, or within the harbour of Saint John, or within two miles around Partridge Island, at the entrance of the same harbour, and any person or persons so using any drift net or nets, for the purpose aforesaid, shall forfeit and pay the sum of ten pounds, upon due conviction thereof, by the oath of one or more credible witness or witnesses, before any two of His Majesty’s Justices of the Peace in the County where such offence shall be committed, to be levied by warrant of distress and sale of the offender’s goods and chattels, rendering the overplus, if any, to such offender; and twenty pounds for the second offence, to be recovered with costs, by action of debt, bill, plaint or information, in any Court of Record in this Province; and fifty pounds for the third and every subsequent offence, to be recovered, with costs, in the manner last mentioned, which penalties, on conviction, shall be paid to the informer.

Penalty, how recovered.

Overseers of the Fisheries to seize any nets found drifting.

II. And be it further enacted, That it shall be the duty of the Overseers of the Fisheries which have been already appointed, or which may hereafter be appointed by the Justices of the Peace in their General Sessions, held or to be holden in the respective Counties of this Province, pursuant to the authority given in and by the second section of the herein before recited Act, intituled “ An Act for regulating the Fisheries in the different rivers, coves, and creeks, of this Province,” to remove and seize any net or nets that shall be found drifting contrary to the provisions of this Act; and such Overseer or Overseers, who shall at any time wilfully and knowingly, delay, neglect, or refuse, to perform the duty by this Act enjoined, to forfeit and pay the sum of ten pounds; to be sued for, recovered, and applied in the same manner as the penalty of ten pounds in the first section of this Act can or may be sued for, recovered and applied.

Penalty for neglect of duty.

Not to prevent any Overseer from benefiting by the penalties,

III. And be it further enacted, That nothing in this Act shall extend, or be construed to extend, to prevent any Overseer or Overseers of the Fisheries, for any

any City or Parish in this Province, from benefiting by the recovery of any of the penalties by this Act inflicted, provided such Overseer or Overseers shall be the first to take notice of any net or nets so used in drifting against the provisions of this Act.

VI. And be it further enacted, That such part and so much of an Act made and passed in the fiftieth year of His Majesty's Reign, intituled "An Act for the further regulation of the Fisheries, and for preventing their decay," and also such part and so much of an Act made and passed in the fifty-second year of His Majesty's Reign, intituled, An Act to alter and amend an Act, intituled "An Act for the further regulation of Fisheries, and for preventing their decay," as allow of, and regulate the practice of using nets for taking fish by drifting, be, and the same are hereby repealed.

Part of the Act of 50 G. 3, C. 20, repealed.

Also part of the Act 52 G. 3, C. 15.

[*This Act is repealed as to the County of Gloucester, by 3 W. 4, C. 27.*]

CAP. XXII.

An Act to provide for, and encourage the Settlement of Emigrants in this Province.

Passed the 29th of March, 1820.

[*Continued by 3 G. 4, C. 10, until 1827, and then expired.*]

CAP. XXIII.

An Act in addition to and amendment of an Act, intituled "An Act for regulating the inspection of Fish for home consumption." 58 G. 3, C. 19.

Passed the 29th of March, 1820.

[*Expired.*]

CAP. XXIV.

An Act further to alter and amend an Act, intituled "An Act for the establishment, regulation and improvement of the Great Roads of communication through the Province."

Passed the 29th of March, 1820.

[*Repealed by 3 G. 4, C. 31.*]

CAP. XXV.

An Act to alter and in addition to an Act, intituled "An Act for establishing a tender in all payments to be made in this Province."

Passed the 29th of March, 1820.

[*This Act was passed with a suspending clause until His Majesty's approbation had and declared, and was confirmed by the King in Council on the 9th of June, 1821, and was repealed by 7 G. 4, C. 24.*]

CAP. XXVI.

⁶⁵ An Act to confirm and perfect, and carry into force and effect, an agreement made between the Governor and Trustees of the College of New Brunswick, and certain Tenants of the said Governor and Trustees.

Passed the 22d of March, 1820.

Preamble.

Recites original Grants to the Individuals claiming the Lands prior to the Incorporation of the College.

Recites allotments made by the Governor and Council of part of the Lands prior to the Incorporation of the College.

Surrender by the Grantees of the Lands originally granted.

Surrender made previous to the Incorporation upon condition of receiving new Grants reserving rent payable to a Body Corporate.

“ **W**HEREAS divers Parts and Parcels of the Lands contained in a certain Grant or Letters Patent under the Great Seal of the Province of New Brunswick, to the Governor and Trustees of the College of New Brunswick, bearing date the eighteenth day of July in the Year of our Lord one thousand eight hundred, were, previous to the incorporation of the said College and the passing of the said Grant, granted in fee by divers Grants or Letters Patent under the Great Seal of the said Province to divers persons under and subject to certain annual rents in the same Grants reserved, payable to certain Trustees therein named for the benefit of an Academy or Free School at Fredericton as will appear in the Schedule hereunto annexed marked A: And whereas divers other parts and parcels of the said Lands contained in the said Grant to the said Governor and Trustees of the College of New Brunswick, were previous to the incorporation of the said College and the passing of the same Grant allotted by the Lieutenant Governor of the said Province in Council, in the usual manner for Grants in fee to divers Persons, under and subject to certain annual rents payable to the said Trustees for the benefit of an Academy or Free School at Fredericton; as will appear in the Schedule hereunto annexed, marked B: And whereas the Grantees of most of the said Lands contained in the said divers Grants or Letters Patent, to wit:—Isaac Hedden, Thomas Henderson, William Bailey, William Fowler, Thomas Marten, Lemuel Wilmot, John Lawrence, Jacob Segee, Daniel Lounsbury, Joseph Cunliffe, Benjamin Ingraham, Peter Clements, Thomas Barker, Senior, and Thomas Barker, Junior, Monson Hayt, Garret Clopper, Peter Doran, William Kane, John Wilkins, James Clarke, Charles Larman, Enoch Beard, and Thomas Potter, Daniel Lymon, Andrew Maxwell, Philip Weade, Richard Couper, Charles Earl, Solomon Whitlock, Joseph Haines, Peter Steenburgh, Lewis Bennett, Isaac Lawrence, William Bearhight, Alexander Hutchinson, Peter Wanamaker, Michael Norton, Samuel Buchanan, Peter Redner, James Ackerman, Moses M'Cormisky, Lodwick Fisher, John Emmeil, Moses Simpson, Daniel Bass, Daniel Kenney, Conrad Redner, Jonas Allen, Micajah Isaacs, Jacob Wood, Thomas M'Nally, Phoebe Swim, Benjamin Bailey, Thomas Negus, George Lambert, Benedict Arnold, Nehemiah Rogers, Abraham Vanderbeck, and Cornelius Ackerman, Gabriel VanHorne, John M'Leod and Duncan M'Leod, John Saunders, Ephraim Betts, Lewis Dunham, Samuel Ferris, Adam Allen, and James Sutter, (the said Adam Allen, and James Sutter as the Grantees of the one Acre and two Roods) and Jacob Ellegood, or their Heirs and Assigns, previous to the incorporation of the said College and the passing of the said Grant to the said Governor and Trustees, surrendered their said Grants in the Chancery of the said Province, upon condition among other things, of receiving new Grants, providing that the rents payable for the use of the said Academy or Free School might be paid to some persons having perpetual succession in the Province either as a body corporate or otherwise; and the said College “ was

“ was thereupon afterwards incorporated by Royal Charter under the Great Seal
 “ of the said Province, bearing date on the twelfth day of February, in the year
 “ of our Lord one thousand eight hundred : And whereas it was manifestly
 “ one of the purposes and objects of the said Grant to the said Governor and
 “ Trustees of the College of New Brunswick, bearing date as aforesaid on the
 “ eighteenth day of July, in the Year of our Lord one thousand eight hundred,
 “ that they should make new Grants and conveyances, to those Persons who had
 “ surrendered their Grants in manner aforesaid, of the Lands so by them respec-
 “ tively surrendered, reserving the rents payable thereupon to the said Gover-
 “ nor and Trustees of the said College instead of the said Trustees for the bene-
 “ fit of an Academy or Free School at Fredericton : And whereas the Persons
 “ to whom allotments of Lands had been made by the said Governor in Council
 “ in manner aforesaid, and of which no Grants were made, or their Heirs or As-
 “ signs at the time of the Incorporation of the said College and the passing of
 “ the said Grant to the said Governor and Trustees, were in the possession and en-
 “ joyment of the said Lands so allotted as aforesaid, subject to the respective
 “ rents thereon, stipulated to be paid to the said Trustees for the benefit of an
 “ Academy or Free School at Fredericton, and upon the Incorporation of the
 “ said College and the passing of the said Grant to the said Governor and Trus-
 “ tees, became Tenants of the said Lands to the said Governor and Trustees un-
 “ der and subject to the same rents upon which the Lands had been originally
 “ allotted as aforesaid. And the said Governor and Trustees after the Incorpo-
 “ ration of the said College and the passing of the said Grants or Letters Patent
 “ to them, proceeded to make many Leases or Conveyances in fee to their Ten-
 “ ants as well as those to whom Grants had been passed as to those to whom
 “ allotments only had been made in manner aforesaid, without distinction between
 “ them, subject to the respective annual rents reserved in the said Grants, and
 “ upon which the said allotments were made as aforesaid ; it appearing that
 “ neither the said Governor and Trustees nor their said Tenants were at that
 “ time aware that the said Governor and Trustees were restrained by any Law
 “ in force in the said Province from making such conveyances and dispositions of
 “ their Lands, and regard not being had to the provisions of an Act of Parlia-
 “ ment made and passed in the thirteenth Year of the Reign of Her Majesty
 “ Queen Elizabeth, intituled “ Fraudulent deeds made by spiritual persons to
 “ defeat their successors of remedy for dilapidation, shall be void, &c.” whereby
 “ Colleges are restrained from making any conveyances of their possessions other
 “ than for the Term of Twenty-one Years or three lives : And whereas all the
 “ said Tenants of the said Lands as well those to whom Grants had been made
 “ as those to whom allotments had been made as aforesaid, and of which no Grants
 “ were passed, in manner before mentioned, or their Heirs or Assigns have con-
 “ tinued from the making of such Grants or allotments hitherto in the possession
 “ and enjoyment of the Lands so respectively granted and allotted and have paid
 “ the rents reserved and payable thereon, to the said Governor and Trustees of
 “ the said College, and have in many instances made valuable improvements on
 “ the same Lands in the full persuasion and confidence that they had good es-
 “ tates in fee in the same Lands, subject only to the rents and conditions under
 “ which they were held under the said Governor and Trustees of the College of
 “ New Brunswick : And whereas, under all these circumstances, to prevent li-
 “ tigation, contention and difficulty between the said Governor and Trustees of
 “ the College of New Brunswick and their Tenants, it has been agreed upon and
 “ concluded by and between them in manner and form following, that is to say,

Charter of In-
corporation
passed.

Persons who
were in posses-
sion of the
Lands at the
time of the In-
corporation be-
came Tenants
to the College.

Conveyances
made by the
College.

Tenants have
continued in
possession of
the Lands and
have paid the
rents, and made
valuable im-
provements
supposing they
had Estates in
fee.

Agreements be-
tween the Col-
lege and the
Tenants.

“ that with regard to those parts and parcels of the Lands contained in the said
 “ Grant to the Governor and Trustees of the College of New Brunswick, which
 “ were actually granted as aforesaid, by Letters Patent under the Great Seal of
 “ the said Province, previous to the passing of the said Grant to the said Go-
 “ vernor and Trustees that Estates in fee of and in the same shall be confirmed
 “ to the several and respective Grantees named in the said Letters Patent, their
 “ Heirs and Assigns upon the same rents, and to be bounded as mentioned in
 to redeem rents. “ the said several Grants or Letters Patent: And that the said Grantees, their
 “ Heirs or Assigns shall be at liberty to redeem the same rents upon paying to
 “ the said Governor and Trustees a sum or sums of money that will produce an
 “ annual Interest equivalent to the same: And with regard to the other Lands
 “ herein before mentioned which were allotted only and not granted in manner
 “ aforesaid, that Estates in fee shall be conveyed and confirmed to the several
 “ and respective Tenants thereof upon the rents now payable thereon, being
 “ increased four fold, such increased rents to commence and become payable
 “ from and after the first day of July, which will be in the year of our Lord one
 “ thousand eight hundred and twenty-one, and in the meantime the present
 “ rents to be and remain payable thereon, and that the said last mentioned
 “ Tenants shall in like manner be at liberty to redeem their Lands from pay-
 “ ment of rent upon paying to the said Governor and Trustees a sum or sums
 “ of money that will produce an annual Interest equivalent to the amount of
 “ the said fourfold rents, excepting always out of the Lands so to be confirmed
 “ and conveyed, the Streets and Highways laid down in the Plan of the Town
 “ of Fredericton, annexed to the Grant thereof: For the perfecting of which
 “ said agreement, and for carrying the same into effect;”

Governor and
 Trustees of the
 College, autho-
 rised to convey
 the Lands origi-
 nally granted
 to the Tenants
 in fee simple
 upon the same
 rents.

Grantees may
 redeem the
 rents.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for the said Governor and Trustees of the College of New Brunswick, and they are hereby authorised and empowered to grant, convey, and confirm to the several and respective Grantees, of those parts and parcels of the said Lands contained in the said Grant to the said Governor and Trustees, bearing date as aforesaid, on the eighteenth day of July, in the year of our Lord one thousand eight hundred, which were actually granted as aforesaid, by Letters Patent under the Great Seal of the said Province, previous to the passing of the said Grant to the said Governor and Trustees, their Heirs or Assigns in fee simple, all such parts and parcels of the said Lands upon the same rents, and bounded as mentioned in the said Grants or Letters Patent severally and respectively, and that the said several and respective Grantees, their Heirs and Assigns, shall and may if they see fit, redeem the same rents, upon, and by paying to the said Governor and Trustees a sum or sums of money that will produce an annual interest equivalent to the same. And upon payment of any such sum or sums of money by all, any, or either of the said Tenants, it shall and may be lawful to and for the said Governor and Trustees, and they are hereby authorised and empowered to grant, bargain, sell, convey, and confirm by deed of bargain and sale, or other sufficient conveyance in Law, all the Estate, Right, Title and Interest which they have, of, in, and to the Premises, upon which the rent may be so redeemed to the person or persons so redeeming the said rents, his or their Heirs and Assigns freed and discharged from any rent whatever, provided that the said rents are so redeemed by the payment of a sum or sums in gross, before the making of any such grants or conveyances reserving rents.

Governor and
 Trustees may
 convey the
 Land

II. And be it further enacted, That it shall and may be lawful to and for the said Governor and Trustees of the College of New Brunswick, and they are here-
 by

by authorised and empowered to grant, convey, and confirm to the several and respective Tenants of the Lands herein before mentioned, which were allotted only, and not granted in manner aforesaid, their Heirs and Assigns in perpetuity, the several and respective parts and parcels of the same Lands now held by them severally and respectively, upon and subject to rents amounting to fourfold the rents now payable thereon, such fourfold rents to commence and become payable from and after the said first day of July, which will be in the year of our Lord one thousand eight hundred and twenty-one, and in the meantime the present rents to be and remain due and payable thereon, and that the said several and respective Tenants last above mentioned, shall and may, if they see fit, redeem the Lands they hold from payment of rent, upon and by paying to the said Governor and Trustees a sum or sums of money that will produce an annual interest equivalent to the amount of the said fourfold rents; and that upon payment of any such sum or sums of money, by all, any, or either of the same Tenants, it shall and may be lawful to and for the said Governor and Trustees, and they are hereby authorised and empowered to grant, bargain, sell, convey and confirm, by deed of bargain and sale, or other sufficient conveyance in Law, all the Estate, Right, Title and Interest which they have of, in and to the premises upon which the rent may be so redeemed as last aforesaid, to the person or persons so redeeming the same rents, his and their Heirs and Assigns; freed and discharged from any rent whatever: Provided that the said rents are so redeemed by the payment of a sum or sums of money in gross, before the making of any such grants or conveyances reserving rent.

III. Provided always, and be it further enacted, That there shall always be excepted from and out of any deeds or conveyances to be made by the said Governor and Trustees under and by virtue of this Act, the Street in the rear of the Town Plat of Fredericton, now called Charlotte Street, and all cross Streets that are laid down in the plan of the said Town of Fredericton annexed to the Grant thereof.

IV. And be it further enacted, That it shall and may be lawful to and for the said Governor and Trustees of the College of New Brunswick, and they are hereby authorised and required either to invest and lay out all such sum and sums of money as shall be paid to them for redemption of rents under and by virtue of this Law, in the purchase of their Land for the use of the said Governor and Trustees, and their Successors for the trust, intents and purposes of the institution, or to put the same out at interest from time to time, upon good and sufficient Landed securities, the annual income and interest arising therefrom, to be expended as aforesaid, to and for the trusts, intents and purposes of the institution as to the said Governor and Trustees shall seem most expedient.

V. And be it further enacted, That all deeds and conveyances of the said Governor and Trustees of the College of New Brunswick, made under and by virtue of this Act, and according to the true intent and meaning hereof, when duly made and executed, shall be, and the same are hereby declared to be good and effectual in the Law to transfer to, and vest in the several and respective Tenants and Grantees therein named and mentioned, the several and respective premises, Estates and Interests therein expressed and contained, subject to the rent, charges and conditions therein respectively reserved and mentioned or freed and discharged therefrom (as the case may be) the said Statute or Act of Parliament made in the thirteenth year of the Reign of Queen Elizabeth, or any Statute or Act of Parliament, or of the General Assembly of this Province, or any Law, custom or usage, to the contrary notwithstanding, saving nevertheless, the right and title of our Sovereign Lord the King, his Heirs and Successors, and of all other person

freed of rent. Governor and Trustees may convey the Lands originally allotted to the Tenants in perpetuity upon rents increased four fold.

Tenants may redeem such four fold rents.

Governor and Trustees may convey the Land freed of rent.

Streets excepted.

Governor and Trustees to vest monies paid for redemption of rents in other Lands, or place it at interest on landed security for the purposes of the Institution.

Deeds and conveyances made pursuant to this Act shall be valid.

son or persons, bodies politic and corporate, excepting the said Governor and Trustees of the College of New Brunswick and the said Trustees for an Academy or Free School at Fredericton.

To be deemed a public Act.

VI. And be it further enacted, That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of by all Judges, and Justices and others, without being specially pleaded.

VII. And be it further enacted, That this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

[Confirmed by the King in Council, March 10th, 1824.]

SCHEDULE A.

List of Grants in Fee (subject to rent charges) passed before the Grant was made to the Governor and Trustees of the College of New Brunswick, on the 18th of July, 1800, of part of the Lands included in that Grant.

No. of Lots	Names of original Grantees.	Names of Grantees or others claiming under them in possession on 2d August, 1799.	Quantity granted.			Annual Rent.			Situation.
			Ac.	R.	P.	£	s.	d.	
1	Isaac Hedden,	Isaac Hedden.	8	2		43			
2	Thomas Henderson.	} William Bailey,	15			74			
3	William Bailey,								
4	} William Fowler,	Caleb Fowler,	15			76			
5									
6	Thomas Martin,	C. Fowler and L. Wilmot,		8	2	17½			
7	Lemuel Wilmot,	} Lemuel Wilmot,	21	2		109			
8	John Lawrence,								
9	Jacob Segee,	John Segee,	4	2		23			
10	Daniel Lounsbury,	Daniel Lounsbury,	8	2		43			
11	Joseph Cunliffe,	Jesse Hicks,	8	2		43			
12	} John M'Kay,	John M'Kay,	12			7			
13									
14	George Cox,		2			1			
15	Benjamin Ingraham,	Benjamin Ingraham.	21			106			
16	Peter Clements,	Jacob Ellegood,	8	2		43			Below the Town.
17	} Thomas Barker, Sen. & Thomas Barker, Jun.	} Thomas Barker, Sen.	14	2		73			
18									
19	Monson Hayt,	Garret Clopper,	10			5			
20	Garret Clopper,	} Garret Clopper and Daniel Bass,	15			76			
21	Garret Clopper, Peter Doron and 6 others,								
22	Daniel Lyman,	} Daniel Bass,	14			7			
23	Andrew Maxwell,								
24	Philip Weade,	John Saunders,	9						
25	Do.	Henry Smith,	3						
26	Richard Cooper,	Henry Smith,	1	8		7½			
27	Charles Earle,	Charles Earle,	3			16			
28	} Solomon Whitlock, Joseph Haines and 29 others,	} James Ackerman, Samuel Buchanan and sundry others,	56			1 8			
29									
30	George Lambert,	Charles Earle,	6			3			
31	Philip Weade,	Do.	8	8		181			
32	George Lambert,	Daniel Rivers and others,	4	8		115 8			
33	} Benedict Arnold,	[Jacob Ellegood. The quantity included in the new Grant to Jacob Ellegood, dated 6th Decr. 1793, of 26 acres herein after mentioned,							
34									
35									
36									
37									
38									
39									
40	Nehemiah Rogers,	James Bell,	1			5			Below and next adjoining the Town.
41	Cornelius Ackerman and Abraham Vanderbeck,	} Ackerman and Vanderbeck,	1						
42	Gabriel Van Horne,	Gabriel Van Horne,		2	16				
43	John M'Leod and Duncan M'Leod,	} Duncan M'Leod and Robert Smith,		1	8				
44	Adam Allan,								
45	James Sutter,	Darius Dickenson,	1	2		117 6			
46	Jacob Ellegood,	William Anderson,							
		Jacob Ellegood,	26			9 2			

Continuation of Schedule A.

No. of Lots.	Names of original Grantees.	Names of Grantees or others claiming under them in possession on 2d August, 1799.	Quantity granted.			Annual Rent.			Situation
			Ac.	R.	P.	£	s.	d.	
1	Adam Allan,	Escheated to the Crown,	30			10	10		Above the Town.
2									
3									
6	Isaac Hedden,	Hon. Thomas Carleton,	156			27	10	7	
11									
4	Benjamin Atherton,	Ditto.	26						
7	James Forman,	Ditto.	17			11	5	4	
	Winalow, Everitt, and Jenkins,	Ditto.	1	2					
	Isaac Hedden,	Ditto.	282			7		1	
	Samuel Ferris,	Samuel Ferris,	34					17	
	John Saunders,	John Saunders,	7	11				3	
	Ephraim Betts,	Ditto.	40			2		10	
	Lewis Dunham,	J. Saunders and R. Smith,	40			2		10	
	William Bailey,	William Bailey,	66			1		13	
	Isaac Hedden.	Hon. Thomas Carleton,	22						
			1021	4	3	£77	13	7	

SCHEDULE B.

List of Allotments made by order of the Lieutenant Governor in Council, previous to the passing of the Grant to the Governor and Trustees of the College of New Brunswick, on the 18th July, 1800, of part of the Lands included in that Grant.

No. of Lots.	Names of Persons to whom Allotments were made.	Quantity allotted.			Annual Rent.			Names of those in possession on the 18th July, 1800.	Situation.
		Ac.	R.	P.	£	s.	d.		
1	Stephen Jarvis,	18	2		1	8	Stephen Jarvis,	Rear of the Town, and including the fourth range of Town Blocks.	
11		George Lambert,	13						
12	Jonathan Odell,	81	2		4	8	Jonathan Odell,		
21									
13	William Garden,	40			2	10	John Saunders,		
14									
23	George Sproule,	72			3	6	George Sproule,		
5									
15	Harris William Hailes,	20			7	6	H. W. Hailes,		
6	James Sise,	6			1	5	James Taylor,		
9	Richard Williams,	34			2	7	John Saunders,		
18									
20	Charles Earle,	32	2		16	3	Charles Earle,		
22	Isaac Hedden,	32	2		16	3	Isaac Hedden,		
24	Abraham Vanderbeck, Cornelius Ackerman,	29			14	6	Vanderbeck and Ackerman,		
25									
26	Ephraim Betts,	23	2		11	9	John Saunders,		
27	Calvin Turner,	23	2		11	9			
28	Christopher Hanson,	24			12				
29	John Cox,	24			12		John Cox,		
19	Robert Ogden,	6			3		James Fraser,		
	Thomas Farrington,	9			4	6	John M. Wilmot, Ezekiel Sloat, Charles Earle, Peter Fraser, and R. Smith,		
	Charles Earle,	24			12		John Saunders,		
	Philip Weade,	14			7		Daniel Bass,		
	Eleazer Melvin,	16			8		Garret Clopper,		
	Thomas Barker,	50			1	5	Thomas Barker,		
	Lawrence Willsey,	26			13		John S. Ellegood,		
	Benjamin Ingraham,	77			1	18	Benjamin Ingraham,		
	John Segee,	64			1	12	Dennis Coombes,		
	Philip Shea,	11			5	6	Philip Shea,		
	Daniel Lounsbery,	76			1	18	Daniel Lounsbery,		
	Lemuel Wilmot,	50			1	5	L. Wilmot,		
	John Segee,	8			4		John Segee,		
	William Fowler,	35			1	7	Caleb Fowler,		
		979			£33	3	6		

Anno Regni, **GEORGII IV Britanniarum Regis,**
Secundo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the thirtieth day of January, in the Year of our Lord one thousand eight hundred and twenty-one in the second year of the Reign of our said Sovereign Lord George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. being the first Session of the Eighth General Assembly convened in the said Province:

CAP. I.

An Act to authorise the Justices of the Peace for the City and County of Saint John, to levy a further assessment on the Inhabitants of the said City, for the purpose of building and finishing a Poor House in the said City.

Passed the 20th of March, 1821.

[*Obsolete.*]

CAP. II.

An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and Saint Andrews.

Passed the 20th of March, 1821.

[*Repealed so far as relates to Fredericton by 5 G. 4, C. 5, and continued as to Saint Andrews, until 1st May, 1819, by 8 G. 4, C. 22; repealed by 9 G. 4, C. 28.*]

CAP. III.

An Act for the preservation of the Red and Fallow Deer.

Passed the 20th of March, 1821.

[*Expired.*]

CAP.

CAP. IV.

An Act to authorise the Justices of the General Sessions of the Peace of the County of Charlotte, to levy an assessment, to enable them to pay off the County debt.

Passed the 20th of March, 1821.

[*Obsolete.*]

CAP. V.

An Act to provide for the services of the Speaker of the House of Assembly, and for defraying the expences and travelling charges of the Members of the said House attending in General Assembly.

Passed the 20th of March, 1821.

[*Expired.*]

CAP. VI.

An Act to make more effectual regulations relating to Pilots within this Province.

Passed the 20th of March, 1821.

“ **W**HEREAS on account of the increased trade of the Province, the “ Laws now in force for regulating Pilots have been found inadequate to the purposes intended ; for the remedy thereof,”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled “ An Act for regulating Pilots:” also an Act made and passed in the fiftieth year of the Reign of His late Majesty King George the Third, intituled “ An Act to continue and amend an Act, intituled “ An Act for regulating Pilots:” and an Act made and passed in the fifty-seventh year of the Reign of His late Majesty King George the Third, intituled “ An Act in addition to and amendment of an Act, intituled “ An Act for regulating Pilots,” be, and the same are hereby repealed.

26 G. 3, C. 52.
50 G. 3, C. 13,
and 57 G. 3, C. 4, repealed.

II. And be it further enacted, That the Justices of the Inferior Courts of Common Pleas in each of the Counties in this Province wherein the same shall be found necessary, shall appoint three or more fit persons to be Wardens of the Port in such Counties respectively, which Wardens shall examine such persons as shall make application to be appointed Branch Pilots, and shall recommend as many of them as shall be found necessary, to the said Justices, which persons so recommended shall be appointed by the said Justices, Branch Pilots for the port or ports in such Counties respectively; and the said Justices, with two or more of the said Wardens, are hereby authorised and empowered from time to time, to establish such rates of Pilotage of ships and vessels, according to their draught of water, as they shall judge just and equitable, and also to make such regulation for the better government of the said Pilots, and under such reasonable penalties and forfeitures for the breach thereof, as they shall judge requisite and expedient: Provided always, that such penalties or forfeitures, shall not in any case exceed the sum of ten pounds.

Justices of the Inferior Courts of Common Pleas to appoint three or more Port Wardens to examine persons applying to be appointed Branch Pilots. Justices, with two or more Wardens, may establish rates of Pilotage, and make regulations, under penalties not exceeding £10.

III.

Branch Pilots may sue for and recover from the Ship Master their rates of Pilotage.

III. And be it further enacted, That the said Branch Pilots so recommended and appointed as aforesaid, and each of them respectively, shall be entitled to demand, sue for, and recover from the Master of each ship or vessel that shall be piloted and brought by any such Pilot, agreeably to the regulations so to be made as aforesaid, into any port for which such Pilot shall have a branch, such rates and fees of pilotage as shall so be established as aforesaid.

Branch Pilot making it appear that he has duly offered his service no other Pilot being on board, if not employed may recover one half of the established rates from the Master.

IV. And be it further enacted, That if any such Branch Pilot shall in any case make it appear that he has discharged his duty by offering his service to pilot any ship or vessel that shall come into any port for which he shall have a Branch, in proper time and place, agreeably to the regulations so to be made as aforesaid, and the Master of such ship or vessel not having any other Pilot on board authorized to act as such, under and by virtue of this Act, shall not employ such Pilot so offering his service as aforesaid, then and in such case, such Pilot, upon due proof, by the oath of one or more credible witness or witnesses, that he did so offer his service, shall be intitled to demand, sue for, and recover from the Master of such ship or vessel, one moiety of such rates and fees as shall be so established as aforesaid, for the pilotage of such ship or vessel.

Branch Pilots to enter into recognizance, with sureties for the faithful discharge of their duty.

V. And be it further enacted, That such persons as are so recommended to be appointed Branch Pilots, shall previous to their receiving such Branch, in such County, enter into recognizance to His Majesty, before one or more of the said Justices, in the sum of one hundred pounds, with two sufficient sureties in the sum of fifty pounds each, well and faithfully to discharge the duties of his office as Branch Pilot, in such County, and to obey all such regulations as shall be made as aforesaid, under and by virtue of this Act; which recognizance shall be returned to, and filed in the office of the Clerk of the Inferior Court of Common Pleas in such Counties respectively, by the said Justice or Justices taking such recognizance.

Recognizance to be filed with the Clerk of the Court of Common Pleas.

Pilots having boats of eight tons burthen may employ three Apprentices for whom he shall receive full pilotage. No Branch Pilot to interfere.

VI. And, for the encouragement of Pilots, be it further enacted, That such Pilot or Pilots, having boats of the burthen of not less than eight tons, shall for each boat be allowed to employ three Apprentices, for whom he or they shall be intitled to demand and receive the full pilotage of any inward bound ship or vessel, which any such Apprentice shall have piloted into any port or place to which he shall belong, and no other Branch Pilot shall be permitted to take from such Apprentice, the charge of any inward bound ship or vessel of which such Apprentice shall have charge. Provided always, that every such Apprentice shall have been articted to serve his Master, in his occupation as a Branch Pilot, the full and complete term of five years, and that he shall have served three years of his said apprenticeship, and is not under eighteen years of age. Provided also, that every such Apprentice shall have been examined and recommended by the Port Wardens respectively as aforesaid, and recognizances shall have been entered into by the Master of every such Apprentice, to his Majesty, in the sum of one hundred pounds, with two sufficient sureties in the sum of fifty pounds each, in manner aforesaid, that such Apprentice shall behave himself well in the execution of the duties to be performed by him, under and by virtue of this Act, and shall faithfully comply with and obey all such regulations as shall be made as aforesaid in that behalf, under and by virtue of this Act, which recognizance shall be returned and filed as aforesaid, agreeably to the direction in that behalf made in the preceding fifth section of this Act.

Apprentice must have been articted for five years, and have served three years. Recognizances to be given by the Master, with Sureties for the good behaviour of the Apprentice.

Justices of the Common Pleas may displace Pilots for misbehaviour,

VII. And be it further enacted, That it shall and may be lawful for the said Justices of the inferior Court of Common Pleas in term time or for any two Justices of such Court, in vacation, in such Counties respectively, where such Pilots

Pilots shall be appointed, in manner herein before directed, on complaint and proof made before them, on the oath of one or more credible witness or witnesses, that any such Pilot has neglected or refused to comply with any of the regulations made or to be made as aforesaid, for the government of Pilots within the same, to displace such Pilot so convicted of refusal, neglect, or other improper conduct, and to declare him, from that period, not intitled to recover pilotage for any ship or vessel he may presume to pilot after such conviction.

and declare him not entitled to recover Pilotage.

VIII. And be it further enacted, That no person who resides without the limits of this Province, shall be permitted to act as a Branch Pilot for any port or place within the same.

Non-residents not to act as Pilots.

IX. And be it further enacted, That this Act shall not be construed to extend to any vessel that does not draw six feet of water, nor to vessels commonly called coasters, going from one port in this Province to another, or from any one port to another in the Bay of Fundy.

Not to extend to Vessels drawing less than six feet water, nor to coasters.

X. And be it further enacted, That the several and respective penalties and forfeitures which shall be incurred for or by reason of any breach of any of the regulations so to be established as aforesaid, under and by virtue of this Act, shall and may be sued for and recovered before any two of His Majesty's Justices of the Peace in such Counties respectively as aforesaid, upon complaint and proof by the oath of one or more credible witness or witnesses, and shall upon conviction be levied by warrant of distress and sale of the offender's goods and chattels, and shall be paid into the hands of the County Treasurer in which such conviction shall take place, to be appropriated towards the payment of the contingent expences of such County or Counties, rendering the overplus, if any, to such offender.

Penalties recoverable before two Justices of the Peace, to be levied by Warrant of distress, and paid to the County Treasurer for the use of the County.

XI. Provided always, That nothing herein contained shall interfere with the regulations of Pilots in the City of Saint John.

Not to extend to Saint John.

CAP. VII.

An Act for the erection of a Court House and Gaol, in the County of Westmorland.

Passed the 20th of March, 1821.

[*Obsolete.*]

CAP. VIII.

An Act to extend the provisions of an Act, intituled, "An Act to regulate the Herring Fisheries in the Parishes of West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte," to the Parish of Grand Manan. 59 G. 3. C. 16.

Passed the 20th of March, 1821.

[*Obsolete by the expiration of 59 G. 3. C. 16.*]

CAP. IX.

An Act to authorise the Justices of the Peace in the County of Northumberland, in their General Sessions, to levy an assessment on the said County, for the purpose of defraying the expences of the repairs of the Gaol and Court House, and for payment of the County Debt.

Passed the 20th of March, 1821.

[*Obsolete.*]

CAP. X.

^a 60 G. 3, C. 15. An Act in addition to and amendment of an Act, intituled "An Act to provide for sick and disabled Seamen, not being Paupers, belonging to the Province."

Passed the 20th of March, 1821.

Preamble.

“ WHEREAS in the Act made and passed in the sixtieth year of the “ Reign of His late Majesty King George the Third, intituled “ An “ Act to provide for sick and disabled Seamen, not being Paupers belonging to “ the Province,” no provision is made for the recovery of the duty therein im- “ posed ;”

Recovery of Duties imposed by 60 G. 3, C. 15.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That upon neglect or refusal of payment, in any instance, of the duty of one penny per ton, imposed by the first section of the said herein before recited Act, upon every ship or vessel that shall arrive at any port or place within this Province, and such neglect or refusal being proved upon oath, before any one of His Majesty's Justices of the Peace of the County, or City and County, where such ship or vessel shall arrive, the same shall be levied by warrant of distress and sale of the guns, boats, tackle and apparel, and furniture of such ship or vessel, under the hand and seal of such Justice, directed to any Sheriff or Constable of such County, or City and County, or Marshal of the City of Saint John; rendering the overplus, if any, after deducting the costs and charges of distress and sale, to the Master or person having the command of such ship or vessel.

^l Overplus of Duty collected at any port in any one year to be paid to the Overseers of the Poor of any other port where there may be a deficiency.

II. And be it further enacted, That in case there shall be any overplus of such duty that may be levied and collected at any one port or place, by virtue of the said Act, in any one year, after the expenditure of so much thereof as may be necessary for the benefit and relief of sick and disabled Seamen at such port or place, it shall and may be lawful for the Lieutenant Governor or Commander in Chief of the Province for the time being, by and with the advice and consent of His Majesty's Council, to order and direct the payment of such overplus, or so much thereof as may be necessary for that purpose, to the Overseers of the Poor of any other port or place where there may be a deficiency of such monies collected at such other port or place to provide for the relief of sick and disabled Seamen there, upon such deficiency being made to appear to the satisfaction of the said Lieutenant Governor or Commander in Chief for the time being and His Majesty's Council.

^a Refer to 60 G. 3, C. 15, and Notes thereto.

^b As to application of Overplus of Duty see further 3 G. 4, C. 27, as to Saint John and 8 G. 4, C. 18, as to Saint Andrews and Miramichi.

CAP. XI.

An Act for altering the times of holding the Court of General Sessions of the Peace and Inferior Courts of Common Pleas, in the County of Northumberland; and for enlarging the times of the sitting of the said Courts.

Passed the 20th of March, 1821.

“ **W**HEREAS the times for holding the Courts of General Sessions of the Peace and Inferior Courts of Common Pleas, in the County of Northumberland, have been found inconvenient; and the length of time for holding the sittings of the said Courts at which Juries are summoned to attend, has been found insufficient for the requisite trial of causes and the hearing of matters depending in the said Court;”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the said County of Northumberland, shall be hereafter holden on the third Tuesday in March and the fourth Tuesday in August, in each and every year, instead of the first Tuesday in March and the first Tuesday in August, as heretofore established; and that the additional Term of the Inferior Court of Common Pleas in the said County, heretofore holden on the first Tuesday in June, shall be hereafter holden on the second Tuesday in June, in each and every year; any Law, usage, or custom, to the contrary notwithstanding.

Terms altered to the third Tuesday in March, and fourth Tuesday in August.

d Additional Terms of Common Pleas, second Tuesday in June.

II. And be it further enacted, That it shall and may be lawful for the said Court of General Sessions of the Peace and Inferior Court of Common Pleas in the said County, at the Terms so to be holden on the Third Tuesday in March and the fourth Tuesday in August, in each and every year, or either of them, if the Justices of the said Courts respectively shall deem the same expedient, to adjourn the sittings of the said Courts, or either of them, to the week next succeeding the said Terms respectively; and that all causes and matters heard and determined on any day during the week next succeeding the said Terms respectively, pursuant to such adjournment, shall have the same and the like force and effect, to all intents and purposes, as if such causes and matters had been heard and determined at any time during the said Terms respectively; and that all parties concerned shall take due notice of such adjournment from time to time respectively, and govern themselves accordingly: Provided that no trials of any issues by Jury, shall be had at any such adjourned sittings; any thing herein contained to the contrary notwithstanding.

Justices may extend the March and August Terms to the next succeeding week, if necessary.

Causes may be determined during the succeeding week.

No Trials to be had at adjourned sittings.

III. Provided also and be it further enacted, That the days of the teste and return of all writs in the said Courts, shall be and remain in each respective term as heretofore accustomed and established; any thing in this Act to the contrary thereof in any wise notwithstanding.

Teste and return days to remain in the Terms as heretofore accustomed.

IV. [Obsolete.]

c Refer to 35 G. 3, C. 2, and see Table of Courts, Appendix No. 1.

d Refer to 36 G. 3, C. 8.

CAP. XII.

An Act in addition to the several Acts now in force for regulating the inspection of Fish for home consumption.

Passed the 20th of March, 1821.

[*Expired with 58 G. 3, C. 19, in 1832.*]

CAP. XIII.

60 G. 3, C. 19, and 60 G. 3, C. 20. An Act to repeal an Act, intituled “ An Act for the further increase of the Revenue of this Province,” and “ An Act in addition to an Act, intituled “ An Act for the further increase of the Revenue of this Province.”

Passed the 20th of March, 1821.

[*Obsolete.*]

CAP. XIV.

An Act to amend the Laws now in force relating to Trespasses, and to make further regulations to prevent the same.

Passed the 20th of March, 1821.

[*Repealed by 1 W. 4, C. 9.*]

CAP. XV.

d An Act for the establishment as public roads of all roads in this Province for which any public monies may have been or shall be hereafter granted.

Passed the 20th of March, 1821.

Preamble.

“ **W**HEREAS monies have been granted for the cutting, laying out, “ and improving various roads in this Province, at different Sessions of the General Assembly : And whereas no records have been made or kept of many of such roads, and the same are therefore liable to be shut up, “ or claimed as private property, and the public thereby deprived of the benefit “ of the same ; for remedy whereof,”

All Roads for which money has been or shall be hereafter appropriated to be public Highways and Roads.

Be it enacted by the Lieutenant Governor, Council and Assembly, That all and every road and roads in this Province, for and upon which any money has heretofore been appropriated and expended, or shall hereafter be appropriated by the Legislature out of the public monies of this Province, and expended, and of which no records have been heretofore made or kept, shall be deemed and used, and the same are hereby declared and confirmed to be public highways or roads, for the use and benefit of the public, in as ample and full a manner as if the same had been laid out and recorded under and pursuant to the provisions and regulations of an Act made and passed in the fiftieth year of the Reign of His late Majesty King George the Third, intituled “ An Act for regulating, laying

d 50 G. 3, C. 6, since repealed.

laying out, and repairing highways and roads, and for appointing Commissioners and Surveyors of Highways, within the several Towns and Parishes in this Province," or under and pursuant to any Act of Assembly, passed or to be passed, for establishing and regulating highways in this Province.

CAP. XVI.

An Act to authorise the Rector, Church Wardens, and Vestry of Saint Andrew's Church, in the Parish of Saint Andrews, to convey a certain piece of Glebe Land of the said Parish, and to dispose of the money arising from the sale thereof, in the purchase of other Lands.

Passed the 20th of March, 1821.

“**W**HEREAS the Rector, Church Wardens, and Vestry of Saint Andrew's Church, in the Parish of Saint Andrews, have, for and in consideration of the sum of one hundred and ten pounds, with the consent of the Reverend Jerome Alley, the present Rector or Minister of the said Parish, and the approbation of the Ecclesiastical Commissary for the Diocese, agreed with Thomas Wyer, Junior, Esquire, for the sale to him the said Thomas Wyer, Junior, of a certain piece of land in the said Parish of Saint Andrews, being part of a lot heretofore granted by letters patent under the great seal of this Province, to the Rector, Church Wardens, and Vestry of Saint Andrew's Church, in the Parish of Saint Andrews, as a Glebe for the use, benefit, and behoof of the Rector, Parson, or Minister of the said Church for the time being; which piece of Land is bounded and described as follows, to wit:—commencing at a stake and stones on the north-east line of Prince of Wales Street, thence running south forty-five degrees east along the same, five chains of four poles each, to a stake and stones opposite the centre of King Street, thence north forty-five degrees east five chains, to the rear line of the Glebe Land, lying north-east of and adjoining the Town Plot of Saint Andrews, thence along said rear line south forty-five degrees east, five chains, to another stake and stones, and thence south forty-five degrees west, five chains, or until it intersects the north-east line of Prince of Wales Street, at the bounds first mentioned, containing two and an half acres;”

Preamble.

“And whereas it is expedient, and will be for the benefit of the said Church, that the said agreement should be carried into effect; for the perfecting of which said agreement, and for carrying the same into full force and effect;”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the said Rector, Church Wardens, and Vestry of Saint Andrew's Church, in the Parish of Saint Andrews, be, and they are hereby authorised and empowered, upon the receipt of the said sum of one hundred and ten pounds, by a good and sufficient deed, to convey to the said Thomas Wyer, Junior, and his heirs and assigns, the said herein before described piece of ground, to hold the same to him and his heirs and assigns for ever, saving nevertheless the right and title of the King's Majesty, his heirs and successors, and of any other person or persons, body politic and corporate, excepting the said Rector, Church Wardens, and Vestry of Saint Andrew's Church, in the Parish of Saint Andrews, and the said Rector, Parson, or Minister of the said Church, and the said Thomas Wyer, Junior, and any person or persons claiming by, from, or under them or any of them.

Rector, &c. of Saint Andrews may convey to Thomas Wyer, Junior, a certain Lot of Land on the receipt of one hundred and ten pounds.

II.

The said sum to be laid out in other Lands within six months after the passing of this Act.

II. And be it further enacted, That the said sum of one hundred and ten pounds shall, within six months from the time of the passing of this Act, be, by the said Rector, Church Wardens, and Vestry of Saint Andrew's Church, in the Parish of Saint Andrews, laid out and invested in other land in the said Parish of Saint Andrews, for the use, benefit, and behoof of the Rector, Parson, or Minister of the said Church for the time being. Provided always, that the purchase shall be made by and with the approbation of the said Rector, Parson, or Minister of the said Church for the time being, and not otherwise.

This Act to be a public Act.

III. And be it further enacted, That this Act shall be deemed and taken to be a public Act: any thing to the contrary thereof in any wise notwithstanding.

CAP. XVII.

57 G. 3, C. 7. An Act to revive and extend some of the provisions of an Act, intituled "An Act to provide for the necessities of the Province, occasioned by the failure of the late crop."

Passed the 20th of March, 1821.

[Continued by 3 G. 4, C. 16, until 1825, and then expired.]

CAP. XVIII.

An Act in addition to the Acts now in force for raising a Revenue in this Province, and to continue the same.

Passed the 20th of March, 1821.

[Expired.]

CAP. XIX.

An Act to amend an Act, intituled "An Act to enable the Province Treasurer to borrow the sum of nine thousand pounds for paying off Bounties and other Debts payable by the Laws of the Province."

Passed the 20th of March, 1821.

[Obsolete.]

CAP. XX.

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.

Passed the 20th of March, 1821.

Preamble.

“ WHEREAS in and by the second Section of an Act made and passed “ in the sixtieth year of the Reign of His late Majesty King George the

“ the Third, intituled “ An Act to incorporate sundry Persons by the name of 60 G. 3, C. 13.
 “ the President, Directors and Company of the Bank of New Brunswick,” it
 “ was enacted, “ that the capital or stock of the said Corporation shall consist
 “ of current gold and silver coins of this Province, to the amount of fifty thousand
 “ and pounds; the sum of twenty-five thousand pounds, one half part thereof,
 “ to be paid in current gold and silver coins of the Province, on or before the
 “ first day of September then next, and the further sum of twenty-five thousand
 “ pounds, the residue thereof, on or before the first day of September, in the
 “ year of our Lord one thousand eight hundred and twenty-one; the whole
 “ amount of the said stock to be divided into shares of fifty pounds each, making
 “ in the whole one thousand shares:” And whereas a part only of the shares of
 “ the said capital or stock have as yet been subscribed, and it is expedient to
 “ reduce and lessen the said capital or stock;”

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the said recited Section of the said Act, (excepting so far as relates to the division of the stock into shares of fifty pounds each,) shall be, and the same is hereby repealed. Part of second Section of the Act 60 G. 3, C. 13, repealed.

II. “ And in place and stead thereof,” Be it further enacted, That the capital or stock of the said Corporation, shall consist of current gold and silver coins to the amount of thirty thousand pounds; the same to be divided into six hundred shares of fifty pounds each. e Capital Stock £30,000, divided into 600 shares.

III. “ And whereas one half part of the shares already subscribed hath been “ paid in according to the directions of the said recited Act,” Be it further enacted, That one half of all shares which may hereafter be subscribed, shall be paid immediately on such subscription, and that the remaining half of all the shares of the said capital or stock shall be paid in such instalments, and at such days and times as the Directors of the said Bank may find occasion to require the same, first giving fifty days’ notice of the payment of any such instalment, in manner required in and by the fifteenth Section of the said recited Act. One half of all Shares hereafter subscribed to be paid immediately, and the remaining half as the Directors may find occasion to require to require the same.

IV. Provided always, and be it further enacted, That nothing in this present Act contained shall extend, or be construed, adjudged, or taken to extend, to repeal, annul, abridge, or alter any of the other Sections of the aforesaid Act, but that the said Act, and all the clauses therein contained, excepting so far as expressly repealed or altered by this Act, be, and are hereby declared to be in full force, to all intents, constructions and purposes whatsoever. 60 G. 3, C. 13, to remain in full force, excepting so far as expressly repealed or altered by this Act.

V. And be it further enacted, That this Act shall be and remain in force and effect for and during the continuance of the said herein before recited Act, and no longer. Limitation.

CAP. XXI.

An Act authorising the allowance of a Drawback of part of the Duties on certain Articles imported into this Province, when such articles are exported.

Passed the 20th of March, 1821.

[*Expired.*]

e Capital increased to £50,000 by 6 G. 4, C. 3.

CAP.

CAP. XXII.

f An Act to erect the upper part of the County of York into a Town or Parish.

Passed the 20th of March, 1821.

Parish of Kent erected.

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That all that part of the County of York lying above the Parish of Wakefield, on both sides of the River Saint John, be, and the same is hereby erected into a Town or Parish, and to be distinguished by the name of the Town or Parish of Kent.

Justices may appoint Parish Officers annually, in the same manner as for other Parishes, and appoint Officers for the present year at a Special Session.

II. And be it further enacted, That the Justices of the Peace for the said County, shall and may have power to appoint annually from time to time, officers for the said Town or Parish of Kent, in the same manner as for other Towns or Parishes within the said County, and also that the said Justices may at a Special Session for that purpose to be holden, have power and authority to appoint such officers for the present year, which officers shall be sworn to the faithful discharge of their duties respectively, and be liable to the like penalty for not accepting of their respective offices, or neglecting or refusing to perform the duties of their several offices, as any other Town or Parish officers within the said County.

CAP. XXIII.

An Act to increase the Revenue of this Province, by imposing a Duty on certain Merchandise.

Passed the 20th of March, 1821.

[*Continued by 3 G. 4, C. 30 ; repealed by 4 G. 4, C. 8.*]

CAP. XXIV.

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

Passed the 20th of March, 1821.

[*Expired.*]

f See 1 W. 4, C. 60, dividing the County of York.

Anno Regni, GEORGII IV Britanniarum Regis,
Tertio.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the sixth day of February, in the year of our Lord one thousand eight hundred and twenty two, in the third Year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. being the second Session of the Eighth General Assembly convened in the said Province.

CAP. I.

An Act to extend the provisions of an Act for appointing Firewards in the Towns of Fredericton and Saint Andrews, and ascertaining their power and duty, and for more effectually preventing Fires in the said Towns, to the Parish of Portland, in the County of Saint John.

Passed the 21st of March, 1822.

“ WHEREAS the increase of population, and of buildings, in the Parish of Portland, in the County of Saint John, renders it necessary to make provision for appointing Firewards, and for more effectually preventing Fires in the said Parish ;”

Preamble.

Be it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fifty-seventh year of the Reign of His late Majesty King George the Third, intituled “ An Act for appointing Firewards in the Towns of Fredericton and Saint Andrews, and ascertaining their power and duty, and more effectually to prevent Fires in the said Towns,” and the several clauses, matters and things therein contained, be, and the same are hereby extended to the said Parish of Portland, in the County of Saint John : And the Governor or Commander in Chief for the time being, by and with the advice of His Majesty’s Council, is hereby authorised and empowered, from time to time, to appoint Firewards for the said Parish, who shall be sworn to the faithful discharge of their duty, and such Firewards, and all other persons, are hereby required to carry into execution, and conform to all and singular the provisions of the said Act, in the said Parish of Portland, as fully and effectually, to all intents and purposes, as if the said Parish had been originally named in the said Act.

Provisions of 57 G. 3. C. 9, extended to the Parish of Portland in the County of Saint John.

Governor to appoint Firewards to be sworn to carry into effect the provisions of the said Act.

CAP. II.

An Act to make perpetual an Act to prevent the destruction of the Cod and Scale Fisheries in the Bays and Harbours of this Province.

Passed the 21st of March, 1822.

58 G. 3, C. 2,
made perpetual.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fifty-eighth year of the Reign of His late Majesty King George the Third, intituled “An Act to prevent the destruction of the Cod and Scale Fisheries in the Bays and Harbours of this Province,” be, and the same is hereby made perpetual.

CAP. III.

59 G. 3, C. 16. An Act to continue an Act to regulate the Herring Fisheries in the Parishes of West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte, and an Act to extend the provisions of the said Act to the Parish of Grand Manan.

2 G. 4, C. 8.

Passed the 21st of March, 1822.

[*Expired.*]

CAP. IV.

50 G. 3, C. 5. An Act to make perpetual an Act, intituled “An Act for the better security of the Navigation of certain Harbours in the County of Northumberland.”

Passed the 21st of March, 1822.

[*Repealed by 10 & 11 G. 4, C. 16.*]

CAP. V.

50 G. 3, C. 22. An Act to continue an Act, intituled “An Act to prevent the destruction of Moose on the Island of Grand Manan.”

Passed the 21st of March, 1822.

[*Expired.*]

CAP. VI.

^a An Act to alter the time of holding one of the additional Terms of the Inferior Court of Common Pleas, in the County of Westmorland.

Passed the 21st of March, 1822.

Preamble.

“**W**HEREAS the time for holding one of the additional Terms of the “Inferior Court of Common Pleas, in the County of Westmorland, has been found inconvenient;”

I.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the said Court shall be hereafter holden on the first Tuesday in April, instead of the second Tuesday in March, in each and every year. Term altered to 1st Tuesday in April.

II. [*Obsolete.*]

CAP. VII.

An Act further to continue an Act, intituled "An Act to provide for the erecting of Fences with Gates, across Highways leading through Intervale Lands in Queen's County and the County of Sunbury, where the same may be found necessary," and to extend the provisions of the same to King's County.

Passed the 21st March, 1822.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fiftieth year of the Reign of his late Majesty King George the Third, intituled "An Act to provide for the erection of Fences with Gates, across Highways leading through Intervale Lands in Queen's County and the County of Sunbury, where the same may be found necessary," be further continued, and the same is hereby further continued for the term of five years, and thence until the end of the then next Session of the General Assembly.

50 G. 3, C. 31.
continued for
five years.

II. And be it further enacted, That all and singular the provisions of the said herein before recited Act, be extended to King's County, and the same are hereby extended thereto, in as full and ample manner, to all intents and purposes, as if the said County had been named in the same Act.

Provisions of
the recited Act
extended to
King's County.

[*Continued by 9 G. 4, C. 15, and 4 W. 4, C. 24, to 1st April, 1839.*]

CAP. VIII.

An Act to amend an Act, intituled "An Act to prevent the importation or spreading of Infectious Distempers within this Province." 39 G. 3, C. 8.

Passed the 21st March, 1822.

"**WHEREAS** the provisions of an Act made and passed in the thirtieth year of the Reign of his late Majesty King George the Third, intituled "An Act to prevent the importation or spreading of Infectious Distempers within this Province," have not been found effectual;" Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, no Master, Mariner, or Passenger, whatsoever, belonging to, or coming in any vessel having on board the yellow fever, putrid bilious fever, or other pestilential or contagious distemper, shall land within the limits of any County in this Province, without permission first had and obtained in writing, under the hand and seal of one of His Majesty's Justices of the Peace for such County; and if any Person shall land from such vessel without such permission first had and obtained, the Master of such vessel, and every Person so landing, shall severally forfeit the sum of ten

b No person belonging to or coming in any Vessel having on board pestilential or contagious distempers to land within any County without permission.

b Refer to 39 G. 3, C. 8, and the Acts there referred to.

Penalty, recovery and application.

ten pounds, to be recovered before any two of His Majesty's Justices of the Peace for the County where such offence shall be committed, on the oath of one or more credible witness or witnesses, by any person who shall prosecute for the same, and shall be divided, one moiety to the person who shall so prosecute for the same, the other moiety to the use of the County.

Justices in Sessions to appoint Health Officers, who shall be sworn.

II. And be it further enacted, That the Justices of the General Sessions of the Peace for the several Counties in this Province where it may be deemed necessary, shall and may, at the time of making the annual appointment of Parish Officers, appoint so many fit and proper persons as may be deemed necessary, to act as Health Officers within such County, which Officer shall be duly sworn faithfully and diligently to carry this Act, and also the one to which this is an amendment, and every matter and thing therein contained, into effect; and such Officer and Officers shall have full power and authority to execute all and every matter and thing needful and necessary to be done, touching and concerning the performing of quarantine, and the carrying the several provisions contained in this Act, and the one to which this is an amendment, into full force and effect.

Not to extend to Saint John.

III. And be it further enacted, That this Act shall not extend, or be construed to extend, to the City of Saint John.

CAP. IX.

An Act for raising a Revenue in this Province.

Passed the 21st March, 1822.

[Continued by 4 G. 4, C. 1; continued and amended by 5 G. 4, C. 17—6 G. 4, C. 21—and 7 G. 4, C. 26; in part repealed by 8 G. 4, C. 24, remainder continued and amended by 8 G. 4, C. 25—9 G. 4, C. 1—and 9 & 10 G. 4, C. 31, to 1st April, 1830, and then expired.]

CAP. X.

60 G. 3, C. 22. An Act to continue an Act, intituled "An Act to provide for and encourage the settlement of Emigrants in this Province."

Passed the 21st March, 1822.

[Expired.]

CAP. XI.

An Act further to assess the County of Westmorland, for the completing and finishing the Court House and Gaol in said County.

Passed the 21st March, 1822.

[Obsolete.]

CAP. XII.

An Act for altering the Term of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of King's. ^c

Passed the 21st of March, 1822.

“**W**HEREAS the Term appointed for holding the Courts of General Preamble.
“Sessions of the Peace and Inferior Court of Common Pleas in the
“County of King's, have been found inconvenient; for remedy thereof,”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That Time of hold-
the said Courts shall be hereafter holden on the first Tuesday in March, instead ing Courts.
of the first Tuesday in January, in each and every year.

II. [*Obsolete.*]

CAP. XIII.

An Act further to amend the Laws now in force relating to Trespasses.

Passed the 21st of March, 1822.

[*Repealed by 1 W. 4, C. 9.*]

CAP. XIV.

An Act for the better securing of the Navigation of the inner Bay of Passamaquoddy, and to indemnify the Deputy Province Treasurer at Saint Andrews, against any demands for monies collected for tonnage duties since the former Acts for this purpose expired.

Passed the 21st of March, 1822.

[*Amended and continued to 1st April, 1835, by 9 G. 4, C. 3, and then expired. See 5 W. 4, C. 41.*]

CAP. XV.

An Act in amendment of the Laws now in force for the support and relief of Confined Debtors, and for the further relief of Debtors with respect to the imprisonment of their persons.

Passed the 21st of March, 1822.

Continued by 9 G. 4, C. 16; repealed by 10 and 11 G. 4, C. 30.]

^c Refer to 31 G. 3, C. 9, and 35 G. 3, C. 2, and see Table of Courts, Appendix No. 1.

CAP. XVI.

- 2 G. 4, C. 17. An Act to continue an Act, intituled, “ An Act to revive and extend some of the provisions of an Act, intituled, “ An Act to provide for the necessities of the Province, occasioned by the failure of the late crop.”

Passed the 21st of March, 1822.

[*Expired.*]

CAP. XVII.

- 2 G. 4, C. 2. An Act in addition to an Act, intituled, “ An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and Saint Andrews.

Passed the 21st of March, 1822.

[*Repealed by 5 G. 4, C. 5, and 9 G. 4, C. 28.*]

CAP. XVIII.

- An Act further to continue the Acts, for more effectually repairing the Streets and Bridges in the City and County of Saint John.

Passed the 21st of March, 1822.

[*Expired.*]

CAP. XIX.

- d An Act to regulate the cutting of Saw Logs on the River Magaguadavic and its various branches.

Passed the 21st of March, 1822.

[*Continued by 7 G. 4, C. 2, to 1st April, 1831, and then expired.*]

CAP. XX.

- 52 G. 3, C. 6.
59 G. 3, C. 9. An Act to continue “ An Act to impose a duty on certain articles imported into this Province, and the Act in amendment thereof.”

Passed the 21st of March, 1822.

[*Expired.*]

d Refer to 26 G. 3, C. 35, and Acts there referred to.

CAP. XXI.

An Act to authorise the Justices of the Peace in the County of Sunbury, to assess the Inhabitants of the said County, for erecting and building a Gaol in the said County.

Passed the 21st of March, 1822.

[*Obsolete.*]

CAP. XXII.

An Act further to continue the Acts, for laying out, regulating, and repairing Highways and Bridges, in the several Towns and Parishes within this Province.

50 G. 3, C. 6.
58, G. 3, C. 3.

Passed the 21st of March, 1822.

[*Expired.*]

CAP. XXIII.

An Act to alter and amend an Act, intituled "An Act for the organization and regulation of the Militia of this Province."

56 G. 3, C. 6.

Passed the 21st of March, 1822.

[*Repealed by 6 G. 4, C. 18.*]

CAP. XXIV.

An Act to alter and amend the Laws now in force, for assessing, collecting, and levying of rates for public charges.

Passed the 21st of March, 1822.

[*Repealed by 1 W. 4, C. 26, S. 15.*]

CAP. XXV.

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

Passed the 21st of March, 1822.

“**W**HEREAS by the modes generally pursued to provide for the support of the Poor in this Province, many persons who might under pro-
per regulations contribute to their own maintenance, have nevertheless be-
come chargeable to, and are entirely maintained by, the Inhabitants of the Pa-
rishes in which such persons reside, to the very great burthen of such inha-
bitants:

Preamble.

^e See 10 & 11 G. 4, C. 20, authorizing the establishment of a House of Correction in this Alms House.

“bitants : And whereas the establishment of suitable Alms Houses and Work Houses in proper situations within this Province, would not only enable many poor persons who are now chargeable to the Parishes in which they reside, to contribute materially to their own support, but would also afford the means of checking the disorderly behaviour of divers persons, who by drunkenness and idleness disqualify themselves from earning a proper support ;”

Justices in General Sessions may agree for erecting a proper building, and fix upon a sum for defraying the expense, to be assessed upon the Parishes of Fredericton, Saint Mary's, &c.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that the Justices of the Peace for the County of York, in their General Sessions, be, and they are hereby authorised and empowered, to agree for the erecting and finishing of a proper building for an Alms House and Work House, in the Town or Parish of Fredericton, and to fix upon a certain sum of money for defraying the expence thereof, which sum of money shall be raised by an assessment upon the Inhabitants of the Parishes of Fredericton, Saint Mary's, Kingsclear, Prince William, and Queensbury, in the said County, in the manner prescribed by the Laws now in force for assessing, collecting, and levying County rates, or by any other Law which may be passed during the present Session of the General Assembly : Provided, that such assessment shall not exceed the sum of seven hundred pounds.

The Governor to appoint Commissioners for superintending the Alms House.

II. And be it further enacted, That it shall and may be lawful for the Governor or Commander in Chief of this Province, by warrant under his hand and seal, to be issued with the advice of His Majesty's Council, from time to time, to appoint so many fit persons, not exceeding seven nor less than five, and of whom two shall be Justices of the Peace for the said County, as he shall think fit, to be Commissioners for superintending and managing the said building, so to be erected for the purposes aforesaid, and that it shall and may be lawful for the said Commissioners from time to time, to provide such materials and things as they shall judge necessary, for the setting to work and employing such poor persons, of what age or sex soever they be, who may apply for relief and shall be capable to work, and shall have power and authority at their discretion, to compel such idle or poor people begging or seeking relief, as do not betake themselves to some lawful employment, or who do or shall hereafter seek and receive alms of any of the said Parishes herein before mentioned, within the said County, or who may stand in need of relief from any of the said Parishes, to dwell, inhabit, and to work in the said Work House, and to do all such work as they shall think them able and fit for, and shall have the same powers to bind out poor children Apprentices, as are by the Laws of this Province given to the Overseers of the Poor in the several Towns or Parishes.

Commissioners to provide materials for employing the Poor.

May compel idle people seeking relief to dwell in the Alms House, and have power to bind out poor children as Apprentices.

Commissioners to make rules and regulations for the government of the House, to be approved by the Justices in Sessions, and may inflict reasonable correction and punishment.

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

IV. And be it further enacted, That the said Commissioners shall at the first General Sessions of the Peace to be holden for the said County, annually

lay before the Justices in their said Sessions, an account, to be audited by the said Justices, of the expences incurred by them for the support and maintenance of the Poor of the said Alms House and Work House for the past year, together with an estimate of what sum or sums of money will be needful for the maintenance or employment of the Poor of the said House for the current year, in which estimate shall be stated, the proportion that each Town or Parish within the said County, ought to pay, according to the number of poor persons that such Town or Parish shall have in the said Alms House, or committed to the care of the said Commissioners, to the intent that no other levy or assessment may be made for any other maintenance or allowance to or for any such Poor, which sum or sums of money shall be assessed, levied, and raised, in such manner and form as by the Laws of this Province is or shall be appointed and directed, and when raised and received, shall be paid to the said Commissioners, for the use aforesaid, and for no other.

Commissioners to account annually to the General Sessions.

Estimate to be made of amount requisite for the maintenance of the Poor for the current year, with the proportion that each Parish is to pay.

V. And be it further enacted, That the Commissioners to be appointed in pursuance of this Act, shall have full power and authority to contract and agree with the Overseers of the Poor of any Parish in the said County, or of any adjoining County of this Province, for the maintenance of any poor persons belonging to such Parishes respectively, which contract and agreement such Overseers are hereby authorised and empowered to make. Provided always, that such Overseers shall first pay or secure to be paid to the said Commissioners, such sum or sums of money as shall be so agreed for, and shall also report to the said Commissioners, the names, character, and condition, of all such poor persons within the said Towns or Parishes respectively, in whose behalf such application shall be made.

Commissioners may agree with the Overseers of the Poor of other Parishes for the maintenance of the Poor.

Overseers of such Parish shall pay or secure such sum as shall be agreed on, &c.

VI. And be it further enacted, That the profits of any work or labour to be performed under the direction of the said Commissioners, shall be duly accounted for by them, and shall be applied towards the support and maintenance of the persons inhabiting within the said Alms House and Work House.

Profits of work to be applied towards support of the Poor.

VII. [*Obsolete.*]

CAP. XXVI.

An Act to cancel certain Bonds given by the Assistant Commissary General in this Province, payable at the Treasury thereof, for duties on Rum imported for the use of His Majesty's Troops.

Passed the 21st March, 1822.

[*Obsolete.*]

CAP. XXVII.

An Act to alter an Act to provide for sick and disabled Seamen, not being ^g Paupers belonging to the Province, and to provide Buildings for the accommodation of the same.

Passed the 27th March, 1822.

66 **W**HEREAS by the second Section of an Act passed in the sixtieth year of the Reign of His late Majesty King George the Third, intituled

Preamble.

“ An

60 G. 3, C. 15. " An Act to provide for sick and disabled Seamen, not being Paupers belonging to this Province," it is provided " that the duty imposed by the said Act shall be paid to the Overseers of the Poor for the place where the same is collected : " " And whereas it is expedient to make further and more permanent provision for such Seamen, in the City of Saint John, by erecting an Hospital, and to prevent the importation of infectious distempers by establishing a Pest House ; "

60 G. 3, C. 15, S. 2. repealed as to St. John.

Governor, with advice of the Council, to appoint Commissioners.

Duties imposed by 60 G. 3, C. 15, to be paid to the Commissioners.

Overplus duty paid over to be expended in Saint John, to be in like manner paid to the Commissioners.

Commissioners to account annually under oath.

Commissioners to apply money for erecting and maintaining a Marine Hospital and Pest House.

Corporation may lay out part of public land for the Hospital and Pest House,

to remain for the use of this and of the recited Act, and be under the controul of the Commissioners. Commissioners to contract for buildings, and make regulations for their government.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the second Section of the above mentioned Act, so far as it relates to or concerns the Port and City of Saint John, be, and the same is hereby repealed.

II. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or Commander in Chief, by and with the advice of His Majesty's Council, to appoint five, or more, fit persons to be Commissioners for a Marine Hospital and a Pest House, for the said Port and City, and to displace, re-appoint, or supply all or any of the said Commissioners, as from time to time may be necessary or expedient ; and that so much of the said duty imposed by the above mentioned Act, as is collected at the said Port and City of Saint John, shall, when collected, be paid over by the Treasurer to such Commissioners so to be appointed as aforesaid, by warrant of the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, and also any overplus of such duty collected at any other port or place, which may be directed to be paid over to be expended in the said Port and City of Saint John, under and by virtue of the second Section of an Act made and passed in the second year of His present Majesty's Reign, in addition to and amendment of the said herein before recited Act, shall be paid in like manner to such Commissioners.

III. And be it further enacted, That the said Commissioners shall render a yearly account under oath, of the expenditure of such monies as may be paid to them as aforesaid.

IV. And be it further enacted, That the monies so to be paid to the said Commissioners, by virtue of this Act, may and shall be applied by them for the erecting and maintaining a Marine Hospital, for the relief of such sick and disabled Seamen as are entitled thereto, under the provisions of the herein before mentioned Act, and also for the building and supporting a Pest House for the reception of Seamen who are ill of any infectious disease, and for providing for the necessary care, cure, and maintenance, of the Patients in the said Marine Hospital, and in the said Pest House.

V. And be it further enacted, That the said Corporation of the said City of Saint John, are hereby authorised to lay out such parts and places of the public lands of the said Corporation as they shall judge most convenient, for the erection and situation of such Marine Hospital and such Pest House ; which said houses or erections, and places or pieces of land, when so built and laid out, shall forever thereafter remain and be appropriated solely to the use of this and the herein before mentioned Act, (saving nevertheless the rights of all persons other than the said Corporation,) and be under the exclusive controul and management of the said Commissioners.

VI. And be it further enacted, That the said Commissioners, or the major part of them, may and are hereby authorised to make all necessary contracts for the building, repairing, and maintaining, the said Marine Hospital and the said Pest House, and for the care, cure, attendance, and support, of the Patients therein, and to make such rules and regulations for the good government of the same, as they shall judge fit.

VII. And be it further enacted, That the said Commissioners may, and are hereby authorised to remove such Seamen as are ill of any infectious disease, to the said Pest House for cure; and no person shall visit such Pest House when any Patient is there lying ill, without licence from one of the said Commissioners; and if any person shall visit such Pest House, when any person is there lying ill, without licence as aforesaid, such person may and shall be there detained and not suffered to depart without licence of some one of the said Commissioners.

Commissioners may remove sick Seamen to the Pest House, and no person to visit same under penalty of being detained.

VIII. And be it further enacted, That all offences against this Act may be enquired of and determined before the General Sessions of the Peace for the said City and County of Saint John; and the fines imposed therefor shall be levied and paid over to the said Commissioners, for the uses aforesaid.

Offences enquired of by the Sessions, and fines paid to the Commissioners.

IX. And be it further enacted, That the fourth Section of the said first herein before recited Act, be; and the same is hereby repealed.

Fourth Section of 60 G. 3, C. 15, repealed.

X. And be it further enacted, That the Overseers of the Poor in any port or place where any overplus of duty collected by virtue of the said Act, shall have been paid over for the building or support of said Hospital or Pest House, shall, if they think proper, send from time to time, any sick or disabled Seamen to the said Hospital or Pest House, the expense of so sending them and of supporting them, to be paid out of monies collected by virtue of the said Act.

Overseers where overplus duty has been paid over, may send sick or disabled Seamen to the Hospital or Pest House,

XI. And be it further enacted, That until such time as proper buildings shall be erected and prepared within the said Port and City of Saint John, for the purposes by this Act contemplated, it shall and may be lawful for the Commissioners to be appointed as herein before mentioned, to hire and make use of any other houses or buildings within the said Port or City, which they shall think fit and convenient for a Marine Hospital and Pest House, in manner and form as by this Act is prescribed.

Until proper buildings shall be erected the Commissioners may use other buildings.

XII. And be it further enacted, That the last Sections of the herein before mentioned Acts respectively, which limit the continuance thereof to five years, be, and the same are hereby repealed severally and respectively.

Last Sections of 60 G. 3, C. 15, and 2 G. 4, C. 10, repealed.

CAP. XXVIII.

An Act to repeal all the Laws made for preventing the encumbering or filling up of Harbours, and to authorise the appointment of Harbour Masters, and to make more effectual provision for the same.

Passed the 21st of March, 1822.

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the thirty-third year of the Reign of His late Majesty King George the Third, intituled, "An Act to prevent the encumbering or filling up of Harbours," and also an Act made and passed in the fiftieth year of His said late Majesty's Reign, intituled, "An Act in addition to an Act, to prevent the encumbering or filling up of Harbours," and also an Act made and passed in the fifty-second year of His said late Majesty's Reign, intituled, "An Act more effectually to prevent the encumbering or filling up of Harbours, and to authorise the appointment of Harbour Masters," and also so much of an Act made and passed in the fifty-fourth year of His said late Majesty's Reign, intituled, "An Act to make perpetual several Acts of the General Assembly which are near expiring," as makes the said recited Act passed in the fifty-second year of His said late Majesty's Reign perpetual: and also an Act made and passed in the fifty-

33 G. 3, C. 2,

50 G. 3, C. 8,

52 G. 3, C. 12,

Part of 54 G. 3, C. 1, and

fifty-seventh year of His said late Majesty's Reign, intituled "An Act in amendment of an Act, intituled, "An Act more effectually to prevent the encumbering or filling up of Harbours, and to authorise the appointment of Harbour Masters," be, and the same are hereby repealed.

57 G. 3, C. 6,
repealed.

Ballast not to be thrown or landed in any Road, Port or Harbour, under penalty of £25.

II. And be it further enacted, That no Master or Commander, of any ship or vessel shall unload or throw overboard any ballast or rubbish in any Road, Port, or Harbour in this Province, or land the same in any other part of such Road, Port, or Harbour, than shall be appointed by the Justices of the Peace for the County in which such Road, Port, or Harbour, may be, in General Sessions, under the penalty of twenty-five pounds for each and every offence.

Ballast to be discharged, under penalty of £10.

III. And be it further enacted, That when ballast is discharged in any of the Ports or Harbours in this Province, into boats or lighters, there shall be a sufficient piece of canvas or tarpaulin, reaching from the ballast port or gunwale of such ship or vessel, to the boat or lighter, to prevent any part of such ballast or rubbish from falling into such Port or Harbour, under the penalty of ten pounds for each and every offence.

Justices in Sessions to appoint Harbour Masters and regulate ballast berths, &c.

IV. And be it further enacted, That it shall and may be lawful for the Justices of the Peace in the several and respective Counties, in General Sessions, to appoint Harbour Masters for such Harbours as may be found to require the same, and shall also have power and authority to regulate the ballast berths, and also the manner in which vessels coming into such Ports or Harbours shall anchor and moor, which directions and regulations it shall be the duty of the Harbour Master to enforce; and the Master or Commander of any ship or vessel who shall refuse or neglect to obey or conform to the directions of such Harbour Master, shall forfeit and pay the sum of five pounds for such refusal or neglect; and it shall and may be lawful for such Harbour Master to ask, demand, and receive from the Master, Commander, or Consignee, of every ship or vessel, (coasters excepted,) the sum of five shillings, for all vessels above fifty tons and not exceeding one hundred tons, and ten shillings for all vessels above one hundred tons, as Harbour Masters' fees, which Harbour Masters shall furnish copies of the regulations made for the respective Harbours, to the Pilots appointed for such Harbour, one copy of which regulations such Pilots are hereby required to give to the Master or Commander of every vessel they may take in charge, for his information, and it shall be the duty of the Harbour Masters to prosecute all breaches of this Act.

Harbour Masters to enforce regulations, and Masters of Vessels disobeying to forfeit £5.

Fees of Harbour Masters.

Harbour Masters to furnish Pilots with regulations to give to Masters of Vessels.

Harbour Masters to prosecute offenders. Penalties recoverable before two Justices,

h Paid to the Commissioners appointed for erecting Beacons, &c.

Not to extend to the City of Saint John.

If there shall not be two Justices residing within ten miles of the place where the offence is committed, penalty may be recovered before one.

V. And be it further enacted, That the several penalties in this Act mentioned, shall be recovered, on oath of one or more credible witness or witnesses, before any two of His Majesty's Justices of the Peace for the County where the offence shall be committed; all which penalties, when recovered, shall be paid into the hands of the Commissioners appointed to erect Beacons, Land Marks, and Buoys, and to make other improvements in the Navigation in their respective Counties, who shall account annually to the Justices of the General Sessions, for the expenditure thereof. Provided always, that nothing in this Act shall extend, or be construed to extend to the City of Saint John.

VI. And be it further enacted, That henceforth in case two Justices shall not be found residing at, or within ten miles, of the place where any offence or offences against this Act may be committed, the several penalties mentioned in the same may be recovered before any one of His Majesty's Justices of the Peace for the County where the offence shall be committed, and applied in the manner herein before directed.

VII.

VII. And be it further enacted, That the Harbour Masters heretofore appointed under and pursuant to the provisions of any former Act made for that purpose, shall remain and continue in the exercise of the duties of their office until other persons are appointed in their stead, under the provisions of this Act, and such Harbour Masters shall have full power and authority to prosecute and recover all such fines and penalties as may have been incurred under and by virtue of the Acts hereby repealed, or either or any of them.

Harbor Masters heretofore appointed to continue in office until others are appointed.

CAP. XXIX.

An Act in addition to an Act, intituled "An Act for the appointment of Town or Parish Officers in the several Counties in this Province." 26 G. 3, C. 28.

Passed the 21st of March, 1822.

“**W**HEREAS by an Act made and passed in the twenty-sixth year of “ the Reign of His late Majesty King George the Third, intituled “ “ An Act, for the appointment of Town or Parish Officers in the several “ Counties in this Province,” no provision is made for supplying the places of “ Officers who may refuse or neglect to serve; for remedy whereof,”

Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That when any person or persons appointed under and by virtue of the said herein before recited Act, shall refuse or neglect to serve in any of the offices to which he or they may be appointed, it shall and may be lawful for any two of His Majesty's Justices of the Peace for the County, to appoint a fit person or persons, who shall be sworn as directed in and by the said herein before recited Act, and shall serve in such vacant office or offices until other fit person or persons be appointed by the Court of General Sessions at their meeting next ensuing such vacancy, and shall be subject to the like penalties for refusal or neglect to accept, or for being guilty of any neglect or misbehaviour in the execution of his or their office or offices, as by the said herein before recited Act are provided for the like offences of persons appointed by the Court of General Sessions.

Persons appointed to serve in Parish Offices refusing to act, two Justices may appoint others to serve until vacancy be filled by General Sessions.

Persons so appointed to be subject to the like penalties as if appointed by Sessions.

II. And be it further enacted, In cases where any Officer or Officers who may be appointed by two Justices of the Peace, under and by virtue of this Act, shall refuse or neglect to serve, it shall and may be lawful for any two Justices as aforesaid, to appoint other officers in the place of such person or persons as may so refuse or neglect, and so on as often as similar cases may arise, and shall be subject to the like penalties for refusal or neglect to serve as are provided in and by the said herein before recited Act.

In case persons appointed by two Justices refuse to serve two Justices may appoint others, and so toties quoties.

CAP. XXX.

An Act to continue an Act, intituled "An Act to increase the Revenue of this Province, by imposing a duty on certain merchandise." 2 G. 4, C. 23.

Passed the 21st of March, 1822.

[Expired.]

CAP. XXXI.

An Act to repeal all the Laws now in force relating to the establishment, regulation and improvement of the Great Roads of Communication, through the Province, and to make more effectual provision for the same.

Passed the 21st of March, 1822.

Preamble.

“ WHEREAS it is expedient that the several Acts now in force relating to the Great Roads of Communication through the Province, should be repealed, and a more effectual system established for the regulation and improvement of the said Roads ;”

56 G. 3, C. 22,

57 G. 3, C. 10,

58 G. 3, C. 21.
and

60 G. 3, C. 24,
repealed.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fifty-sixth year of the Reign of his late Majesty King George the Third, intituled “ An Act for the establishment, regulation and improvement of the Great Roads of Communication through the Province,” also an Act made and passed in the fifty-seventh year of the same Reign, intituled “ An Act in addition to and in amendment of an Act, intituled “ An Act for the establishment, regulation and improvement of the Great Roads of Communication throughout the Province,” also an Act made and passed in the fifty-eighth year of the same Reign, intituled “ An Act in addition to and in amendment of an Act, for the establishment, regulation and improvement of the Great Roads of Communication throughout the Province, and an Act in addition to and in amendment thereof,” also an Act made and passed in the sixtieth year of the same Reign, intituled “ An Act further to alter and amend an Act, intituled “ An Act for the establishment, regulation and improvement of the Great Roads of Communication through the Province,” be, and the said several Acts are hereby repealed.

Great Roads
of communica-
tion established.

Fredericton to
Westmorland.

II. And be it further enacted by the Lieutenant Governor, Council and Assembly, That the Roads as herein described, be, and they are hereby appointed and established to be the Great Roads of Communication through the Province, that is to say : That the Road leading from Fredericton to Westmorland, be by the following line or route : From the Market House in Fredericton, to continue down on the West side of the River, until it comes opposite to Zachariah Bailey’s, there to cross the River, and thence to join the Maugerville Road, thence following the present Road through Maugerville, Sheffield, and Waterborough, to the Jemseg, thence across the Ferry to Oakley’s, thence following the Road now laid out to Washademoac Lake, thence to the head of Belleisle, thence to the Finger Board at Knox’s Farm, thence through Sussex Vale, thence by Carlisle’s Portage to James Blakeney’s, upon the Petticodiac River, thence down the said River to the Bend, thence through the Portage between Petticodiac and Memramcook Rivers, thence across the Memramcook River by the new Bridge to the Court House in Dorchester, thence through the Portage to Sackville, thence by the Road leading over the Great Marsh to the Misseguash River, to the boundary line of the Province, to join the Post Road of Nova Scotia.

Saint John to
the head of
Belleisle.

That the Road from Saint John to the head of the Belleisle, be by the following line or route, that is to say: From the Fork of the Road on the Great Marsh near Saint John, through the Moose path Road by Charles Clarke’s and the Honorable William Black’s Farm, to the Gondola Point Road, thence by the same Road to Gondola Point, thence crossing the River Kennebeckacis to George Burgess’ Farm, thence

thence following the Road lately laid out to the eastward of Bates' Mill Pond, and through the Middle Land Settlement by way of Lewis Pickett's, to the Guthrie Road so called, thence by the Road last mentioned to the head of Belleisle Bay, meeting the Great Road from Fredericton to Westmorland there.

That the Road leading from Fredericton to Saint Andrews, be by the following line or route :

That the Road leading from Fredericton to the Canada line, be by the following line or route, that is to say : *From the Market House in Fredericton, on the west side of the River Saint John, to Tousand Godine's thence to cross the River Saint John, and to join the Road at John M'Kean's on the upper side of the Mactaquack River, from thence to join the Road lately opened leading to Pennington's Bridge, on the Great Road leading to Joseph Woolverton's, in the Parish of Northampton, thence across the River Saint John to Mr. Fraser's lower Farm, in Woodstock, thence to the Garrison at Presqu' Isle, thence across the larger Presqu' Isle Creek, near the mouth, to the River Restook, thence across the said River near its mouth, thence to the Grand Falls, and from thence to the Canada line, through the Madawaska Settlement.*

That the Road leading from Fredericton to Restigouche, in Northumberland, be by the following line or route, that is to say : *From Fredericton across the Ferry to Moncton, thence following the present Road to Porter's, thence along the south eastern side of the South West Branch of Miramichi River, to Robert Doak's Farm, thence crossing to the north western side of the said branch, thence along the same to Beobear's Point, thence across the North West Branch of Miramichi River, to Patrick Taylor's, on the northern side thereof, thence to continue on the northern side of the said Branch and River, to the Court House in Newcastle, thence to the River Nipisigwit, thence along the Settlements on the coast of Chaleur Bay to the River Restigouche.*

That the Road leading from Saint John to Saint Andrews, be by the following line or route, that is to say : *From Carleton to Carman's Farm Lot, at Musquash, from thence to Little's Tavern, from thence to the Farm Lot now occupied by John D. Woodbury, from thence to the Magaguadavic Bridge, at Stuart Steele's, from thence to the Wellington Bridge across the Digdeguash River, from thence to Chamcook, by way of John Haycock's, from thence to Saint Andrews, by Joseph Walton's.*

That the Road leading from the City of Saint John to Westmorland, be by the following line or route, that is to say : *From Saint John to Hampton Ferry, thence by the Road leading through Hampton, to the Burnt Hill, thence by the new Road to Knox's Farm, and thence to the Missequash, as hereinbefore described.*

That the Road leading from the Bend of the Petticodiac River, in the County of Westmorland, to Chediac, be by the following line or route, that is to say : *From the Bend of the Petticodiac River, by the present road, to Chediac.*

That the Road from Dorchester to Chatham Village, in the County of Northumberland, be by the following line or route, that is to say : *From Amasa Wheldon's house, near the new Memramcook Bridge, by the present route over the old Bridge to Chediac, from thence by the present route to Buctouche, thence to cross the River at Elijah Ayer's, thence to Mill Creek, by the most practicable route, thence to Nichol's River, thence to the River Richibucto, thence crossing the Rivers Kouchibouguack and Kouchibouguaxis, to Bay du Vin River, thence through*

k Fredericton to Saint Andrews.

l Fredericton to the Canada line.

Fredericton to the River Restigouche.

Saint John to Saint Andrews.

m Saint John to Westmorland.

Bend of Petticodiac to Chediac.

Dorchester to Chatham.

k Repealed in part by the operation of 6 G. 4. C. 29. and in the whole by the operation of 2 W. 4. C. 7.

l Altered by 2 W. 4. C. 12.

m Altered by 2 W. 4. C. 1, which repeals this part of the Section.

through the upper Settlements on Black and Napan Rivers, to Chatham Village, on the River Miramichi.

Width of
Roads.

III. And be it further enacted, That all the before mentioned Public Roads shall be laid out four rods wide, and be opened and worked of such width as the Supervisors in their respective districts shall deem necessary.

Supervisors
to be appointed.

IV. And be it further enacted, That the Lieutenant Governor and Commander in Chief for the time being, by and with the advice of His Majesty's Council, is hereby authorised and empowered to appoint, by warrant under his hand and seal, fit and discreet persons to be Supervisors of such parts of the Great Roads throughout the Province, as hereafter is mentioned, that is to say: One fit and discreet person to be Supervisor of the Great Road from Fredericton to the Finger Board, at Knox's Farm, and also of the Great Road from the Fork of the Road on the the Marsh near the City of Saint John, by way of Gondola Point, to the head of Belleisle; one other fit and discreet person to be Supervisor of the Great Road from Fredericton to Saint Andrews: one other fit and discreet person to be Supervisor of the Great Road from Fredericton to the Canada line: one other fit and discreet person to be Supervisor of the Great Road from Fredericton to the River Ristigouche; one other fit and discreet person to be Supervisor of the Great Road from Saint John to Saint Andrews; *one other fit and discreet person to be Supervisor of the Great Road from Saint John to the Province line, to join the Post Road of Nova Scotia, and also of the Great Road from the Bend of the River Petticodiac to Chediac, and also of the Great Road from Dorchester to Chediac*; one other fit and discreet person to be Supervisor of the Great Road from Chediac to Chatham Village, in the County of Northumberland.

Repealed by
6 G. 4, C. 20,
S. 6.

Supervisors to
give security.

V. And be it further enacted, That every Supervisor appointed by this Act, shall give such security for the faithful performance of the duties required of him, and for accounting for the public monies intrusted to him, as His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, shall deem fit and proper.

Supervisors to
have the sole;
ordering of re-
pairs and alte-
rations.

VI. And be it further enacted, That the Supervisors appointed under and by virtue of this Act, shall have the sole ordering of the repairs and alterations which may be necessary for the completing the said Roads within their respective limits or districts, and keeping them at all times, during their continuance in office, in the best practicable state for the passage of men, horses, cattle, teams, and carriages. Provided always, that nothing in this Act shall deprive the several Commissioners of Highways, in the several and respective Parishes, of the power of directing the application of the Statute Labour of the Inhabitants, pursuant to the provisions of the Act "for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns and Parishes in this Province," of the said Parishes, either upon the Great or other Roads within the same, as to the said Commissioners may appear most conducive to the public good.

Not to prevent
the Commis-
sioners of High-
ways from the
exercise of their
powers.

Allowance to
the Supervisors
10 per cent.

VII. And be it further enacted, That each of the said Supervisors shall be allowed to retain for his services at and after the rate of ten per cent. for every hundred pounds that shall be expended by him, out of the monies granted for the use of said Roads. *Provided, that no Supervisor shall receive a larger sum than one hundred pounds in any one year.*

No Supervisor
to receive
more than
£100 per an-
num.

VIII. And be it further enacted, That the said Supervisors shall respectively

keep

ⁿ See 5 G. 4, C. 25—6 G. 4, C. 20—8 G. 4, C. 10—2 W. 4, C. 32, and 3 W. 4, C. 24, for further regulations as to Supervisors.

^o Repealed by 6 G. 4, C. 20, S. 5.

keep an exact account of the expenditure of all sums of money received by them respectively for the Great Roads, and shall produce receipts in writing from the several and respective persons to whom any part of the said sums of money shall be paid, as vouchers for the payment, and shall render an account thereof under oath, which oath any Justice of the Peace in the several and respective Counties, is hereby authorised to administer, to be transmitted to the office of the Secretary of the Province, for the inspection and examination of the General Assembly.

Supervisors to account for monies, and produce receipts.

IX. And be it further enacted, That it shall be the duty of the said Supervisors, when practicable, to prefer contracts for the making and repairing the Roads and Bridges within their respective districts, and to avoid as much as possible the hiring men by days works; the amount of the contracts and the wages of labourers hired by the day to be paid in cash.

Work to be done by contract when practicable.

X. And be it further enacted, That all fences, timber, wood, stones, boards, plank, and rubbish of any kind, which shall be found to remain upon any part of the said Public Road after six days previous public notice by the respective Supervisors to remove the same, shall be forfeited; and it shall and may be lawful for the said Supervisors respectively, or any of them, without any suit or process of law whatever, to cause all articles so found to be seized and disposed of in such way and manner as he or they may think proper, and if the same shall be sold, the proceeds of such sale shall be applied by the said Supervisor or Supervisors, for the repairs and improvement of such Roads.

Supervisors may, after notice, seize and dispose of fences, timber, and other things found on the roads.

Proceeds of articles sold, to be applied for the roads.

XI. And be it further enacted, That in case it shall be necessary or expedient for the Supervisors of their respective districts, to go out of the said Roads to procure materials for the repairs of the said Roads, it shall and may be lawful for the said Supervisors respectively, when, from the absence or obstinacy of the owner or possessor of the soil, no agreement can be made with him, to enter with workmen, carts, carriages, and teams, upon any uncultivated lands, and therefrom to dig, take, and carry away, for the repairs of said Roads, stone or gravel, and also therefrom to cut down and carry away trees and bushes, for logs, poles, and brushwork, to repair the same Roads; and the damage done thereby shall be appraised and ascertained by the judgment of three indifferent Freeholders, to be nominated by the nearest Justice of the Peace for that purpose, and the sum so ascertained shall be paid or tendered by the Supervisors respectively, to the owner or possessor of the soil, if demanded, within three months after such appraisement.

Supervisors may, if necessary, go out of the roads to procure materials for repairs.

Damage to be appraised and paid.

XII. And be it further enacted, That if any person or persons do, or shall hereafter alter, stop up, or encroach upon any of the Great Roads of Communication through the Province, in any way whatever, such persons so offending contrary to the meaning of this Act, shall for every offence forfeit the sum of two pounds, to be recovered with costs of suit before any one of His Majesty's Justices of the Peace for the County where such offence shall be committed, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, to such offender; and for want of sufficient goods and chattels, the said Justice is hereby required to commit such offender to the common Gaol of the County wherein such offence shall be committed, there to remain for a term not exceeding eight days, which penalty when recovered shall be paid to the Supervisor, for the use of the Great Road within the district.

Persons altering, stopping up, or encroaching on roads, to forfeit £2.

Recoverable before a Justice.

For want of goods offender to be imprisoned.

XIII. And be it further enacted, That if any person or persons shall willfully hinder or interrupt any Supervisor in the lawful exercise of the duties incident to his office, such person or persons so offending shall forfeit the sum of five pounds, to be recovered before any Justice of the Peace for the County where such offence

Persons hindering supervisors in the discharge of their duty to forfeit £5.

Recovery and application.

Supervisors may, in actions brought against them, plead the general issue, and give special matter in evidence.

In case of death, removal, or refusal to act, Commander in Chief to appoint other Supervisors.

g Roads through improved lands not to be altered without consent of the owner, or paying the value of the land and damages.

Value to be ascertained by appraisal.

Supervisors to make returns in writing, of Highways, and of alterations therein, to the Secretary's Office, and to the Clerk of the Peace.

may be committed, upon conviction upon the oath of one or more credible witness or witnesses, to be levied by warrant of distress and sale of the offender's goods and chattels, to be paid to the Supervisor of the district where such offence shall be committed, for the use of the Public Roads within such district.

XIV. And be it further enacted, That in case any action of trespass, or upon the case, shall be brought against any or either of the said Supervisors, by occasion of any thing done by them or him in the execution of his or their duty, under and by virtue of this Act, such Supervisor or Supervisors may plead the general issue, and give the special matter in evidence at the trial, in like manner as if such matter had been fully and specially pleaded.

XV. And be it further enacted, That in case of the death, removal from the district, or refusal of any of the Supervisors to act, it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to nominate and appoint some other fit person, being a substantial Freeholder, and having a freehold and residence in the district for which such person shall be appointed, to be Supervisor in the room of such person so deceased or removed from the district, or who shall refuse to act.

XVI. And be it further enacted, That the said Supervisors for the respective districts, shall not make any alteration in any part of the Great Roads within their respective districts, through any improved lands, without the consent of the owner or owners thereof, or agreeing with or paying to him or them the value of the said improved land so to be laid out into such Public Road, with such damages as he or they may sustain by the said Road; and in case they cannot agree, then the true value to be set and appraised by five disinterested Freeholders, to be nominated and appointed by the nearest Justice of the Peace, on the oath of such Freeholders, which oath the said Justice is hereby authorised to administer; the amount of the value and damages, with the incidental expense, to be defrayed by the Supervisors of the respective districts, out of the monies to be granted for the use of the said Roads.

XVII. And be it further enacted, That the Supervisors of the respective districts for which they shall be appointed, shall enter in writing the said Public Highways, and the alterations that may be made from time to time within the same, and make a return thereof into the office of the Secretary of the Province, and also a duplicate into the office of the Clerk of the Peace for the County in which such Public Road lies, to be by such Clerk entered into a Book kept by him for that purpose, and whatsoever the said Supervisors shall respectively do according to the power to them given in this Act, shall be valid and good.

CAP. XXXII.

An Act to provide for and maintain an armed Cutter, for the protection of the Revenue of the Province.

Passed the 23d March, 1822.

[Amended by 4 G. 4, C. 12, and continued by 5 G. 4, C. 22, to 1826, and then expired.]

g See 2 W. 4, C. 32, and 3 W. 4, C. 24, for further regulations as to the subject matter of this Section.

CAP. XXXIII.

An Act to encourage inhabitants of this Province, who are engaged in prosecuting the Cod and Scale Fisheries, by granting Bounties on the same.

Passed the 23d of March, 1822.

[*Extended by 5 G. 4, C. 11, and 6 G. 4, C. 8, and continued by 9 G. 4, C. 31, to 1st April, 1833, and then expired.*]

CAP. XXXIV.

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

Passed the 23d of March, 1822.

[*Expired.*]

CAP. XXXV.

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

Passed the 23d of March, 1822.

[*Expired.*]

CAP. XXXVI.

An Act supplementary to an Act, intituled, "An Act to confirm and perfect and to carry into effect an agreement made between the Governor and Trustees of the College of New Brunswick, and certain Tenants of the said Governor and Trustees."

Passed the 21st of March, 1822.

66 **WHEREAS** by an Act made and passed on the twenty-second day of Preamble.
 " March, in the year of our Lord one thousand eight hundred and twen-
 " ty, intituled, " An Act to confirm and perfect, and to carry into effect an agree- 60 G. 3, C. 16.
 " ment made between the Governor and Trustees of the College of New Bruns-
 " wick and certain Tenants of the said Governor and Trustees," it is among
 " other things provided and enacted, that it shall and may be lawful for the said
 " Governor and Trustees of the College of New Brunswick, to grant, convey and
 " confirm in perpetuity, subject to certain rents therein specified, to certain per-
 " sons therein named, their heirs and assigns, certain parts and parcels of Land
 " contained in a Grant from the Crown to the said Governor and Trustees, bear-
 " ing date the eighteenth day of July, in the year of our Lord one thousand and
 " eight hundred, which had been granted by the Crown prior to the passing of
 " the same Grant to the said Governor and Trustees, to those persons; and also
 " to grant, convey and confirm to certain other persons, their heirs and assigns
 " in perpetuity, subject to certain increased rents, as in the same Act is also spe-
 " cified

“ cified, certain other parts and parcels of the Lands contained in the said Grant
 “ to the said Governor and Trustees, which had been allotted to those persons
 “ prior to the passing of the same Grant: And whereas no provision is made by
 “ the same Act for adjusting and settling the rights and interest of the Heirs
 “ and Assigns of the said several and respective persons so entitled in cases of
 “ any conflicting claims to any of the said Lands which the said Governor and
 “ Trustees are so authorised and empowered to grant, convey and confirm as
 “ aforesaid, subject to certain rents as aforesaid, the want of which provision may
 “ lead to injustice towards some of the Claimants, and undue partiality towards
 “ others; for remedy whereof,”

Before any of the Lands mentioned in this Act shall be conveyed, three months notice to be given, requiring the Claimants to exhibit their Claims.

In case there be opposite Claimants no conveyances to be executed until the right shall be settled by the Court of Chancery, which Court may proceed upon Petition.

No Grant of confirmation to be given until the expiration of one month after the time preferred for exhibiting claims.

Grants made during the pendency of litigated claims or contrary to the direction of the Court of Chancery to be void.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That before any of the said Lands shall be granted, conveyed and confirmed to any person or persons claiming the same, either as the heirs or assigns of any of the persons to whom the same were originally granted and conveyed by the said Governor and Trustees after the passing of the said Royal Grant to them in the year one thousand eight hundred, or otherwise notice shall be given and published in the Royal Gazette of this Province, and continued for three months by or by the authority of the said Governor and Trustees requiring the several and respective claimants of the same Lands, to deliver to the said Governor and Trustees by a certain day to be in the same notice prefixed, their several and respective claims to the parts and parcels of the same Lands so claimed by them, specifying therein the several quantities so claimed, and the means by which they derive their title thereto: And if it shall appear that in any case there be two or more opposite claimants for the same piece or parcel of Land, the said Governor and Trustees shall forbear to execute any grant or conveyance of such Land mentioned in such conflicting claims, until the right thereto shall be settled and adjudged by the Court of Chancery of this Province, which said Court is hereby authorized upon the Petition of either party to summon the other or others, and to examine into the claims of the said parties and to determine and decide the same in a summary way, making such order or orders in each case, as the same may require.

II. And be it further enacted, That in order to give full opportunity to all persons who may have claims to any of the said Lands, to exhibit and prosecute the same if necessary, before the said Court of Chancery, no grant or conveyance of confirmation or other Grant or Deed which by the said in part recited Act, the said Governor and Trustees, are empowered to make and give, shall be executed by them the said Governor and Trustees until after the expiration of one month from the date prefixed in and by such notice for preferring the said claims, and any Grant or conveyance which may be made by the said Governor and Trustees during the pendency of any such litigated or conflicting claims, or contrary to the decision and direction of the said Court of Chancery, shall be and be deemed and taken to be absolutely void and of no effect in Law or equity.

III. And be it further enacted, That this Act shall not be in force until His Majesty's Royal approbation shall be thereunto had and declared.

[Confirmed, finally enacted and ratified, by an order of His Majesty in Council, dated the 10th March, 1824.]

Anno Regni GEORGII IV Britanniarum Regis, *a*
Quarto.

AT the General Assembly of the Province of new Brunswick, begun and holden at Fredericton, on the fifth day of February, in the year of our Lord one thousand eight hundred and twenty-three, in the fourth Year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c. &c. being the third Session of the Eighth General Assembly, convened in the said Province.

CAP. I.

An Act to continue an Act, intituled "An Act for raising a Revenue in this Province."

Passed the 25th March, 1823.

[*Expired.*]

CAP. II.

An Act to continue an Act, intituled "An Act for the better regulation of Licences to Taverns, Inns, and Houses for selling Strong Liquors by retail."

Passed the 27th March, 1823.

[*Expired.*]

CAP. III.

An Act to continue an Act, intituled "An Act more effectually to provide for the support of a Nightly Watch in the City of Saint John."

Passed the 27th March, 1823.

[*Expired.*]

a In consequence of the illness of His Excellency the Lieutenant Governor, by which he was prevented from giving his assent in person, to those Acts of this Session, which were passed on the 27th March, 1823, certain Commissioners were appointed by Letters Patent under the Great Seal of the Province, by whom, in the name of the Lieutenant Governor, such Acts were assented to. See 5 G. 4, C. 6, confirming the Acts so passed.

CAP.

CAP. IV.

An Act to continue an Act, intituled “ An Act to empower and authorise the Justices of the County of Westmorland, at their General Sessions of the Peace, to regulate the Grazing and Depasturing of the several Marshes, Low Lands, or Meadows, within the said County.”

Passed the 27th March, 1823.

[*Expired.*]

CAP. V.

An Act to continue an Act intituled “ An Act to authorise the Justices of the Peace, in their General Sessions, to establish Ferries in their respective Counties.”

Passed the 27th March, 1823.

[*Expired.*]

CAP. VI.

An Act in addition to an Act, to regulate the exportation of Fish.

Passed the 27th March, 1823.

[*Repealed by 10 & 11 G. 4, C. 28.*]

CAP. VII.

b An Act in addition to an Act, intituled “ An Act for the regulation of Booms for securing Masts, Logs, and Lumber, in the County of Charlotte.”

Passed the 27th March, 1823.

Preamble.

45 G. 3. C. 14,

“ WHEREAS in and by an Act made and passed in the forty-fifth year of the Reign of His late Majesty King George the Third, intituled “ An Act, for the regulation of Booms for securing Masts, Logs, and Lumber, in the County of Charlotte,” no provision is made, empowering the Justices of the Peace for the said County of Charlotte, to levy penalties upon persons “ violating the regulations respecting Booms, which by the said Act they are “ authorized to make in their General Sessions ;”

General Sessions may make regulations for preventing the removal of Masts, Logs or Timber from Booms.

Persons removing Masts, Logs or Timber, con-

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace for the County of Charlotte, in their General Sessions, be, and they are hereby authorized to make such regulations as may be most expedient, to prevent any person or persons from taking or removing any Mast or Masts, Log or Logs, Stick or Sticks, of Square Timber and Lumber, from and out of any Boom that may be established for a place of general deposit, under and by virtue of the provisions of the herein before recited Act ; and any person who shall remove or take any Mast or Masts, Log or Logs, Stick or Sticks, of

of Square Timber and Lumber, contrary to any of the regulations heretofore made, or which may be hereafter made, by the said Justices as aforesaid, shall forfeit and pay the sum of Five Pounds, with costs, for each and every offence; to be recovered upon conviction thereof, by the oath of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace for the said County, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, to such offender; and for want of sufficient goods and chattels, the said Justice is hereby required to commit such offender to the common Gaol of the said County, there to remain for a term not less than ten, and not exceeding twenty days.

II. And be it further enacted, That one moiety of all the penalties that may be recovered under and by virtue of any of the regulations already made, or which may be hereafter made by the said Justices, pursuant to the provisions of this Act, or of the Act to which this is an amendment, shall be paid to the person or persons who shall prosecute for the same, and the other moiety thereof to the Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of the Poor of such Town or Parish.

trary to regulations, to forfeit £5, to be recovered, with costs, before a Justice of the Peace, and levied by distress. For want of goods, offender to be imprisoned.

One moiety of penalties recovered to be paid to the Prosecutor, remainder to the Overseers of the Poor.

CAP. VIII.

An Act to repeal an Act, intituled "An Act to increase the Revenue of this Province, by imposing a duty on certain Merchandise."

Passed the 27th of March, 1823.

66 **WHEREAS** it is deemed expedient that the "Act to increase the Revenue of this Province, by imposing a duty on certain Merchandise," should be repealed;

Preamble.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the second year of His Majesty's Reign, intituled "An Act to increase the Revenue of this Province, by imposing a duty on certain Merchandise," be and the same is hereby repealed.

2 G. 4, C. 23, repealed.

CAP. IX.

An Act for regulating the inspection of Fish, to be consumed within the Province.

Passed the 27th of March, 1823.

[Continued by 8 G. 4, C. 5, to 1st April, 1829, and then expired.]

CAP. X.

An Act in further amendment of the Laws now in force for the support and relief of confined Debtors, and for the further relief of Debtors with respect to the imprisonment of their Persons.

Passed the 27th of March, 1823.

[Continued by 9 G. 4 C. 16; repealed by 10 & 11 G. 4, C. 30.]

CAP. XI.

c An Act for erecting a part of the Parish of Saint Stephen and the Country adjacent, in the County of Charlotte, into a separate and distinct Town or Parish.

Passed the 27th of March, 1823.

Preamble.

“ WHEREAS great inconvenience to many of the Inhabitants of the Parish of Saint Stephen, in the County of Charlotte, is found to exist, in consequence of the extended bounds and increased population of the said Parish ;”

Boundaries described of a tract of country erected into a separate Parish, to be called Saint James.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That all that part of the Parish of Saint Stephen, and tract of country in the County of Charlotte, comprised within the bounds hereafter described, to wit: commencing at a certain point or angle upon the north western side line of Saint David's Parish, where a prolongation of the northern side line of Lot number sixteen, in the second or northern division of the re-grant to Peter M'Diarmid and others, would intersect the said line of said Parish, thence following the north and westerly bounds of said Parish, to the north eastern corner of the same, thence northerly by a prolongation of the eastern side line of said Parish to the County line, thence westerly upon the said County line, to the River Saint Croix, thence following down the course of said River to where a prolongation of the north western line of the grant to Donald Grant and others, would intersect, thence north easterly upon said line, to said grant to Donald Grant and others, thence upon the line of said grant and a continuation of the line and course of the third division of the re-grant to Peter M'Diarmid and others, to the eastern bounds of said division, thence northerly upon the line of Gore Lot, number one hundred and eighteen, until it intersects the street dividing the southern and northern division of said grant, thence westerly upon the said street, to the third street in the second or northern division, thence northerly along said street, until intersected by a prolongation of the northern line of Lot number sixteen in said division, thence easterly by a prolongation of the same line, to the Parish of Saint David, or first mentioned bounds, be, and the same is hereby erected into a separate and distinct Town or Parish, known and distinguished by the name of the Town or Parish of Saint James.

Justices empowered to appoint Officers for the said Parish.

II. Be it further enacted, That the Justices of the Peace for the said County, shall and may have power to appoint annually, from time to time, officers for the said Town or Parish of Saint James, in the same manner as for other Towns or Parishes within the said County, and also that the said Justices may at a Special Sessions for that purpose to be holden, have power and authority to appoint such officers for the present year, which officers shall be sworn to the faithful discharge of their duties respectively, and be liable to the like penalty for not accepting of their respective offices or neglecting or refusing to perform the duties of their several offices, as any other Town or Parish officers within the said County.

Recovery saved of assessments heretofore made.

III. Be it further enacted, That this Act shall in no way prevent or interfere with the recovery of any Parish or County assessment which may have heretofore been made by the General Sessions of the Peace for the said County.

c Refer to 26 G. 3, C. 1, S. 4.

CAP. XII.

An Act to amend an Act, intituled " An Act to provide for, and maintain an armed Cutter, for the protection of the Revenue of the Province."

Passed the 27th March, 1823.

[*Continued by 5 G. 4, C. 22, to 1826, and then expired.*]

CAP. XIII.

An Act to repeal an Act, intituled " An Act for granting Bounties on Grain raised in this Province."

Passed the 27th March, 1823.

“ WHEREAS it is expedient that an Act, intituled " An Act for granting Bounties on Grain raised in this Province," should be repealed ;" Preamble.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the sixtieth year of the Reign of His late Majesty King George the Third, intituled " An Act for granting Bounties on Grain raised in this Province," be and the same is hereby repealed. 60 G. 3, C. 12, repealed.

Saving nevertheless, to such persons as shall be entitled to receive the same, all Bounties to which they may be entitled for Grain raised during the last season. Saving Bounties for Grain raised during the last season.

CAP. XIV.

An Act in amendment of an Act, for relief against absconding Debtors.

Passed the 27th March, 1823.

“ WHEREAS in and by the eighth Section of an Act passed in the twenty-sixth year of the Reign of His late Majesty King George the Preamble.

Third, intituled " An Act for relief against absconding Debtors," it is " amongst other provisions, enacted as follows, viz. : " That then and in either " such case, it shall and may be lawful for the Judge or Judges, who issued " the warrant of attachment, or the Judges of the same Court for the time being, " or any one of them, and either of them, is hereby fully authorized and empowered to nominate and appoint three or more fit persons to be Trustees for " all the Creditors of such absconding or concealed person or persons, which " Trustees shall take an oath or affirmation, (in cases when by law an affirmation is allowed) well and truly to execute the trust by that appointment reposed in them, according to the best of their skill and understanding, which oath " or affirmation, the Judge or Judges appointing the said Trustees, is, and are " hereby required to administer : " And whereas it has sometimes happened, " that Trustees appointed by a Judge of the Supreme Court, to manage and " settle the estate of an absconding Debtor, have been prevented from taking the " oath or affirmation required by the said Act, well and truly to execute the " trust reposed in them, in consequence of their remote residence from any " Judge of the said Supreme Court, whereby great delay and inconvenience " have arisen in the settlement of such estate ; for remedy whereof," 26 G. 3, C. 13.

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

P p

That

Trustees may be sworn before a Judge of the Inferior Court of Common Pleas, in Counties where no Judge of the Supreme Court resides

That on the appointment of any Trustee or Trustees, by a Judge or Judges of the said Supreme Court, under and by virtue of the provisions of the herein before recited Act, in any of the Counties in this Province, where no Judge of the said Supreme Court shall reside, it shall and may be lawful for any Judge or Judges of the Inferior Court of Common Pleas for such County, and he is, and they are hereby required to administer the oath or affirmation, to any Trustees so appointed by a Judge or Judges of the said Supreme Court, in manner and form as is directed in and by the said in part recited Act.

CAP. XV.

60 G. 3, c. 2. An Act to continue an Act, intituled "An Act for granting further aid in support of the Grammar School in the Town of Saint Andrews."

Passed the 27th March, 1823.

[Expired.]

CAP. XVI.

58 G. 3, c. 7. An Act further to continue and alter "An Act for the preservation of Oysters in the Counties of Westmorland and Northumberland."

Passed the 27th March, 1823.

[Expired.]

CAP. XVII.

An Act to provide for the surrender of the Principal in discharge of Bail in actions pending in the Supreme Court of Judicature of this Province.

Passed the 27th March, 1823.

Preamble.

“WHEREAS the surrender of the Principal in discharge of Bail, in “actions pending in the Supreme Court of Judicature in this Province, is attended with great inconvenience and expence;”

Defendants in actions in the Supreme Court may be surrendered before a Commissioner for taking Bail.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Defendant in all actions in the Supreme Court, when at large, may in the several Counties where no Judge of the said Supreme Court resides, surrender himself, or herself, or be surrendered by his or her Bail, before any Commissioner for taking Bail in the said Court, and the said Commissioners in the said Court, are hereby authorised to make out the surrender and commitment, and to take the affidavit of the service of notice thereof on the Plaintiff's Attorney, in manner and form as the Judges of the said Court may, or used to do; and upon the delivery of such Defendant, by such Commissioner, to the Sheriff of such County, he or she shall be charged in Law with the custody of the said Defendant, and give his Certificate thereof, and upon producing the said certificate and affidavit to the proper officer, an exoneretur shall be by him entered on the Bail-piece.

Exoneretur to be entered.

II.

See 9 & 10 G. 4, C. 11, extending powers of Commissioners to Cases, when all the Judges of the Supreme Court are absent from the County.

II. And be it further enacted, That when the Defendant is already in custody of any Sheriff in some County where no Judge of the said Supreme Court resides, at the suit of another Plaintiff, in a different action or otherwise, it shall and may be lawful for any of the said Commissioners for such County, upon application of such Defendant's Bail, to surrender him or her, or upon the application of such Defendant, by his or her Attorney, to surrender himself or herself, and upon the certificate of such Sheriff, that such Defendant is actually in his custody in an action, or for a certain cause to be set forth in the said certificate, to take and make out the surrender and committitur of the said Defendant, in the same manner as the Judges of the said Court may do when such Defendant is brought up before them by an Habeas Corpus, and upon the delivery of such committitur to the said Sheriff, he shall be charged in Law with the custody of the said Defendant in such action, and give his certificate thereof, and the Justices of the said Court may, upon the reading of such Sheriff's certificate and the requisite affidavit of notice of such render and commitment on the Plaintiff's Attorney, unless cause be shewn during the Term succeeding such render and notice, to the contrary, in their discretion, order an exoneretur to be duly entered on the Bail-piece.

Defendant in custody, in a County where no Judge resides, a Commissioner may, upon certificate of Sheriff, that Defendant is in custody, make out surrender and committitur.

Justices of the Court may, upon Sheriff's certificate and affidavit of notice, order exoneretur unless cause shewn.
Limitation.

III. And be it further enacted, That this Act shall continue and be in force for the term of five years, and thence to the end of the then next Session of the General Assembly.

[Continued by 9 & 10 G. 4, C. 11 ; and made perpetual by 5 W. 4, C. 26.]

CAP. XVIII.

An Act in addition to an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act for enabling the Justices of the Supreme Court to try all Causes at Nisi Prius, and authorising Attornies of the Supreme Court, to practice in the Inferior Courts of Common Pleas in this Province."

Passed the 27th March, 1823.

“ WHEREAS in and by an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled “An Act for enabling the Justices of the Supreme Court to try all Causes at Nisi Prius, and authorising Attornies of the Supreme Court to practice in the Inferior Courts of Common Pleas in this Province,” it is enacted, That all and every of the Attornies of the Supreme Court, may commence, prosecute, or defend, any action or suit for his or their Clients, in any Inferior Court of Common Pleas in this Province;”

Preamble.

26 G. 3, C. 8.

Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall not be lawful for any person not being an Attorney of the Supreme Court, to commence, prosecute, or defend, any action or suit for any person as his Client, in any Inferior Court of Common Pleas in this Province, any law, usage, or custom, to the contrary notwithstanding.

Only Attornies of the Supreme Court to prosecute or defend suits in Inferior Courts of Common Pleas.

CAP. XIX.

An Act to amend an Act, intituled, "An Act subjecting real estates in the Province of New Brunswick, to the payment of Debts, and directing the Sheriff in his proceedings thereon."

Passed the 27th March, 1823.

Preamble.

26 G. 3, C. 12.

“ WHEREAS in and by the third Section of an Act made and passed in the twenty sixth year of the Reign of His late Majesty King George the Third, intituled, “An Act subjecting real estates in the Province of New Brunswick, to the payment of Debts, and directing the Sheriff in his proceedings thereon :” it is provided, “That before any sale shall be made by any Sheriff or other Officer, of houses, lands, real estates, or hereditaments, of any person or persons, he shall first advertise the time and place of such intended sale, at least six months before he shall make the same, in the City, Town or Parish, where the premises are, or shall be, in three or more of the most public places in the County wherein such estate doth lay:” And whereas it is expedient that the notification of such intended sale, be more widely and extensively circulated ;”

Before sale of any real estate, Sheriff shall advertise the time and place of sale in a Newspaper, if any such in the County, otherwise, in the Royal Gazette.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, such Sheriff or other Officers, before making sale of the houses, lands, real estates, or hereditaments, of any person or persons whatsoever, shall in addition to the advertisement prescribed by the said Act, cause the time and place of such intended sale, to be advertised, at least six months, in one of the public newspapers, if any such there be in the County in which such estate doth lay; and the Sheriff of any County in which no public paper is printed, shall cause the same to be advertised for the space aforesaid, in the Royal Gazette of this Province.

The County Court House to be one of the places at which the sale to be advertised; and sale to be made in the County.

II. And be it further enacted, that one of the places in which such advertisement is required to be made by the third Section of the said herein before recited Act, shall be the Court House of the County in which the Premises so to be advertised shall be situated, and that such sale shall be made at the said Court House, or such other public place in the said County, as the Sheriff shall in his discretion think fit.

Not to affect the sale of any real estate heretofore advertised.

III. Provided always and be it further enacted, That nothing herein contained shall affect the sale of any houses, lands, real estates, or hereditaments, which may have been advertised for sale before the passing of this Act, but that such sale shall take place as if this Act had not been made.

CAP. XX.

An Act to amend an Act, intituled, “An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and Saint Andrews.”

Passed the 27th March, 1823.

[*Repealed as to Fredericton by 5 G. 4, C. 5; continued as to Saint Andrews by 8 G. 4, C. 22, until 1st May, 1829; and repealed by 9 G. 4, C. 28.*]

CAP. XXI.

An Act for the regulation of Booms for securing Masts, Logs, and Lumber, in certain parts of the County of Northumberland.

Passed the 27th March, 1823.

“ **W**HEREAS it has been found necessary to erect Booms on several of “ the branches of the River Miramichi, for the purpose of securing “ such Timber as may be hauled out and thrown into the same in a general “ deposit, until it can be conveniently rafted by the respective owners to the “ different places of destination: And whereas it is necessary that proper re- “ gulations should be established to insure the safe delivery of the same to the “ owners;”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Justices of the Peace for the County of Northumberland, in their General Sessions, to make and establish such rules and regulations as to them may appear necessary, respecting such Booms as have been erected, or may hereafter be erected on any branches of the River Miramichi, and to appoint Boom Masters from time to time, and to fix their fees for attending such Booms and superintending the safe delivery of the Lumber passing through the same.

Justices in General Sessions to make rules and regulations respecting Booms on the river Miramichi, and appoint Boom Masters, and fix their fees.

II. And be it further enacted, That any person or persons who may violate any of the rules so to be made as aforesaid, shall forfeit and pay the sum of Five Pounds, with costs, for each and every offence; to be recovered upon conviction thereof, by the oath of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace for the County of Northumberland, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus (if any) to such offender; and for want of sufficient goods and chattels whereon to levy, the said Justice is hereby required to commit such offender to the common Gaol of the said County, there to remain for a term not less than ten, and not exceeding twenty days.

Persons violating regulations to forfeit £5, to be recovered before a Justice of the Peace, and levied by distress and sale of goods. For want of goods offender to be imprisoned.

III. And be it further enacted, That one moiety of all the penalties that may be recovered under and by virtue of any regulation which may be made by the said Justices pursuant to the provisions of this Act, shall be paid to the person or persons who shall prosecute for the same, and the other moiety thereof to the Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of the Poor of such Town or Parish.

Penalties to be paid half to the Prosecutor and half to the use of the Poor.

IV. And be it further enacted, That it shall not be lawful for the said Justices to grant permission for the erecting any Boom or Booms that may operate to the injury of any trade or business carried on, on any of the said branches.

Booms not to be erected to the injury of trade.

V. And be it further enacted, That this Act shall continue and be in force five years, and thence to the end of the then next Session of the General Assembly.

Limitation.

[Continued by 9 and 10 G. 4, C. 4, and 4 W. 4, C. 7, to 1st May, 1839.]

CAP. XXII.

An Act to encourage the Commerce of this Province by granting bounties on the exportation of certain articles.

Passed the 27th March, 1823.

[Expired.]

CAP. XXIII.

An Act in further amendment of the Laws for regulating the Fisheries in the County of Northumberland.

Passed the 27th March, 1823.

Preamble.

“ WHEREAS the provisions and penalties in an Act made and passed in “ the thirty-ninth year of the Reign of His late Majesty King George “ the Third, intituled, “ An Act for regulating the Fisheries in the County of Northumberland,” have been found ineffectual;”

39 G. 3, C. 5.

Second Section of the said Act repealed.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the second Section of the said Act, be, and the same is hereby repealed.

Persons erecting Weirs, &c. or setting Nets in the Miramichi River, except as provided for by 39 G. 3, C. 5, & 56 G. 3, C. 3, to forfeit £10.

II. And be it further enacted, That if any person or persons from and after the passing of this Act, shall erect or set up any Hedge, Wear, Fish Garth, or other incumbrance, or place any Seine or Seines, Net or Nets, in the River or Bay of Miramichi, or its branches, except as is provided for in the said Act, and also in the Act made and passed in the fifty-sixth year of the Reign of His late Majesty King George the Third, intituled; “ An Act in amendment of an Act, intituled, “ An Act for regulating the Fisheries in the County of Northumberland,” such person or persons so offending, shall forfeit and pay for each and every offence, the sum of Ten Pounds, upon conviction thereof upon the oath of one or more credible witness or witnesses, before any two of His Majesty’s Justices of the Peace for the said County, and levied by warrant of distress and sale of the offender’s goods and chattels, rendering the overplus, if any, after deducting the costs and charges, to such offender; and for want of sufficient goods and chattels whereon to levy the said fine, such offender or offenders shall be imprisoned, without bail or mainprize, for a term not less than ten days, and not exceeding twenty days; one half of which penalties shall, on conviction, be paid to the Informer, and the other half to the Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of the Poor of such Town or Parish.

Penalties how recovered.

Application.

Recited Act continued in force.

III. And be it further enacted, That the said herein before recited Acts, excepting wherein the same are hereby altered and amended, together with this Act, shall continue and be in force five years, and thence to the end of the next Session of the General Assembly.

[Continued by 9 & 10 G. 4, C. 3, and 4 W. 4, C. 31, to 10th May, 1836.]

CAP. XXIV.

An Act to alter the Act for the establishment of Grammar Schools in several Counties in this Province. 56 G. 3, C. 12.

Passed the 27th March, 1823.

[*Repealed by 9 & 10 G. 4, C. 29, S. 6.*]

CAP. XXV.

An Act for the encouragement of Parish Schools in this Province.

Passed the 27th March, 1823.

[*Continued by 9 G. 4, C. 30, and 1 W. 4, C. 30; repealed by 3 W. 4, C. 31.*]

CAP. XXVI.

An Act to alter and amend an Act, intituled “ An Act to provide for the support of a Light House to be built on Partridge Island.” 28 G. 3, C. 4.

Passed the 27th March, 1823.

[*Repealed by 10 & 11 G. 4, C. 14.*]

CAP. XXVII.

An Act to explain and amend the Laws now in force for the organization and regulation of the Militia of this Province.

Passed the 27th March, 1823.

[*Repealed by 6 G. 4, C. 18.*]

CAP. XXVIII.

An Act for altering the Terms of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas, in the County of Westmorland.

Passed the 27th March, 1823.

“ **WHEREAS** the Terms for holding the Courts of General Sessions of the Peace and Inferior Court of Common Pleas, in the County of Westmorland, have been found inconvenient; for remedy whereof,” Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the said Courts shall be hereafter holden on the third Tuesday in November, instead of the second Tuesday in December, in each and every year. Term to be on Third Tuesday in November.

II. [*Obsolete.*]

^e Refer to 31 G. 3, C. 9—Note f,—and see Table of Courts, Appendix, No. 1.

CAP. XXIX.

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.

Passed the 27th March, 1823.

[*Expired.*]

CAP. XXX.

An Act to provide for the calling in the Arms issued to the Militia of this Province.

Passed the 27th March, 1823.

[*Repealed by 6 G. 4, C. 18.*]

CAP. XXXI.

An Act to appropriate a part of the Public Revenue, to provide for the ordinary services of the Province.

Passed the 27th March, 1823.

[*Expired.*]

CAP. XXXII.

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

Passed the 27th March, 1823.

[*Expired.*]

CAP. XXXIII.

f An Act to enable the Governor and Trustees of the College of New Brunswick, to make a conditional surrender of their Charter, and for the further endowment of the College, upon the granting of a new Charter.

Passed the 25th March, 1823.

Preamble.

66. **W**HEREAS the Governor and Trustees of the College of New Brunswick, have by their Petition, under their Seal of Incorporation, to this General Assembly, stated “that by a Provincial Charter under the Great Seal of this Province, bearing date the twelfth day of February, in the year of our Lord one thousand and eight hundred, granted in the King’s name,

f See 9 & 10 G. 4, C. 29, for the endowment of King’s College and establishment of Grammar Schools.

“ name, during the administration of the late Lieutenant Governor Carleton,
 “ the College of New Brunswick was established and incorporated, with perpe-
 “ tual succession, by the name of the Governor and Trustees of the Collège of
 “ New Brunswick, and with power to confer Degrees in the liberal Arts and
 “ Sciences, in the same manner as they are conferred by the Universities in
 “ England; that until very lately the funds and state of the Corporation were
 “ such as to prevent the Petitioners from attempting to put the Institution into
 “ any thing like a Collegiate form; that an attempt has recently been made
 “ to organize, and to put into operation, the College, and a President was ac-
 “ cordingly appointed, and Statutes proposed and established, under which four
 “ Students were matriculated; that the Petitioners are very desirous to see the
 “ Institution placed upon a respectable footing, and so as to ensure to those
 “ who may receive their instruction there, all the advantages which usually re-
 “ sult from a Collegiate education; that in order to effect the same, the Peti-
 “ tioners are of opinion the first step to be taken will be to surrender the Pre-
 “ sent Charter into the hands of His Majesty, and to solicit one in its place to
 “ pass under the Great Seal of the United Kingdom, which the Petitioners have
 “ reason to hope may be obtained, together with some other marks of His Ma-
 “ jesty’s favour; that the estates and property already vested in the Corporation,
 “ are so circumstanced as to make it necessary that an Act of the General As-
 “ sembly should pass, to enable them to surrender the present Charter, condi-
 “ tionally, so as to preserve the rights of the College and the interests of those
 “ who hold under titles from the Petitioners, and who are connected with the
 “ Institution:” And whereas the said Governor and Trustees by their said
 “ Petition, have prayed, “ that such an Act may pass the General Assembly as
 “ may answer the intended purpose,”

I. Be it therefore enacted by the Lieutenant Governor, Council and As-
 sembly, That the said Governor and Trustees of the College of New Brun-
 swick, shall and may have power and authority, and they are hereby authorised
 and empowered, by an Instrument in writing under their said Seal of Incorpora-
 tion, to surrender into His Majesty’s hands the said Charter of Incorporation,
 bearing date as aforesaid the twelfth day of February, in the year of our Lord
 one thousand and eight hundred, upon condition that His Majesty will accept
 of the same, and will be graciously pleased to grant another Charter in its place,
 for the re-incorporation of the said College. Provided always, That until such
 new Charter shall be granted, and the same go into operation, the said Provin-
 cial Charter, and the powers of the said Governor and Trustees, and all estates
 and rights vested in them, and all statutes, rules and orders, made or to be made
 by them, shall continue to exist in the same manner, to all intents and purposes,
 as if this Act, and the surrender so to be made under and by virtue hereof, had
 not been made, any thing herein contained to the contrary in any wise not-
 withstanding.

II. And be it further enacted, That should His Majesty be graciously pleased
 to favour this Province with such a Charter as is intended to be prayed for by
 the said Petition, His said Majesty shall be deemed and taken to be the Founder
 of the College, and shall be vested with all the rights and powers by Law be-
 longing to the Founder of a College, and that His said Majesty may in and by
 such new Charter, nominate, constitute and appoint, such persons to form the
 Corporation of the College, and such persons to be Patron and Visitor respec-
 tively, with such powers and authorities to be vested in them severally, and in
 general may put the said Collegiate establishment upon such a footing as to His
 said Majesty in his Royal Wisdom may seem meet.

Trustees of the
 College em-
 powered to sur-
 render to His
 Majesty their
 Charter of In-
 corporation, on
 condition.

Provincial
 Charter to re-
 main in force
 until a new one
 shall be granted.

His Majesty, in
 case he shall be
 pleased to grant
 a new Charter,
 to be deemed
 the Founder of
 the College, and
 may appoint
 persons to form
 the Corpora-
 tion, with such
 powers as he
 may think fit.

Upon the commencement of the exercise of the powers under a new Charter, the Provincial Charter to be cancelled.

Debts owing to the Governor and Trustees to become due to the new Corporation, and Property of all kinds belonging to Governor and Trustees to be vested in the said Corporation.

Tenants of the Governor and Trustees to be Tenants of the new Corporation.

Graduates and Students to be entitled to all benefits resulting. &c.

To be deemed a public Act.

III. And be it further enacted, That immediately upon the commencement of the exercise of the powers to be vested by the contemplated new Charter, the said Provincial Charter, and the enrolment thereof in the Chancery, shall be, and shall be deemed and taken to be, ipso facto cancelled and annulled, and that all powers and authorities vested, as well in the said Governor and Trustees, as in all and singular the Officers by them appointed, shall from that time cease, and that all debts at that time due, and owing to the said Governor and Trustees, shall thence become debts due and owing to the new Corporation of the said College, and recoverable in the name of such new Corporation as if the same debts had been contracted with them; and that property real and personal of every kind and description which may at that time belong to and be holden by the said Governor and Trustees, shall immediately thereupon be transferred to and vested in the said new Corporation, and be holden thenceforth by such new Corporation in the same manner as the said Governor and Trustees might have held and enjoyed the same if the surrender of the said Provincial Charter had not been made; and that all Tenants of the said Governor and Trustees, shall thereupon be deemed and taken to be Tenants of the said new Corporation, in the same manner as if they had originally become Tenants of such new Corporation; and that all the statutes, rules and orders, of the said Governor and Trustees of the College of New Brunswick, shall thenceforth cease to exist. Provided always, that the Graduates and Students of the said College, shall be entitled to all the benefits resulting, or which would have resulted to them severally, if such statutes, rules and orders, had continued in force, and such surrender had not been made, any thing herein contained to the contrary notwithstanding.

IV. [*Repealed by 9 & 10 G. 4, C. 29.*]

V. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, but not to be in force until His Majesty's Royal Approbation be thereunto had and declared.

[*This Act was confirmed, finally enacted and ratified, by an Order of His Majesty in Council, dated at the Court at Windsor, the 18th of November 1823.*]

**Anno Regni, GEORGE IV Britanniarum Regis,
Quinto.**

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the twenty-first day of January, in the year of our Lord one thousand eight hundred and twenty-four, in the fifth Year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c. &c. being the fourth Session of the Eighth General Assembly, convened in the said Province.

CAP. I.

An Act to continue an Act, intituled, "An Act to prevent Desertion from His Majesty's Forces, and to punish unlawful dealings with Soldiers or Deserters." 59 G. 3, C. 15.

Passed 11th March, 1824.

[Expired.]

CAP. II.

An Act to continue an Act, intituled, "An Act to regulate the Herring Fisheries in the Parishes of West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte, and an Act to extend the provisions of the said Act to the Parish of Grand Manan." 59 G. 3, C. 16. 2 G. 4, C. 8.

Passed 11th March, 1824.

[Expired.]

CAP. III.

An Act for erecting and maintaining a Light House upon one of the Islands or Rocks near the South East Coast of the Island of Grand Manan.

Passed 11th March, 1824.

[Repealed by 9 & 10 G. 4, C. 24.]

CAP.

CAP. IV.

59 G. 3, C. 6. An Act to continue an Act, intituled “ An Act for the more effectual punishment of Persons who shall be guilty of the Trespasses therein mentioned, in the City of Saint John.”

Passed 11th March, 1824.

[*Expired.*]

CAP. V.

a 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.

Passed 11th March, 1824.

Preamble.

“ **W**HEREAS it is expedient to repeal the Laws now in force for appointing Firewards, and the better extinguishing Fires, so far as the said Laws relate to the Town of Fredericton, and to make regulations more suitable to the said Town ;”

I. Be it therefore enacted by the President, Council and Assembly, That the Act passed in the fifty-seventh year of the Reign of His late Majesty King George the Third, intituled “ An Act for appointing Firewards in the Towns of Fredericton and Saint Andrews, and ascertaining their power and duty, and more effectually to prevent Fires in the said Towns ;” and also an Act made and passed in the second year of the Reign of His present Majesty, intituled “ An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and Saint Andrews ;” and also an Act passed in the third year of the same Reign, intituled “ An Act in addition to an Act, intituled “ An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and Saint Andrews ;” also an Act passed in the fourth year of the same Reign, intituled “ An Act to amend an Act, intituled “ An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and Saint Andrews,” be, and the same are hereby repealed, so far as relates to the Town of Fredericton.

Governor, with advice of the Council, to appoint Firewards, who shall be sworn, and certificate endorsed on Warrants of appointment, without fee.

II. And be it further enacted, That the Governor or Commander in Chief for the time being, is hereby authorised and empowered, by and with the advice of His Majesty’s Council, from time to time, by warrant under his hand and seal, to appoint a sufficient number of prudent and discreet persons, not exceeding eight, in the Town of Fredericton, who shall be sworn to the faithful discharge of their duty, before any one of His Majesty’s Justices of the Peace of the County of York, and a certificate thereof endorsed on the several warrants of appointment, for which warrants and certificates no fees shall be demanded or received from the person so appointed and sworn.

Firewards on duty to carry a Staff and Speaking Trumpet.

III. And be it further enacted, That in order that the said Firewards may be distinguished from others when on duty at a fire, and to enable them to communicate their directions with more facility, they shall each carry a Staff seven feet in length, coloured red, and also a Speaking Trumpet, painted white, with the name of the Town painted on it in black letters. IV.

a See 7 G. 4, C. 11, which extends the Powers of the Firewards, and makes further regulations—and 9 G. 4, C. 14, which extends the Provisions of this Act to Newcastle and Chatham in Northumberland.

IV. And be it further enacted, That whenever a fire shall break out in the said Town or in its vicinity, and during the continuance thereof, the said Firewards are hereby authorised and required, jointly or separately, to command assistance for extinguishing the fire, and removing household stuff, furniture, books, public stores, goods and merchandise, out of any houses, storehouses and other buildings, actually on fire, or in danger thereof, and to appoint persons to take care of the same, and also to require assistance to prevent the further spreading of the fire in the said Town, and to prevent tumults and disorders in the same; and the said Firewards respectively, are hereby required upon the notice of fire breaking in the said Town (taking their Badges and Trumpets with them) immediately to repair to the place and vigorously to exert their authority in requiring assistance, and to use their utmost endeavours to extinguish the fire and prevent its spreading, and to preserve and secure property and effects, both public and private; and due obedience is hereby required to be yielded to them and each and every of them accordingly, for that service, as well by the person or persons having the charge and management of any Engine or Engines in the said Town, as all other persons whomsoever.

Firewards to command assistance for extinguishing fires, removing goods, &c.

To appoint persons to take care of goods, &c.

Firewards to carry Badges and Trumpets, and exert their authority.

Due obedience to be yielded to the Firewards by all persons.

V. And be it further enacted, That for every refusal or neglect of any person to obey the order of any Fireward, in performing any of the duties and services hereinbefore mentioned, such person shall forfeit and pay the sum of Forty Shillings, to be recovered upon conviction before any one of His Majesty's Justices of the Peace for the County of York, on the oath of a Fireward, or any other credible witness, and levied by distress and sale of the offender's goods and chattels; and for want of sufficient distress, such offender shall suffer eight days imprisonment, unless the penalty and costs shall be sooner paid; which penalty when recovered shall be paid into the hands of the Firewards of the said Town, or their Treasurer for the time being, to be applied by them towards defraying the necessary expence attending the keeping the Engine or Engines of the said Town in a proper state of repair and equipment, and any other necessary expences attending the keeping the Fire Companies of the said Town in a proper state of organization.

Penalty for disobeying orders of the Firewards.

Recovery.

For want of distress offender to be imprisoned.

Application of Penalties.

VI. "And whereas it is necessary that prompt and implicit obedience should "at all times during the raging of a fire, be paid to the directions of the Firewards:" Be it further enacted, That the said Firewards respectively, or any or either of them, shall have power, and they and every of them are hereby authorised when such necessity shall exist, to require and compel the persons present at any fire, to fall in and form the lines or ranks for the conveyance of water for extinguishing the fire, and to remain in such ranks as long as may be deemed necessary; and if any person present at a fire shall refuse to fall in or remain in any such rank when thereunto required by any Fireward, such person so offending shall for each and every offence forfeit and pay the sum of Forty Shillings, to be recovered, levied and applied, in the manner specified and provided in and by the fifth Section of this Act.

Firewards may compel persons present at a fire to form lines for conveyance of water.

Persons refusing to fall in or to continue in ranks, to forfeit 40s. to be recovered and applied as by Section five.

VII. And be it further enacted, That the Firewards, or any two or more of them, are hereby authorised and empowered from time to time, and at all reasonable times in the day time, to enter into any house, shop or other building, within the limits of the said Town, and to examine and inspect the manner in which any stove or stove-pipes are set up, placed, fixed or carried, or any hearths, fireplaces or chimnies, constructed or built, and if such stove or stove-pipes, or such hearth, fireplaces or chimney, shall be found, in the opinion and judgment of the said Firewards, or any two of them, and in case more than two be

Firewards may enter buildings and examine stoves, fireplaces and chimnies, and if such stoves, fireplaces or chimnies, are dangerous, they may, by written order, forbid the

continuance of fire therein, until altered as they may direct.

Persons disobeying directions to forfeit £3.

Firewards to appoint twenty Enginemen &c.

Appointments to be registered, and Persons appointed to be called the Firemen.

Their duty.

Firewards to make rules and regulations for the government of the Firemen, and impose fines not exceeding forty shillings, to be recovered as by Section five.

Regulations to be put up at the Engine-House, and published.

Privileges and exemptions of the Firemen during their continuance in office.

Justices of York may assess the inhabitants of the Town of Fredericton for such sum as the Firewards may

be present, the major part of those present, so set up, placed, fixed or carried, constructed or built, as to be dangerous, such Firewards are hereby authorised and empowered to give directions in writing, to prevent the continuance of fire in any such stove or any such hearth, fireplace or chimney, until the same shall have undergone such alterations as shall be pointed out in writing by the same Firewards, and any person or persons who shall disobey any such directions of such Firewards, shall for each offence forfeit and pay the sum of Three Pounds, to be recovered and applied in manner aforesaid.

VIII. And be it further enacted, That the Firewards of the said Town, shall, at any meeting to be for that purpose holden, nominate and appoint, by warrant under the hands and seals of them, or the hands and seals of the major part then present, a sufficient number of able and discreet men, willing to accept, not exceeding twenty in number for each Engine, being Inhabitants of the said Town, to have the care, management, and working of the said Engines, Tools and Instruments, for extinguishing fires which may happen within the same, and to remove and displace all or any of them, from time to time, and to nominate and appoint others in their stead, and to fill up any vacancies which may happen at any time by death, or removal, or otherwise, and that the names of the said persons so appointed, shall from time to time as the appointments shall be made, be registered with the Clerk of the Peace in the said County, upon the certificate of the said Firewards, and to be called the Firemen of Fredericton, and are hereby enjoined and required to be ready at a call, by night as well as by day, to manage, work, and use the Engine or Engines, Tools and Instruments, for extinguishing fires which may happen to break out within the said Town.

IX. And be it further enacted, That it may and shall be lawful for the Firewards for the time being, of the said Town, at any meeting to be holden at which the major part shall be present, to make and establish such rules, orders and regulations, in respect of the government, conduct, duty and behaviour, of the said Firemen, in working, managing, exercising, trying, and using the Engines, Tools and Instruments, and to impose and establish such reasonable fines and penalties upon them or any of them, for default or neglect of the duties and services thereby to be enjoined or required from them, as the said Firewards, or the major part of them present, met as aforesaid, shall from time to time think meet, so that the fine or penalty shall not exceed, in any one instance, the sum of Forty Shillings, to be recovered and applied as in the fifth Section of this Act; which rules, orders and regulations, shall be notified to the said Firemen, by putting the same up at the Engine House, and inserting the same in the Newspaper, if any there be printed in the said Town.

X. And be it further enacted, That the Firemen within the said Town, and each and every of them, from time to time, during their continuance in the office of Firemen, and no longer, shall be, and they are hereby declared to be freed, exempted and privileged, from the several offices of Constable and Surveyors of Highways, and from all Statute Labour on the Highways and Streets in the said Town, and from serving on any Juries at the General Sessions of the Peace and Inferior Court of Common Pleas, in the said County.

XI. And be it further enacted, That the Justices of the Peace for the County of York, in their General Sessions, or the major part of them, are hereby authorised and empowered to raise by assessment such sum or sums, not exceeding One Hundred Pounds, on the said Town, as the Firewards may from time to time, by estimate made out by them in writing, and produced to the said Justices

tices of the Peace, or the major part of them, in their General Sessions, shew to be necessary, over and above such of the fines hereinbefore mentioned, as they may have received, for the sinking and constructing such Public Wells in the said Town, as the Firewards may think necessary, for the supply of the Fire Engines at the time of any fire that may happen in the said Town, and for the necessary expences attending the keeping the Fire Company in a proper organized state, and the Engines of the said Town in a sufficient state of equipment, with Buckets, Ladders, Hooks, and other necessaries, and also, if found necessary for the purchasing or providing one or more Engines for the said Town; such assessment to be made in due proportion upon all and every the person or persons who do or shall inhabit, hold, occupy or enjoy any House, Shop, Warehouse or other Tenement within the said Town.

shew to be necessary, not exceeding £100, for sinking Public Wells, for keeping the Fire Company in a proper state, for equipment of the Engines, &c.

Assessment to be made upon the Householders within the Town.

XII. And be it further enacted, That such sum or sums shall be assessed in manner aforesaid, by the Assessors of the said Town, and shall be levied and collected in the same manner as any other Parish rate or assessment in the said Town can or may be levied and collected, by virtue of any Law now in force or hereafter to be made, and to be paid when collected, to the said Firewards, or their Treasurer for the time being, to be applied to and for the purpose above mentioned.

Assessment to be assessed, levied, and collected, as other Parish rates.

XIII. And be it further enacted, That the said Firewards of the said Town, shall render to the Justices of the County of York, at their first General Sessions at the time of making the annual appointments of Town or Parish Officers, when required so to do, a full and particular account of the expenditure of all monies so to be assessed as aforesaid, and also of all fines to be recovered as aforesaid, as they may have received respectively; and any of the Firewards refusing or wilfully neglecting to render such account when required, shall be considered guilty of a contempt of such Court of General Sessions of the Peace, and it shall and may be lawful for the Justices of the Peace of the said County, or the major part of them, in General Sessions, to bring, by warrant, before them, such Fireward or Firewards, so guilty of such contempt, and if found necessary, to commit such Firewards or Fireward so offending, to prison, until such account shall be made out and rendered to the satisfaction of the said Court of General Sessions, or to the Treasurer of the County, in case such Court should be over before such account shall be rendered.

Firewards to account annually, if required, for the expenditure of monies.

Firewards neglecting to account when required, may be committed to Prison until account shall be made.

XIV. And be it further enacted, That no person or persons within the said Town of Fredericton, shall enter or remain in any Barn or Stable where hay or straw is, with a lighted candle, except the said lighted candle be in a good, safe, and sufficient lantern, and that every person or persons so offending, shall forfeit and pay the sum of Ten Shillings for each and every offence, to be recovered and applied as the fines in the fifth Section of this Act.

No person to enter any Barn or Stable with a lighted candle, unless it be in a sufficient lantern, under the penalty of 10s.

XV. And be it further enacted, That this Act shall continue and be in force for five years, and from thence to the end of the next Session of the General Assembly, and no longer.

Limitation.

[Continued by 10 & 11 G. 4, C. 9, and 5 W. 4, C. 18, to 1st April, 1837.]

CAP. VI.

An Act for confirming Public Acts.

Passed 11th March, 1824.

Preamble.

“ **WHEREAS** during the last Session of the General Assembly, His Excellency the late Major General George Stracey Smyth, then Lieutenant Governor and Commander in Chief of this Province, was suddenly seized with an alarming illness, by which he was prevented from personally declaring his assent to the several Acts hereinafter mentioned, which said Acts were, owing to the said illness of His Excellency, severally and respectively assented to and enacted on the twenty-seventh day of March last, in the presence of the Council and House of Assembly, by certain Commissioners, in the name and on the behalf of him the said George Stracey Smyth, late Lieutenant Governor as aforesaid, which said Commissioners were authorised and empowered thereto by Letters Patent under the Great Seal of this Province, and signed with the hand of the said Lieutenant Governor, which same Acts were severally recited in the said Letters Patent :

“ And whereas the said Acts being of necessary use, and fit to be continued and confirmed, although the manner of passing the same, enforced by the difficulty aforesaid, is not to be drawn into example ;”

Acts passed on
the 27th March
1823, confirm-
ed.

Be it therefore enacted by the President, Council and Assembly, That all and singular the Acts made, or mentioned to be made, by the Lieutenant Governor, Council and Assembly, upon the twenty-seventh day of March last, hereinafter particularly mentioned and expressed ; that is to say :

- 4 G. 4, C. 2. An Act to continue an Act, intituled “ An Act for the better regulation of Licences to Taverns, Inns, and Houses, for selling Strong Liquors by retail.”
- C. 3. An Act to continue an Act, intituled “ An Act more effectually to provide for the support of a Nightly Watch in the City of Saint John.”
- C. 4. An Act to continue an Act, intituled “ An Act to empower and authorise the Justices of the County of Westmorland at their General Sessions of the Peace, to regulate the grazing and depasturing of the several Marshes, low Lands or Meadows, within the said County.”
- C. 5. An Act to continue an Act, intituled “ An Act to authorise the Justices of the Peace in their General Sessions, to establish Ferries in their respective Counties.”
- C. 6. An Act in addition to an Act, to regulate the exportation of Fish.
- C. 7. An Act in addition to an Act, intituled “ An Act for the regulation of Booms for securing Masts, Logs and Lumber, in the County of Charlotte.”
- C. 8. An Act to repeal an Act, intituled “ An Act to increase the Revenue of this Province, by imposing a Duty on certain Merchandise.”
- C. 9. An Act for regulating the inspection of Fish to be consumed within the Province.
- C. 10. An Act in further amendment of the Laws now in force for the support and relief of confined Debtors, and for the further relief of Debtors with respect to the imprisonment of their persons.
- C. 11. An Act for erecting a part of the Parish of Saint Stephen and the Country adjacent, in the County of Charlotte, into a separate and distinct Town or Parish.
- C. 12. An Act to amend an Act, intituled, “ An Act to provide for and maintain an armed Cutter for the protection of the Revenue of this Province.”
- C. 13. An Act to repeal an Act, intituled “ An Act for granting Bounties on Grain raised in this Province.”

- An Act in amendment of an Act for relief against absconding Debtors. 4 G. 4, C. 14.
- An Act to continue an Act, intituled "An Act for granting further aid in support of the Grammar School in the Town of Saint Andrews." C. 15.
- An Act further to continue and alter an Act, for the preservation of Oysters in the Counties of Westmorland and Northumberland. C. 16.
- An Act to provide for the surrender of the Principal in discharge of Bail, in Actions pending in the Supreme Court of Judicature of this Province. C. 17.
- An Act in addition to an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act for enabling the Justices of the Supreme Court to try all Causes at Nisi Prius, and authorising Attornies of the Supreme Court to practice in the Inferior Courts of Common Pleas of this Province." C. 18.
- An Act to amend an Act, intituled "An Act subjecting Real Estate in the Province of New Brunswick, to the payment of Debts, and directing the Sheriff in his proceedings thereon." C. 19.
- An Act to amend an Act, intituled "An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and Saint Andrews." C. 20.
- An Act for the regulation of Booms for securing Masts, Logs and Lumber, in certain parts of the County of Northumberland. C. 21.
- An Act to encourage the commerce of this Province, by granting Bounties on the exportation of certain articles. C. 22.
- An Act to impose a Duty on certain articles imported from any Foreign State in North or South America.
- An Act in further amendment of the Laws for regulating the Fisheries in the County of Northumberland. C. 23.
- An Act to alter the Act for the establishment of Grammar Schools in several Counties of this Province. C. 24.
- An Act for the encouragement of Parish Schools in this Province. C. 25.
- An Act to alter and amend an Act, intituled "An Act to provide for the support of a Light House to be built on Partridge Island." C. 26.
- An Act to explain and amend the Laws now in force for the organization and regulation of the Militia of this Province. C. 27.
- An Act for altering the Term of the General Sessions of the Peace and Inferior Court of Common Pleas in the County of Westmorland. C. 28.
- An Act to provide for the calling in the Arms issued to the Militia of this Province. C. 30.
- An Act to appropriate a part of the Public Revenue, to provide for the ordinary services of the Province. C. 31.
- An Act to appropriate a part of the Public Revenue, for the services therein mentioned. C. 32.
- And all and every the clauses, sentences and articles, in them and every of them contained, shall be and are hereby ratified and confirmed, and enacted and declared, to have the full force and strength of Acts of Assembly, according to the tenor and purport thereof, and so shall be adjudged, deemed and taken, to all intents and purposes whatsoever, and as if the same had been made, declared and enacted, by authority of this present General Assembly.

To have the full force and strength of Acts of Assembly, according to their tenor and purport.

CAP. VII.

An Act to continue an Act, intituled "An Act in amendment of the Act for making further provision for preventing the importation and spreading of Contagious Distempers in the City of Saint John."

Passed the 11th of March, 1824.

[Expired.]

CAP. VIII.

An Act to authorise the Justices of the Peace for the County of Charlotte, to make regulations for the Market Wharf at Saint Andrews.

Passed the 11th of March, 1824.

Preamble.

“**W**HEREAS the Town Landing in Saint Andrews has been granted to the Justices of the Peace for the County of Charlotte, in trust for the use of the said Town of Saint Andrews, as a site for a Public Market House, and such Buildings and Fabrics as may by them be deemed necessary from time to time to be erected for the accommodation of said Town: And whereas a Wharf has been erected on said Town Landing, and a Market House and other Buildings built thereon,”

Justices of Charlotte may make regulations for the due ordering of vessels at the Market Wharf in St. Andrews, for loading and unloading goods, and for preventing nuisances and obstructions, and from time to time, repeal and alter them, and may enforce the regulations by fines, not exceeding 40s

Recovery of Fines.

Application.

Justices may appoint a Wharfinger, who shall be sworn

I. Be it enacted by the President, Council and Assembly, That the Justices of the Peace for the County of Charlotte, at their General Sessions, shall and may, and they are hereby authorised and empowered to make such orders and regulations for the due ordering of Vessels lying at the said Market Wharf in Saint Andrews, or coming to or removing from the same, and for the lading and unlading of Goods and Merchandise at the said Market Wharf, and for preventing nuisances, obstructions and incumbrances, by the depositing and leaving of Goods and Merchandise, or otherwise howsoever, on the said Market Wharf, and generally for the safe keeping and well ordering of the said Market Wharf in all respects, and from time to time to repeal, alter and amend, such rules and regulations, and to substitute others in their place, as to the said Justices, or the major part of them, at such General Sessions, shall seem fit and reasonable; and to enforce such orders and regulations by pecuniary fines and penalties, so always that such fines and penalties shall not in any case exceed the sum of Forty Shillings, which shall be sued for and recovered, on the oath of one or more credible witness or witnesses, before any Justice of the Peace of the said County, and be levied by warrant of distress and sale of any Goods and Merchandise, that by conviction of such Justice may appear to be an incumbrance or nuisance on the said Wharf, contrary to the said regulations, or otherwise by warrant of distress and sale of the goods and chattels of the offender, rendering the overplus, if any, after deducting the charges of prosecution and sale, to the owner or owners of such Goods, or the offender or offenders, as the case may be; such fines and penalties to be paid, one moiety to the Wharfinger of the said Wharf, to be appointed as hereafter directed, and the remainder to the Overseers of the Poor for the Parish of Saint Andrews, for the use of the Poor of the said Parish.

II. And be it further enacted, That the said Justices of the Peace for the County of Charlotte, shall and may at the time of making the annual appointment of Town and Parish Officers, have power and authority to appoint a fit person to be

be Warfinger of the said Market Wharf, who shall be sworn to the faithful discharge of his duty, and be in every respect subject to the same rules and regulations, penalties and forfeitures, as any other Town or Parish Officers are or shall be made subject to, by virtue of any Laws now in force, or hereafter to be enacted, for the appointment and regulation of Town or Parish Officers, in the several Counties of this Province; and it shall be the duty of said Wharfinger to carry into force and effect the orders and regulations of the said Justices, so to be made as aforesaid, respecting the said Market Wharf, and in his own name to sue for all fines and penalties incurred under the said regulations, and to account from time to time to said Justices at their General Sessions, as they at such Sessions shall from time to time order and direct.

and liable to the same penalties as other Parish Officers.

Wharfinger to carry the regulations into effect.

CAP. IX.

An Act for the safe keeping of Lunatics whom it may be dangerous to permit to go at large within the Province.

Passed the 11th of March, 1824.

“ **W**HEREAS there are sometimes Persons, who by Lunacy or otherwise, “ are furiously mad, or so far disordered in their senses that they may “ be dangerous to be permitted to go abroad;”

Preamble.

I. Be it therefore enacted by the President, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for two or more Justices of the Peace, where such Lunatic or mad Person shall be found, by warrant under their hands and seals, directed to any one or more Constables within the County, to cause such Person to be apprehended, and kept safely locked up in some secure place within the County where said Town or Parish shall lie, as such Justices shall, under their hands and seals, direct and appoint, and (if such Justices find it necessary) to be there chained; and the reasonable charges of removing, and of keeping, maintaining and curing such Person, during such restraint, which shall be during such time only as such Lunacy or madness shall continue, shall be satisfied and paid, (such charges being first proved upon oath,) by order of two or more Justices of the Peace, directing the Overseers of the Poor where any goods, chattels, lands or tenements, of such Person shall be, to seize and sell so much of the goods and chattels, or receive so much of the annual rents of the land and tenements, as is necessary to pay the same, and to account for what is so seized, sold or received, to the next General Sessions; but if such Person hath not an estate to pay and satisfy the same, over and above what shall be sufficient to maintain his or her family, then such charges shall be satisfied and paid by the Town or Parish where such Person was found, by order of two Justices of the Peace, directed to the Overseers of the Poor for that purpose. Provided, that any Person aggrieved by any act of such Justices, out of such Sessions, may appeal to the next General Sessions, giving reasonable notice, whose order there-in shall be final.

Lunatics may be confined by order of two Justices, and chained if necessary.

Goods and estates of Lunatics to be seized to pay the charge of their maintenance.

If estate is insufficient, charges to be paid by the Parish where the Lunatic shall be found.

Persons aggrieved may appeal to the Sessions.

II. Provided always and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to abridge the Prerogative of His Majesty, or of the Chancellor, concerning such Lunatics, or to restrain or prevent any friend or relation of such Lunatics, from taking them under their own care or protection.

Proviso, saving the King's Prerogative and the Powers of the Chancellor.

CAP. X.

b An Act to provide for making Rules and Regulations for the Management of the Poor House in the Parish of Saint Andrews.

Passed the 11th of March, 1824.

Preamble.

“ **W**HEREAS a Poor House has been erected in the Parish of Saint Andrews, in the County of Charlotte, for the use of the Poor of the said Parish : And whereas, under proper rules and regulations, the said Poor House may be of great advantage to the Inhabitants of the Parish ;”

Commissioners to be appointed by the Sessions.

I. Be it enacted by the President, Council and Assembly, That the Justices of the Peace for the County of Charlotte, in their first General Sessions of the Peace, annually, be and they are hereby authorised and empowered to appoint so many fit persons, not exceeding seven, nor less than five, (not more than two of whom shall be Justices of the Peace of the said County,) as they shall think fit, to be Commissioners for superintending and managing the Poor House, in the Parish of Saint Andrews, in the County aforesaid, who shall be sworn to the faithful discharge of their duty ; and for neglecting or refusing to qualify and perform the same, they shall be subject to the same fines and penalties as Parish Officers are, by virtue of any Acts made or hereafter to be made, for the appointment of Town and Parish Officers, in the several Counties in this Province.

c Subject to the like penalties as other Parish Officers.

Commissioners to provide materials for employing the Poor

II. And be it further enacted, That it shall and may be lawful for the Commissioners to be appointed in pursuance of this Act, from time to time, to provide such materials and things as they shall judge necessary, for the setting to work and employing such poor Persons, of what age or sex soever they be, who may apply for relief, and shall be capable to work, and shall have power and authority, at their discretion, to compel such idle or poor People begging or seeking relief, as do not betake themselves to some lawful employment, or who do or shall hereafter, seek and receive alms of the said Parish hereinbefore mentioned, or who may stand in need of relief from the said Parish, to dwell, inhabit, and to work, in the said Poor House, and to do all such work as they shall think them able and fit for, and shall have the same powers to bind out poor Children, Apprentices, as are by the Laws of this Province given to the Overseers of the Poor in the several Towns and Parishes.

May compel idle people seeking relief to dwell in the Poor House, and have power to bind out poor Children as Apprentices.

Commissioners to make rules and regulations for the government of the House, to be approved of by the Sessions, and may inflict reasonable punishment.

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

Commissioners to account annually to the General Sessions, and make an estimate of the amount requisite for the maintenance of the Poor for the current year.

IV. And be it further enacted, That the said Commissioners shall at the first General Sessions of the Peace to be holden for the said County, annually lay before the Justices in their said Sessions, an account, to be audited by the said Justices, of the expences incurred by them for the support and maintenance of the Poor of the said Poor House, for the past year, together with an estimate of what sum or sums of money will be needful for the maintenance or employment of the Poor

b See 10 and 11 G. 4, C. 20, authorizing the establishment of a House of Correction in this Poor House.
c Refer to 26 G. 3, C. 28.

Poor of the said House, for the current year; which sum or sums of money shall be assessed, levied and raised in such manner and form as by the Laws of this Province is or shall be appointed and directed, and when raised and received, shall be paid to the said Commissioners, for the use aforesaid and for no other.

V. And be it further enacted, That the profits of any work or labour to be performed under the direction of the said Commissioners, shall be duly accounted for by them, and shall be applied towards the support and maintenance of the persons inhabiting within the said Poor House.

Profits of work
to be accounted
for, &c.

CAP. XI.

An Act to extend the provisions of an Act, to encourage the Inhabitants of this Province, who are engaged in prosecuting the Cod and Scale Fisheries, by granting Bounties on the same. 3 G. 4, C. 33.

Passed 11th March, 1824.

[Continued by 9 G. 4, C. 31, to 1st April, 1833, and then expired.]

CAP. XII.

An Act to provide for the permanent Interment of the Remains of the late Lieutenant Governor Smyth, within the Walls of the Parish Church of Fredericton.

Passed 11th March, 1824.

“ WHEREAS His Excellency Major General George Stracy Smyth, late Lieutenant Governor and Commander in Chief of this Province, a short time before his decease, solemnly enjoined the Executors named in his last Will, to have his Remains interred under the Church in Fredericton: And whereas by unanimous voice of the Church Wardens and Vestry of the said Church in Fredericton, (there being no Rector at the time) permission was given to deposit the Body of the said Lieutenant Governor, under the same Church, until this present meeting of this General Assembly, and the same was accordingly there deposited, and is now there remaining, in a temporary Vault prepared for the purpose, at the expence of the said Executors;”

Preamble.

“ And whereas by an Act made and passed in the twenty-ninth year of the Reign of His late Majesty King George the Third, intituled “An Act for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church Wardens and Vestries of the Church of England, in the several Parishes in this Province,” it is provided and enacted, that thenceforth no Corpse should be interred within or under the Walls of any Church then erected or thereafter to be erected in this Province;”

29 G. 3, C. 1
S. 8.

“ And whereas it is deemed advisable in compliance with the desire of the said Deceased, to permit his Body to remain permanently deposited under the same Church, and to prevent the same from being removed;”

I. Be it therefore enacted by the President, Council and Assembly, That it shall and may be lawful for the Body of the said late Lieutenant Governor, to remain interred under the said Church in Fredericton, any thing contained in the said recited Act to the contrary notwithstanding.

The Body to re-
main interred
under the
Church.

Executors to
cause the Vault
to be further
secured.

II. Provided always, and be it further enacted, That it shall be the duty of the said Executors of the Will of the said Deceased, at their expence, to cause the said temporary Vault to be further walled in and secured, in such manner and within such reasonable time, as shall be pointed out and directed by the Rector, Church Wardens and Vestry of the said Church, or by them approved of.

To be deemed a
Public Act.

III. And be it further enacted, That this Act shall be deemed a Public Act, and supplementary to the said herein before recited Act.

Not to be taken
as a precedent.

IV. And be it further enacted, That this Act shall not for any cause whatever hereafter be taken or construed as a precedent for dispensing with any of the provisions of the herein before recited Act.

CAP. XIII.

An Act to provide for the erection of Fences with Gates, across the Highway, leading through Deer Island, in the Parish of West Isles and County of Charlotte.

Passed 11th March, 1824.

[Continued by 9 G. 4, C. 9, to 1st April 1835, and then expired.]

CAP. XIV.

50 G. 3, C. 6,
& 58 G. 3, C.
3.

An Act to continue the Acts for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways, within the several Towns and Parishes in this Province.

Passed 11th March, 1824.

[Expired.]

CAP. XV.

51 G. 3, C. 6,
& 59 G. 3, C.
9.

An Act to amend the Acts for imposing a duty on certain Articles imported into this Province.

Passed 11th March, 1824.

[Expired.]

CAP. XVI.

An Act to authorise the Justices of the General Sessions of the Peace, for the City and County of Saint John, to make an Assessment for building a Court House, within the City of Saint John.

Passed 11th March, 1824.

[Obsolete.]

CAP. XVII.

An Act to continue and amend an Act, intituled "An Act for raising a Revenue 3 G. 4, C. 9. in this Province."

Passed 11th March, 1824.

[Expired.]

CAP. XVIII.

An Act to repeal an Act, intituled "An Act to authorise the Justices of the Peace for the Counties of York and Charlotte respectively, to regulate the Assize of Bread in the Towns of Fredericton and Saint Andrews," so far as relates to the Town of Fredericton, and to make more effectual provision for the same.

Passed 11th March, 1824.

“**W**HEREAS the Act for regulating the Assize of Bread in the Towns of Fredericton and Saint Andrews, has been found ineffectual for preventing abuses in the sale of Bread in the Town of Fredericton ;”

Preamble.

I. Be it therefore enacted by the President, Council and Assembly, That an Act made and passed in the fifty-second year of the Reign of His late Majesty King George the Third, intituled "An Act to authorise the Justices of the Peace for the Counties of York and Charlotte respectively, to regulate the Assize of Bread in the Towns of Fredericton and Saint Andrews," be and the same is hereby repealed, so far as the same relates to the Town of Fredericton.

52 G. 3, C. 7, repealed so far as relates to Fredericton.

II. And be it further enacted, That the Justices of the Peace for the County of York, be, and they are hereby authorised 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 Town of Fredericton, as they, or the major part of them, in 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 one offence, shall exceed the sum of Forty Shillings.

Justices may regulate the Assize of Bread in Fredericton,

and impose fines not exceeding 40s.

III. And be it further enacted, That the Clerk of the Market for the said Town of Fredericton; is hereby authorised and empowered, whenever he shall judge it necessary, and it shall be his duty at all times when complaint shall be made to him, in the day time, to enter and go into any Bake house within the said Town, 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 deliver the same to the Commissioners of the Alms House and Work House for the County of York, for the use and towards the support of the Paupers inhabiting and dwelling in the said Alms House and Work House; and the said Clerk of the Market shall have like power to seize and send to the Alms House 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.

Clerk of the Market, upon complaint made to inspect Bake Houses and Shops where Bread is sold ;

to seize light Bread, and deliver it to the Commissioners of the Alms House.

May seize light Bread carried about for sale.

Clerk to forfeit forty shillings for neglect of duty.

Mode of recovering and applying fines and penalties.

Limitation.

IV. And be it further enacted, That the said Clerk of the Market shall forfeit and pay for every neglect of the duty imposed on him by virtue of this Act, the sum of Forty Shillings.

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, before any one of His Majesty's Justices of the Peace in the County of York, and levied by distress and sale of the goods and chattels of the offender, rendering the overplus, if any, after deducting the costs and charges of prosecution and sale, to such offender, and 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.

VI. And be it further enacted, That this Act shall continue and be in force for five years, and thence to the end of the then next Session of the General Assembly.

[Continued and declared to be in force by 10 & 11 G. 4, C. 3.]

CAP. XIX.

d An Act for erecting a separate Parish in the City of Saint John.

Passed 11th March, 1824.

Preamble.
29 G. 3. C. 1.

“ **W**HEREAS in and by an Act made and passed in the twenty-ninth year of the Reign of His late Majesty King George the Third, intituled “ An Act for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church Wardens and Vestries, of the Church of England, in the several Parishes in this Province,” all the Lands lying and being and contained within the limits of the said City of Saint John, on both sides of the Harbour of Saint John, are constituted and erected into one Parish, by the name of the Parish of Saint John ;”

“ And whereas many of the Inhabitants of the Western part of the said City, have, with the assent and concurrence of the Rector, Church Wardens and Vestry, of Trinity Church, in the said Parish, petitioned that that part of the said City of Saint John, lying on the Western side of the said Harbour of Saint John, comprehending Guy's Ward and Brooks' Ward, so called, and commonly called and known by the name of Carleton, should, for all Ecclesiastical purposes, be constituted and established a separate and distinct Parish, by the name of the Parish of Carleton, in order that a separate Rectory or Mission may be there appointed, and the Chapel there lately erected, become the Parish Church of such Parish ;”

“ And whereas it appears expedient and proper, as well from the great increase of Inhabitants in the said City, since the passing of the above mentioned Act, and the local situation thereof, as for divers other good causes and considerations, that the same should be divided, for the above mentioned purposes, into two Parishes ;”

Parish of Carleton established for all ecclesiastical purposes.

I. Now therefore be it enacted by the President, Council and Assembly, That from and after the first day of January, which will be in the year of our Lord one thousand eight hundred and twenty-five, that part of the said City of Saint John, lying on the Western side of the said harbour of Saint John, and comprehending the said Guy's Ward and Brooks' Ward, shall, and the same is hereby declared to be, from and after the said first day of January, one thousand eight hundred and

and twenty-five, a separate and distinct Parish within the said City of Saint John, for all matters and purposes Ecclesiastical or relating to the Established Church of England, by the name of the Parish of Carleton, in the City of Saint John.

II. And be it further enacted, That the Inhabitants of the said Parish of Carleton, who shall be duly qualified according to the Act of Assembly for that purpose made and provided, shall, on the Easter Monday which shall first happen in the said year of our Lord one thousand eight hundred and twenty-five, and for ever thereafter, yearly and every year, assemble and meet together at the said Parish Church of Carleton, and then and there, by a plurality of voices, elect and choose two fit persons, belonging to the said Parish, to be Church Wardens for the year then next ensuing, and any number, not exceeding twelve, of other fit persons, belonging to the said Parish, to be Vestrymen for the year then next ensuing, who shall thereupon enter into the execution of their respective offices, and shall continue in the same until other fit persons shall be chosen in their stead; which persons so elected and chosen, together with the Rector of the said Parish, duly appointed and inducted, and their Successors for ever, shall be a Body Politic and Corporate, in deed and in name, and shall have succession for ever, by the name of the Rector, Church Wardens and Vestry, of Saint George's Church, in the Parish of Carleton, in the City of Saint John, and shall be entitled to, and have, take, and enjoy, all the powers, capacities, immunities, rights, and privileges, and be subject in all respects to the directions and provisions contained in the said recited Act, and the Act made in explanation and amendment thereof, in the fifty-sixth year of the Reign of His said late Majesty.

III. And be it further enacted, That the Rector, Church Wardens, and Vestry, of Trinity Church, in the Parish of Saint John, shall and may, and are hereby authorised and required, to grant, convey, and release, unto the Rector, Church Wardens, and Vestry, of Saint George's Church, in the Parish of Carleton, in the City of Saint John, when duly appointed, all the right, title, and interest of the said Rector, Church Wardens, and Vestry, of Trinity Church, in the said Parish of Saint John, of, in, and to the said Lands and Chapel, at Carleton, and the rents, profits, and reversions, of the Pews therein, and of, in, and to, all and singular the Lands, Tenements, and Hereditaments whatsoever, situate and being within the limits of the said Parish of Carleton, to them the said Rector, Church Wardens, and Vestry, of Trinity Church, in the said Parish of Saint John, in any wise belonging: To Have and to Hold, to the said Rector, Church Wardens and Vestry, of Saint George's Church, in the said Parish of Carleton, their Successors and Assigns for ever.

IV. And be it further enacted, That nothing in this Act contained shall be construed in any way to abridge, diminish, or take away, any of the rights, powers, privileges, and advantages, of the Mayor, Aldermen, and Commonalty of the City of Saint John, or of any of the Citizens or Inhabitants of the said City, as granted to them in and by the Charter of the said City, any thing herein contained to the contrary thereof in any wise notwithstanding.

Inhabitants of Carleton may choose Church Wardens and Vestrymen.

Rector, Wardens, and Vestry of Saint George's Church, in Carleton, incorporated.

Corporation of Trinity Church, Saint John, may convey to Corporation of Saint George's Church, Carleton, their title to Lands, and the Chapel and Pews therein,

Saving the rights of the Mayor, Aldermen, and Commonalty of the City of Saint John.

CAP. XX.

e An Act to alter the Division Line between the Parishes of New-Castle and Northesk, in the County of Northumberland.

Passed 11th March, 1824.

Preamble.

“ **W**HEREAS the dividing Line of the two Parishes of New-Castle and Northesk, in the County of Northumberland, in the Division Line between the Public Lot number three, on which the Court House and Gaol of the said County stand, and the adjoining Lot number Two, and the prolongation of that Line : And whereas the Settlements in the Vicinity of the said Court House, which form the Town or Village commonly called the Town of New-Castle, are extending themselves across the said Division Line into the said Parish of Northesk : And whereas it will be convenient for the Inhabitants of that Village, for the whole of the said Village to be in one Parish ;”

Division Line described.

I. Be it therefore enacted by the President, Council and Assembly, That henceforth the Division Line between the said Parishes, shall commence at the Bank or Shore of the North West Branch of the River Miramichi, at the upper or westerly Boundary of the Tract of Land formerly owned and for many years occupied by James Oxford, and extend thence or from the said Boundary, on a line North twenty-two degrees West, until it meets or intersects the prolongation of the rear or Southerly line of the First division of Lots in the Tracadie Grant to William Ferguson and associates, running West from the Sea Shore.

Alteration not to affect penalties incurred or assessments made.

II. Provided always and be it further enacted, That the enlargement of the said Parish of New-Castle, as hereinbefore provided, shall not operate or be construed to operate, to release or exonerate any person who heretofore belonged to the said Parish of Northesk, or any property which heretofore was situated in the same Parish, and which will by this Act be placed in the Parish of New-Castle, from the payment of any penalty incurred, or any assessment which may have been made, before the passing of this Act, but the same may be recovered as if this Act had not been made.

CAP. XXI.

f An Act for taking an account of the Population of this Province.

[*Obsolete.*]

e Refer to 54 G. 3, C. 17.

f The Census taken under this Act exhibited the following Numbers of Inhabitants in the several Counties, viz :—

York County,	10,972
Sunbury,	3,227
Queen's,	4,741
King's,	7,930
Saint John,	12,907
Westmorland,	9,303
Northumberland,	15,829
Charlotte,	9,267

Total Population in 1824, 74,176

CAP. XXII.

An Act to continue the Act to provide for and maintain an armed Cutter, for the protection of the Revenue of the Province.

3 G. 4, C. 22,
and 4 G. 4, C.
12.

Passed 11th March, 1824.

[*Expired.*]

CAP. XXIII.

An Act to provide for the better support of the Poor, in certain Parishes in the County of Northumberland.

Passed 11th March, 1824.

“ **W**HEREAS by the mode generally pursued, to provide for the support of the Poor in this Province, many persons who might, under proper regulations, contribute to their own maintenance, have nevertheless become chargeable to, and are entirely maintained by, the Inhabitants of the Parishes in which such persons reside, to the great burthen of such Inhabitants. And whereas the establishment of suitable Alms Houses and Work Houses, in proper situations, within this Province, would not only enable many poor persons who are now chargeable to the Parishes in which they reside, to contribute materially to their own support, but would also afford the means of checking the disorderly behaviour of divers persons, who by drunkenness and idleness disqualify themselves from earning a proper support ;”

Preamble.

I. Be it therefore enacted by the President, Council and Assembly, That the Justices of the Peace for the County of Northumberland, in their General Sessions, be, and they are hereby authorised and empowered, to agree for the erecting and finishing a proper Building for an Alms House and Work House in the Town or Parish of New-Castle, and to fix upon a certain sum of money for defraying the expence thereof, which sum of money shall be raised by an assessment upon the Inhabitants of New-Castle, Chatham, Northesk, Ludlow, Alnwick, and Glenelg, in the said County, in the manner prescribed by any Law in force for assessing, collecting and levying County Rates. Provided, that such assessment shall not exceed the sum of Seven Hundred Pounds.

General Sessions may agree for erecting a proper Building, and fix upon a sum for defraying the expence, to be assessed upon the Parishes of New-castle, Chatham, Northesk, &c. and not to exceed £700.

II. And be it further enacted, That it shall and may be lawful for the President or Commander in Chief of the Province, by warrant under his hand and seal, to be issued by and with the advice of His Majesty's Council, from time to time to appoint so many fit persons, not exceeding seven, nor less than five, (not more than two of whom shall be Justices of the Peace for the said County,) to be Commissioners for superintending and managing the said Buildings so to be erected for the purposes aforesaid ; and that it shall and may be lawful for the said Commissioners, from time to time, to provide such materials and things as they shall judge necessary, for the setting to work and employing such poor persons, of what age or sex soever they be, who may apply for relief and shall be able to work, and shall have power and authority, at their discretion, to compel such idle or poor people begging or seeking relief, as do not betake themselves to some lawful employment, or who do or shall hereafter seek or receive alms of any of the said Parishes herein before mentioned, within the said County, or who may stand in need of relief from any of the said Parishes, to dwell, inhabit, and to work in the said Work House

The Governor to appoint Commissioners for superintending the Alms House.

Commissioners to provide materials for employing the Poor,

may compel people seeking relief to dwell in the Alms House, and have power to bind out Poor Children as Apprentices.

House, and to do all such work as they shall think them able and fit for, and shall have the same powers to bind out poor children apprentices, as are by the Laws of this Province given to the Overseers of the Poor in the several Towns or Parishes in this Province.

Commissioners to make rules and regulations for the government of the House, &c.

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

Commissioners to account annually to the General Sessions.

IV. And be it further enacted, That the said Commissioners shall at the first General Sessions of the Peace, to be holden for the said County, annually lay before the Justices in their said Sessions, an account, to be audited by the said Justices, of the expences incurred by them for the support and maintenance of the Poor of the said Alms House and Work House, for the past year; together with an estimate of what sum or sums of money will be needful for the maintenance or employment of the Poor of the said House, for the current year; in which estimate shall be stated the proportion that each Town or Parish within the said County ought to pay, according to the number of poor persons that such Town or Parish shall have in the said Alms House, or committed to the care of the said Commissioners, to the intent that no other levy or assessment may be made for any other maintenance or allowance to or for any such Poor: which sum or sums of money shall be assessed, levied and raised, in such manner and form as by the Laws of this Province is or shall be appointed and directed, and when raised and received, shall be paid to the said Commissioners, for the use aforesaid and for no other.

Estimate to be made of amount requisite for the maintenance of the Poor for the current year, with the proportion that each Parish is to pay.

Commissioners may agree with Overseers of any other Parish or County, for the maintenance of the Poor.

V. And be it further enacted, That the Commissioners to be appointed in pursuance of this Act, shall have full power and authority, to contract and agree with the Overseers of the Poor of any Parish in the said County, or of any adjoining County of this Province, for the maintenance of any poor persons belonging to such Parishes respectively, which contract and agreement such Overseers are hereby authorised and empowered to make. Provided always, that such Overseers shall first pay, or secure to be paid, to the said Commissioners, such sum or sums of money as shall be so agreed for, and shall also report to the said Commissioners, the names, character, and condition, of all such poor persons within the said Towns or Parishes respectively, in whose behalf such application shall be made.

Overseers to pay or secure such sum as shall be agreed on, and report to the Commissioners the names and characters of Paupers.

VI. And be it further enacted, That the profits of any work or labour to be performed under the direction of the said Commissioners, shall be duly accounted for by them, and applied towards the support and maintenance of the persons inhabiting within the said Alms House and Work House.

Profits of work to be applied towards the support of the Poor in the House.

Until a House is built Commissioners may hire a suitable building.

VII. And be it further enacted, That until such time as a proper Building shall be erected and prepared within the said Parish of New-Castle, for the purposes by this Act contemplated, it shall and may be lawful for the Commissioners to be appointed as hereinbefore mentioned, to hire and make use of any other House within the said Parish, which they shall think fit and convenient for an Alms House and Work House, in manner and form as by this Act is prescribed.

CAP. XXIV.

An Act to extend the powers of the Mayor, Aldermen and Commonalty, of the City of Saint John, for preventing the incumbering and filling up of the Harbour of the said City, to the Waters and places of Anchorage in the vicinity thereof.

Passed 11th March, 1824.

“ **W**HEREAS it is expedient to extend the powers of the Mayor, Aldermen and Commonalty, of the City of Saint John, for preventing the incumbering and filling up of the Harbour of the said City, to the places of Anchorage and Waters of the Bay of Fundy, contiguous or near to the said Harbour and City, and without the limits of the same ;” Preamble.

Be it enacted by the President, Council and Assembly, That it shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the said City of Saint John, in Common Council convened, and they are hereby authorised, and required, from time to time, as they shall find it necessary or expedient, to make any by-laws, rules and regulations, for preventing the unloading or throwing overboard of any ballast or rubbish, in any Roadstead, place of Anchorage, or Waters of the Bay of Fundy, contiguous or near to the Harbour of the said City, and without the limits of the said City, or for preventing such Roadsteads, places of Anchorage or Waters, being in any other manner encumbered or filled up, and to enforce the observance of such by-laws, rules or regulations, by pains, punishments, and penalties, in such and the like manner to all intents and purposes as the said Mayor, Aldermen, and Commonalty, may now do by virtue of the Charter of the said City, or otherwise by Law, with regard to the Harbour and Places within the limits of the said City.

Corporation may make Bye Laws to prevent the throwing of ballast or rubbish into any Roadstead or Place of Anchorage contiguous to and without the limits of the City.

CAP. XXV.

An Act to alter and amend an Act, intituled “ An Act to repeal all the Laws ^h now in force, relating to the establishment, regulation and improvement of the Great Roads of Communication through the Province, and to make more effectual provision for the same.”

Passed 11th March, 1824.

“ **W**HEREAS it is expedient to authorise and empower the President or Preamble.
“ Commander in Chief for the time being, to displace and remove
“ any of the Supervisors appointed under and by virtue of an Act made and pass-
“ ed in the third year of the Reign of his present Majesty, intituled “ An Act to 3 G. 4, C. 31.
“ repeal all the Laws now in force relating to the establishment, regulation and
“ improvement of the Great Roads of Communication through the Province,
“ and to make more effectual provision for the same ;”

Be it enacted by the President, Council and Assembly, That it shall and may be lawful for the President or Commander in Chief for the time being, by and with the advice of His Majesty’s Council, to displace and remove any Supervisor appointed under the said recited Act, in case it shall be necessary or expedient so to do, and by and with the advice aforesaid, to nominate and appoint some other fit person to be Supervisor in the room of such person so displaced and removed, in like Commander in Chief, with advice of the Council, may displace Supervisors if necessary or expedient, and appoint others.

^h Refer to 3 G. 4, C. 31, and the Acts there referred to.

like manner as is provided in and by the fifteenth Section of the said recited Act, in case of the death, removal from the district, or refusal to act, of any Supervisor.

CAP. XXVI.

50 G. 3, C. 16. **An Act further to continue and amend the Acts, for more effectually repairing
and
58 G. 3, C. 9 the Streets and Bridges in the City and County of Saint John.**

Passed 11th March, 1824.

[*Expired.*]

CAP. XXVII.

**i An Act for erecting a part of the Parishes of Saint Mary, and Queensbury, in
the County of York, into a separate and distinct Town or Parish.**

Passed 11th March, 1824.

Preamble.

“ **WHEREAS** great inconvenience is found to exist in consequence of
“ the extended bounds and increased population of the Parish of Saint
“ Mary : And whereas it is expedient to erect a separate Parish in the same,
“ including also a part of the Parish of Queensbury ;”

Parts of Saint
Mary and
Queensbury,
within describ-
ed Boundaries,

I. Be it therefore enacted by the President, Council and Assembly, That all that part of the said Parishes of Saint Mary and Queensbury, comprised within the bounds hereinafter described. to wit:—the lower bounds to commence at the upper line of Lot number twenty-nine in letter C. of the Maryland Loyalists' grant, in the Parish of Saint Mary. now owned and occupied by William Sewell, Junior, and to extend along the said line to the rear thereof, on a course North forty-five degree East, by the Magnet—thence North forty-five degrees West, to the lower line of Lot number one, in the grant to Daniel Sawyer and others, or the prolongation of that line—thence North until it meets the River Nashwalk. And the upper bounds to commence at the upper line of Lot number fifty-five, in the grant to the Guides and Pioneers, in the Parish of Queensbury, aforesaid, owned and occupied by Nehemiah Estey, and to extend back from the River Saint John to the rear thereof—thence North twenty-five degrees East, until it meets the river Nashwalk aforesaid—thence down the said River Nashwalk, along its southern Bank or Shore, until it meets the before mentioned line, running North from the lower line of Lot number one, in the grant to Daniel Sawyer, and others, be, and the same is hereby erected into a separate and distinct Town or Parish, known and distinguished by the name of the Town or Parish of Douglas.

erected into a
separate Parish,
to be called
Douglas.

Justices to ap-
point Parish
Officers.

II. And be it further enacted, That the Justices of the Peace for the said County, shall and may have power to appoint, annually, from time to time, Officers for the said Town or Parish of Douglas, in the same manner as for other Towns or Parishes within the said County, and also that the said Justices may at a special Session for that purpose to be holden, have power and authority to appoint such officers for the present year, which officers shall be sworn to the
faithful

faithful discharge of their duties respectively, and be liable to the like penalties for neglect or refusal to accept or perform the duties of their respective offices, as any other Town or Parish Officers within the said County. Penalties for neglect of duty.

III. And be it further enacted, That the provisions of an Act of the General Assembly, made and passed in the third year of His Majesty's Reign, intituled, "An Act to provide for the erection of an Alms House and Work House within the County of York, and for making rules and regulations for the management of the same," shall extend to the said Parish of Douglas, in as full and ample a manner to all intents and purposes, as if the said Parish of Douglas had been particularly named in the said recited Act. Provisions of 3 G. 4, C. 25, extended to the Parish of Douglas.

IV. And be it further enacted, That this Act shall in no way prevent or interfere with the recovery of any Parish or County assessment which may have heretofore been made or ordered by the Court of General Sessions of the Peace for the said County. Not to interfere with any assessment heretofore made.

CAP. XXVIII.

An Act to appropriate a part of the Public Revenue, to provide for the ordinary services of the Province.

Passed 11th March, 1824.

[Expired.]

CAP. XXIX.

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

Passed 11th March, 1824.

[Expired.]

CAP. XXX.

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

Passed 11th March, 1824.

[Expired.]

Anno Regni, GEORGII IV Britanniarum Regis,
Sexto.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the first day of February, Anno Domini, one thousand eight hundred and twenty-five, in the sixth year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c. &c. being the Fifth Session of the Eighth General Assembly convened in the said Province.

CAP. I.

a An Act to amend an Act, intituled, "An Act to provide for the better support of the Poor in certain Parishes in the County of Northumberland."

Passed 17th March, 1825.

Preamble.
5 G. 4, C. 23.

WHEREAS by the first Section of an Act passed in the fifth year of "His Majesty's Reign, intituled, "An Act to provide for the better support of the Poor in certain Parishes in the County of Northumberland," it is enacted, that the money for defraying the expence of erecting and finishing an Alms House and Work House in the Parish of Newcastle, shall be raised by an Assessment upon the Inhabitants of the Parishes of Newcastle, Chatham, Northesk, Ludlow, Alwick, and Glenelg, in the said County: And whereas it is expedient that the Inhabitants of the Parish of Nelson in the said County, should pay a fair share of the money so to be raised by Assessment for the purpose aforesaid; and should participate with the other Parishes before mentioned, in all the benefits and advantages of the said Act;"

Assessment to be made upon the inhabitants of Nelson as well as upon the other Parishes, and all the provisions of the recited Act extended to that Parish.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace for the County of Northumberland in their General Sessions, be, and they are hereby authorised and empowered to assess the Inhabitants of the Parish of Nelson as well as the other Parishes in the said County, mentioned in the first Section of the Act to which this is an amendment, for the purpose of erecting and finishing the said Alms House and Work House, and all and singular the clauses and provisions of the said recited Act shall extend and be in force with regard to the said Parish of Nelson exactly in the same manner as if the said Parish of Nelson had been originally named in the same Act as one of the Parishes upon which such Assessment was to be made.

CAP. II.

An Act to authorise the Justices of the Peace in the County of York, to make Regulations respecting Carmen and Waggoners, and the lading and unlading of Vessels or Boats in the Parish of Fredericton.

Passed 17th March, 1825.

“ WHEREAS great inconvenience and delay has frequently occurred in the lading and unlading of Vessels and Boats in the Parish of Fredericton for want of proper regulations for Waggoners and Carmen; for remedy whereof,”

Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace for the County of York, be, and they are hereby authorised and empowered from time to time, to make such Rules and Regulations for the lading and unlading of any Vessels or Boats, and for the government of all Carmen, Waggoners and Truckmen, within the Parish of Fredericton, and for establishing and fixing the Rates and Fares to be taken for the Cartage and Truckage of any Goods, Wares and Merchandizes, or other articles, within the said Parish of Fredericton, as they or the major part of them in their General Sessions, shall deem just and expedient, and to enforce such Rules and Regulations under such Fines and Penalties as they, or the major part of them, shall think fit. Provided always, that no Fine for any one offence shall exceed the sum of Forty Shillings.

Justices in General Sessions may make regulations for the lading and unlading of Vessels and for the government of Carmen, &c. and fix the rates for Cartage under penalties not exceeding 40s.

II. And be it further enacted, That the several Fines and Penalties to be imposed under and by virtue of this Act, shall be recovered upon oath of one or more credible Witness or Witnesses, before any one of His Majesty’s Justices of the Peace for the County of York; and levied by distress and sale of the Goods and Chattels of the offender, rendering the overplus, if any, after deducting the costs and charges of prosecution and sale, to such offender: and 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.

Fines imposed to be recovered before a Justice,

and levied by distress and sale.

How applied.

CAP. III.

An Act to increase the Capital Stock of the Bank of New Brunswick.

c

Passed 17th March, 1825.

“ WHEREAS from the increase of the Trade of the Province, it is found expedient to increase the Capital Stock of the Bank of New Brunswick;”

Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the Capital or Stock of the said Bank shall be increased by the sum of Twenty Thousand Pounds, making the said Capital or Stock, in the whole, Fifty Thousand Pounds, which additional Capital or Stock shall be divided into Four Hundred Shares of Fifty Pounds each.

Stock increased to £50,000.

Additional Stock to be divided into 400 shares.

II. } [These Sections are obsolete; they applied only to the manner of disposing of the additional Stock.]
III. }
IV. }

V.

b See 10 and 11 G. 4, C. 10, authorizing the Justices in the several Counties to regulate Carmen, Waggoners and Truckmen; and see 3 G. 4, C. 23, establishing Public Landing places in Fredericton.
c Refer to 60 G. 3, C. 13.

Additional shares and the holders thereof, made subject to the provisions of the Act of 60 G. 3. C. 13.

V. And be it further enacted, That the said additional Shares in the said Capital or Stock hereby created, and the holders thereof, shall at all times be subject and liable to all and singular the rules and regulations, clauses and provisions of an Act made and passed in the Sixtieth year of the Reign of His late Majesty King George the Third, intituled "An Act to incorporate sundry Persons by the name of the President, Directors and Company of the Bank of New Brunswick."

Limited to the continuance of 60 G. 3. C. 13.

VI. And be it further enacted, That this Act shall be and remain in force and effect for and during the continuance of the said herein before recited Act, and no longer.

CAP. IV.

An Act to encourage the establishment of Banks for Savings in this Province.

Passed 17th March, 1825.

Preamble.

“ WHEREAS certain Provident Institutions or Banks for Savings have been established in this Province for the safe custody and increase of small savings belonging to Mechanics, Labourers, Servants and others, the industrious classes of His Majesty's Subjects; and it is expedient to give protection to such Institutions and the Funds thereby established, and to afford encouragement to others to form the like Institutions;”

Persons forming Societies entitled to the benefit of this Act.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That if any number of persons who have formed, or shall form any Society in any part of this Province, for the purpose of establishing and maintaining any Institution in the nature of a Bank to receive deposits of money for the benefit of the persons depositing the same, and to accumulate the produce of so much as shall not be required by the Depositors, their Executors or Administrators, to be paid in the nature of compound interest, and to return the whole or any part of such deposit and the produce thereof, to the Depositors, their Executors or Administrators; deducting only out of such produce, so much as shall be required to be so retained for the purpose of paying and discharging the necessary expenses attending the management of such Institution, according to such rules, orders and regulations, as shall have been or shall be established, for that purpose; but deriving no benefit whatsoever from any such deposit or the produce thereof, shall be desirous of having the benefit of the provisions of this Act, such persons shall cause the rules, orders and regulations established or to be established for the management of such Institution to be entered, deposed and filed in manner hereinafter directed, and thereupon shall be deemed to be entitled to, and shall have, the benefit of the provisions contained in this Act.

Rules for management to be entered and filed as herein after directed.

Rules to be entered in a Book, and a copy deposited with the Clerk of the Peace.

II. Provided always, and be it further enacted, That no such Institutions as aforesaid, shall have the benefit of this Act, unless the rules, orders and regulations for the management thereof, shall be entered in a Book or Books to be kept by an officer of such Institution to be appointed for that purpose; and which Book or Books shall be open at all seasonable times for the inspection of the persons making deposits in the funds of such Institutions, and unless such rules, orders and regulations shall be fairly transcribed on parchment, and such transcript shall be deposited with the Clerk of the Peace for the County, or City and County wherein such Institution shall be established; which transcript shall be filed by such Clerk of the Peace, with the Records in his custody without any fee or reward to be paid in respect thereof; but nevertheless nothing herein

No fee to be taken for enrolment of Rules.

herein contained shall extend to prevent any alteration in, or amendment of any such rules, orders or regulations so entered and deposited and filed as aforesaid, or repealing or annulling the same or any of them in the whole or in part, or making any new rules, orders or regulations for the management of any such Institution, in such manner as by the rules, orders and regulations of such Institution, shall from time to time be provided; but such new rules, orders or regulations, or such alteration in or amendment of former rules, orders or regulations, or any order annulling or repealing any former rule, order or regulation in the whole, or in part, shall not be in force until the same respectively shall be entered in such Book or Books as aforesaid, and a transcript or transcripts thereof, shall be deposited with such Clerk of the Peace as aforesaid, who shall file the same without fee or reward as aforesaid.

New rules not to be in force until entered as above mentioned.

III. Provided also, and be it further enacted, That no such Institution as aforesaid, shall have the benefit of this Act unless it shall be expressly provided by the rules, orders and regulations for the management thereof, that no person or persons being Treasurer, Trustee or Manager of such Institution, or having any controul in the management thereof, shall derive any benefit from any deposit made in such Institution, but that the persons depositing money therein, shall have the sole benefit of such deposits and the produce thereof; save only and except such salaries and allowances or other necessary expences as shall according to such rules, orders and regulations be provided for the charges of managing such Institution, and for remuneration to officers employed in the management thereof, exclusive of the Treasurer or Treasurers, Trustee or Trustees, or other persons having direction in the management of such Institution, who shall not directly or indirectly, have any salary, allowance, profit or benefit whatsoever therefrom, beyond their actual expenses for the purposes of such Institution.

Officers not to have any benefit in the Institution.

IV. And be it further enacted, That all rules, orders and regulations, from time to time made and in force for the management of any such Institution as aforesaid, and duly entered in such Book or Books as aforesaid, and deposited with such Clerk of the Peace as aforesaid, shall be binding on the several members and officers of such Institution, and the several Depositors therein, and their Representatives, all of whom shall be deemed and taken to have full notice thereof, by such entry and deposit as aforesaid, and the entry of such rules, orders and regulations in such Book or Books as aforesaid, or the transcript thereof, deposited with such Clerk of the Peace as aforesaid, or a true copy of such transcript examined with the original and proved to be a true copy, shall be received as evidence of such rules, orders and regulations respectively in all cases, and no certiorari shall be brought or allowed to remove any such rules, orders or regulations into any of His Majesty's Courts of Record; and every copy of any such transcript, deposited with any Clerk of the Peace as aforesaid, shall be made without any fee or reward, except the actual expense of making such copy.

Rules to be binding on the several Members and Officers.

Copy of Transcript deposited with Clerk of the Peace Evidence.

No Certiorari allowed. Expense of copy of transcript.

V. And be it further enacted, That in case the managers of any such Institution shall receive any deposit of money from or for the benefit of any person, under the age of twenty-one years, it shall be lawful for the managers of such Institution, to pay to such person, his or her share and interest in the Funds of such Institution, and the receipt of such person shall be a sufficient discharge, notwithstanding his or her incapacity or disability in Law to act for him or herself.

Savings of Minors may be invested.

VI. And be it further enacted, That if any Treasurer or Treasurers, or other officer or officers, or other person whatsoever, who shall be entrusted with the receipt or custody of any sum or sums of money, subscribed or deposited for the purposes of such Institution, or any interest or dividend from time to time accruing

Treasurer to give Bonds, if required.

to the Clerk of
the Peace.

accruing thereby, shall be required by the rules or regulations of such Institution, to become bound with Sureties for the just and faithful execution of such office or trust in such sum or sums of money as shall be required by the rules, orders and regulations of such Institution; such security shall and may be given by Bond or Bonds to the Clerk of the Peace for the time being, for the County, or City and County where such Institution shall be established; and in case of forfeiture, it shall be lawful for the persons authorised for that purpose by the rules, regulations and orders of such Institution, to sue upon such Bond or Bonds, in the name of such Clerk of the Peace for the time being, and to carry on such Suit at the costs and charges and for the use of the said Institution, fully indemnifying and saving harmless such Clerk of the Peace from all costs and charges in respect of such Suit.

Effects of Insti-
tution to be
vested in Trus-
tees,

VII. And be it further enacted, That all monies, goods, chattels and effects whatever, and all securities for money or other obligatory instruments and evidences or muniments, and all other effects whatever, and all rights or claims belonging to, or had by such Institution, shall be vested in the Trustee or Trustees of such Institution for the time being, for the use and benefit of such Institution and of the respective Depositors therein, their respective Executors or Administrators, according to the respective claims and interests; and after the death or removal of any Trustee or Trustees, shall vest in the succeeding Trustee or Trustees for the same estate and interest as the former Trustee or Trustees had therein, and subject to the same trusts, without any assignment or conveyance whatever; and also shall for all purposes of action or suit, as well criminal as civil in Law or in Equity, in any wise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding, when necessary, be stated to be the property of the person or persons appointed to the office of Trustee or Trustees of such Institution for the time being, in his, her, or their proper name or names, without further description; and such person or persons, shall, and they are hereby respectively authorised, to bring or defend, or cause to be brought and defended, any action, suit, or prosecution, criminal as well as civil in Law or Equity, touching or concerning the property, right or claim aforesaid, of, or belonging to or had by such Institution; and such person or persons so appointed, shall and may in all cases concerning the property, right or claim aforesaid, of such Institution sue and be sued, plead and be impleaded in his, her, or their proper name or names, as Trustee or Trustees of such Institution without other description; and no such suit, action or prosecution, shall be discontinued or abate by the death of such person or persons, or his or their removal from the office of Trustee or Trustees as aforesaid, but the same shall and may be proceeded in by the succeeding Trustee or Trustees, in the proper name or names of the person or persons commencing the same, any Law, usage or custom to the contrary notwithstanding; and such succeeding Trustee or Trustees shall pay or receive like costs as if the action or suit had been commenced in his or their name or names for the benefit of, or to be reimbursed from the Funds of such Institution.

who may sue
and be sued, &c.

And no suit
shall abate by
death of any
Trustee.

Trustees may
pay into the
Province Treas-
ury any sum
belonging to the
Institution not
less than £50.

VIII. And be it further enacted, That the Trustees of any Institution which shall take the benefit of this Act in manner herein before provided, shall be, and they are hereby empowered to pay into the Province Treasury, any sum or sums of money not being less than fifty pounds, upon the declaration of the Trustees of such Institution, or any two or more of them, that such monies belong exclusively to the Institution for which such payment is intended to be made; whether such monies shall have been deposited therein, before the passing of this Act, or thereafter,

thereafter, shall be deposited therein; and the Treasurer of the Province, or the Deputy Treasurer for the County, District or Place where such Institution shall be established, shall, and is hereby required to receive all such monies.

IX. Provided always, and be it enacted, That previous to any payment being made into the Province Treasury as aforesaid, the person or persons applying for that purpose, shall in all cases produce to the Treasurer or Deputy Treasurer as aforesaid, an order according to the form in the Schedule to this Act annexed, marked A, under the hands of two of the Trustees of such Institution, on the account of which such payment is to be made, and on the production of such order and payment of the sum therein expressed, to the said Treasurer, or Deputy Treasurer as aforesaid, at his office, the said Treasurer, or Deputy Treasurer as aforesaid, shall, and he is hereby required to make out, within five days after such payment, for delivery to such person or persons producing the order of the said Trustees, a debenture for the amount of such payment, carrying interest after the rate of Six Pounds per centum per annum, payable with the principal at the office of the Treasurer of the said Province, or of the Deputy Treasurer to whom such payment may be made, on the thirty-first day of December then next following, to be dated on the day on which such payment or payments shall be made, which said Debenture shall be in the form specified in the Schedule to this Act annexed, marked B; and the principal and interest of all such Debentures shall be charged and chargeable upon, and they are hereby charged upon and made payable out of any monies remaining in the Province Treasury.

Previous to such payment an order shall be produced under the hands of two Trustees.

Treasurer to issue Debentures for the payment, carrying interest at the rate of £6 per cent per annum, payable with principal, on the 31st December then next following.

X. And be it further enacted, That it shall be lawful for the Trustees of any such Institution, or any two or more of them to demand payment at any time before the day of payment specified in such Debenture of the said Treasurer, or Deputy Treasurer as aforesaid, of the principal sum specified in any Debenture or Debentures issued in pursuance of the provisions of this Act, together with all the interest due thereon; computing such interest from the day of the date of the Debenture, inclusive, up to, and including the five days following the date of the order of the said Trustees, demanding such payment.

Trustees may demand payment of principal and interest at any time.

XI. Provided always, and be it further enacted, That previous to the payment of the principal of any such Debenture or Debentures, together with the interest due thereon, as aforesaid, the person or persons applying to receive the same, shall in all cases produce to the said Treasurer or Deputy Treasurer as aforesaid, at his office, an order endorsed on the back thereof, under the hands of two Trustees of the Institution for which such payment shall be demanded, according to the form in the Schedule to this Act annexed, marked C, and the said Treasurer, or Deputy Treasurer, as aforesaid, shall, and he is hereby required, within five days after the receipt of such order, to pay such principal and interest out of any monies remaining in the Province Treasury: Provided nevertheless, that in all cases of payment, of the said Debentures, on the said thirty-first day of December in each and every year as hereinafter provided; the order for the payment thereof, shall be dated five days preceding.

Previous to payment of Debenture an order endorsed thereon under the hands of two Trustees to be produced.

Treasurer within five days after receipt of order to pay principal and interest.

XII. And be it further enacted, That the interest on all Debentures issued in pursuance of the provisions of this Act, and remaining unpaid, shall be computed up to the said thirty-first day of December in each and every year inclusive, and then paid off together with the principal of such Debentures; if the Trustees of such Institution shall then require such principal to be so paid off; such payments to be made upon the order of two of the said Trustees, in manner herein before directed, and new Debentures shall, on the first day of January immediately

Interest on Debentures remaining unpaid, to be computed to 31st of December, and then paid off upon order of Trustees.

New Debentures may be made for principal and interest.

Total amount of Debentures not to exceed £10,000.

Deputy Treasurer to report four times a year to the Province Treasurer.

Province Treasurer to report annually to the Governor, to be laid before the General Assembly.

When Debentures amount to £10,000 Treasurer not to issue any more.

Trustees may vest monies on Interest in any other Fund.

Privilege of paying money into the Province Treasury restricted.

Treasurer may require the production of the Rules, certified by two Trustees.

immediately succeeding, be issued for the principal of the said Debentures of which the interest alone shall be so paid off: Provided nevertheless, that if on renewing the said Debentures in manner before mentioned, the said Trustees shall require a new Debenture or Debentures with the interest to be added thereto, (the same being so expressed in the said order of the said Trustees) it shall be lawful for the said Treasurer or Deputy Treasurer as aforesaid, to make out and deliver to the person or persons applying to receive the same, a Debenture or Debentures for the amount of the principal and interest of the original Debenture or Debentures, in lieu of paying the interest in money.

XIII. Provided always, and be it further enacted, That the Debentures to be issued in pursuance of the provisions of this Act, shall never at any time exceed the amount of Ten Thousand Pounds in the aggregate, for the whole Province; And every Deputy Treasurer to whom any monies may be paid by the Trustees of any such Institution, and who may have issued any Debenture or Debentures in pursuance of the provisions of this Act, shall, four times in each year, that is to say, on the first day of January, the first day of April, the first day of July, and the first day of October, in each and every year, make a return to the said Province Treasurer of all Debentures that have been issued or paid off by him in the quarter immediately preceding the said days respectively; and the said Treasurer shall as soon as may be after the said first day of January in each year, make a General Return to the Lieutenant Governor or Commander in Chief of all Debentures issued or paid off throughout the Province, during the preceding year, in pursuance of the provisions of this Act, to be laid before the General Assembly at their next Session; and whenever the Debentures issued in pursuance of the provisions of this Act, shall amount in the aggregate for the whole Province, to the said sum of Ten Thousand Pounds, the said Treasurer and his Deputies shall cease to issue any more such Debentures, and it shall be the duty of the said Treasurer to give the requisite directions to his Deputies for this purpose.

XIV. Provided always, and be it further enacted, That it shall be lawful to, and for the Trustees for the time being, of any such Institution, to invest, place and deposit, any monies that may have been paid to such Institution upon interest in any other fund or stock, or upon good and valid security within this Province, in case the so doing may be made to answer the ends of such Institution.

XV. "And whereas it is expedient to provide against an improper investment of monies under the provisions of this Act," Be it therefore further enacted, That the privilege aforesaid, of paying money into the Province Treasury, and of receiving Debentures for the same, shall be restricted to such Institutions only, which shall by one or more of their Rules, provide that no person making deposits with such institutions, shall at any one time, have more than the sum of Fifty Pounds bearing interest, in the Funds of such Institution; and shall also, by one or more of their Rules, provide that no description of persons shall be permitted to make deposits with such Institution except Tradesmen, Mechanics, Labourers, Servants, and other the industrious classes of His Majesty's Subjects: And it shall be lawful for the Treasurer, or Deputy Treasurer, as aforesaid, previous to the payment of any sum or sums into the Province Treasury, in pursuance of this Act, to require the production of such rule or rules so limiting the sums to be deposited to the amount above mentioned, and so limiting the description of persons permitted to make deposits with such Institution, certified under the hands of two of the Trustees or Managers of each such Institution respectively.

XVI.

XVI. Provided always, and be it further enacted, That any benevolent or friendly Society, may, through their Treasurer, Steward or other officer or officers, deposit the whole, or any part of their Funds in the Funds of any Institution which shall take the benefit of this Act, under such terms and conditions as shall be specially provided for that purpose by the rules, orders and regulations of such Institution, provided the same shall not exceed the amount of One Hundred Pounds, any thing herein before contained to the contrary notwithstanding.

Friendly Societies may deposit their Funds in any Institution taking the benefit of this Act, not exceeding £100.

XVII. Be it therefore further enacted, That in case any Depositor in the Funds of any such Institution shall die, it shall be lawful for the Trustees or Managers of such Institution, and they are hereby authorised and required, if no Will shall be proved, or no Letters of Administration shall be taken out within Six Calendar months after the death of the said Depositor, to pay the same according to the rules and regulations of the said Institution in such case made and provided; and in the event of there being no rules and regulations made in that behalf, then the said Trustees or Managers are hereby authorised and required to pay, and divide the same, to, and amongst the person or persons entitled to the effects of the deceased Intestate, according to the Act of Assembly for the distribution of the Estate of Intestates.

Upon death of Depositor, and no Administration granted.

Trustees may pay the Deposit according to the Rules of the Institution, or the Act of Assembly.

SCHEDULES.

A.

Form of the Order of the Trustees to make payments into the Province Treasury, to be produced to the Province Treasurer or one of his Deputies.

We, being two of the Trustees of the Saving Bank established at [insert the Town and County, or City] do in pursuance of an Act of Assembly of the 6th, Geo. 4th, Chap. , intituled an Act [here insert the Title of this Act] hereby authorise and direct A. B. to pay into the Province Treasury

Pounds, and to receive for the same on account of us the said Trustees, a Saving Bank Debenture of the like amount, carrying interest at the rate of Six Pounds per centum per annum: And we hereby declare that the sum above stated, is the exclusive property of the said Saving Bank specified in this our order, arising wholly from individual contributors of the description named in the said Act, and not exceeding the amount specified in the said Act, for the contribution of each Contributor, or arising from the voluntary Donations to the Funds of the said Society.

Witness our hands this day of

A, } Trustees.
B, }

Indorsement on the back of the Trustees Order, upon receipt of the Debenture.

Received the Debenture within described, in virtue of the foregoing order.

Witness my hand,

A. Acting for the Trustees.

B.

Form of the Debenture to be issued by the Treasurer or Deputy Treasurer.

Whereas by virtue of an Act of Assembly of the 6th Geo. 4th, Chap. intituled [insert the title of this Act] the sum of Pounds hath been paid into the Treasury of the Province of New Brunswick, on account of the Saving Bank established at [insert the Town and County, or City]

Now

Now this Debenture is chargeable on the monies in the Treasury of the said Province, and entitles the said Saving Bank to the principal sum of Pounds, carrying an interest after the rate of Six Pounds per centum per annum, from the day of the date hereof, payable at the office of the Treasurer of the said Province [or of the Deputy Treasurer for the place where the money be paid in, as the case may be] by the order of two of such Trustees endorsed thereon, on the thirty-first day of December next, after the date hereof, or at any time before, upon the production of such order at the said office, the same being endorsed hereon, under the hands of two of the Trustees of the said Saving Bank, directing payment thereof to be demanded by the person producing the same; and the interest shall in all cases, be computed to, and include the five days following the date of such order.

Dated this day of
A, Province Treasurer, [or Deputy Treasurer for
This Debenture is not transferable nor assignable.

C

Endorsement of the order of the Trustees on the Debenture to receive payment.

We, two of the Trustees of the Saving Bank within described, do hereby authorise and direct A. B. to demand [and receive both the principal and interest of this Debenture in money] or [and receive the interest due thereon in money, and also a new Debenture of the like amount in lieu of this Debenture, bearing the like rate of interest,] or [a new Debenture or Debentures of the like amount, and the interest added thereto, bearing the like rate of interest] as the case may be.

Witness our hands this day of
A, } Trustees of the said Saving Bank.
B. }

The receipt of the person acting for the Trustees, must be subjoined to the order.

CAP. V.

An Act to authorise the Justices of the Peace for the County of Northumberland to build a New Gaol and House of Correction at Newcastle in the said County.

Passed 17th March, 1825.

[*Obsolete.*]

CAP. VI.

An Act to authorise the Justices of the Peace for the County of York to levy a further assessment on the said County, towards paying off the debt due for the County Court House.

Passed 18th March, 1825.

[*Obsolete.*]

CAP.

CAP. VII.

An Act to authorise the Justices of the Peace for the City and County of Saint John, to make a further assessment for building a Court House within the City of Saint John.

Passed 17th March, 1825.

[*Obsolete.*]

CAP. VIII.

An Act further to extend the Bounties on Fish brought into this Province.

Passed 17th March, 1825.

[*Continued by 9 G. 4, C. 31, to 1st April, 1833, and then expired.*]

CAP. IX.

An Act for the better examining and auditing the Public Accounts of this Province.

Passed 17th March, 1825.

[*Expired.*]

CAP. X.

An Act to authorise the Justices of the Peace for Queen's County, to assess the Inhabitants for erecting and building a Gaol in the said County.

Passed 17th March, 1825.

[*Obsolete.*]

CAP. XI.

An Act to authorise the Justices of the General Sessions of the Peace for the County of Charlotte, to levy an assessment to enable them to pay off the County debts.

Passed 17th March, 1825.

[*Obsolete.*]

CAP. XII.

An Act to incorporate sundry persons by the name of the President, Directors and Company of the Charlotte County Bank.

Passed 17th March, 1825.

“**W**HEREAS it is thought that the establishment of a Bank at Saint Andrews, in the County of Charlotte, would promote the interests of that County by increasing the means of circulation ;”

Preamble.

Names of Persons to be a body Corporate, styled the President, Directors and Company of the Charlotte County Bank.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the Honourable William Black, Christopher Scott, John Dunn, Colin Campbell, Thomas Wyer, Harris Hatch, Elisha Andrews, Samuel Frye, Colin Campbell, Junior, John Campbell, Hugh M'Kay, John M'Allister, Abner Hill. Aaron Upton, John Wilson, Beverly Robinson, Charles Joseph Briscoe, William Kerr, Joseph Nehemiah Clarke, Hugh Johnston, Junior, George Robinson, John M'Master, Moses Vernon, James Douglas, James Campbell, Junior, James M'Master, Joseph Walton, James Parkinson, William Garnett and James Allenshaw, their Associates, Successors or Assigns, be, and they are hereby declared to be, a Body Corporate, by the name of the President, Directors, and Company of the Charlotte County Bank, and that they shall be persons able and capable in Law, to have, get, receive, take, possess, and enjoy Houses, Lands, Tenements, Hereditaments, and Rents in fee simple, or otherwise, and also Goods and Chattels, and all other things, real, personal or mixt, and also to give, grant, let, or assign, the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation, and also that they be persons able and in Law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of Law and equity, or any other places whatsoever, in all, and all manner of actions, suits, complaints, demands, pleas, causes, and matters whatsoever, in as full and ample a manner as any other person or persons are in Law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto, and also that they shall have one common seal to serve for the ensealing of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of Attorney, and all and singular their affairs and things touching and concerning the said Corporation, and also that they the said President, Directors and Company, or the major part of them, shall from time to time and at all times, have full power, authority and licence to constitute, ordain, make and establish, such Laws, and Ordinances as may be thought necessary for the good rule and government of the said Corporation: Provided that such Laws and Ordinances be not contradictory or repugnant to the Laws or Statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the Laws and Statutes of this Province.

Capable to sue and be sued, &c

To have a Common Seal.

May make Laws for the Government of the Corporation.

Capital to amount to £15,000, in Shares of £50 each.

Corporation may hold Lands not exceeding £1500. or to any amount by Mortgage as collateral security.

II. And be it further enacted, That the Capital or Stock of the said Corporation shall consist of Current Gold and Silver Coins of the Province to the amount of fifteen thousand pounds; the sum of seven thousand five hundred pounds, one half part thereof, to be paid in current Gold and Silver Coins of the Province on or before the first day of October next; and the further sum of seven thousand five hundred pounds, on or before the first day of October, which will be in the year one thousand eight hundred and twenty-six, the whole amount of said Stock to be divided into shares of fifty pounds each, making in the whole three hundred shares.

III. And be it further enacted, That the said Corporation shall have full power and authority to take, receive, hold, possess, and enjoy in fee simple, any lands, tenements, real estates, and rents to any amount not exceeding fifteen hundred pounds: Provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate to any amount whatsoever by Mortgage, taken as collateral security for the payment of any sum or sums of money advanced by, or debts due to the said Corporation:

poration: Provided further, that the said Corporation shall on no account lend money upon Mortgage, or upon lands or other fixed property, nor such be purchased by the said Corporation upon any pretext whatsoever, unless by way of additional security for debts contracted with the said Corporation in the course of its dealings.

Shall not lend Money on Mortgage, &c.

IV. And be it further enacted, That whenever one hundred shares shall have been subscribed of the said Capital Stock, a general meeting of the Members and Stockholders of the said Corporation, or the major part of them shall take place, by notice in one or more of the public newspapers thirty days previous to such meeting, for the purpose of making, ordaining and establishing such Bye-Laws, Ordinances, and Regulations, for the good management of the affairs of the said Corporation, as the Members and Stockholders of the said Corporation shall deem necessary, and also for the purpose of choosing nine Directors, being Stockholders and Members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided, which Directors so chosen, shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations of the said Bank, subject nevertheless to the rules and regulations hereinafter made and provided, at which general meeting the Members and Stockholders of the said Corporation or the major part of them shall determine the amount of payments to be made on each share, also the mode of transferring and disposing of the Stock and profits thereof, which being entered on the Books of the said Corporation, shall be binding on the said Stockholders their Successors and Assigns.

When one hundred Shares shall have been subscribed a general meeting of the Members to be called, to make Bye Laws, &c.

and to choose nine Directors to continue in office till the first annual Meeting.

V. And be it further enacted, That there shall be a general meeting of the Stockholders and Members of the said Corporation, to be annually holden on the first Monday in May in each and every year, at Saint Andrews, at which annual meeting, there shall be chosen by a majority of the said Stockholders and Members of the said Corporation, nine Directors who shall continue in office for one year or until others are chosen in their room, in the choice of which Directors, the Stockholders and Members of the said Corporation shall vote according to the rule hereinafter mentioned, and the Directors when chosen, shall at their first meeting after their election, choose out of their number a President: Provided always, that five 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.

Annual meeting of Stockholders.

Directors to choose a President.

VI. And be it further enacted, That the Directors for the time being shall have power to appoint such Officers, Clerks, and Servants, as they, or the major part of them, shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services, as to them shall appear reasonable and proper; all which, together with the expences of buildings, house rent, and all other contingencies, shall be defrayed out of the Funds of the Corporation; and the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation, as shall be prescribed by the Bye Laws and Regulations of the same.

Directors to appoint officers, Clerks, &c.

VII. And be it further enacted, That not less than five Directors shall constitute a Board for the transaction of business, of which the President shall always be one, excepting in the case of sickness or necessary absence, in which case the Directors present may choose one of their Board as Chairman in his stead; that the President shall vote at the Board as a Director, and in case of there

Not less than five Directors to form a Board.

President's vote.

there being an equal number of votes for and against any question before them, the President shall have a casting vote.

No Director to
have a Salary.

VIII. And be it further enacted, That no Director shall be entitled to any salary or emolument for his services ; but that the Stockholders and Members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

Qualification of
Directors.

IX. And be it further enacted, That no person shall be eligible as Director, unless such person is a Stockholder, and holding not less than five shares of the Capital Stock of the said Corporation.

Cashiers and
Clerks to give
Bonds with
Sureties.

X. And be it further enacted, That every Cashier and Clerk of the said Corporation, before he enters upon the duties of his office, shall give Bonds with two or more Sureties, to be approved of by the Directors, that is to say, every Cashier in a sum not less than five thousand pounds, with a condition for his good and faithful behaviour, and every Clerk, with the like condition and Sureties, in such sum as the Directors shall deem adequate to the trust reposed in him.

Number of
Votes of Stock-
holders.

XI. And be it further enacted, That the number of votes which each Stockholder shall be entitled to on every occasion, when in conformity to the provisions of this Act, the votes of the Stockholders are to be given, shall be in the following proportion, that is to say : for one share and not more than two, one vote ; for every two shares above two, and not exceeding ten, one vote, making five votes for ten shares ; for every four shares above ten, and not exceeding thirty, one vote, making ten votes for thirty shares, which said number of ten votes shall be the greatest that any Stockholder shall be entitled to have.

Stockholders
may vote by
Proxy.

XII. And be it further enacted, That all Stockholders resident within this Province, or elsewhere, may vote by proxy, provided that such proxy be a Stockholder and do produce sufficient authority from his Constituent or Constituents so to act.

For the first
six months no
Member to hold
more than 10
Shares, nor
more than 25
Shares after,
unless by pur-
chase.

XIII. And be it further enacted, That no Member of the said Corporation during the first six months, to be accounted from and after the passing of this Act, shall be entitled to hold or subscribe for more than ten shares of the said Capital Stock ; that if the whole of the said Capital Stock shall not have been subscribed within the said six months, so to be accounted as aforesaid, that then, and in such case it shall be lawful for any Stockholder or Stockholders to increase his, her or their subscriptions to fifteen shares. Provided always, that no Stockholder shall be permitted to hold more than twenty-five shares in the whole, unless the same be acquired by purchase after the said Bank shall have commenced its operations.

Vacancies in
the Board to
be filled up by
the Directors.

XIV. And be it further enacted, That the Directors be and they are hereby authorised to fill up any vacancy that shall be occasioned in the Board by the death, resignation or absence from the Province for three months, of any of its members, but that in the case of the removal of a Director by the Stockholders for misconduct or mal-administration, his place shall be filled up by the said Stockholders, and the person so chosen by the Directors or the Stockholders, shall serve until the next succeeding annual meeting of the Stockholders.

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

XV. And be it further enacted, That before any Stockholder shall be required to make payment of any instalment upon the amount of his subscription, fifty days previous notice shall be given by the Directors in two of the Newspapers published in this Province, of the time and place of such payment, and the Directors shall commence with the business and operations of the Bank of the said Corporation : Provided always, that no Bank Bills or Bank Notes shall be

be issued or put in circulation, nor any Bill or Note be discounted at the said Bank until the said sum of seven thousand five hundred pounds shall be actually paid in and received on account of the Subscriptions to the Capital Stock of the said Bank.

XVI. And be it further enacted, That as soon as the sum of seven thousand five hundred pounds shall have been actually paid in on account of the subscriptions to the said Stock, notice thereof shall be given in two of the Newspapers published in the Province.

Notice to be given when £7500 is paid.

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

Shares to be assignable.

XVIII. And be it further enacted, That the said Company shall not directly or indirectly deal in any thing excepting Bills of Exchange, Gold or Silver, Bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in the sale of Stock pledged for money lent and not so redeemed, which said Goods and Stock so pledged shall be sold by the said Corporation at public sale, at any time not less than thirty days after the period for redemption, and if upon such sale of goods or Stock there shall be a surplus after deducting the money lent together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

The Company shall not deal in any thing but Bills of Exchange, Gold or Silver, or in sale of goods pledged.

XIX. And be it further enacted, That the joint Stock or property of the said Corporation shall alone be responsible for the debts and engagements of the said Corporation, and that no person or persons who shall or may have dealings with the said Corporation, shall on any pretence whatsoever have recourse against the separate property of any present or future Member of the said Corporation, or against their persons, further than may be necessary to secure the faithful application of the funds of the said Corporation.

The joint Stock alone responsible for the debts.

XX. And be it further enacted, That every Bond, Bank Bill, or Bank Note or other instrument, by the terms or effect of which the said Corporation may be charged or held liable for the payment of money, shall specially declare in such form as the Board of Directors shall prescribe, that payment shall be made out of the Joint Funds of the said Corporation.

Bills, Notes, &c. to declare that payment shall be made out of the Joint Funds.

XXI. And be it further enacted, That the total amount of the debts which the said Corporation shall at any time owe, whether by Bond, Bill or Note, or other contract whatsoever, shall not exceed twice the amount of the Capital Stock actually paid in by the Stockholders; and in case of any excess, the Directors under whose administration and management the same shall happen, shall be liable for such excess in their natural and private capacities. Provided always, that the lands, tenements, goods and chattels of the said Corporation shall also be liable for such excess.

Total amount of debts not to exceed twice the amount of the Capital.

XXII. And be it further enacted, That the Directors shall make half yearly dividends of all the profits, rents, premiums and interest of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give

Directors to make half yearly dividends.

give thirty days previous notice in two of the Newspapers published in this Province.

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

XXIII. And be it further enacted, That the books, papers, correspondence, and funds of the said Corporation, shall at all times be subject to the inspection of the Directors, but no Stockholder, not a Director, shall inspect the account of any individual with the said Corporation.

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

XXIV. And be it further enacted, That all the Bills or Notes issued by the said Corporation, shall be signed by the President for the time being, and countersigned and attested by the Cashier, and shall be printed and made in Stereotype plates, and all Bills or Notes so signed and countersigned, shall be binding on the said Corporation.

The Company to pay the original amount of any altered Note.

XXV. And be it further enacted, That the said Corporation shall be liable to pay to any bona fide holder, the original amount of any Note of the said Bank, which shall have been counterfeited or altered in course of its circulation to a larger amount, notwithstanding such alteration.

The Bank to be kept at Saint Andrews.

XXVI. And be it further enacted, That the said Bank shall be kept and established at Saint Andrews, or at such other place as the Board of Directors may think it necessary to remove the said Bank, on account of any great emergency, for the security thereof.

Directors at the general meeting to lay before the Stockholders a state of the Funds, &c.

XXVII. And be it further enacted, That the Directors shall at the general meeting to be held on the first Monday in May in every year, lay before the Stockholders for their information an exact and particular statement of the amount of debts due to, and by the said Corporation, the amount of Bank Notes then in circulation, the amount of Gold and Silver on hand, and the amount of such debts as are in their opinion, bad or doubtful, also the surplus or profit, if any remaining after deduction of losses and provisions for dividends, which statement shall be signed by the Directors and attested by the Cashier, and a duplicate statement so signed and attested, shall be transmitted to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Honourable His Majesty's Council: Provided always, that the rendering of such statement shall not extend to give any right to the Stockholders, not being Directors, to inspect the account of any individual or individuals with the said Corporation.

Statement to be signed and attested and transmitted to the Secretary of the Province.

Committees of the Legislature to have access to the Books and Vaults.

XXVIII. And be it further enacted, That any joint Committee hereafter to be appointed by the Honorable the Legislative Council, and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or Prorogation of the General Assembly, have free access to all the books and vaults of the same.

Any number not less than twelve Stockholders holding together one hundred shares may call a general meeting.

XXIX. And be it further enacted, That any number of Stockholders not less than twelve, who together shall be proprietors of one hundred shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the Stockholders, for purposes relating to the business of the said Corporation, giving at least thirty days previous notice in two of the Newspapers published in the Province, and specifying in such notice the time and place of such meeting with the objects thereof, and the Directors, or any five of them, shall have the like power at any time (upon observing the like formalities) to call a general meeting as aforesaid.

On any dissolution measures to be taken by the Directors for closing the concerns,

XXX. And be it further enacted, That on any dissolution of the said Corporation, immediate and effectual measures shall be taken by the Directors then in office, for closing all the concerns of the said Corporation, and for dividing the Capital and profits which may remain among the Stockholders, in proportion to their respective interests.

XXXI:

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

CAP. XIII.

An Act to alter and amend the Acts relating to the granting of Licences to Tavern Keepers and Retailers of Spirituous Liquors.

Passed 17th March, 1825.

[Repealed by 1 W. 4, C. 24.]

CAP. XIV.

An Act to encourage the employment of Apprentices in the art of Ship Building *g* in this Province.

Passed 17th March, 1825.

“ **W**HEREAS it is expedient to encourage the employment of the Youth Preamble.
“ of this Province in the art of Ship Building ;”

Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the first day of January next, every Master Ship Builder in this Province, shall have and employ in his Ship Yard, at least, two Apprentices, being bona fide British Subjects, indented for the term of four years at least, to learn the said art of Ship Building, who at the period of being indented respectively, shall not be less than fifteen years of age, under the penalty of fifty pounds for each and every Ship or Vessel of the burthen of one hundred tons or upwards, that such master builder may build without having such number of Apprentices as aforesaid ; to be recovered by action of debt, bill, plaint or information in the Supreme Court, by any person who shall prosecute and sue for the same, and shall be divided, one moiety to the person so suing and prosecuting, and the other moiety to the benefit of the County in which the Ship Yard shall be. Every master builder to have two Apprentices, under the penalty of £50 for each Vessel of 100 Tons, to be recovered in the Supreme Court.

One half to the Prosecutor, the other to the County.

CAP. XV.

An Act to amend and alter the Laws now in force for assessing, collecting and levying of Rates for public charges.

Passed 17th March, 1825.

[Repealed by 1 W. 4, C. 26.]

CAP. XVI.

An Act to incorporate sundry persons by the name of the Saint John Marine Insurance Company.

Passed 17th March, 1825.

[Obsolete. The Corporation having been dissolved under the provisions of the Act 1 W. 4, C. 7, which amended this Act.]

g Refer to 26 G. 3, C. 37, as to indented Servants and Apprentices.

CAP. XVII.

An Act to incorporate sundry persons by the name of the Saint John Water Company.

Passed 17th March, 1825.

[*Obsolete, the Company never having been formed.* See 2 W. 4, C. 26.]

CAP. XVIII.

1/ An Act to repeal all the Laws now in force for the organization and regulation of the Militia, and to make further provision for the same.

‡ Passed 17th March, 1825.

Preamble.

“ WHEREAS several Acts are now in force for Organizing and Regulating the Militia of this Province, and it is expedient to alter and amend some of the provisions of the said Acts, and to consolidate and comprise the same Acts in one;”

56 G. 3, C. 6,

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fifty-sixth year of the Reign of His late Majesty King George the Third, intituled “An Act for the Organization and Regulation of the Militia of this Province,” also an Act made and passed in the third year of His present Majesty’s Reign, intituled “An Act to alter and amend an Act, intituled ‘An Act for the Organization and Regulation of the Militia of this Province,’” also an Act made and passed in the fourth year of the Reign of His present Majesty, intituled “An Act to explain and amend the Laws now in force for the Organization and Regulation of the Militia of this Province,” and an Act, intituled “An Act to provide for calling in the Arms issued to the Militia of this Province,” be and the same are hereby repealed, saving the right of recovery of such fines, penalties, and forfeitures, as may have been incurred under and by virtue of the same Acts, or any, or either of them.

3 G. 4, C. 23,

4 G. 4, C. 27,
and

4 G. 4 C. 30,
repealed.

Male Residents from 16 to 60 years of age to be enrolled.

Militia to be formed into Battalions by Counties.

Battalions may be formed into Regiments, and Companies to consist of 60 rank and file, with Officers, and Districts determined by Commanding Officers, &c.

Where the number does not exceed 80 the whole to be one Company.

II. Be it further enacted, That every Male white Inhabitant, or Resident within this Province, from sixteen to sixty years of age (except such as are hereafter excepted) shall be enrolled, and liable to serve in the Militia, and the Militia shall be formed into Battalions by Counties, or if any County shall be sufficiently populous to admit of more Battalions than one, the Governor or Commander in Chief, may divide the same County into two or more Battalions, and affix the respective limits thereof, and may in his discretion form two or more Battalions into Regiments, and each company in any Battalion shall consist of not more than sixty rank and file, and be commanded by one Captain, and two Subalterns, and the extent of the districts of the companies shall be determined by the commanding Officer for the time being, of the Battalion to which they belong, and all Captains or commanding Officers of companies, are hereby required, to take due care from time to time, to enroll in a book to be by them kept for that purpose, the names of those persons who are liable to serve as aforesaid within their respective districts: Provided always, that in insular and remote situations, where the number of persons in the island or neighbourhood liable to serve in the Militia, shall exceed sixty, and not exceed eighty, the whole may be enrolled

1/ See 8 G. 4, C. 17, making special regulation respecting the Militia in the City of Saint John, and 9 G. 4, C. 21, authorizing the Commander in Chief to dispense with Militia duties.

enrolled in one company: And provided also, that the Members of His Majesty's Council, Members of the House of Assembly, established Clergymen, and Licenced Ministers of the Gospel, all persons exercising Commissions Civil or Military under His Majesty, Officers upon half-pay, Supernumerary Militia Officers now in Commission, Officers of His Majesty's Customs, Revenue and Naval Officers, Physicians and Surgeons, licenced by the Governor or Commander in Chief, to practice as such, one Miller to each Grist Mill, and one Ferryman to each established Ferry, shall be exempted from being enrolled as aforesaid: And provided also, that every person professing himself to be of the people called Quakers, and producing to the Commanding Officer of the Battalion of the district in which he resides, a certificate signed by two people of that persuasion, that such person has been deemed and allowed to be one of the same persuasion, for at least one year before the date of such certificate, shall in like manner be exempted from being enrolled as aforesaid.

Persons exempted from being enrolled.

Quakers producing a certificate exempted.

III. And be it further enacted, That it shall be the duty of every Captain or Officer commanding a company, to furnish the Officer commanding the Battalion to which he may belong, at all times, when ordered, a fair written roll of his company, and a return of the state of their Arms and Accoutrements, with every other information respecting the company, which he may require; and the commanding Officers of Battalions shall furnish to the Commander in Chief when ordered, such rules, returns and statements of their Battalions as may be required.

Captains to make returns to their Commanding Officers, who are to make returns to the Commander in Chief.

IV. And be it further enacted, That the commanding Officer of each Battalion, shall have power to appoint from time to time suitable persons as Drummers, Buglers, and Fifers, to his Battalion, and to displace them, and appoint others in their stead, and that the Captain or commanding Officer of a company, shall have power with consent of the commanding Officers of the Battalion to which he may belong, to appoint Serjeants and Corporals for the company under his command and to displace them and appoint others in their stead, and if any person so appointed shall refuse, or neglect to perform his duty, or shall be guilty of any misbehaviour in his office, he shall for every offence forfeit and pay the sum of forty shillings.

Commanding Officers to appoint Buglers &c.

Captains to appoint Serjeants &c.

Persons for refusal or neglect to forfeit 40s.

V. And be it further enacted, That for the purpose of inspecting, and improving the Militia in martial exercises, the Commander in Chief, may at such convenient season of the year as he may judge fit, interfering as little as possible with seed time and harvest, order out, and keep each Regiment or Battalion together, or in divisions within their respective districts, one day in each year: Provided always, that no person shall be required to travel more than twenty miles from his usual place of residence, to attend the training of the Battalion, or the division thereof, to which he may belong.

Commander in Chief may call out the Militia one day in each year.

No person to travel more than 20 miles.

VI. And be it further enacted, That every Battalion (persons above forty-five years of age excepted) shall be called out and rendezvous by companies, two days in every year, interfering as little as possible with seed time and harvest, for the purpose of disciplining and improving in martial exercises; the times and places of such rendezvous to be appointed by the commanding Officer of the Regiment, in cases where Regiments are formed, and in other cases by the commanding Officer of the Battalion, and arranged on different days, or in such manner that the Field and Staff Officers may have an opportunity of attending the several companies, in order to introduce uniformity in the manœuvres and discipline of the Battalion, and the commanding Officer of any Battalion may assemble any two or more of the companies together as he may judge expedient: Provided that no company shall be obliged to go more than twelve miles from the usual place of rendezvous of such company.

Battalions to be called out by companies twice in a year.

Times and places of rendezvous fixed by Commanding Officer of Regiment or Battalion, and Companies not to go more than 12 miles.

VII.

Captains to give 10 days notice in writing of the time and place of assembling.

Five days personal notice sufficient.

Non-Commissioned Officer and Private not attending to appear to forfeit 10s. per day, or being absent after appearance to forfeit 10s.

Excuses for non-attendance.

Persons embodied for 20 days, or procuring substitutes excused attending muster that year.

Persons to appear with arms &c. in complete order.

Penalties for neglect.

Officers commanding Battalions to order inspections of arms &c. to be made by the Subaltern Officers.

Report made in writing under Oath.

Penalty for refusing to submit

VII. And be it further enacted, that the notice of the times and places of assembling the Militia by Battalions or Divisions thereof; or by companies as aforesaid, shall be given in writing by the Captains or Officers commanding companies, who shall cause such notice to be posted up by a non-commissioned Officer, who is hereby required to attend to that duty, at least ten days before the respective times of meeting, in three of the most public places within the districts of the several companies, which notification so given, shall be deemed a sufficient warning: Provided always, that five days personal notice to the individual, of the time and place of assembling shall be sufficient, without such notice in writing.

VIII. And be it further enacted, That every non-commissioned Officer and Private, who shall neglect to appear at any Battalion or company muster, agreeably to the provisions of this Act, shall be liable to a fine of ten shillings for each and every day he shall so neglect to appear, and every non-commissioned Officer and Private, who after having appeared at any Battalion or company muster shall at any time during the said days herein before required of him to attend, be absent from his Battalion or Company without leave from his commanding Officer, shall for each and every time he shall be so absent without leave, be liable to a fine of ten shillings: Provided always, That the fines aforesaid shall not extend to persons who were prevented from attending any Battalion or company muster, by sickness or lameness of the individual, or extreme sickness of some part of his family, or by unforeseen, and unavoidable circumstances, to be manifest by legal proof given on the part of the delinquent: And provided also, that persons other than substitutes, who shall have been embodied and on actual service for the space of twenty days, and also persons who shall have procured substitutes to perform such actual service, shall not be required to attend any such Battalion or company muster during the year in which such actual service shall have been performed.

IX. And be it further enacted, That every person enrolled as aforesaid, when ordered out as aforesaid, shall appear with such arms, ammunition and accoutrements as have been, or may hereafter be issued to him by Government, or if he shall so choose with arms, ammunition and accoutrements of his own, equally good, in complete order, and for appearing without such arms, ammunition and accoutrements, or appearing with a part, and not the whole, or with any of them, which in the opinion of the commanding Officer for the time being, at the place where such Militia are ordered to assemble, are not in good and serviceable order, such person shall forfeit and pay a sum or fine of not less than ten shillings, nor more than twenty shillings, to be recovered in the manner and form hereinafter directed.

X. And be it further enacted, That the commanding Officer of any Battalion shall and may, once in each year, and oftener if he thinks it necessary, order an inspection of arms and accoutrements of such Battalion, when the Subaltern Officers of the company, each taking such part as the Captain or commanding Officer of the company shall direct, shall call on each and every man of the company at his usual place of abode, and then and there carefully inspect and examine such person's arms and accoutrements, to see whether the same are all in good order, and shall make an exact report to the commanding Officer of the company, of the state and condition in which the same were found, which report shall be made in writing, and shall be sworn to by the person making it, before some one of His Majesty's Justices of the Peace for the County where such inspection may take place, which oath such Justice is hereby authorised to administer, and shall certify without fee, and every person who shall refuse to submit to such inspection,

or

or whose arms or accoutrements shall be found in unserviceable condition, out of order or deficient, shall forfeit and pay for each deficiency, the like sum as if such had been the case when ordered out as herein before mentioned, to be in like manner inflicted and recovered.

to Inspection or for arms out of order or deficient.

XI. And be it further enacted, That if any person shall wilfully interrupt any body of Militia, when ordered out under this Act, whilst on duty or at exercise, it shall and may be lawful for the commanding Officer for the time being, to confine such person during the performance of such duty, or the continuance of such day's exercise or muster, if he shall think necessary, to prevent the continuance of such insult or interruption, and every person so offending shall forfeit and pay a sum not exceeding twenty shillings for each and every offence, to be recovered with costs, on conviction, before any Justice of the Peace of the County where such offence may be committed, and levied by distress and sale of the offender's goods and chattels, and for want of such goods and chattels to commit the offender to the County Gaol for the term of four days, unless the fine and costs shall be sooner paid.

Persons interrupting any detachment of Militia to be confined and forfeit 20s. to be recovered before a Justice.

XII. And be it further enacted, That all fines and sums which may be imposed by virtue of the fourth, eighth, ninth, tenth and fifty-fifth sections of this Act, shall be recoverable before the Captain or commanding Officer of the company to which the delinquent shall belong, or within the District of which he shall reside, the said Captain or commanding Officer, first summoning the delinquent to appear before him, to shew cause if any cause he has, why such fine or fines should not be imposed, which summons shall be in the form hereinafter prescribed, and the Officer serving such summons shall in every case be intitled to receive the same fees from the party summoned, as in other similar cases, and if any delinquent when so summoned to appear, shall neglect to attend to such summons, then the fines imposed as aforesaid, shall be levied by distress and sale of the delinquent's goods, by an order of the said commanding Officer, to the Constables of the City, Town or Parish, wherein such delinquent shall reside, which Constables are hereby authorised and required to execute the same, and also the warrants hereinafter mentioned, taking the same fees as in similar cases, and rendering the overplus, if any, after deducting the costs and charges of such distress and sale, to the delinquent, and if no goods or effects shall be found, whereon to levy any of the said fines, the Constable to whom the execution of the said order may be committed, shall make a return thereof on the back of the order, and thereupon the delinquent shall by warrant under the hand and seal of such commanding Officer, be committed to the County Gaol, there to remain one day for each and every five shillings which the said fine may amount to, and the keeper of any Gaol is hereby authorised and required to receive and keep such delinquent during the time specified in such warrant, and then discharge him on payment of the customary fees: Provided always, that such delinquent shall not be kept in Gaol more than two days beyond the time specified in the warrant, for any default in the payment of fees.

Fines recoverable before the Captains.

Delinquents to be summoned

Fees to the Officer serving Summons. If Delinquent neglect to appear fines shall be levied by distress and sale, by order to a Constable.

For want of goods Delinquent may be committed to Gaol.

XIII. And be it further enacted, That all summonses to be issued, orders of distress, and warrants of commitment, by any commanding Officer of a company, under and by virtue of the provisions of this Act, shall be respectively in the form following, that is to say :

FORM OF SUMMONS.

To the Constable of _____, and each and every of them.
You are hereby required to summons A. B. that he be, and appear before me, _____ on _____

Form of Summons.

on the day of at between the hours of and of the same day, to show cause, if any he has, why a fine should not be imposed upon him, under and by virtue of the Militia Law, for [here state the nature of the offence or delinquency.] Given under my hand this day of 182 .

WARRANT OF DISTRESS.

Form of War-
rant of Dis-
tress.

To the Constables of , and each and every of them.
You are hereby required forthwith to demand of N. B. the sum of , being the amount of a fine imposed upon him under and by virtue of the Militia Law, and on his refusal to pay the same, to levy and distrain the amount thereof of the Goods and Chattels of the said N. B. and to sell and dispose of the Goods and Chattels so to be distrained within six days, unless the said sum of together with reasonable charges of taking and keeping such distress, shall be sooner paid, and return to me what you shall do by virtue of this order. Given under my hand this day of

FORM OF WARRANT FOR THE IMPRISONMENT OF ANY DELINQUENT.

Form of War-
rant of Com-
mitment.

To the Constables of , and each and every of them.
Whereas a fine of has been imposed on N. B. for an offence against the Militia Law, these are therefore to require and command you to take and arrest the said N. B. and convey and deliver him into the custody of the Keeper of the common County Gaol, and you the said Keeper are hereby required to receive the said N. B. into your custody in the said Gaol, and him safely keep for the space of days, unless the said fine with the accustomed fees, shall be sooner paid. Given under my hand and seal this day of 182 .

Constables to
collect and pay
over fines to the
Quarter Mas-
ter.

XIV. And be it further enacted, That the Constables shall without unnecessary delay collect and pay over the fines so collected from any delinquent, to the Quarter Master of the Battalion to which such delinquent shall belong, or in default of payment, shall be liable to an action of debt, at the suit of such Quarter Master, in any Court having jurisdiction of the same.

i Adjutants to
attend the Bat-
talions, and
perform other
duties ordered
by the Com-
manding Offi-
cer, and allow-
ed £15 per
annum, upon
certificate of
Commanding
Officer.

XV. And be it further enacted, That it shall be the duty of the Adjutants appointed or to be appointed by the Commander in Chief to the several Battalions, to attend their respective Battalions, when the same, or any part thereof shall be ordered out under this Act, and at such and all other times to do and perform and attend to such duty as is incumbent on and appertaining to the proper office of Adjutant, or as they may be ordered by the respective commanding Officers of such Battalions, and upon certificate of any commanding Officer of a Battalion to which any Adjutant may belong, that he has faithfully performed his duty to the entire satisfaction of the said commanding Officer, such Adjutant shall then be entitled to receive from the Treasury, the sum of fifteen pounds in each and every year, so long as he shall so continue faithfully to perform his duty; and every Serjeant Major who shall be appointed to any Battalion, shall in like manner attend to all the duties appertaining to the office of Serjeant Major, and such other reasonable duty as the commanding Officer of the Battalion to which he may belong may order, and upon certificate from such commanding Officer of any Battalion, that the Serjeant Major has well and faithfully performed his duty to the entire satisfaction of the said commanding Officer, he shall be entitled to receive in each and every year that he may so continue faithfully to perform his duty, the sum of seven pounds ten shillings. XVI.

Serjeant Majors
to perform all
duties of their
office, and be
allowed £7 10s.
per annum.

i See 9 G. 4, C. 21, authorizing the Commander in Chief to limit the allowance to Adjutants and Sergeant Majors.

XVI. And be it further enacted, That all Foreigners and Aliens who shall have resided for the space of two months in this Province, shall pay to the Quarter Master of the Battalion in the district in which they shall reside, the sum of thirty shillings each, and the Quarter Master of such Battalion is hereby authorised and required to proceed for the recovery thereof, with costs of suit, before any one of His Majesty's Justices of the Peace resident within such district; and upon recovery, the said sum of thirty shillings together with all costs of suit, shall be levied by distress and sale of such Aliens goods and chattels, and for want of such goods and chattels, such Justice shall by warrant under his hand and seal, commit such Alien to the common Gaol of the County, there to remain in close custody without bail or mainprize, until the said fine with costs and all customary fees be paid, and the Keeper of any Gaol is hereby authorised and required to receive and keep such delinquent Alien according to the tenor of such warrant, provided that if any such Alien be indigent, and unable to pay such fine and costs, and shall make the same appear to the satisfaction of any two Justices of the Peace for the County, such Justices shall and may and they are hereby authorised and required by an order in writing under their hands, to discharge such Alien out of custody, and also to grant such Alien a certificate thereof, and such Alien shall not be held liable to the payment of the said sum of thirty shillings, for the year for which he shall have obtained such certificate: And further provided always, that nothing in this Section contained, shall extend or be construed to extend, to any person who shall have resided within this Province for the term of seven years, and shall have taken the oath of allegiance before any Officer or person authorised by the Governor or Commander in Chief to administer the same.

XVII. And be it further enacted, That the Captains or commanding Officers of companies, shall on or before the first day of June in each year, make out and transmit to the Quarter Master of the Battalion lists of all Aliens within the district of their respective companies; and all such Aliens who have resided two months in the Province, shall report their names and place of residence to the Captain or Officer commanding the company in the district where they reside, under the penalty of twenty shillings, to be recovered in the manner mentioned in the last preceding Section of this Act.

XVIII. And be it further enacted, That the commanding Officers of Battalions, when thereunto required by the Governor or Commander in Chief, are hereby authorised and required to appoint fit and convenient places within their respective districts, to serve as depots for arms for the use of their respective Battalions; and all fines, penalties, and sums of money, received under and by virtue of this Act, from any Battalion of Militia, shall, after defraying the contingent expenses of such Battalion, be appropriated by the Commander in Chief to such an amount as may be necessary for cleaning and keeping in repair the arms placed in the depots appointed for the use of such Battalion; and in case the said fines, penalties, and sums of money, received from any battalion, after paying the contingent expenses thereof, shall be found insufficient to defray the expense incurred in cleaning and keeping in repair the arms placed in depot for the use thereof, then such further sum as the Commander in Chief may think proper, shall be paid by the Treasurer of the Province, to the commanding Officer of such Battalion, to be by him appropriated to the cleaning and keeping in repair the arms of the same, by warrant of the Governor or Commander in Chief, by and with the advice of His Majesty's Council: Provided nevertheless, that no greater sum than twenty pounds over and above the fines, penalties and sums of money received from such battalion, after deducting the contingent expenses thereof, shall be paid to the commanding Officer of any Battalion in any one year, for the purposes aforesaid.

Foreigners and Aliens resident for two months to pay 30s. to be recovered with costs, and levied by distress.

For want of goods to be committed till fines paid.

Indigent Aliens may be discharged by two Justices.

Not to extend to persons resident for seven years, and who have taken the oaths of allegiance.

Captains to transmit Lists of Aliens to the Quarter Masters.

Aliens to report their names and residence to the Captains.

Commanding Officers to appoint depots for arms.

Fines to be applied for cleaning and repairing arms.

If fines are insufficient a further sum may be paid from the Province Treasury, not exceeding £20 per annum.

Officers to appear with Swords and Belts under penalty of 40s.

XIX. And be it further enacted, That every Officer shall at all times when ordered out as aforesaid, appear equipped with a sufficient Sword and Belt, under the penalty of forty shillings for each offence, to be recovered by warrant under the hand and seal of any one of His Majesty's Justices of the Peace in the County where the offence shall be committed, upon complaint of the commanding Officer of the battalion to which the Officer offending shall belong, accompanied with the proof of such Officer's delinquency.

Commanding Officer to appoint Serjeant Major, Quarter Master Serjeant, &c. who are liable to a fine of 40s. for improper behaviour.

XX. And be it further enacted, That it shall and may be lawful for the Officer commanding any Battalion, to appoint a Serjeant Major, a Quarter Master Serjeant, and Clerk for such Battalion, who are hereby made liable to a fine not exceeding forty shillings, for any disobedience of orders, or contemptuous and improper behaviour, to be recovered in the same manner as the penalty in the next preceding Section of this Act; and the Serjeant Major, Quarter Master Serjeant, and Clerk, so appointed, shall be exempted from all balloting for actual service.

Quarter Master to give Bond.

XXI. And be it further enacted, That the Quarter Master of every Battalion shall, before he commences the duties of his office under this Act, give Bond to His Majesty with two sufficient Sureties, in the penal sum of two hundred pounds, for the faithful discharge of such duties, and for his duly accounting for, and applying all monies he may receive by virtue of this Act, and for all Arms, Accoutrements and Stores he may receive as Quarter Master of such Battalion, which Bond shall be taken by the commanding Officer of such Battalion, and lodged by him in the Secretary's Office of the Province, and that each Quarter Master shall be allowed in his general account of monies, ten per cent for all sums received and paid over by him; this allowance to cease to be made to any Quarter Master who may be on actual service, and in receipt of full pay.

Bond to be lodged in the Secretary's Office.

10 per cent allowed Quarter Master.

Lists of exemptions to be sent by Captains to commanding Officers, and a copy to the Quarter Master.

XXII. And be it further enacted, That the Captains or Officers commanding companies, shall on or before the first day of June in each year, make out and transmit to the Officer commanding the Battalion, lists of all persons residing within the districts of their companies respectively, who by this Act are exempt from being enrolled in the Militia, specifying the age of such persons, and the causes of their respective exemptions, and shall also furnish the Quarter Master of the Battalion with a copy of such list, and all persons so exempted (one Ferryman to each established Ferry excepted) shall on or before the first day of September in each and every year, pay to the Quarter Master the sum of ten shillings, and if not then paid, the Quarter Master is hereby authorised and required to proceed for the recovery of the same with costs, before any one of His Majesty's Justices of the Peace where such exempt may reside, who shall levy the same by distress and sale of the offender's goods and chattels, and for want of goods and chattels, commit the offender to the County Gaol for the term of two days, unless the said sum and costs shall be sooner paid: Provided always, that any Exempt shall be excused from paying the said sum of ten shillings, by enrolling himself in the company of Militia in the district where he may reside, and when so enrolled, he shall be, and is hereby made liable to do and perform all and singular the duties required of other men belonging to the company, and under and subject to the same penalties and forfeitures in every respect.

Exempts to pay to the Quarter Master 10s per annum.

Exempts may excuse themselves from paying by enrolling themselves.

Fines and penalties to be paid to the Quarter Master.

XXIII. And be it further enacted, That all fines, penalties and sums of money whatsoever, received, or which shall hereafter be received under and by virtue of this Act, shall be paid into the hands of the Quarter Masters of the different

See 9 G. 4, C. 21, relieving Clergymen and licenced Ministers of the Gospel from the payment of Exempt money.

ferent Battalions, and the Quarter Master of each Battalion shall every six months render an account of all such fines, penalties and sums of money so by him received, to the commanding Officer of the Battalion, to be disposed of as the Commander in Chief shall from time to time direct, after first paying the contingent expences thereof; and if any Quarter Master shall neglect to render accounts as aforesaid, or shall neglect to recover the several sums which Aliens and Exempts are liable to pay yearly under this Act, such Quarter Master so neglecting his duty, or any other duties required of him under this Act, shall forfeit and pay the sum of forty shillings for each and every neglect, and in default of Payment of the said sum, shall be liable to an action of debt, at the suit of the commanding Officer of the Battalion, in any Court having jurisdiction of the same.

XXIV. And be it further enacted, That if any commissioned Officer shall be guilty of disobedience of orders, neglect of duty, or any improper conduct, whether he be in real service or not, he may be tried by a General Court Martial, and it shall and may be lawful for the Governor or Commander in Chief for the time being, to order a General Court Martial by warrant under his hand and seal, for the trial of such offenders, as speedily as the service will admit, which Court Martial shall consist of not less than thirteen commissioned Officers of the Militia, and the President of such Court Martial shall not be under the rank of a Field Officer; and the said Court Martial so ordered, shall have power to administer oaths to witnesses in order to the examination or trial of any of the above offences that shall come before them, and upon conviction, such Officer so offending as aforesaid, shall be cashiered by sentence of such Court Martial, and if any Officer, non-commissioned Officer or Private, shall, when on actual service, begin, excite or join in any mutiny, or knowing any such mutiny begun or intended, shall not give information thereof to his commanding Officer, or other superior Officer, or shall not when thereunto ordered, use his utmost endeavour to suppress such mutiny, or shall desert the company or command to which he belongs, or shall disobey orders; if a commissioned Officer, he shall be put under arrest by any superior Officer, if a non-commissioned Officer or Private, he shall be committed to the next County or any other Gaol, as soon as convenient, by order in writing under the hand of the Officer commanding the Battalion, Company, or Detachment to which such person, so offending, shall belong, and all such offenders shall be tried as soon as convenient by a General Court Martial to be ordered as aforesaid, who shall have power to punish with death or by fine and imprisonment, in proportion to the enormity of the offence, the fine not to exceed fifty pounds, nor the imprisonment to exceed six months. Provided always, that no sentence of any Court Martial shall extend to death, unless for desertion to the enemy, for mutiny and sedition, for traitorous correspondence with, or traitorously delivering up any Garrison, Fortress, Post or Guard, to the enemy; nor shall the sentence of any General Court Martial be carried into execution until it has been approved of by the Governor or Commander in Chief for the time being.

XXV. And be it further enacted, That any non-commissioned Officer or Private, or Exempt, whether on real service or not, who shall disobey orders, or neglect doing his duty, or shall be guilty of any other offence against the provisions of this Act, he shall be confined by the commanding Officer of the party or guard to which he may belong; and it shall be lawful for the commanding Officer of the Battalion, or of any party or command not under the rank of Captain, to order a Court Martial to be forthwith held for the trial of such offender; which Court Martial shall consist of three commissioned Officers at least, but when they can

Quarter Master to account every six months to the Commanding Officer.

Quarter Master for neglect to forfeit 40s.

In default of payment, liable to action.

Commissioned Officer for disobedience or neglect may be tried by a Court Martial.

Court Martial may administer Oaths to Witnesses, and upon conviction, Officer to be cashiered.

Mutiny, Desertion and disobedience of Orders on actual service to be tried before a General Court Martial.

Court may punish with death, or by fine and imprisonment.

No sentence to be executed until approved by the Commander in Chief.

Non-commissioned Officers and Privates offending may be confined and tried by a regimental Court Martial.

Fines to be stopped out of the pay.

Sentence to be approved by Officer ordering the Court. Militia may be called out in case of invasion &c.

Where the Commander in Chief cannot be consulted, commanding Officer may call out the Militia.

When the Commanding Officer cannot be consulted, the Officer commanding in the district may call out the Militia.

Persons refusing to go when called out to forfeit £10 or be committed.

Militia to march to any part of the Province.

Militia to obey all lawful command of superior Officers.

be had, of five, who may give Judgment by laying a fine on such offender in any sum not exceeding forty shillings, and in addition thereto, if a non-commissioned Officer, reducing him to the ranks, at the discretion of the Court, which fine, so ordered by the Court Martial, if he neglect or refuse to pay, shall either be stopt out of the pay of such offender, or such offender shall be imprisoned for a term of eight days: Provided always, that no sentence of such Court Martial shall be put in execution, until approved of by the Officer ordering the same, and no Officer being the accuser shall be a member of it.

XXVI. And be it further enacted, That the Governor or Commander in Chief, shall be, and is hereby authorised and empowered, in case of any actual invasion or imminent danger thereof, if he in his discretion shall think it necessary or expedient to call out the Militia of the Province and the Exempts as described in the first Section of the Act, (Established Clergymen, Licenced Ministers of the Gospel, Millers and Ferrymen excepted) or any part thereof into actual service.

XXVII. And be it further enacted, That in case of any actual invasion or imminent danger thereof, in any County or District where the Commander in Chief cannot in time be consulted, the commanding Officer of the Regiment, in cases where Regiments are formed, and in other cases, the commanding Officer of the Battalion shall have power (if he in his discretion shall think it necessary or expedient) to call out the Militia and Exempts as aforesaid, or any part thereof, into real service, and in case of any such actual invasion or imminent danger thereof, in any Town, Parish or Company District, where the commanding Officer of the Regiment or Battalion as aforesaid cannot in time be consulted, the Officer commanding the Militia in such Town, Parish or Company District, shall have power, (if he in his discretion shall think it necessary or expedient) to call out the Militia under his command, and also the Exempts as aforesaid, within the same, or any part thereof, into real service, and such Officer last mentioned, shall forthwith report his proceedings, and the reason and grounds thereof, to the Officer commanding the Battalion to which he belongs, who is hereby required in either case, forthwith to dispatch an express to the Governor or Commander in Chief, notifying the danger, and the strength and motions of the enemy, and every person liable to be so called, who shall when called on, refuse to go, shall pay the sum of ten pounds, or forthwith be committed to the County Gaol, by a written order of the commanding Officer of the Battalion or Company to which he may belong, or if necessary, for safe custody, be sent to any other place of confinement at the discretion of such commanding Officer, and such offender shall remain in imprisonment three months or until such fine be paid, and all Gaolers are hereby ordered to receive and safely keep such person so to be committed, during the time herein specified.

XXVIII. And be it further enacted, That the Militia or any part thereof, and the Exempts as aforesaid, so called out into real service, by virtue of the provisions of this Act, shall and may be ordered to march, from one County or part of the Province to another, on any necessary service, occasioned by such actual invasion, or imminent danger thereof.

XXIX. And be it further enacted, That when the Militia or any part thereof, shall be upon real service, every Officer or person so called into service, is hereby bound and required to yield obedience to all lawful commands of his superior Officers, for mounting guards, erecting works, and other military services for repelling, resisting, or guarding against the attack of the enemy, under the penalty of incurring the forfeiture appointed by this Act, for disobedience of orders.

XXX. And be it further enacted, That whenever the Governor or Commander

der in Chief shall direct any part of the Militia or the Exempts as aforesaid, of any or either of the Counties, to be called out as aforesaid, into real service, a draft by ballot shall be made from each Company, in exact proportion according to the number then fit for duty which shall be on the oath of the Captain or commanding Officer of such Company to the best of his knowledge, if required, of all persons from the age of eighteen years to fifty years, which ballot shall take place and be made in presence of one or more of His Majesty's Justices of the Peace, or if no such Justice shall be resident near the place where such ballot shall be made, then and in that case, the same shall be made in presence of three or more respectable Freeholders who are exempted by age from being drafted themselves, and on such occasions, all the persons within the County in which any part of the Militia shall be called out as aforesaid, between eighteen and fifty years of age, who are herein before declared to be exempted from being enrolled in the Militia, in manner herein before mentioned, (except established Clergymen and licenced Ministers of the Gospel, one Miller to each Grist Mill, and one Ferryman to each established Ferry) who shall not have joined any Company, shall be formed into a Company, by and under the direction of the commanding Officer of the Battalion, and shall be liable to the same draft by ballot as any other Company in such Battalion in proportion to their numbers then fit for duty as aforesaid, and each and every person so drafted, shall go in his own proper person, or find a good and sufficient man in his room, and for his neglect or disobedience herein, he shall be subjected to a fine of ten pounds, which if he neglect or refuse to pay, he shall be committed to the nearest County Gaol, where he can be safely kept, by Warrant from the commanding Officer of the Battalion, or if necessary to his safe custody, be removed to any other Gaol, at the discretion of the commanding Officer, where he shall remain three months, or until he pays the said fine, and another man shall be drafted as aforesaid, to march in his place, who shall have half of the said fine if he shall not refuse or neglect to go, or find a good and sufficient man in his room as aforesaid, but if he shall so neglect or refuse, then he shall be subjected to the like fine, and a further draft shall be made of another man who shall have half of the fine last mentioned, if he shall not neglect or refuse to go, or find a good and sufficient man as aforesaid, and so on as often as such case shall happen: Provided always, that in case any part of the Militia or the Exempts as aforesaid, shall be called out more than once, no person who has been once drafted as aforesaid, shall be again drafted until all the others belonging to the same company shall have been drafted: Provided always, that nothing in this Act shall be construed to extend to oblige the Firemen appointed or to be appointed by the Corporation of the City of Saint John to Engines in that City, or Firemen that may be appointed to any Engine already established or hereafter to be established in any other Town in this Province, to do duty beyond the limits of the said City and Town respectively: And also further provided, that if any person called, and duly certified to be a Quaker, shall upon being drafted, refuse to serve or procure a substitute as aforesaid, it shall and may be lawful for the Captain or Officer commanding the Company to which such Quaker belongs, to procure and hire a substitute for him, and at his expence, not to exceed the sum of ten pounds, which if he shall refuse or neglect to pay, the same shall and may be recovered before any two of His Majesty's Justices of the Peace, in a summary way, at the suit of the said Captain or commanding Officer of the company, and levied with costs upon the Goods and Chattels of such Delinquent, or for want thereof, such Delinquent shall be committed to the Gaol, there to remain for three months, or until he pays the same: Provided also, that those

Militia to be drafted by ballot.

Exempts to be formed into a company, and subject to be drafted.

Persons drafted to serve in person or find good substitutes, under penalty of £10.

No person to be a second time drafted until, &c.

Firemen not to do duty beyond the limits of the City or Town to which they belong.

Substitutes to be hired for Quakers, who are to pay the expence, not exceeding £10.

Persons who have served in embodied Militia exempt.

who have already served in the embodied Militia, and those to be hereafter drafted, shall not be liable to be again drafted until all the others belonging to the same company shall have been drafted.

Volunteers accepted on the same footing with drafted men.

XXXI. And be it further enacted, That whenever the Governor or Commander in Chief shall, for the time being, in consequence of any actual invasion, or imminent danger thereof, as aforesaid, think it expedient to order a proportion of the Militia on real service, Volunteers who offer themselves for such service, being able of body, in the opinion of the Field Officer or Officers of the Regiment or Battalion as aforesaid, to which such Volunteer shall belong, shall be accepted, and being so accepted, shall be subject to all the provisions of this Act as though they had been drafted by ballot.

Members of General Court Martial to be sworn.

Form of oath.

XXXII. And be it further enacted, That in all trials by General Courts Martial, the President and every Member thereof, before any proceeding be had, shall take the following Oath; and the Judge Advocate is hereby authorised to administer the same, to wit: "I, A. B. do swear that I will duly administer justice according to law, without partiality, favor or affection, and I do further swear, that I will not divulge the sentence of this Court until it shall be approved by the Commander in Chief of this Province; neither will I on any account, at any time whatever, disclose or discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof as a witness, by a Court of Justice, in a due course of law, so help me God;" and no sentence of death shall be given by any such General Court Martial, unless twelve Officers present shall concur therein, and the Governor or Commander in Chief shall have power to appoint any fit person to act as Judge Advocate, at any such General Court Martial, who shall be allowed for his services twenty shillings per diem during the time he shall be actually employed in such service, which Judge Advocate so appointed, shall, previous to any proceedings had on the trial of any prisoner, take the following Oath, to be administered by the President of the Court, to wit: "I, A. B., do swear that I will not upon any account, at any time whatever, disclose or discover the vote or opinion of any particular member of this Court Martial, unless required to give evidence thereof as a witness, by a Court of Justice, in a due course of Law, so help me God."

No sentence of death unless 12 Officers concur.

Judge Advocate to be appointed and sworn, and allowed 20s. per diem.

No sentence of death to be executed without a Warrant.

Execution to be by hanging or shooting

XXXIII. And be it further enacted, That no person shall be put to death, under the sentence of a General Court Martial, until a Warrant under the hand and seal of the Governor or Commander in Chief shall issue for the execution of such sentence; which Warrant shall direct the time and place, when and where the person sentenced to death shall be executed, by either shooting or hanging the offender, as the same may be directed and ordered in the said Warrant, which Warrant shall be a sufficient justification to the Officer or Officers to whom the same shall be directed, and to all those lawfully employed under them in executing such sentence: Provided always, that previous to any persons being put to death pursuant to the sentence of a General Court Martial, such Sentence, and Warrant for the execution thereof, shall be publicly read in the hearing of the bystanders, at the time and place appointed for such execution.

Warrant to be read previous to execution.

No officer under Captain to try a Field Officer.

Militia on service to receive the same pay and allowance as the King's Troops,

XXXIV. And be it further enacted, That no Officer under the rank of a Captain shall sit upon a Court Martial for the trial of any Field Officer.

XXXV. And be it further enacted, That whenever the whole, or any part of the Militia of this Province, shall be called out into actual service, the Officers, non-commissioned Officers, Drummers, Fifers, Buglers and Privates shall be intitled to the same pay and allowances as the Officers, non-commissioned Officers, Drummers, Fifers, Buglers and Privates of His Majesty's regular Troops respectively

tively receive, to be reckoned from the day that they march from the rendezvous of their respective Companies to go on actual service, until they shall be dismissed by order of the Lieutenant Governor or Commander in Chief, and at the time of their dismissal they shall be allowed respectively a number of days pay, to defray their expenses to their usual place of residence according to the distance, at the rate of fifteen miles per day, together with a bounty to each man of the non-commissioned Officers, Drummers, Fifers, Buglers and Privates, who shall have served faithfully during the time or times they shall so have continued on actual service, at and after the rate of thirty shillings per month for every Calendar month which they shall respectively have been and remained on actual service, but not to exceed in the whole the sum of five pounds for each separate time or occasion on which they shall so have respectively been called out into actual service as aforesaid, which bounty shall be provided for and paid out of the Province Treasury.

and a Bounty to those who serve faithfully of 30s. per month, but not to exceed £5.

XXXVI. And be it further enacted, That every person who shall entice or encourage a Militia man, when on service, to desert, or aid, or assist, or harbour and conceal any deserter, knowing him to be such, shall forfeit and pay for every offence the sum of ten pounds, to be recovered on conviction before any two of His Majesty's Justices of the Peace for the County where such offence may be committed, upon the oath of any one or more credible witness or witnesses, or upon the confession of the party offending, and on the failure of the payment of such fine by the party offending, he shall be committed to the County Gaol by Warrant under the hand and seal of such Justice, there to remain for the space of three months, or until such fine is paid.

Persons enticing or aiding Militia men to desert, to forfeit £10.

On failure of payment to be imprisoned for three months.

XXXVII. And be it further enacted, That all the male blacks and people of colour, between sixteen and fifty years of age, within each and every of the Counties within this Province, shall be formed into one or more Companies as may be thought expedient, and attached to the several Battalions within the district in which they may respectively reside, and shall have such Officers to command them as the Governor or Commander in Chief for the time being, may think fit to appoint, and shall be considered as the Pioneers of the Battalion to which they may respectively belong, or otherwise, as the Commander in Chief may direct, and be subject to the same or the like drafts for actual service as the Militia in general are liable to in times of invasion or imminent danger thereof, and also be liable to perform the same duties, and under the same penalties as required and appointed by the twelfth Section of this Act.

Male blacks to be enrolled and formed into companies, and to serve as Pioneers, and be drafted for service.

XXXVIII. And be it further enacted, That it shall and may be lawful for the Governor or Commander in Chief for the time being, and he is hereby authorised in case of actual invasion or imminent danger thereof, to direct the building of such a number of Boats as in his judgment and his discretion may appear requisite, and on such a construction as he shall judge most proper for the purpose of transporting the Militia with greater facility, to different parts of this Province, as well as for annoying the enemy: Provided that the sum to be expended in building such boats, shall not exceed the sum of four hundred pounds.

In case of invasion Commander in Chief may direct the building of boats.

Expence not to exceed £400.

XXXIX. And be it further enacted, That it shall and may be lawful for the Governor or Commander in Chief for the time being, in any place or places where he may judge it to be necessary or expedient, to establish one or more artillery companies in any County or District in the Province, and to limit the numbers of which such company shall consist, and to cause one or more company or companies of Sea Fencibles to be formed, to be composed of the Sea faring

Commander in Chief may establish Artillery companies and Sea Fencibles, and direct the mode of drilling them.

faring people, and such as are principally employed on the water, to belong to and form a part of the Battalions of Militia respectively, in the Districts in which the same may be formed, and to direct the mode of drilling and instructing the Officers and men of the same Companies, provided that the time required of the Officers and Men thereof, shall not exceed that required by this Act of other persons belonging to the Militia; and for neglect or refusal on the part of the Officers or Men of either of the said companies of Sea Fencibles to discharge the duty required of them in compliance with such direction of the Commander in Chief, they shall severally incur the like penalty and penalties as other persons of the like rank in the Battalion to which they may belong, and to be recovered and applied in like manner as is herein provided.

Militia and Sea Fencibles may be ordered to do duty in the boats.

XL. And be it further enacted, That whenever the commanding Officer of the Militia in any County or District where such boats are provided, shall find it necessary to order the boats so provided, or any other boats or vessels with which he may be furnished, to proceed in repelling the enemy, or the assistance of any neighbouring District or Place, or to be stationed as a watch for the defence of any such place, the Militia of any such County, and particularly the Sea Fencibles, shall, on the orders of such commanding Officer, proceed in such boats accordingly.

Captains refusing to collect or to pay over fines, liable to an action of debt at suit of the Quarter Master.

XLI. And be it further enacted, That if any Captain or Officers commanding a company, shall refuse or neglect to collect within six months after the commission of the offence for which the party shall have become liable, or refuse or neglect to pay into the hands of the Quarter Master, any fine or penalty by him imposed, or any sum or sums by him received, it shall in any such case or cases be the duty of the commanding Officer of the Battalion to which such Officer may belong, to order and direct such Officer to be prosecuted by the Quarter Master as well for the money by him received as that which he has neglected to collect, before any one of His Majesty's Justices of the Peace, provided the same shall not exceed the sum of five pounds, and when the same shall exceed the sum of five pounds, then before any two of His Majesty's Justices of the Peace, and that it shall be the duty of such Quarter Master forthwith to proceed for the recovery of the same.

Commanding Officers of Militia may impress boats, men and horses.

XLII. And be it further enacted, That whenever the Militia or any part thereof shall be called into actual service, it shall and may be lawful for the Officer commanding any Regiment, Battalion, Detachment or Party, to impress boats, men, horses and teams as the service may require.

Persons belonging to Vessels may be compelled to do duty on shore, or in any Boat or Vessel.

XLIII. And be it further enacted, That whenever it shall be rendered necessary by any attack made or threatened suddenly to be made in any Sea Port, City, Town, or other place at or in the Harbour of which any Merchant Ship or Vessels may be laying, the Officer commanding the Militia is hereby authorised and fully empowered to compel the persons belonging to such Ships or Vessels to do duty on shore with the Militia Artillery, if any such there be, or in any Boats or Vessels, or with any part of the Militia where they can be the most usefully employed in resisting the attack of the enemy, and that in case of any great emergency which may render the service of the Artillery more necessary, the Officer commanding any Regiment or Battalion to which there may be an Artillery Company, may require the service of the whole or part of such Artillery Company as he may judge necessary, although the numbers required may exceed the proportion of men wanted or required from the rest of the Battalion, and so in like manner with any company of Sea Fencibles, or any or either of the Flank Companies.

Artillery, Sea Fencible or Flank Companies may be ordered for duty when necessary.

XLIV. And be it further enacted, That the commissioned Officers of the Militia when on actual service and doing duty in Garrison, or in the Field with His Majesty's regular or fencible forces, shall rank with the Officers of such forces as the youngest of their degree, and that the said Officers of the regular and fencible forces in this Province, and the Officers of the Militia shall be entitled reciprocally to command and be subject to be commanded in the same manner as is provided by the Laws of Great Britain, and the Articles of War for the Government of the Regular and Militia Forces thereof, and subject to the like pains and penalties on the part of the Officers of Militia as are herein before prescribed by the twenty-fourth section of this Act.

Officers doing duty with His Majesty's regular Forces, to take rank as youngest of their degree.

XLV. And be it further enacted, That if any person be wounded or disabled when on actual service, he shall be taken care of and provided for at the expense of the Province during his disability.

Persons disabled to be provided for by the Province.

XLVI. And be it further enacted, That any person sued for any thing done in the execution of his duty under and by virtue of this Act, may plead the general issue, and under such plea be at liberty at the time of trial to give any special matter in evidence in like manner as if such matter had been fully and specially pleaded, and that no action whatever shall be maintainable against any such person for any such cause, unless commenced within six months from the time of the act done for which any such action may be brought.

Persons sued in the execution of their duty may plead the general issue, &c. and no action maintainable unless commenced within six months.

XLVII. And be it further enacted, That the Governor or Commander in Chief, may at his pleasure constitute and establish one or more troops or such a number of Cavalry as he may judge expedient for the good of the service, and under such regulations as he may deem proper to make, which regulation so made, and under which the persons shall voluntarily enroll themselves, shall be equally binding as if the same were inserted in this Act, and subject to the like pains and penalties for breach of the same as herein before provided for others belonging to the Militia.

Commander in Chief may establish Troops of Cavalry.

XLVIII. And be it further enacted, That Clerks employed in the Military Offices who have been announced as such in general orders, shall be altogether exempt from doing Militia duty, and also from the payment of the Exempt money.

Clerks in Military Offices exempted.

XLIX. And be it further enacted, That no non-commissioned Officer or Private shall be liable to be arrested upon any process or execution whatsoever, other than for some criminal matter, while attending any training of the Battalion or Division thereof to which he may belong, or doing duty upon real service, or marching to or returning from the place appointed for such training or duty, except the original sum due for which he may be arrested shall amount to the value of twenty pounds.

Militia men exempted from arrest while on duty, unless for crimes, or debts amounting to £20.

L. And be it further enacted, That the Ferrymen exempted from training in the Militia under this Act, shall upon all occasions when the Militia are called out by Regiments, Battalions or Detachments for General Training, carry over their respective Ferries the said Militia, and each and every of them in going out and returning home, without any demand of Ferriage whatever, under the penalty of ten shillings for each and every offence, to be recovered by the party complaining, before any one of His Majesty's Justices of the Peace for the County where such offence shall be committed, upon the oath of one credible witness.

Ferrymen to convey Militia men, on duty, over their Ferries free of expence.

LI. And be it further enacted, That no person who has been, or may hereafter be furnished with arms and accoutrements and ammunition by Government, shall use the same for any other purpose than that for which they may have been furnished,

Arms not to be used for any purpose other than that for which they have

been furnished under penalty of 10s to be recovered before a Justice.

furnished, under a penalty of ten shillings for each and every offence, to be recovered before any one of His Majesty's Justices of the Peace in the same manner as prescribed in the next preceding Section of this Act, and paid to the person prosecuting for the same.

Arms issued from the King's Stores to be marked.

Captains made responsible for arms unless Bonds are given.

LII. "And whereas arms and accoutrements have been issued from His Majesty's Stores for the use of Militia in several parts of this Province; and it is necessary to provide for the security of those arms and accoutrements, and such as may hereafter be issued:" Be it further enacted, That such arms so issued or which may hereafter be issued, shall be branded distinctly on the broad part of the butt with the letter M, and the name of the County to the Militia of which they are issued, also with a capital letter to denote the company to which they belong, and number to distinguish each firelock to its owner, such brand to be provided by the commanding Officer of the Regiment or Battalion, and all Captains and other Officers commanding companies, shall be and they are hereby made responsible, except in case of unavoidable accident for the safe keeping and return (if called for) of such arms and accoutrements as are issued to the men in their respective companies or may hereafter be so issued, and such Captains or Officers commanding companies are hereby empowered and required to take into their possession all such arms and accoutrements, except where the person to whom they have been or shall be issued, shall give bond with sufficient surety to our Sovereign Lord the King in the penalty of five pounds, conditioned for the safe keeping and the return of the said arms and accoutrements, which bonds so given shall be lodged with the Clerks of the Peace in the respective Counties, who are hereby required to receive and file the same in their respective offices, which person so giving bond as aforesaid, shall be entitled to keep possession of such arms and accoutrements while he continues in the same company, and in case of the removal of any such person from such company, his arms and accoutrements shall be returned to the Captain, or other Officer commanding the said company, who shall give a receipt for the same to the person so delivering the said arms; and if any person having such arms and accoutrements in his possession, shall vend, pledge, or exchange the same or any part thereof (without leave of the Officer commanding the company to which such person belongs) or shall convey or cause the same or any part thereof to be conveyed out of the Province, or shall convey or cause the same to be conveyed on board any boat, ship or vessel, with intent to have the same carried out of the Province, or if the Master of such boat, ship or vessel, shall wilfully receive into his boat, ship or vessel, any such arms and accoutrements so intended to be conveyed out of the Province, or if any person shall purchase the said arms and accoutrements, every person so offending shall for each and every offence forfeit and pay the sum of ten pounds, to be recovered upon conviction before any two Justices of the Peace, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods, rendering the overplus (if any) after deducting the costs and charges of such distress and sale to the offender, one half of which penalty shall be paid to the person who shall prosecute for the same, and the other half into the hands of the Quarter Master of the Battalion to which such arms and accoutrements belong, and for want of effects whereon to levy the said fine of ten pounds, such offender shall be imprisoned not exceeding six nor less than three months, and in case the said arms and accoutrements shall at any time be called for to be delivered into His Majesty's Stores, all deficiencies shall be paid for out of the Treasury of the Province, excepting such arms and accoutrements as shall have been

Penalty of £10 for selling, exchanging or conveying away arms and accoutrements.

If arms are called for deficiencies to be paid by the Province.

been lost on actual service against the enemy: Provided always, and be it further enacted, That nothing herein contained shall be construed to render void the bonds heretofore given for any arms and accoutrements, under and by virtue of any Act heretofore passed, but that the same bonds shall be and remain in full force and effect.

Bonds heretofore given.

LIII. And be it further enacted, That when any order shall hereafter be given by or under the direction of the Commander in Chief of this Province for the time being, for the calling in the arms and accoutrements, or any of them which have been or may hereafter be issued from His Majesty's Stores for the use of the Militia in any part of this Province, and public notice thereof be given by the Captains of the companies of the respective Battalions to which such order may extend, it shall be the duty of every person or persons having in their possession such arms and accoutrements, forthwith to return all such arms and accoutrements complete, to the Quarter Masters of their respective Battalions in the district where they may reside, and who shall give to such person or persons a receipt for the same, and if any person or persons having in their possession such arms and accoutrements as aforesaid, shall refuse or neglect to return the same complete, to the Quarter Master of the Battalion in the district where such person or persons may reside, within ten days after such public notice as aforesaid of calling in the same, shall have been given, such person or persons so offending, and also every person or persons persuading, exciting, or endeavouring in any way wilfully to induce any other person so to offend, shall for each and every such offence, forfeit and pay the sum of five pounds, to be recovered upon conviction before any one Justice of the Peace, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods, rendering the overplus (if any,) after deducting the costs and charges of such conviction, distress and sale to the offender, which penalty shall be paid to the Quarter Master of the Battalion in the district where such person or persons may reside, and to be by him accounted for to the commanding Officer of such Battalion and applied to the contingent expenses of such Battalion; and for want of effects whereupon to levy the said fine of five pounds, such offender shall be imprisoned not exceeding twenty days nor less than ten days: Provided always, that no conviction shall take place for any such offence except at the instance and prosecution of the Quarter Master or commanding Officer of the Battalion to which such arms or accoutrements shall belong.

Upon order given for calling in the arms all persons to return them complete to the Quarter Master.

Quarter Masters to give Receipts.

Persons neglecting to deliver arms, after ten days notice, or inducing others to offend to forfeit £5.

Recovery.

For want of goods offender to be imprisoned.

LIV. And be it further enacted, That it shall and may be lawful for the Governor or Commander in Chief for the time being, from time to time, to commission and appoint proper Officers to inspect, instruct and command all the Battalions of the Militia throughout the Province, or to limit the command and inspection of such Officers to a particular number of Battalions, or to the inspection and command of all the Militia in particular divisions of the Province, or particular Counties or Districts, as may be considered most convenient, fit and proper; and all such Officers when so commissioned and published in General Orders to the Militia, shall be obeyed in all things lawful, and all persons who shall be so placed under their respective command.

Commander in Chief may appoint officers to inspect and command the Militia.

LV. And be it further enacted, That every Captain or Officer commanding a company of Militia, or who may be thereto appointed by the Lieutenant Governor or Commander in Chief, shall as soon as conveniently may be, after the passing of this Act, fix a time and place of meeting for enrolling all the Militia who reside within the limits which shall be assigned for his company, giving due notice publicly, at least ten days before, of the time and place of meeting, and every

Captains to fix a time and place of meeting for enrolling the Militia, and ten days notice to be given.

Militia men, not already enrolled, neglecting to appear &c. to forfeit 10s.

British Subjects coming to reside in the Province to enroll themselves within four months or forfeit 10s.

Battalions, &c. to continue as at present established till altered under this Act.

every Militia man (not being already enrolled in such company,) who, after public notice so given, shall neglect to present himself in person, and give in his name, age and place of residence, or cause the same to be made known in some certain way, to the Captain or other Officer of the Company attending at the time and place so fixed for the meeting of the militia men of the limits of such company, so as that such and every person who shall not within two months after he shall have attained the age of sixteen years, either present himself for enrolment, or cause his name, age and place of residence to be made known as aforesaid, so that he may be enrolled in the Militia company of the limits wherein his place of residence may be, shall for such neglect, forfeit and pay a fine of ten shillings; and every man within the age hereinbefore described, being a British subject, who shall come to reside in the Province, and shall not within four months after his arrival therein, present himself for enrolment, or cause his name, age and place of residence to be made known as aforesaid, so that he may be enrolled in the Militia company of the limits wherein he shall come to reside, shall for such neglect, forfeit and pay a fine of ten shillings.

LVI. And be it further enacted, That the Battalions of Militia as at present established in this Province, and the Districts of the several and respective Companies composing the said Battalions, and the enrolments of the men in such companies, shall continue to be the same as they now are, until altered under and by virtue of this Act.

CAP. XIX.

An Act to provide for the more effectual recovery of Fines imposed upon Jurors and Officers attending the Courts of Justice in this Province.

Passed 17th March, 1825.

Preamble.
26 G. 3, C. 6.

“**W**HEREAS in an Act made and passed in the twenty-sixth year of the “Reign of His late Majesty King George the Third, intituled “An Act for regulating Juries and declaring the qualifications of Jurors,” the mode of recovering and appropriating the fines therein imposed on Grand and Petit Jurors making default in appearance at the Courts which they may be summoned to attend, is not pointed out: And whereas it is expedient to make provision by Law for the more effectual recovery and for the appropriation of all fines imposed as well on Jurors as on Constables and other Officers and Ministers of the Law for default in attendance on Courts, which by Law they are required to attend;”

Fines imposed on Jurors and other Officers may be recovered and levied by Writ of general Levavi Facias, and paid over to the Treasurer of the County.

Application.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That all fines which may by Law be imposed on Grand Jurors, Petit Jurors, Constables, and other Officers or Ministers of the Law whatsoever, for non-attendance on any Court on which by Law they are bound to attend, shall and may be recovered and levied by writ of general Levavi Facias, issuing out of the Courts imposing such fines respectively, together with the costs of levying the same; and such fines shall when received, either by the Clerk of the Court imposing the same, or by the Sheriff or other Officer, by whom the same may be levied, be paid over and accounted for to the Treasurer of the County in which the Court sits, to be from time to time applied by the respective Courts which shall have imposed such fines for the payment of expenses of witnesses and other contingent charges on criminal prosecutions and for the support of Criminals in such respective Counties.

H.

II. And be it further enacted, That the Clerk of the Court by which any such fine or fines as are herein before mentioned, shall have been set or imposed, shall, within twenty days after the adjournment of such Court, enter on a Roll or Schedule the names of the persons upon whom any fine or fines shall have been set or imposed at such Courts, and their places of residence, together with the amount of the sum set or imposed upon each respectively, and shall within such time as aforesaid, send such Roll or Schedule with a writ of General Levari Facias, to which said writ the said Roll or Schedule shall be annexed, to the Sheriff of the County in which such Court shall have been held, which said writ shall be the authority to such Sheriff of such County, for proceeding to the immediate levying and recovering of the fines mentioned in the said Roll or Schedule, which said writ of general Levari Facias shall be in the form following, to wit:

Clerk of the Court, within 20 days, to send a Roll to the Sheriff, with the names and residence of the persons fined, and amount of the fines, with a Writ to which the Roll shall be attached.

To the Sheriff of the City and County, [or County, as the case may be] of Greeting: You are hereby required and commanded, as you regard yourself and all yours, That of the goods and chattels of all and singular the persons mentioned in the Roll or Schedule to this writ annexed, you cause to be levied all and singular the debts and sums of money upon them imposed and set, and in the said Roll or Schedule mentioned, so that the same may be recovered and paid over in such manner as is directed in and by the Act of the General Assembly in such case made and provided: And have you there then this writ. Witness [here insert the name of the Judge or Justice who shall preside at the Court imposing the fine] at in the County of the day of in the year of our Reign.

Form of the Writ.

(Signed) A. B. Clerk.

III. And be it further enacted, That if any Clerk of any Court shall neglect or refuse to perform the duty required of him by this Act, he shall forfeit and pay the sum of twenty pounds for every such neglect or refusal; to be recovered by any person or persons who will sue for the same, together with full costs of suit by action of debt, or on the case, in the Supreme Court, one half to be for the use of the person who shall sue for the same, and one half to be applied by the Court of which such delinquent may be Clerk, in the manner mentioned in the first Section of this Act.

Clerk, for neglect, to forfeit £20, to be recovered in the Supreme Court.

CAP. XX.

An Act to alter and amend the Laws now in force for the Establishment, Regulation and Improvement of the Great Roads of Communication through the Province.

Passed 17th March, 1825.

66 WHEREAS in and by the second Section of an Act made and passed "in the third year of His Majesty's Reign, intituled "An Act to repeal all the Laws now in force relating to the Establishment, Regulation and Improvement of the Great Roads of Communication through the Province, and to make more effectual provision for the same," the Road leading from Fredericton to Saint Andrews is established in part by the following line or route."

3 G. 4, C. 31.

[The Preamble and Section 1 repealed by the operation of 2 W. 4, C. 7, which establishes a new route for this Road.]

II. [Repealed by 8 G. 4, C. 10, which establishes the Road from Fredericton to Saint John, via Nerepis.]

Lieutenant Governor to appoint a Supervisor for the Nerepis Road.

Road and Supervisor liable to the provisions of the Great Road Laws.

Notice of appointment to be given to the Supervisor.

Part of S. 7, G. 4, C. 31, repealed.

Part of S. 4, G. 4, C. 31, repealed.

Governor may appoint Supervisor for the Road from Saint John to Missiguash, from the bend of Petticodiac to Chediac.

Supervisors to transmit their Accounts to the Auditor of Provincial Accounts.

III. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to appoint by warrant under his hand and seal, a fit and discreet person to be Supervisor of the said Great Road leading from Fredericton to Saint John by way of Nerepis, and that the said Road and the Supervisor thereof, shall be subject and liable to all the provisions and regulations of the said recited Act, or of this or any other Act, made or to be made in amendment of the said recited Act, in the same manner as any Road or Supervisor mentioned in the said recited Act.

IV. And be it further enacted, That the Secretary of the Province shall within ten days after the appointment of any Supervisor, give notice thereof to the person appointed, and transmit the bond to be entered into by such Supervisor to him for execution.

V. And be it further enacted, That such part of the seventh Section of the herein before recited Act, which provides that no Supervisor shall receive a larger sum than one hundred pounds in any one year for his services, be, and the same is hereby repealed.

VI. And be it further enacted, That the fourth Section of the Act to which this is an amendment, which relates to the appointment of a Supervisor for the Great Road of Communication from Saint John to the Province line, to join the Post Road of Nova Scotia, and also the Great Road from the Bend of the River Petticodiac to Chediac, and also the Great Road from Dorchester to Chediac; be, and the same is hereby repealed.

VII. And be it further enacted, That the Lieutenant Governor or Commander in Chief be authorised to appoint two or more fit and suitable persons to act as Supervisors to superintend the expenditure of all such sums of money as may be granted towards the improvement of the Great Road from the City of Saint John to Missiguash, also the Great Road from the bend of the Petticodiac to Chediac, and also the Great Road from Dorchester to Chediac, which said Supervisors shall have all the powers, and be subject to all the provisions of this Act and of the several Acts made for the establishment, improvement and regulation of the Great Roads of Communication throughout the Province.

VIII. And be it further enacted, That the Supervisors of the Great Roads respectively, shall transmit their accounts to the office of the Auditor of the Provincial Accounts in lieu of the office of the Secretary of the Province, as provided in and by the eighth Section of the said recited Act, to be examined and audited in the same manner, as any Provincial Accounts can or may be, by virtue of any Law in force for the auditing and examining of public accounts, and that such accounts together with requisite vouchers shall be transmitted to the office of such Auditor on or before the first day of December in each and every year.

CAP. XXI.

An Act to continue and amend the Acts for raising a revenue in this Province.

Passed 17th March, 1825.

[Repealed by 7 G. 4, C. 26.]

CAP. XXII.

An Act to appropriate a part of the Public Revenue to provide for the ordinary services of the Province.

Passed 17th March, 1825.

[*Expired.*]

CAP. XXIII.

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

Passed 17th March, 1825.

[*Expired.*]

CAP. XXIV.

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

Passed 17th March, 1825.

[*Expired.*]

**Anno Regni, GEORGII IV Britanniarum Regis,
Septimo.**

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the nineteenth day of January, in the year of our Lord one thousand eight hundred and twenty-six, in the seventh year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c. &c. being the sixth Session of the Eighth General Assembly convened in the said Province.

CAP. I.

An Act for appointing Commissioners to inquire into the losses occasioned by the late destructive Fires in this Province.

Passed 24th February, 1826.

[*Obsolete.*]

CAP. II.

3 G. 4, C. 19. An Act to continue an Act, intituled "An Act to regulate the cutting of Saw Logs on the River Magaguadavic and its various Branches."

Passed 7th March, 1826.

[*Expired.*]

CAP. III.

54 G. 3, C. 13. An Act to continue an Act, intituled "An Act to empower and authorise the Justices of the County of Westmorland, at their General Sessions of the Peace, to regulate the grazing and depasturing the several Marshes, Low Lands or Meadows, within the said County."

Passed 7th March, 1826.

[*Expired.*]

CAP.

CAP. IV.

An Act to amend the Act to prevent the bringing of Infectious Distempers into the City of Saint John.

Passed 7th March, 1826.

[*Repealed by 10 & 11 G. 4, C. 27.*]

CAP. V.

An Act for further regulating Servants and Apprentices.

a

Passed 7th March, 1826.

“**W**HEREAS it is expedient to make further regulations respecting indented Servants and Apprentices absenting themselves from their Master’s Service, or otherwise ill behaving themselves;”

Preamble.

Be it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for any two Justices of the Peace in any County in this Province, upon application or complaint made upon oath by any Master or Mistress, against any indented Servant or Apprentice for absenting themselves from his or her service, or touching or concerning any misdemeanour, miscarriage or ill behaviour, in such his or her service, (which oath such Justices are hereby empowered to administer) to issue their Warrant for bringing the offender before them, and to hear, examine and determine such complaint, and to punish the offender by commitment to the Common Goal or House of Correction, there to remain and be corrected and held to hard labour for a reasonable time not exceeding one Calendar Month.

Two Justices upon complaint against an Indented Apprentice may issue a Warrant and bring up the offender, and punish by commitment.

CAP. VI.

An Act to maintain an armed Cutter for the protection of the Revenue of this Province.

Passed 7th March, 1826.

[*Expired.*]

CAP. VII.

An Act to authorise and empower the Magistrates of the County of Charlotte, to sell the County Gaol and Gaol Lot, in the Town of Saint Andrews, and to erect a more suitable Building in the said Town, in lieu thereof.

Passed 7th March, 1826.

“**W**HEREAS the County Gaol in the Town of Saint Andrews has but two apartments wherein Debtors and Criminals of every denomination can be imprisoned;”

Preamble.

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

Magistrates may sell the Gaol and Gaol Lot in St. Andrews and appropriate the money towards the erection of another Gaol.

That the Magistrates of the County of Charlotte, be authorised and empowered, and they are hereby authorised and empowered accordingly, to sell the Gaol and Gaol Lot in the Town of Saint Andrews, and appropriate the money derived from such sale, towards the erection of a County Gaol in the said Town, that shall be considered by the said Magistrates or the major part of them, adapted to the better preservation of the health of the Prisoners, and accommodation of Debtors, and every denomination of Criminals who may be imprisoned therein.

CAP. VIII.

An Act for the better extinguishing of Fires that may happen within the City of Saint John, and to repeal all the Acts now in force relating to the same.

Passed 7th March, 1826.

Preamble.

“ **W**HEREAS it is an object of the greatest importance to the City of Saint John, to have skilful Firemen to take charge of, direct and work the Fire Engines, within the said City: And whereas such Persons are not to be procured without some further exemptions from public duties than are at present extended to them by the several Acts now in force for the better extinguishing of Fires that may happen within the City of Saint John;”

26 G. 3. C. 47,

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled, “ An Act for the better extinguishing Fires that may happen within the City of Saint John;” and also an Act made and passed in the twenty-eighth year of the same Reign, intituled,

28 G. 3. C. 3,

“ An Act in addition to an Act, intituled, an Act for the better extinguishing Fires that may happen within the City of Saint John;” and also an Act made and passed in the fifty-second year of the same Reign, intituled “ An Act in further addition to an Act, intituled, an Act for the better extinguishing Fires that may happen within the City of Saint John,” and also an Act made and

52 G. 3. C. 17,
and

passed in the fifty-sixth year of the same Reign, intituled, “ An Act to increase the number of Firemen in the City of Saint John,” be and the same are hereby repealed, and this Act shall come and be in force from and after the first day of May next.

56 G. 3. C. 2,
repealed.

b Common Council to elect and appoint proper persons not exceeding 80 to take charge of the Fire Engines.

II. And be it further enacted, That it shall and may be lawful to and for the Mayor, Aldermen and Commonalty, of the City of Saint John, or the major part of them, in Common Council convened, and they are hereby required to elect, nominate and appoint a sufficient number of strong, able, discreet, honest, and sober men, willing to accept, not exceeding eighty, in number, being Freemen or Freeholders of the said City, to have the care, management, working and using of the Fire Engines, belonging to the City of Saint John, and the other tools and instruments for extinguishing of Fires that may happen within the said City; which Persons so to be elected, nominated, and appointed as aforesaid, shall be called the Firemen of the City of Saint John, and who are hereby required and enjoined always to be ready at a call, by night, as well as by day, to manage, work and use the same Fire Engines, and others that may hereafter belong to the same City, and the other Tools and Instruments for extinguishing of Fires that may happen or break out in the City aforesaid.

To be called the Firemen.

III.

b Common Council to appoint 40 Firemen in addition to the number authorized by this Act. See 2 W. 4, C. 11.

III. " And in order to compel and oblige the Firemen, so to be elected, nominated or appointed as aforesaid, to be diligent, industrious and vigilant in the execution and discharge of their office and duty ;" Be it further enacted, That the Mayor, Aldermen and Commonalty of the said City, for the time being, in Common Council assembled, or the major part of them, are hereby authorised and empowered to remove and displace all or any of the Firemen so as aforesaid to be elected, nominated, or appointed, when and as often as they shall think fit, and others in the room or places of such as they shall remove or displace, to elect, nominate, or appoint, and put in, and so from time to time as they the Mayor, Aldermen and Commonalty aforesaid, for the time being, in manner aforesaid shall see convenient.

Common Council may remove Firemen and appoint others.

IV. And be it further enacted, That the Persons so to be elected, nominated or appointed Firemen as aforesaid, and each and every of them from time to time, during the continuance of being in the office of Firemen, and no longer, shall 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 exempt and free from all Statute Labour on the Highways and Streets within the said City ; and the names of such Persons elected, nominated or appointed Firemen 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 after this Act shall come into operation, and the electing or appointing Firemen, by virtue hereof, any such Person or Persons elected or appointed Firemen as aforesaid, shall be chosen, elected or appointed into any of the said offices, or to serve in the Militia (except as before excepted) or upon any of the said Juries, or to perform Statute Labour, or to be disquieted or disturbed by reason thereof, that then such Person or Persons, producing a testimonial or certificate under the hand of the Mayor, Recorder, or any one Alderman of the said City for the time being, of such his election, nomination or appointment, 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 or Persons shall voluntarily consent and agree to hold such office, or serve in such Militia, or to perform either of the other duties, from which he is hereby exempted, any order, custom, law or practice to the contrary hereof in any wise notwithstanding.

Firemen exempted from the offices of Constable and Surveyor of Highways, and from serving in the Militia except in case of Invasion, and from serving on Juries, and from Statute Labour on the Streets.

Names of Firemen to be registered in the office of the Clerk of the Peace.

Firemen being chosen or appointed to any office or duty from which they are by this Act exempted, to be discharged upon producing a Certificate.

V. And be it further enacted, That it shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the said City for the time being, or the major part of them, met as aforesaid, to make, establish and ordain, such rules, orders, ordinances and regulations in respect to the government, conduct, duty and behaviour of the Persons from time to time to be by them elected, nominated or appointed Firemen, by virtue of this Act, in the working, managing and frequent exercising, trying and using the same Fire Engines, Tools and other Instruments, 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 from them, as the Mayor, Aldermen,

Common Council to make rules and regulations for the conduct of Firemen, and impose fines for neglect of duty.

Aldermen, and Commonalty of the same City for the time being, or the major part of them, met as aforesaid, shall from time to time think meet and convenient.

All Sheriffs, &c. to repair to places where Fires shall happen with their Rods, &c. and assist in extinguishing the Fire, &c.

VI. And be it further enacted, That upon the breaking out of any Fire, within the City of Saint John aforesaid, all Sheriffs, Under or Deputy Sheriffs, High Constables, Petty Constables and Marshalls, upon notice thereof, shall immediately repair to the place where the said Fire shall happen, with their rods, staves and other badges of their authority, and 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 they find stealing or pilfering from the Inhabitants, as also that the said Officers, shall give their utmost assistance to help the Inhabitants to remove and secure their said Goods.

Limitation.

VII. And be it further enacted, That this Act shall continue and be in force until the first day of May, which will be in the year of our Lord one thousand eight hundred and thirty and no longer.

[Continued by 10 & 11 G. 4, C. 1, and 5 W. 4, C. 8, to 1st April, 1840.]

CAP. IX.

An Act to authorise the Justices of the Peace for the County of Northumberland, to levy an assessment to pay off the County Debt.

Passed 7th March, 1826.

[*Obsolete.*]

CAP. X.

An Act to authorise the Justices of the County of Northumberland, to regulate the Grazing and Depasturing of certain tracts of Land within that County.

Passed 7th March, 1826.

[Continued by 8 G. 4, C. 1, to March, 1828, and then expired.]

CAP. XI.

c An Act to extend the Power of the Firewards in the Parish of Fredericton, and to make further regulations for the better extinguishing of Fires that may happen in the said Parish.

Passed 7th March, 1826.

Preamble.

“**W**HEREAS serious inconveniencies and disorders have arisen at Fires
“ in the Town of Fredericton, from the want of a prompt obedience
“ to the Firewards, and from a great deficiency in the supply of Buckets; for
“ remedy whereof,”

I.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, upon every alarm of Fire in the said Town, or in its Vicinity either in the night or day time it shall be the duty of every Constable resident within the said Town or in its immediate Vicinity, knowing of such alarm, immediately to repair (with a Staff to be provided by the Firewards for that purpose as hereinafter directed) to the place where the Fire may be, and there to report himself to some one or more of the Firewards there present, or if no Fireward be present on his arrival, then to the first Fireward that shall thereafter arrive at the Fire, and to place himself under the immediate orders and directions of such Firewards, and to use his utmost exertions to aid and assist the said Firewards, and to obey and carry into effect all orders and directions that may be given to him by the said Firewards or any of them at the time of such Fire.

Constables to report themselves to the Firewards.

To assist in extinguishing the Fire, &c.

II. And be it further enacted, That for every refusal or neglect by any Constable, resident in the said Town, or in its immediate vicinity, to perform and fulfil any of the duties by this Act imposed upon him, such Constable shall forfeit and pay the sum of forty shillings, together with the costs of recovering the same, to be recovered and applied in like manner as the penalties and forfeitures mentioned in an Act made and passed in the fifth year of His Majesty's Reign, intituled "An Act to repeal the Laws now in force for appointing Firewards and for the better extinguishing of Fires, so far as relates to the Town of Fredericton, and to make regulations more suitable to the said Town," are by the fifth Section of the same Act directed to be recovered and applied, and for the want of sufficient distress, such offender shall suffer eight days' imprisonment, unless the penalty and costs shall be sooner paid.

Constables for neglect of duty to forfeit 40s.

5 G. 4, C. 5.

Recovery.

III. And be it further enacted, That the Firewards are hereby authorised and required to provide a sufficient number of such proper and necessary Staves for the Constables, herein before mentioned, as the said Firewards or the major part of them may deem most fit and convenient, for the said Constables to carry with them at all times of their attendance at Fires as herein before is directed, which Staves shall be kept at such convenient place or places as the said Firewards or the major part of them may direct to be in readiness at all times when required.

Firewards to provide Staves for the Constables.

IV. And be it further enacted, That at and during the raging or continuance of any Fire that may hereafter happen, either in the said Town or in its immediate vicinity, if any person or persons shall refuse or wilfully omit to obey the orders of any Fireward there present for his falling into line or for his doing any other act that such Fireward may think necessary, towards aiding and assisting in extinguishing such Fire or in preserving of any property endangered by such Fire, or who shall be guilty of any disorderly conduct in defiance of the orders of any Firewards there present, or shall in any way wilfully obstruct or endeavour to obstruct the carrying into effect any orders or regulations that may be then given or made by the Firewards present, or any of them, for the better extinguishing of such Fire, the Firewards present at any such Fire, or any of them, shall have full power, if he or they see fit, and he and they are hereby authorised to order any Constable present, forthwith to take such offender or offenders into custody, and to convey such offender or offenders, if such Firewards or any of them see fit, to the common Gaol of the County of York; and the Gaoler of such Gaol is hereby required to keep such offender or offenders so committed, in close confinement until delivered in manner herein after mentioned; and the Fireward or Firewards who may have committed any such offender,

Any Person who shall disobey the order of a Fireward, &c. may be committed to Gaol.

Gaoler to keep the offender in close confinement, and Firewards after such Fire and within 24 hours to cause the offen-

del to be brought before a Justice and prosecuted.

All persons present to aid and assist the Constables or Firewards.

Penalty for refusal or neglect.

Householders in Freetown to provide themselves with Buckets.

To have Ladders kept stationary to afford a ready access to the top of the House.

Householder knowing of an alarm of Fire to carry or send his Buckets, to the place, under penalty of 40s.

Captains and Firemen of the Engine now belonging to the Town, to collect the Buckets after a Fire, and keep them in the Engine House until claimed.

Justices in Sessions may raise by assessment such sum as the Firewards shall shew to be necessary for purchasing another Engine.

shall immediately after such Fire shall be extinguished, and at the latest within twenty-four hours, cause such offender or offenders to be brought up by the Gaoler or other person appointed for that purpose, before any one of His Majesty's Justices of the Peace, (not being a Fireward) resident in the said Town, to answer for such offence, and to be proceeded against, for any forfeiture or penalty thereby incurred either by this or any other act then in force, according to Law: and all persons present at any such offence, are required to aid and assist any Constable or Fireward in carrying into effect the directions and provisions of this Act as such Firewards or any of them may direct, and any Constable or other person refusing or neglecting to obey any orders or directions of the Firewards or any of them, for carrying into effect the provisions of this Section of this Act, shall for every such offence, be subject and liable to the like forfeiture or penalty, as is imposed by the second section of this Act, for the offences therein mentioned, to be recovered and applied as in the said second Section is directed.

V. And be it further enacted, That as soon after the passing of this Act, as the same can be procured, every Householder in the said Town, or in its immediate vicinity, shall provide himself with two good Leather Buckets of sufficient size to hold two and a half gallons of water, with the name of the proprietor thereof, painted on the side of each of the said Buckets, to be kept always ready, in some convenient place in his House, and shall also provide himself with two good and sufficient Ladders, one to reach from the ground to the roof of his House, and the other to lay on the roof and held at the top by two substantial Iron hooks, fastened to the end of such Ladder which shall extend down the roof, until it meets the Ladder standing on the ground; which said Ladders every such Householder shall keep stationary at his House, in such convenient situation as will at all times afford a ready access to the top of his House when necessary, and that on every alarm of Fire in the said Town, or in its immediate vicinity, every Householder in the said Town or in its immediate vicinity, knowing of such alarm, and not being a Fireward, shall forthwith carry his Buckets so provided as above directed, or cause the same to be carried to the place where the Fire may be, to be there used as occasion may require; and every person wilfully refusing or neglecting to perform any of the duties by this Section of this Act imposed, shall for every such offence forfeit and pay the sum of forty shillings, to be recovered and applied in like manner as the forfeitures mentioned in the second Section of this Act, are herein before directed to be recovered and applied.

VI. And be it further enacted, That after every Fire that shall hereafter happen in the said Town, or in its immediate vicinity, it shall be the duty of the Captains and Firemen of the Engine now belonging to the said Town there present, to collect all the Buckets that may be found at the place where the Fire may be, and to take such as are not there claimed by the owners thereof to the Engine House, with the Buckets belonging to such Engine, and to keep them there in safe custody until the same shall be applied for by the owners thereof, when the same shall be delivered to such owners respectively.

VII. And be it further enacted, That the Justices of the Peace for the County of York in their General Sessions, or the major part of them, are hereby authorised and empowered to raise by assessment such sum as the Firewards may, by an estimate made out by them in writing and produced to the said Justices of the Peace, or the major part of them, in their General Sessions, shew to be necessary for the purchasing or providing another Engine for the said Town, such assessment to be made in due proportion upon all and every the

the person or persons, who do or shall inhabit, hold, occupy, possess, and enjoy any House, Shop, Warehouse or other Tenement, or Property liable to be consumed by Fire, within the said Town, or in its immediate vicinity.

VIII. And be it further enacted, That such sum or sums shall be assessed, levied, collected and paid in like manner, as the assessments mentioned and provided for in the herein before in part recited Act, are by the twelfth Section of the same Act directed to be assessed, levied, collected and paid, for the purpose above mentioned.

Assessments
how to be made
and levied.

IX. And be it further enacted, That this Act shall continue and be in force for and during the continuance of the said herein before in part recited Act, and no longer.

Limitation.

[Continued by 10 & 11 G. 4, C. 9, and 5 W. 4, C. 18, to 1st April, 1837.]

CAP. XII.

An Act to repeal all the Laws now in force for the regulation of Seamen, and to make more effectual provision for that purpose.

Passed 7th March, 1826.

“ WHEREAS the several Acts for the regulation of Seamen, require some alteration and amendment, and it is expedient that the said Acts should be consolidated ;”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled “ An Act for the regulation of Seamen,” and also an Act made and passed in the thirty-eighth year of His said late Majesty’s Reign, intituled “ An Act in addition to and in amendment of an Act, intituled “ An Act for the Regulation of Seamen,” and also another Act made and passed in the fiftieth year of His said late Majesty’s Reign, intituled “ An Act in amendment of the Acts now in force for regulating Seamen,” be and the same are hereby severally repealed.

26 G. 3, C. 53,

38 G. 3, C. 2,
and

50 G. 3, C. 12,
repealed.

II. And be it further enacted, That if any Innholder, Shopkeeper, or any other person whatsoever, 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 restrained upon process granted for any such debt or pretence of debt made whilst he was engaged and actually entered and in pay on any voyage, shall forthwith order his release.

No *Capias*, &c.
to be issued for
arrest of the
Person of a
Mariner for
any debt con-
tracted until
the voyage
shall be per-
formed.

Mariners ar-
rested may be
discharged by
order of any
Justice, if the
debt do not ex-
ceed £5.

III. And be it further 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

Any Mariner
having shipped
himself on board
of any Vessel,
or belonging to
a Vessel ar-
riving in the
Province

who shall neglect his duty, &c. may be committed to Prison.

And all charges attending his being secured may be deducted from his pay.

Any person engaging or concealing any Mariner, knowing him to have deserted, shall pay a sum not more than £10 nor less than £5.

Recovery and Application.

For want of Goods, Offender to be imprisoned.

Mariner deserting shall forfeit his wages.

Upon proof, on Oath, before a Justice, that a Mariner is concealed in any Vessel in Harbour or in any Tavern or other House or Place, the Justice may issue his Warrant to make search.

If such Seaman be found in such suspected place

complaint thereof made on oath by the Owner 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 that 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.

IV. And be it further 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 any Ship or Vessel within the Province, every such Master, Commander, or other person or persons so offending, and being thereof convicted before any two of His Majesty's Justices of the Peace for the County where the offence is committed, upon the oath of one or more credible witness or witnesses, or confession of the party, shall forfeit and pay such sum as the said Justices shall adjudge, not exceeding Ten Pounds, and not less, than Five 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 shall be no goods or chattels of such offender, whereof 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 Thirty 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 have agreed for, or be entitled to, during the Voyage from the Owners or Master of the Ship or Vessel on board of which he shall have entered, after such desertion, to the use of the Owner or Owners of such Ship or Vessel as he shall have deserted from, to be sued for and recovered by action of debt; in any Court competent to try the same.

V. And be it further enacted, That if proof be made upon oath, by the Owner, Agent, or Master of any Ship or Vessel, before any of His 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 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

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.

he shall be delivered to the Owner, &c.

VI. " And whereas the practice of enticing Seamen to desert their Ships, is " greatly promoted by the encouragement given to Tavernkeepers and others, " by giving large sums to them for procuring Seamen ;" Be it further enacted, That from and after the first day of April next, 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, Tavernkeeper, Shopkeeper, 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, Tavernkeeper, Shopkeeper, 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 ; and if any suit or action is knowingly brought upon any such bond, note, bill, agreement or engagement ; and the same shall appear to the satisfaction of the Judge who shall try the cause, he shall grant a certificate of the same immediately after the trial ; and the Plaintiff in such action shall thereupon be liable to pay double costs of suit to the Defendant in such action.

No money or reward shall be given to any person for procuring Seamen ; and monies so paid may be recovered back ; and Bonds, Notes, &c. to be void.

If action brought on Bonds, &c. Judge to certify, and Plaintiff to pay double costs.

Mariners not to be bound unless Agreement be in writing, &c.

VII. Provided always, and be it further 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 herein before contained to the contrary notwithstanding.

VIII. And be it further enacted, That this Act shall continue and be in force until the thirty-first day of March, which will be in the year of our Lord one thousand eight hundred and twenty-nine, and no longer.

Limitation.

[Continued by 9 & 10 G. 4, C. 10, and 5 W. 4, C. 11, to 1st April, 1840.]

CAP. XIII.

An Act in further amendment of the Laws in force for the support and relief of Confined Debtors.

Passed 7th March, 1826.

[Repealed by 10 & 11 G. 4, C. 30.]

CAP. XIV.

d An Act in addition to and in amendment of the several Acts now in force, to provide for Sick and Disabled Seamen, not being Paupers, belonging to this Province.

Passed 7th March, 1826.

Preamble.

60 G. 3, C. 15.

“ WHEREAS in and by the first Section of an Act of the General Assembly made and passed in the Sixtieth year of the Reign of His late Majesty, intituled “ An Act to provide for Sick and Disabled Seamen, not being Paupers, belonging to the Province,” it is enacted, “ that every Ship or Vessel that shall arrive at any port or place within the Province, and shall be of the burthen of sixty tons or upwards, shall pay to the Treasurer of the Province or his deputy, at the port or place where such Ship or Vessel may arrive, the sum of one penny per ton, for every registered ton, such Ship or Vessel shall be rated at :” And whereas the sum paid upon Vessels arriving at the Harbour of Saint John, and out bays of the port of Saint John, within the Bay of Fundy has been found too small ;”

Vessels of 60 Tons and upwards to pay an additional penny per Ton, to be paid and recovered as directed by the several Acts now in force for providing for sick Seamen.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the first day of April next, every Ship or Vessel that shall arrive at the said Harbour of Saint John, or said out Bays of the Port of Saint John, and shall be of the burthen of sixty tons or upwards, shall pay an additional sum of one penny per ton, making in the whole, two pence per ton, for every registered ton such Ship or Vessel shall be rated at ; the same to be paid, recovered and received, in the manner directed in and by the several Acts in force, for providing for sick and disabled Seamen, and subject to the Rules, Regulations, and Restrictions therein contained.

Second Section of 60 G. 3, C. 15, repealed, as to Miramichi and St. Andrews.

II. And whereas in and by the second Section of the before recited Act, it is provided that the duty imposed by the said Act, shall be paid to the Overseers of the Poor, for the place where the same is collected : And whereas it is expedient to make other and more effectual regulations for providing for such Seamen in the ports or harbours of Miramichi and Saint Andrews : Be it therefore enacted, that the second Section of the above mentioned Act, so far as it relates to, or concerns the Ports of Miramichi and Saint Andrews, be and the same is hereby repealed.

Governor with advice of Council to appoint Commissioners.

Duties collected at Miramichi and St. Andrews to be paid by the Treasurer to the Commissioners for sick and disabled Seamen at those Ports, and such Commissioners to have the same powers as the Overseers of the Poor.

III. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or Commander in Chief, by and with the advice of His Majesty’s Council, to appoint three or more fit Persons to be Commissioners, and to displace, re-appoint or supply all or any of the said Commissioners, as from time to time may be necessary or expedient ; and that the duty imposed by the above mentioned Act, and collected at the said ports of Miramichi and Saint Andrews, respectively, or so much thereof as shall be necessary, shall be paid over by the Treasurer or Deputy Treasurer, to such Commissioners, so to be appointed respectively, by warrant of the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty’s Council, to be by them applied, for the necessary care, cure, support and maintenance, of sick and disabled Seamen, at their respective ports, in such manner as they may deem advisable ; and that such Commissioners shall have the same rights, power and authority at the said respective ports of Miramichi and Saint Andrews, and subject to such rules and regulations as are, in and by any of the Acts now in force, for re-
lief

d Refer to 60 G. 3, C. 15, and the Acts there referred to.

lief of sick and disabled Seamen, granted to, or imposed on, the Overseers of the Poor as hereby expressly altered.

IV. And be it further enacted, That the Waters, Creeks and Places lying between Point Esecuminac and Tabasintac, shall be taken, and considered as forming the Port of Miramichi, as far as regards the purposes of this Act, and no further.

Port of Miramichi described.

V. And be it further enacted, That the Waters, Creeks and Places of the County of Charlotte, be considered as forming the port of Saint Andrews, for the purpose of this Act, but no further.

Port of Saint Andrews described.

VI. And be it further enacted, That the said several Acts now in force, for the support of sick and disabled Seamen, except so far as they are hereby expressly altered or repealed, shall be and remain in full force.

Former Acts to remain in force.

CAP. XV.

An Act, further to prevent Illicit and Clandestine Trade in this Province.

Passed 7th March, 1826.

[*Disallowed by the King in Council, on the 16th November, 1827.*]

CAP. XVI.

An Act, to regulate the Manufacturing and Shipment of Grindstones from the County of Westmorland.

Passed 7th March, 1826.

[*Continued by 9 G. 4, C. 29, to 1st April, 1833, and then expired.*]

CAP. XVII.

An Act, to incorporate the Minister and Elders of the Kirk of Scotland in the Town of Saint Andrews.

Passed 7th March, 1826.

[*Repealed by 2 W. 4, (Second Session,) C. 2.*]

CAP. XVIII.

An Act, to provide for the expenses of the Judges holding the Circuit Courts and Courts of Oyer and Terminer, in this Province, and of the Clerk in those Courts.

Passed 7th March, 1826.

[*Continued by 1 W. 4, C. 27, and 5 W. 4, C. 22, to March, 1836, and then expired. See 5 W. 4, C. 46, which provides for the Clerk of the Circuits.*]

CAP. XIX.

An Act, for granting Bounties on Grain raised on new land.

Passed 7th March, 1826.

[Continued by 9 & 10 G. 4, C. 5, to 1st May, 1833, and then expired.]

CAP. XX.

An Act, to authorise the rector, Church Wardens and Vestry of Christ Church in the Parish of Saint Stephens, to dispose of a part of a Tract of Glebe Land in that Parish, and to vest the proceeds in other lands more productive to the Rector.

Passed 7th March, 1826.

Preamble.

“**W**HEREAS a certain tract of Land, situated in the Parish of Saint Stephen’s in the County of Charlotte, adjoining the Village of Mill Town hertofore granted by Letters Patent under the Great Seal of this Province, to the Church Wardens and Vestry of the Parish of Saint Stephen’s for the use, benefit and behoof of the Rector, Parson or Minister for the time being, lies now almost a common, yielding but a trifling income to the Incumbent: And whereas from the contiguity of the front of the said Tract to the said Village, a part of the same Tract would sell in Building Lots for high prices, and the money arising from such sales being vested in other lands, would improve the state of the Glebe, and render the same more profitable to the Incumbent;”

Corporation with concurrence of the Ecclesiastical Commissary may sell a part of the Glebe.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Rector, Church Wardens and Vestry of Christ Church, in the Parish of Saint Stephen’s, be and they are hereby empowered to sell in Building Lots, the front of the said Glebe Lot (not exceeding thirty acres) and to make good and sufficient Deeds of conveyance of the same, with the concurrence of the Archdeacon or Ecclesiastical Commissary of this Province, who shall be a party to every such Deed of conveyance and sign and seal the same.

Proceeds of the Sale to be expended in the purchase of other Lands for the use of the Rector, under the direction of Commissioners to be appointed by the Govern.^r nor.

II. And be it further enacted, That the amount arising from such sale shall be expended by the said Rector, Church Wardens and Vestry in the purchase of other Lands to them and their Successors, for the use, benefit and behoof of the said Rector of Christ Church in the Parish of Saint Stephen’s, and his Successors, as a Glebe, in such mannner as shall be directed by Commissioners to be for that purpose nominated and appointed by the Lieutenant Governor or Commander in Chief for the time being, by warrant under his hand and seal, which Commissioners or the major part of them shall signify their assent to any Deed or Deeds of conveyance of Lands so purchased under and by their directions, by signing and sealing the same.

CAP. XXI.

An Act, to authorise the Justices of the Peace for the County of Sunbury to levy an assessment, to enable them to pay off the County Debt.

Passed 7th March, 1826.

[*Obsolete.*]

CAP. XXII.

An Act for regulating the Salmon and Shad Fisheries, so far as the same may e relate to the river Petticodiac in the County of Westmorland.

Passed 7th March, 1826.

“ **W**HEREAS it is expedient in order to prevent the destruction of the “breed of Salmon and Shad in the River Petticodiac and its Branches, “that an opportunity should be afforded to Fish of those species to pass up the “said River without obstruction;”

Freamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That no Salmon or Shad, during the continuance of this Act, shall be taken or killed in the said River and its Branches, either with Nets or Spears or in any other way on Sunday, Monday, Tuesday and Wednesday in every week, and that no Salmon shall be taken or killed by any ways or means in any part of the said River and its Branches, after the twentieth day of August in each and every year, and that any person or persons guilty of a breach of this Act, upon due conviction thereof by the oath of one or more credible witness or witnesses, before any one Justice of the Peace of the said County, shall forfeit the sum of three pounds, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering to him the overplus, if any; after deducting the costs and charges of prosecution, and if no goods and chattels can be found whereon to levy the same, then the offender to be committed by warrant, to the County Gaol, there to remain for any time not exceeding twelve days, unless the penalty and costs shall be sooner paid, and the said penalty when recovered, shall be paid, one moiety into the hands of the Overseers of the Poor of the Parish where the offence may have been committed, and the other moiety to the person who shall prosecute for the same.

No Salmon or Shad to be taken or killed on Sunday, Monday, Tuesday and Wednesday in every week; and no Salmon to be killed in any way after the 20th of August, under penalty of £3.
Recovery.

Application.

II. And be it further enacted, That no person or persons, during the continuance of this Act, at any time or under any pretence whatsoever, shall for the taking or killing of Salmon or Shad in the said River or its Branches, make use of any Seine or Seines, set Net or set Nets, or erect any Wear or Wears, for the taking of such Fish above the Bend of the said River or above a place called Dupnack's Landing; and that any person or persons making use of any of the means herein specified and prohibited for the procuring of the said Fish, shall, upon conviction as aforesaid, incur the same penalties, to be sued for, prosecuted and recovered in the same manner as directed by the first Section of this Act.

No Person to make use of Seines or Set Nets or erect Wears for taking Fish above the Bend of the River.

Penalty on conviction.

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

Limitation.

[Continued by 1 W. 4, C. 25, to 1st April, 1841.]

CAP. XXIII.

An Act in amendment of “An Act for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns and Parishes within this Province.”

Passed 7th March, 1826.

[Repealed by 1 W. 4, C. 33.]

e Refer to 33 G. 3, C. 9, and see 1 W. 4, C. 25, as to Overseers of Fisheries.

CAP. XXIV.

An Act to repeal an Act, intituled “ An Act to alter and in addition to an Act, intituled an Act for establishing a Tender in all Payments to be made in this Province,” and declaring in what manner certain past debts may be paid.

Passed 7th March, 1826.

Preamble.

“ **W**HEREAS great inconveniences are felt in consequence of the increased value given to certain Foreign Coins, specified in an Act made and passed in the sixtieth year of His late Majesty’s Reign, intituled “ An Act to alter and in addition to an Act, intituled an Act for establishing a tender in all payments to be made in this Province,” as compared with British Gold and Silver Coin;”

60 G. 3, C. 25.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the said recited Act, made and passed in the sixtieth year of the Reign of His late Majesty King George the Third, be and the same is hereby repealed.

II. [*Obsolete.*]

CAP. XXV.

An Act to provide for the rebuilding of Government House.

Passed 7th March, 1826.

[*Obsolete.*]

CAP. XXVI.

An Act to continue and revise the Revenue Laws of the Province.

Passed 7th March, 1826.

[*Repealed by 8 G. 4, C. 24.*]

CAP. XXVII.

An Act to impose a duty on Horses imported into this Province, and for other purposes.

Passed 7th March, 1826.

[*Expired.*]

CAP. XXVIII.

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

Passed 7th March, 1826.

[*Expired.*]

CAP.

CAP. XXIX.

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

Passed 7th March, 1826.

[*Expired.*]

CAP. XXX.

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

Passed 7th March, 1826.

[*Expired.*]

CAP. XXXI.

An Act for the division of the County of Northumberland into three Counties, ^f and to provide for the Government and Representation of the two new Counties.

Passed 7th March, 1826.

“**WHEREAS** from the great extent of the present County of Northumberland, it is necessary and expedient that the same be divided into three Counties;”

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That all that part of the said County which now forms the Parishes of Carleton and Wellington, and also that part which lies in the rear thereof and not included in the Parishes of Ludlow, Nelson, or Chatham, be, and the same is hereby erected into a County separate and distinct from the said County of Northumberland, to be called and known by the name of the County of Kent, and that all that other part of the said County of Northumberland which now forms the Parishes of Saumarez, and Beresford, be, and the same is hereby erected into another County separate and distinct from the said County of Northumberland, to be called and known by the name of the County of Gloucester, and that the residue of the said County of Northumberland continue to form the same County.

II. And be it further enacted, That the like Courts of Justice shall be erected and established, and the like Justices and other officers be constituted and appointed in the said two new Counties respectively, as are now erected and established, constituted and appointed in the said County of Northumberland, and with the like powers and authorities.

III. And be it further enacted, That the Courts of General Sessions of the Peace and Inferior Courts of Common Pleas, shall be holden in the respective Shire Towns of the said two new Counties, twice in every year at the times following, that is to say: for the said County of Kent, on the third Tuesdays in January and June, and for the said County of Gloucester, on the second Tuesdays in January and June, and continue until the business shall be finished, not exceeding five days; and that the two additional terms of the said Inferior

Courts

Preamble.

Boundaries of the Counties described.

County of Kent.

Gloucester.

Northumberland.

Courts of Justice with like Officers and powers as at present in Northumberland.

Courts of Sessions and Common Pleas to be held in Kent.

^g Third Tuesday in January and June.

^h in Gloucester 2d Tuesdays in January and June.

^f Refer to 26 G. 3, C. 1, S. 1, for the original Boundaries of Northumberland, and to 54 G. 3, C. 17, which erected the Parishes mentioned in this Act.

^g Kent Common Pleas to be holden on 2nd Tuesday in January and 4th Tuesday in June. See 9 G. 4, C. 12.

^h Gloucester June Term altered to the last Tuesday in July; and the additional term in October to 2nd

Additional
terms
In Kent 1st
Tuesday in
April and Sept.
½ Gloucester
2nd Tuesdays
in April and
October.

Counties subdivi-
ded into Par-
ishes.
Six in Kent.
Carleton

2 Liverpool.

½ Wellington.

½ Dundas.

Huskisson.

Harcourt.

Five in Glou-
cester.

2 Saumarez.

Bathurst.

Beresford.

Addington.

Eldon.

Town of Dal-
housie.

77 Liverpool in
Kent; and Ba-
thurst in Glou-
cester, to be
Shire Towns.

Courts of Common Pleas for the said two new Counties, shall be holden as follows, that is to say : for the said County of Kent, on the first Tuesdays in April and September, and for the said County of Gloucester, on the second Tuesdays in April and October, and continue until the business shall be finished, not exceeding five days, at which additional terms no Jury shall be summoned.

IV. And be it further enacted, That the said two Counties shall be, and the same are hereby respectively subdivided into Towns or Parishes as follows, to wit : The said County called the County of Kent shall be divided into six Towns or Parishes, the first to retain the name of Carleton to be formed of the northwesterly part of the present Parish of Carleton, and to be divided from the other part, by a line to be drawn through the middle of the River and Lake Aldouane, and to comprehend the Islands lying in front thereof. The second Town or Parish to be called and known by the name of Liverpool, and to be bounded Northwesterly by the said River and Lake Aldouane, and Southeasterly by a line running through the middle of the River Chockpish, to comprehend the Islands in front. The third Town or Parish to retain the name of Wellington, to be bounded Northwesterly by the said Parish of Liverpool and Southeasterly by a line running through the middle of the River Mahalawodiac, comprehending the Islands in front. The fourth Town or Parish to be called and known by the name of Dundas, to be formed of the residue of the present Parish of Wellington, comprehending the Islands in front. The fifth Town or Parish to be called and known by the name of Huskisson, to comprehend all that part of the residue of the said County of Kent which lies to the northwest of the River Richibucto; and the sixth Town or Parish to be called and known by the name of Harcourt, to be formed of the residue of the same County. The said County of Gloucester shall be divided into five Towns or Parishes, as follows, to wit : The first Town or Parish to be formed of the Easterly part of the present Parish of Saumarez, to retain that name, and to be divided from the other part thereof by a line to be drawn through the middle of a small stream called Teague's Brook, about eight miles Eastward of Nipisigut Bay from its mouth to its source, and thence south by the Magnet. The second Town or Parish to be called and known by the name of Bathurst, and to be formed of the residue of the said Parish of Saumarez. The third Town or Parish to retain the name of Beresford, to be formed of that part of the present Parish of Beresford which lies to the Eastward of a line drawn through the middle of Benjamin River. The fourth Town or Parish to be called and known by the name of Addington, and to be formed of that part of the present Parish of Beresford, lying between Benjamin River, and a line to be drawn through the middle of the River Upsalquitch, including Heron Island, and other Islands in front; and the fifth Town or Parish to be called and known by the name of Eldon, and to comprehend the residue of the said present Parish of Beresford.

V. And be it further enacted, That the Town now forming on the Southern side of the entrance of the River Restigouche within the said County of Gloucester shall be called and known by the name of Dalhousie.

VI. And be it further enacted, That the said Town of Liverpool in the said County of Kent, and the said Town of Bathurst in the said County of Gloucester, shall be forever hereafter the Shire Towns, of the said Counties respectively; and that

Tuesday in Nov. by 9 G. 4, C. 18, which was again altered by 5 W. 4, C. 7, to the last Tuesday in Oct. The additional Term in April was altered to the 1st Tuesday in April by 3 W. 4, C. 10. See Table of Courts, Appendix, No. 1.

2 Name changed to Richibucto by 2 W. 4, C. 10. Richibucto divided and Welford erected. 5 W. 4, C. 19.

½ Division Line of Dundas and Wellington altered by 9 G. 4, C. 11.

2 Saumarez divided and New Bandon and Carraquet erected. 1 W. 4, C. 19.

77 The name of the Shire Town of Kent changed to Richibucto by 2 W. 4, C. 10.

that a Court House and a Gaol shall be erected in each of the said Shire Towns in like manner, and by such and the like ways and means, as such Buildings have been or may be erected in other Counties in the Province, and in such places within the said Shire Towns respectively as the Lieutenant Governor shall direct; and that all the Public Offices in the said two new Counties shall be kept at the places so to be directed and determined upon by the Lieutenant Governor.

n Court House and Gaols, to be erected in the Shire Towns.

VII. And be it further enacted, That in each of the said Shire Towns shall be erected and established a Registry of Deeds, Conveyances and Wills, for the said Counties respectively; each to be managed and executed by a Register to be constituted in like manner, and under and subject in all respects, to the like Laws, Rules and Regulations, as any other Registry in any other County of the Province; and that all Deeds, Conveyances and Wills, which may affect any Lands, Tenements or Hereditaments, in the said two new Counties, respectively, shall be entered and registered at full length in the respective Registries: provided the same Deeds have not been before Registered in the said County of Northumberland.

Registry of Deeds to be established in the new Counties.

Deeds and conveyances to be registered.

VIII. And be it further enacted, That the Town or Parish Officers to be hereafter annually appointed for the said two new Counties respectively, shall in all respects possess the same powers as the like Officers in any other County. Provided always, that the powers and authorities of the present or any other Officers appointed or to be appointed by the Court of General Sessions of the Peace for the said County of Northumberland, shall continue until after the first General Session of the Peace shall be holden in and for the said two new Counties respectively.

Town and Parish Officers to be annually appointed.

Powers of the present Officers to continue until after the first Session in the new Counties.

IX. And be it further enacted, That all actions now depending, or which may hereafter be brought in the Inferior Court of Common Pleas, for the said County of Northumberland, before this Act shall go into operation, shall be there proceeded in and finally determined, although the parties may reside or the causes of action may have arisen in either of the said two new Counties: And that all Rates and Assessments, which have been or which may hereafter be made on the Inhabitants of those parts of the said County of Northumberland, hereby erected into separate Counties before the commencement of the operation of this Act, shall be proceeded on and collected and paid, and the accounts finally settled as if this Act had not been made, any thing herein contained to the contrary notwithstanding. Provided always, that no assessment shall be made upon the Inhabitants of the said two new Counties, for the purpose of erecting a Court House, Gaol, or other public building or buildings within the said County of Northumberland, and that no assessment already made for those purposes shall be levied or proceeded on so far as relates to the Inhabitants of the said new Counties.

Actions in Common Pleas of Northumberland to be there proceeded in and determined.

Rates and assessments already made, &c. to be proceeded on and collected.

No assessment to be made or levied on the new Counties for public Buildings in Northumberland.

X. And be it further enacted, That each of the said two new Counties shall be entitled to send one Member to serve in the General Assembly of this Province, to be elected by the Freeholders in like manner and subject to the like Laws, Rules and Regulations, under which other Members are elected in any other County; and that all such Freeholders whose Title Deeds may have been registered in the County of Northumberland before this Act shall go into operation, shall be entitled to vote without having their Deeds registered anew in the said new Counties respectively: Provided always, that no Writs shall issue for the election of such Members until there shall be a General Election for the Province.

Each new County to send one Member to General Assembly; and Freeholders whose titles are registered in Northumberland may vote.

No Writs of election to issue till a General Election.

XI.

n See 3 W. 4, C. 9, authorizing Lock-up Houses at Campbell Town, and Dalhousie, in Gloucester.

New Counties
not established
until Commis-
sions be issued
for erecting
Courts of Jus-
tice, &c.

Suspended until
His Majesty's
approbation.

XI. And be it further enacted, That the said two new Counties shall not be deemed to be erected and established, until the Commissions shall be issued for erecting the said Courts of Justice, and appointing the several Justices and other Officers for the said two new Counties, and the same shall be notified by Proclamation of the Governor or Commander in Chief for the time being. Provided always, that this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

[This Act was confirmed, finally enacted and ratified, by an order of His Majesty in Council, dated at the Court at Brighton, the 5th day of February, 1827.]

[The issuing of Commissions for erecting Courts of Justice in Kent and Gloucester, and for the appointment of Officers, was notified by Proclamation of His Excellency the Lieutenant Governor, bearing date the 22d day of May, 1827.]

Anno Regni, GEORGH IV Britanniarum Regis,
Octavo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the eighth day of February, in the year of our Lord one thousand eight hundred and twenty-seven in the Eighth Year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c. &c. being the Seventh Session of the Eighth General Assembly, convened in the said Province.

CAP. I.

An Act to continue an Act, intituled, "An Act to authorise the Justices of the County of Northumberland to regulate the grazing and depasturing of certain Tracts of Land within that County."

Passed 19th March, 1827.

[Expired.]

CAP. II.

An Act to prevent unnecessary delay and expense in proceedings against persons having privilege of the General Assembly.

Passed 19th March, 1827.

“ WHEREAS the mode of proceeding against persons having privilege of the General Assembly, by Distringas, is extremely dilatory and expensive;”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, when any Summons shall be sued out against any Member of His Majesty's Council, a Member of the House of Assembly, or other persons having privilege of the General Assembly, if the Defendant or Defendants shall not appear at the return of the Summons, or within twenty days after such return, in every such case, it shall and may be lawful to and for the Plaintiff or Plaintiffs, upon affidavit being made and filed in the proper Court, of the personal service of such Summons, to enter an appearance or appearances for the Defendant or Defendants, and to proceed thereon as if such Defendant or Defendants had entered his or their appearance.

Preamble.

Persons having privilege of General Assembly not entering appearance within 20 days. Plaintiff to proceed as if appearance had been entered.

II. Provided, nevertheless, and be it further enacted, That nothing in this Act contained, shall extend or be construed to subject any person whatsoever, entitled

Not to subject any Member to arrest or imprisonment.

to the privilege of the General Assembly, to be arrested, restrained or imprisoned, during the term of such privilege; but that every such person shall continue to be exempt therefrom, in like manner as if this Act had not been made.

CAP. III.

An Act further to continue an Act, intituled, "An Act for granting further aid in support of the Grammar School in the Town of Saint Andrews."

Passed 19th March, 1827.

[*Expired.*]

CAP. IV.

a An Act for the more easy assessment of damages in Actions on Bonds payable by Instalments, and other similar Instruments, and for the more convenient service of Writs of Scire Facias.

Passed 19th March, 1827.

Preamble.

“**W**HEREAS much inconvenience and expense are incurred in Actions brought upon Bonds or on Penalties for the non-performance of Covenants and Agreements contained in any Indentures, Deeds or other Writings, in consequence of the Laws now in force requiring the Damages on breaches assigned or suggested on the Record in all cases to be assessed after Judgments upon Demurrer, or by confession or default by Juries for that purpose, to be summoned: And whereas it is considered that many of the said Cases the Damages may be assessed by the Court in which such Actions are brought, which will much lessen the expense and inconvenience of such proceedings;”

In actions upon Bonds payable by Instalments.

Penalties for non performance of agreements.

The damages to be assessed by the Court without intervention of a Jury.

Defendants being served with a Scire Facias.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act in all Actions in any of His Majesty's Courts of Record in this Province, upon any Bond or Bonds conditioned for the payment of money by instalments, or for the performance of Agreements or Awards, where such Agreements or Awards are expressed only for the payment of any sum or sums of money: And in all Actions for any penal sums for non-performance of any Covenants or Agreements, in any Indenture, Deed or Writing contained, where such Covenants or Agreements are only for the payment of Monies in which Judgment shall be given for the Plaintiff or Plaintiffs, upon Demurrer, or by Confession or Nihil dicit; the truth of all breaches assigned or suggested on the Record may be inquired of, and the Damages thereupon assessed by the Court without the intervention of a Jury; the costs and charges of such proceeding to be borne by the Defendant or Defendants: which inquiry and assessment shall be entered upon the Record; and execution may thereupon be taken out for the Damages so assessed, together with Costs of Suit, in like manner as if such Damages had been assessed by a Jury in the manner heretofore accustomed.

II. Provided always and be it further enacted, That in each case such Judgment shall, as now accustomed, remain, continue and be as a further security to answer

a Refer to 26 G. 3, C. 21, as to assessment of damages in Actions on the case—and see 5 W. 4, C. 37, S. 9, authorising assessments by Judges in vacations.

answer to the Plaintiff or Plaintiffs, and his or their Executors or Administrators, such Damages as shall or may be sustained for further breach of any Condition or Covenant in the said Bond, Indenture, Deed or Writing contained; upon which the Plaintiff or Plaintiffs may have a Scire Facias upon the said Judgment against the Defendant or against his Heir, Terretenants, or his Executors or Administrators suggesting such other breach or breaches, and to summon him or them respectively to show cause why Execution shall not be had or awarded upon the said Judgment; and if no appearance be entered by the Defendant or Defendants, upon such Scire Facias, the Courts in which such Actions have been brought, are respectively authorised and empowered to assess such further damages and to award Execution for such damages, together with the costs and charges of such proceeding, in manner as herein before directed: And so in case of any further breaches a further assignment or suggestion may be made, and the like proceedings may be had as herein before directed.

not entering appearance.

The Courts to assess and award Executions for further damages and costs.

III. Provided nevertheless, and be it further enacted, That nothing in this Act contained shall extend or be construed to prevent the Defendant or Defendants from having a Jury summoned to assess the Damages upon the breaches assigned in the manner heretofore accustomed, provided he, she or they give Notice to the Plaintiff or Plaintiffs of such wish or intention, within ten days after Judgment is signed in the Action or such Scire Facias served. And provided also, that the Court in which such action is brought, shall have full power to order and direct the Damages to be assessed by a Jury, in any case where the same may appear proper or expedient, and to award Execution thereupon in the manner in and by this Act directed.

Not to prevent a Jury being summoned by Defendant, on notice given within 10 days after Judgment.

IV. [*Repealed by 2 W. 4, C. 20, which regulates the service of Writs of Scire Facias.*]

CAP. V.

An Act to continue and amend "An Act for regulating the Inspection of Fish, to be consumed within this Province."

Passed 19th March, 1827.

[*Repealed by 10 & 11 G. 4, C. 28.*]

CAP. VI.

An Act to authorise the Rector, Church Wardens and Vestry of Christ Church, in the Parish of Fredericton, to convey a certain piece of the Glebe Land of the said Parish, in exchange for other Land.

Passed 19th March, 1827.

“**W**HEREAS the Rector, Church Wardens and Vestry of Christ Church, in the Parish of Fredericton, have, by and with the consent of the Venerable Archdeacon George Best, the present Rector, or Minister, of the said Parish, and Ecclesiastical Commissary for the Province; and with the approbation of the Right Reverend the Lord Bishop of Nova Scotia, agreed with Thomas Baillie, of Fredericton aforesaid, Esquire, a Member of His Majesty’s Council for the Province of New Brunswick, for the conveyance and assurance

Preamble.

Description of
Lot to be con-
veyed by the
Rector, Church
Wardens and
Vestry of Christ
Church to Tho-
mas Baillie,
Esquire.

“ to him the said Thomas Baillie, of a certain piece or tract of land in the said
 “ Parish of Fredericton, being part of a lot or tract of land heretofore granted by
 “ Letters Patent under the Great Seal of this Province, to the Rector, Church
 “ Wardens and Vestry of Christ Church, in the Parish of Fredericton, as a Glebe
 “ for the use, benefit and behoof, of the Rector, Parson or Minister of the said
 “ Parish, for the time being ; which piece or tract of Land is bounded and des-
 “ cribed as follows, to wit : Beginning at a Dry Hemlock Stump marked C. T.,
 “ standing on or near the Southwesterly bank or shore of the River Saint John,
 “ about forty nine rods above the mouth of Phillis’ Creek, at the lower or South-
 “ easterly corner of lot number One, formerly granted to Cornelius Thompson,
 “ in the Grant of Block number Two, or second Battalion of New Jersey Volun-
 “ teers, thence running by the Magnetic Needle of (1799) South thirty two de-
 “ grees West, ninety two chains, of four Poles each, along the line of blazed
 “ trees marked A. R., being the lower or Southeasterly line of the said lot num-
 “ ber One, thence South sixty six degrees East, ten chains to a dead Hemlock
 “ blazed and notched, standing on the Western angle of Land granted to Isaac
 “ Hedden, Esquire, thence along the Northwesterly line of the said last mention-
 “ ed Grant, North forty four degrees, East eighty one chains, or until it meets
 “ the main branch of Phillis’ Creek aforesaid, thence along the said branch of the
 “ said Creek, following its several courses down Stream along the middle thereof
 “ to its discharge in the River Saint John, thence along the Southwesterly bank or
 “ shore of the said River following its several courses up Stream until it meets the
 “ bounds first mentioned, or a line running North Thirty two degrees East there-
 “ from, containing in the whole one hundred and fifty acres, more or less, with
 “ the usual allowance of ten per centum for roads and waste: In exchange for a
 “ certain other piece or parcel of Land situate, lying and being, in the Parish of
 “ Kingsclear in the County of York, and bounded and described as follows, to
 “ wit : Beginning at a stake and stones on or near the Southwesterly bank or
 “ shore of the River Saint John at the lower or Southeasterly corner of lot num-
 “ ber Two in the Grant of Block number Two or second Battalion of New Jer-
 “ sey Volunteers, thence running by the Magnetic Needle (of 1799) South thirty
 “ one degrees West, twenty five chains of four Poles each, along the lower or
 “ Southeasterly line of the said lot number Two, to the King’s Highway, thence
 “ Southeasterly along the North side of the said Highway eleven chains and fifty
 “ links or to the Northwesterly line of land owned by Frederick Wentworth Wins-
 “ low, thence along the said line North thirty one degrees and thirty minutes
 “ East, twenty six chains, or to the bank or shore of the River Saint John afore-
 “ said, and thence along the Southwesterly bank or shore of the said River fol-
 “ lowing its several courses up Stream to the first mentioned bounds, containing
 “ thirty acres, more or less, together with all Houses, buildings, and other im-
 “ provements and appurtenances thereunto belonging ; which said last mentioned
 “ piece or parcel of Land, Tenements and Premises, the said Thomas Baillie
 “ hath agreed to convey and assure to them the said Rector, Church Wardens
 “ and Vestry, and their Successors in perpetuity, to the use, benefit and behoof
 “ of the Rector, Parson or Minister of the said Church and his Successors forever,
 “ in lieu of the said herein before described piece or tract of the said Glebe, of
 “ the said Parish of Fredericton, so agreed to be conveyed to the said Thomas
 “ Baillie as aforesaid ;

“ And whereas it is expedient, and will be for the benefit of the said Church,
 “ that the said agreement should be carried into effect, for the perfecting of which
 “ said agreement, and for carrying the same into full force and effect ;”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That upon the receipt of a good and sufficient Title, Conveyance and Assurance from the said Thomas Baillie, of the said last herein before described piece or parcel of Land, Tenements and Premises, so agreed to be conveyed by the said Thomas Baillie to them the said Rector, Church Wardens and Vestry of the said Church, and their Successors, to the use, benefit and behoof of the Rector, Parson or Minister of the said Church, and his Successors forever, they the said Rector, Church Wardens and Vestry of Christ Church in the Parish of Fredericton, be and they are hereby authorised and empowered by a good and sufficient deed, to convey to the said Thomas Baillie, his heirs and assigns, the said hereinbefore described piece or tract of Land being part of the said Glebe of the said Parish of Fredericton as aforesaid; To hold the same to him the said Thomas Baillie, his heirs and assigns forever; saving nevertheless the Right and Title of the King's Majesty, his Heirs and Successors, and of every other person or persons body politic and corporate, excepting the said Rector, Church Wardens and Vestry of Christ Church, in the Parish of Fredericton, and the Parson and Minister of the said Church, and the said Thomas Baillie, and any person or persons claiming by, from or under them, or any of them.

Rector, Church Wardens and Vestry of Christ Church authorised upon receiving a good Title to a certain piece of land described in the Preamble, to convey to Mr. Baillie another piece, also described in the Preamble.

II. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, any thing to the contrary thereof in any wise notwithstanding.

This to be deemed a public Act.

CAP. VII.

An Act in further amendment of an Act, intituled "An Act subjecting Real Estates in the Province of New Brunswick to the payment of Debts; and directing the Sheriff in his proceedings thereon."

Passed 19th March, 1827.

66 **WHEREAS** the entering at full length the Records of all Judgments "before Executions can issue thereupon against Real Estate, and also the said Executions, in a Book kept in the Office of the Clerk of the Supreme Court, is attended with great inconvenience and expense; and it is considered that the advantages which such a regulation was intended to effect, may be obtained to the full extent by keeping and entering a Docket, or Memorandum, of all Judgments of the said Court, accessible to all persons at proper times;"

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the first day of May next, all that part of an Act made and passed in the twenty sixth year of the Reign of His late Majesty King George the Third, intituled "An Act subjecting Real Estates in the Province of New Brunswick to the payment of Debts, and directing the Sheriff in his proceedings thereon," which requires the Process against Real Estates, and the Record of Judgments to be inspected and certified, and the said Judgment and Process with such Certificate to be recorded in a Book, by the Clerk of the Supreme Court, to be kept for that purpose, shall be and the same is hereby repealed: Provided always, That nothing herein contained shall extend, or be construed in any wise to cause the reversal of any Judgment or Process for Error to operate against any bona fide purchaser under a Process against Real Estate, although such Judgment or Process be not certified and recorded in the manner mentioned in the said Act.

Part of 60 G. 3, C. 12, repealed.

Not to cause reversal of Judgment to operate against any bona fide purchaser.

II.

Clerk of Supreme Court to make an alphabetical Docket by Defendants names of all Judgments entered in the Court, which shall contain names of Plaintiffs and Defendants, &c.

To be open for search at all reasonable times on payment of fees. Attorneys to deliver a Docket:

No Judgment to bind Lands and no Execution to issue on Judgment not Docketted.

Copy of Docket certified by the Clerk or his Deputy, evidence in all Courts.

Fees payable to the Clerk for services under this Act.

In Counties where no Newspaper is published, sale to be advertised in the Register's Office.

II. And be it further enacted, That from and after the said first day of May next, the Clerk of the Pleas in the Supreme Court, shall make or cause to be made and put into an Alphabetical Docket by the Defendant's names, a particular of all Judgments entered in the said Court, which shall contain the name and names of the Plaintiff or Plaintiffs, the name and names of the Defendant or Defendants, and the Debt, Damages and Costs recovered thereby, and in what County, or City and County, the respective Actions were laid, the time of signing the Judgment, and the number of the Roll; and that the said Docket shall be fairly put into and kept in a Book in the Office of the said Clerk, to be searched and viewed, by all persons at all reasonable times, paying the legal and accustomed fees for a search in the said Office; and that in order to the making such Docket, every Attorney of the said Court, on taking in the Judgment Roll, shall deliver, or cause to be delivered to the said Clerk, a Docket paper or entry containing all the particulars aforesaid, except the time of signing the Judgment, and the number of the Roll.

III. And be it further enacted, That no Judgment not docketted and entered in the manner mentioned in the last foregoing Section of this Act, shall in any manner whatever affect or bind any Lands, Tenements, or Real Estates, nor shall any Execution, or other Process, issue on any Judgment not so docketted and entered.

IV. And be it further enacted, That a Copy of the Docket of every such Judgment taken from the said Book of Dockets, and certified under the hand of the said Clerk of the Pleas, or his Deputy, shall be evidence of the docketting of such Judgment in all Courts whatever.

V. And be it further enacted, That the following fees shall be paid to the said Clerk of the Pleas in the Supreme Court, for filing up the date and number in the Docket, and entering the particulars of Judgments in manner herein before directed, that is to say: For every Judgment where the amount recovered does not exceed Twenty five Pounds, One Shilling; for every Judgment where the amount recovered is over Twenty five Pounds and does not exceed Two Hundred Pounds, One Shilling and Sixpence; for every Judgment where the amount recovered is over Two Hundred Pounds and does not exceed One Thousand Pounds, Two Shillings; for every Judgment where the amount recovered is over One Thousand Pounds, Three Shillings; and for each certified copy of the entry of a Judgment taken from the Book, One Shilling.

VI. And be it further enacted, That one of the places of advertising the time and place of any Sale, to be made by the Sheriff of any Lands, Houses, Real Estate or Hereditaments as required by the said recited Act, shall in those Counties where no Newspaper is published, be within the Office of the Register of Deeds of the said Counties respectively; and such Registers are hereby required to allow the same to be made in their respective Offices.

CAP. VIII.

c An Act to provide for the Registering of Judgments and Recognizances, which are intended to bind or affect Real Estates.

Passed 19th March, 1827.

Judgments and recognizances not to affect

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That no Judgment or Recognizance, (other than such as shall be entered into in

in the name and upon the proper account of His Majesty, His Heirs and Successors) which shall be obtained or entered into after the first day of May next, shall affect or bind any Lands, Tenements or Hereditaments, situate, lying and being in any County, or City and County, within the Province, against any subsequent purchaser or mortgagee for valuable consideration, but only after the time that a memorial of such Judgment or Recognizance shall be entered at the Register's Office of such County, or City and County, expressing and containing, in case of such Judgment, the names of the Plaintiffs and Defendants, the sums thereby recovered and the time of the signing thereof; and in case of Recognizances, expressing and containing the date of such Recognizance, the names and additions of the Cognizers and Cognizees therein, and for what sums and before whom the same were acknowledged; and that in order to the making an entry of such memorials of Judgments and Recognizances as aforesaid, the Party or Parties desiring the same shall produce to and leave with the Register, to be filed in the Register office, a memorial of such Judgment or Recognizance, signed by the proper Officer, or his Deputy, together with an affidavit sworn before one of the Judges of the Supreme Court, or any Commissioner appointed to take affidavits to be read in the Supreme Court (other than the Attorney in the suit) that such memorial was duly signed by the Officer whose name shall appear to be thereunto set; which memorial such Officer is hereby required to give such Plaintiff or Plaintiffs, Defendant, or Defendants, Cognizee or Cognizees, his, her or their Executors or Administrators, or Attorney or any of them, he, she or they paying for the same the sum of One Shilling and no more.

II. And be it further enacted, That the said Register shall make an entry, and likewise (if required) shall give a certificate in writing under his hand of every such memorial of any Judgment or Recognizance brought to him to be so registered as aforesaid, and therein mention the certain day which such memorial is so entered or registered, expressing also in what book, page and number the same is entered; and that the fee to such Register for each entry shall be One Shilling, and for each certificate One Shilling, and that such certificate shall be taken and allowed as evidence of the Registry of such memorial in all Courts whatsoever.

III. And be it further enacted; That in case of Judgments or Recognizances whereof memorials shall be entered in the Register Office of any County, or City and County, pursuant to this Act, if at any time afterwards, a certificate shall be brought to the Register, signed by the Plaintiff or Plaintiffs in such Judgment, Defendant or Defendants, in case the Judgment be for such Defendant or Defendants, and Cognizee or Cognizees in such Recognizance, his, her or their lawful Attorney, Executors or Administrators, and attested by two witnesses, whereby it shall appear, that the monies due upon or by virtue of such Judgment or Recognizance have been paid and satisfied in discharge thereof; which witnesses, or one of them, shall upon oath before one of the Judges of the Supreme Court, or any of the Commissioners as aforesaid, or the said Register, prove that the said Plaintiff or Plaintiffs, Defendant or Defendants, Cognizee or Cognizees, or his, her or their lawful Attorney, Executors or Administrators, signed such certificate and acknowledged such payment or satisfaction, or if a certificate is produced to the Register signed by the proper Officer or his Deputy, and duly proved in the manner directed by the first Section of this Act, that satisfaction of such Judgment or Recognizance has been duly entered up of Record, or that an Execution issued upon such Judgment has been returned duly satisfied, that then and in every such case the said Register shall make an

lands &c. until a memorial thereof, properly attested, be entered at the Register's Office in the County, or City and County, where the lands, &c. are situate, except in Crown cases.

The party desiring an entry to be made to leave with the Register, to file in his Office, a memorial of the Judgment or Recognizance.

The Register to give Certificates of the entry of Memorials.

Fees.

On production of a Certificate, Register to make an entry opposite to the Registry of the Memorial of the satisfaction of the same.

entry

Certificate to be filed.

Fees of Register and Officer.

Six months after the passing of this Act, lands, &c. to be affected by Judgment only from the date of the entry of the Memorial, except in Crown cases.

Not to affect the priority given in and by 26 G. 3, C. 12.

Judgments of or Recognizances in any Inferior Court not to affect Lands, &c. except in Crown cases.

One Book of Records to be kept and all Deeds, &c. to be numbered as entered.

entry in the margin of the said Registry Book against the Registry of the memorial of such Judgment or Recognizance, that the same was satisfied and discharged, according to such certificate, to which the same entry shall refer; and shall after file such certificate to remain upon record in the said Register Office; and that the fee to the Register for such entry, shall be One Shilling and no more, and to the Officer for such certificate shall be One Shilling and no more:

IV. And be it further enacted, That no Judgment or Recognizance (except as before excepted) already recovered or entered into, or which may be recovered or entered into, on or before the said first day of May next, shall after the expiration of six months from the passing of this Act, affect or bind any Lands, Tenements or Hereditaments, against any subsequent Purchaser or Mortgagee for valuable consideration, unless a memorial thereof, duly signed and proved as before directed, shall be entered in the Register Office of the County, or City and County, wherein such Lands, Tenements or Hereditaments are situate, within six months from the passing of this Act, except only from the time of entering such memorial.

V. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to affect the priority given in and by an Act made and passed in the twenty-sixth year of His late Majesty's Reign, intituled "An Act subjecting Real Estates in the Province of New Brunswick to the payment of Debts, and directing the Sheriff in his proceedings thereon," to Executions which may be taken out and executed upon Real Estates within the Province.

VI. Provided also, and be it further enacted, That no Judgment of any Inferior Court, or Recognizance entered into before any Inferior Court or Judge thereof, (other than such as shall be entered into in the name of His Majesty, His Heirs and Successors,) shall affect or bind any Lands, Tenements or Hereditaments within this Province, any Law, Usage or Custom to the contrary notwithstanding.

VII. "And whereas it has been customary in several of the Counties of this Province, to keep separate Books of Record of different sorts of Instruments affecting lands, which may lead to serious difficulties from Deeds of the same date affecting the same Lands being entered in different books at the same time;" Be it further enacted, that from and after the said first day of May next, only one book of Records shall be kept in each County, and all Deeds, Instruments or Memorials entered therein, shall be numbered in the order in which they are entered.

CAP. IX.

- d* An Act further to alter and amend an Act, intituled "An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery, and Fornication."

Passed 19th March, 1827.

Preamble.

“WHEREAS it is expedient to limit the number of Magistrates authorized to solemnize matrimony within this Province;”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from

d Refer to 31 G. 3, C. 5, and see 4 W. 4, C. 46, which extends the privilege of solemnizing Marriage to Ministers of the several Religious Congregations in the Province.

from and after the first day of July next, no Justice of the Peace or Quorum shall solemnize or celebrate Marriage between any persons whatsoever within this Province, unless such Justice shall be especially authorised and commissioned to perform such ceremony by Warrant or Commission from the Lieutenant Governor or Commander in Chief of the Province, and then only when there shall be no Parson, Vicar, Curate, or other person in Holy Orders of the Church of England resident and officiating in the said Parish.

No Justice of the Peace to celebrate Marriage without Commission, and when no Clergyman officiates in the Parish.

II. And be it further enacted, that such and so many Justices of the Peace being of the Quorum shall be appointed by the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, and commissioned under the hand and seal of such Governor or Commander in Chief during pleasure, to solemnize or celebrate Marriages in such Counties or Parishes as may be deemed expedient and necessary; and that such Commissions or Warrants shall be made out and delivered to such Justices free of any expense to them; and the names of such Justices so authorised shall be published in the Royal Gazette.

Governor with the advice of Council to commission Justices to celebrate Marriage.

Commissions to be delivered free of expense, &c.

III. Provided always, and be it further enacted, That Justices of the Peace not of the Quorum, may be appointed to solemnize Marriages within the County of Saint John.

Any Justice may be appointed in the County of Saint John. Justices without Commissions celebrating Marriage subject to penalties as by 3d Sec. 31 G. 3, C. 5.

IV. And be it further enacted, That if any Justice of the Peace or Quorum shall after the said first day of July next, presume to solemnize Marriage without being thereto duly authorized as aforesaid, he shall be subject to the like pains, penalties, and forfeitures, as other persons so offending are by the third Section of the said recited Act made subject and liable to.

Governor may commission Magistrates in the sickness or absence of the Clergyman.

Provided that nothing herein contained shall extend or be construed to prevent the Lieutenant Governor or Commander in Chief authorising Magistrates to solemnize Marriage, in the sickness or absence of the resident Parson, Vicar, or Curate.

CAP. X.

An Act to alter and amend the Laws now in force relating to the establishment, regulation and improvement of the Great Roads throughout the Province, and to make more effectual provision for the same.

Passed 19th March, 1827.

“ WHEREAS by an Act made and passed in the third year of His Majesty's Reign, intituled “ An Act to repeal all the Laws now in force relating to the Establishment, Regulation and Improvement of the Great Roads of Communication through the Province, and to make more effectual provision for the same,” it is provided, that the Lieutenant Governor and Commander in Chief for the time being, by and with the advice of His Majesty's Council, is thereby authorised and empowered to appoint, by Warrant under his Hand and Seal, one fit and discreet person to be Supervisor of the Great Road from Fredericton to the Finger Board at Knox's Farm, and also of the Great Road from the Fork of the Road on the Marsh near the City of Saint John, by the way of Gondola Point, to the head of the Belisle: one other fit and discreet Person to be Supervisor of the Great Road from Fredericton

Preamble.

“ Fredericton to Saint Andrews: one other fit and discreet Person to be Supervisor of the Great Road from Fredericton to the Canada Line: one other fit and discreet Person, to be Supervisor of the Great Road from Fredericton to the River Restigouche: one other fit and discreet Person to be Supervisor of the Great Road from Saint John to Saint Andrews: and one other fit and discreet Person to be Supervisor of the Great Road from Chediac to Chatham Village in the County of Northumberland: And whereas it has been considered that the appointment of a greater number of Supervisors on the Great Roads would be attended with great benefit to the Public;”

Lieutenant Governor with advice of the Council may appoint Supervisors, who shall have all the power and be subject to all the Provisions of the several Acts regulating the Great Roads.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty’s Council, to appoint one or more Supervisors, for each and every of the aforesaid Roads, to superintend the expenditure of all such sums of money as may be granted towards the improvement of the Great Roads in this Province; which said Supervisors shall have all the powers and be subject to all the provisions of the several Acts made for the Establishment, Improvement and Regulation of the Great Roads of Communication throughout the Province.

Second Section of 6 G. 4, C. 20, repealed.

II. And be it further enacted, that the second Section of an Act passed in the sixth year of His Majesty’s Reign, intituled “ An Act to alter and amend the Laws now in force for the Establishment, Regulation and Improvement of the Great Roads of Communication through the Province,” be and the same is hereby repealed.

Road from Fredericton to Saint John via Nerepis, established as one of the Great Roads of communication.

III. And be it further enacted, That the Road leading from Fredericton to Saint John by the way of the Nerepis, be appointed and established as one of the Great Roads of Communication in this Province, that is to say, from the Market House in Fredericton, by the present route to the mouth of the Oro-mocto River, thence across the said River, and through the field of John Hazen, Esquire, in nearly a direct line to the Great Road in rear of the said field, thence by the present line as surveyed in the month of October last, and described on a plan prepared by order of His Majesty’s Surveyor General of this Province, and exhibited to the House of Assembly, to Vaughan’s Point, thence across the Inlet at the Head of South Bay to the point where the said Great Road divides into two Branches, one of which leads to John Harding’s on the Manawagonis Road, and from thence by the present route to the Carleton Ferry, and the other to Lovett’s Point opposite to Indian Town.

CAP. XI.

f An Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte, and to provide for the inspection of Smoked Herrings in the said Parishes.

Passed 19th March, 1827.

Preamble.

“ WHEREAS great injury has been done to the Herring Fishery within the County of Charlotte, by the erection of Wears, Fish-garths and other Obstructions, and the placing and setting of Seines and Nets across the several Havens, Rivers, Creeks and Harbours therein ;” I.

f Sec 1 W. 4, C. 8, and 4 W. 4, C. 16, as to Grand Manan.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That no Seine or Seines, Net or Nets, shall be set across the mouth of any Haven, River, Creek or Harbour, within the Parishes of Grand Manan, West Isles, Campo-Bello, Penfield and Saint George, in the County of Charlotte; and that no Seine or Net shall be set in any of the said Havens, Rivers, Creeks or Harbours, which shall extend more than one third of the distance across the same, or be within forty fathoms of each other, or which shall be set within twenty fathoms of the shore at low water mark of the same; and any person or persons who shall set a Seine or Seines, Net or Nets, contrary to the provisions of this Act, shall forfeit and pay the sum of Five Pounds, upon due conviction thereof, by the oath of one or more credible witness or witnesses, or confession of the party, before any one of His Majesty's Justices of the Peace for the said County, to be levied by Warrant of distress and sale of the offender's Goods, rendering the overplus (if any) after deducting costs and charges, to such offender; and Ten Pounds for the second offence, to be recovered with costs by action of Debt, Bill, Plaint, or information, in any Court of Record in this Province; and Twenty Five Pounds for the third and every subsequent offence, to be recovered with costs in the manner last mentioned; one half of which penalties shall be paid to the Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of such Poor, and the other half to the Person who shall inform and sue for the same.

II. And be it further enacted, That all Wears or Fish-garths, now built or placed, or which shall at any time hereafter be built or placed in any of the Havens, Rivers, Creeks or Harbours, before mentioned, shall have a space of forty feet wide left open in the centre, or where the water is deepest for the ingress and egress of the Fish, except at such time or times, as the owner or occupier, or some other competent Person shall attend at the said Wear or Fish-garth, when it shall and may be lawful to stop the said space with a Net for the purpose of taking such Fish as the owner, occupier, or other person attending the same may be prepared to cure, use for bait, or take care of in any other way; and any person erecting, owning or occupying any such Wear or Fish-garth, contrary to this Act, shall forfeit and pay the sum of Ten Pounds, to be recovered before any two of His Majesty's Justices of the Peace for the said County, and applied as specified in the first Section of this Act.

III. And be it further enacted, That the Justices of the Peace for the said County, in their General Sessions, may and are hereby required to appoint two or more fit persons in each of the before mentioned Parishes, to be Overseers of the Fisheries, who shall be sworn to the faithful discharge of their duty, and shall have power to remove any Net, Hedge, Wear, Fish-garth, Seine, or other obstructions, which shall be found in any Haven, River, Creek or Harbour, in their respective Parishes, contrary to the Provisions of this Act.

IV. And be it further enacted, That if any Net, Hedge, Wear, Fish-garth, Seine or other obstruction, shall be found in any of the Havens, Rivers, Creeks or Harbours before mentioned, set, erected, or placed contrary to the provisions of this Act, it shall and may be lawful for such Overseers of the Fisheries, and they, and each of them, are hereby required respectively forthwith to seize the same; and if no Owner shall appear to claim the same in five days, such Net, Seine or Fish-garth, shall, together with the Fish, if any found therein, be forfeited, and publicly sold by the said Overseer; such Overseer having first advertised the time and place of such Sale in some Public place in the Town or Parish where the seizure may have been made, at least five days, and the proceeds

No seines or nets to be set across or in the mouth of any Haven &c. in the several Parishes mentioned, under the penalty of £5 for the first offence to be recovered before a Justice.

£10 for the 2nd, to be recovered in any Court of Record.
£25 for the 3d, recoverable in like manner.
Application of Penalties.

All wears &c. to have a space of 40 feet left open in the centre, except when a person shall attend to take care of the Fish caught.

Offenders to forfeit £10.

Justices to appoint Overseers of Fisheries.

Nets &c. erected contrary to this Act to be seized and if not claimed in five days to be publicly sold by the Overseers.

Time and place of sale to be advertised, and the proceeds to

be applied to satisfy the Penalties, &c.

proceeds thereof after deducting the Costs and Charges of such Seizure and Sale, be applied to satisfy the respective penalties by this Act imposed, and the overplus (if any,) paid to the Overseers of the Poor for the use of the Poor of the Town or Parish where such offence shall be committed.

Overseers to receive 2s. 6d. for each Net, payable by the Proprietor.

V. And be it further enacted, That the said Overseers of the Fisheries shall be entitled to demand and receive two shillings and sixpence, and no more, for each Net to be set in the Districts for which they shall be respectively appointed, from the proprietor of such Nets as a compensation for their trouble.

Overseers neglecting or refusing to perform the duties imposed to forfeit £5, to be recovered and applied as before mentioned.

VI. And be it further enacted, That if any such Overseer of the Fisheries, shall at any time wilfully and knowingly delay, neglect or refuse to be sworn forthwith to the faithful discharge of his duty, or after being sworn, shall neglect or refuse to perform the duty in and by this Act enjoined, such offender shall forfeit and pay for every offence the sum of five pounds, to be sued for, recovered and applied in the same manner as the penalty of five pounds herein before mentioned, can or may be sued for, recovered and applied.

Constables to act when Overseers shall neglect or refuse, and be entitled to the moiety of the penalties.

VII. And be it further enacted, That if any Overseer shall so neglect to perform the duty in and by this Act enjoined, it shall and may be lawful for any person or persons to apply to any Constable of the Parish, who is hereby authorised and required to take up and remove any such obstructions or incumbrances forthwith, and to proceed thereupon in the same manner, as such Overseer is directed by the Fourth Section of this Act; which Constable shall in such case be entitled to the moiety of the penalty by this Act imposed.

Length of smoked Herrings and dimensions of packing boxes ascertained.

VIII. And be it further enacted, That from and after the first day of July next, all Smoked Herrings packed within the said Parishes for exportation or home consumption, shall be well cured and smoked, not less than six inches in length, and shall be put up in Boxes, the dimensions of which in the inside shall not be less than the following, namely, eighteen inches long, nine inches wide, and seven inches deep; and that all such Boxes of Smoked Herrings before being exported, offered or exposed for sale, shall be inspected by an Inspector, two or more of whom shall be appointed for that purpose, for each and every of the said Parishes by the Justices at any General Sessions of the Peace for the said County; and that every such Inspector shall mark every Box of Smoked Herrings which he shall inspect, and find Merchantable, and of the proper dimensions, with a brand consisting of the initial letters of such Inspector's name; and that no Box of Herrings shall be offered or exposed for sale, exported or shipped for exportation unless duly inspected and marked in the manner directed by this Act, upon pain of forfeiture thereof; and if any Boxes of Herrings are offered or exposed for sale or shipped for exportation contrary to the provisions of this Act, it shall be the duty of the said Inspectors or any of them to seize and secure the same; and after advertising the same, together with the time and place of such intended sale, in some public place in the Town or Parish where the seizure shall be made, for at least ten days, to sell the same by Public Auction to the highest Bidder, and the proceeds thereof, after deducting the necessary expenses of making such seizure and sale, shall be paid, one half to the said Inspector who shall seize the same, and the other half to the Overseers of the Poor of the said Parish for the use of the Poor thereof.

Inspector appointed by the Justices to mark every box of merchantable smoked Herrings with a brand having the initials of his name.

Herrings not so inspected to be forfeited, and after advertisement for 10 days sold by public Auction.

Proceeds how applied.

Payment of Inspectors for services under this Act.

IX. And be it further enacted, That the said Inspector shall be intitled to receive one penny for each and every Box of Smoked Herrings which shall be inspected and branded by him; and also at the rate of five shillings per day during the time they are employed in attending to the said Inspection, the same to be paid by the person or persons requiring such inspection.

X. And be it further enacted, That if any Smoked Herrings, shipped contrary to the provisions of this Act, shall be carried or removed from the County aforesaid, so that the same cannot be seized as before directed, that then the person or persons removing or carrying away such Smoked Herrings, shall forfeit and pay the sum of One Shilling and sixpence for every Box of Smoked Herrings so shipped or sold contrary to the provisions of this Act, upon due conviction thereof, before any one of His Majesty's Justices of the Peace in and for the said County, upon the Oath of one or more credible witness or witnesses, or confession of the Party, to be levied by warrant of distress and sale of the offender's Goods and Chattles, and such penalty when recovered to be applied in the following manner, that is to say :—one half thereof to be paid to the person who shall inform and prosecute for the same, and the other half to be paid to the Overseers of the Poor in and for the Parish where such offence shall be committed, for the use of the Poor of such Parish.

Persons removing Herrings so that they cannot be seized, to forfeit 1s. 6d. for every box upon conviction before a Justice, to be levied by warrant of distress and sale, and applied, one half to the person prosecuting, and the other for the benefit of the poor.

XI. And be it further enacted, That if any Inspector to be appointed in pursuance of this Act, shall be guilty of any neglect or wilful default in the performance of his duty, he shall forfeit and pay the sum of Five Pounds, to be recovered, levied and applied in the manner directed in and by the sixth Section of this Act.

Inspectors to forfeit £5, for neglect or-wilful default.

XII. And be it further enacted, That this Act shall continue and be in force until the first day of April One thousand eight hundred and thirty two.

Limitation.

[Continued by 2 W. 4, C. 3, & 4 W. 4, C. 16, to 1st May, 1837.]

CAP. XII.

An Act for erecting the Northwestern part of the Town or Parish of Waterborough, in Queen's County, into a separate Town or Parish.

Passed 19th March, 1827.

“ WHEREAS the Town or Parish of Waterborough is so extensive as to render it inconvenient to perform the several Parochial Duties in the manner as required by Law; and it is therefore expedient that the same be divided into two Towns or Parishes,”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That all the Northwestern part of the said Town or Parish to be separated from the other part thereof by the division line between the Lots number sixteen and seventeen on the tongue of Intervale so called and its prolongation to the middle of the water of that part of the Grand Lake, and a continuation of a line through the middle of the said Lake, until it meets the Southeastern boundary line of a Tract of Land granted to David Sypher, near to the mouth of Coal Creek, at its junction with the said Lake, thence by a continuation of the same line, to the rear of the said tract, and thence by a line Northeast by the Magnet to the line of the Parish of Brunswick, be and the same is hereby erected into a separate Town or Parish to be called and known by the name of Canning.

North western part of the Town or Parish Waterborough erected into a separate Town or Parish, to be known by the name of Canning.

II. And be it further enacted, That the Justices of the Peace for the said County, shall at their first General Session in each and every year, appoint Parish officers for the said new Town or Parish of Canning in like manner as for

Parish Officers to be appointed.

Duties to be executed by the Officers of Waterborough till January Sessions.

for the other Towns or Parishes in the said County; and that until the next January Session the Officers lately appointed for the said Town or Parish of Waterborough, shall continue to perform the duties of their several offices in and throughout both of the said Parishes, as if this Act had not been made.

CAP. XIII.

- h* An Act to erect the North Eastern part of the County of Westmorland into a distinct Town or Parish, and also to authorise the appointment of Parish Officers at the November General Sessions in each year.

Passed 19th March, 1827.

Part of the Parishes of Sackville and Dorchester in the County of Westmorland erected into a distinct Town or Parish

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That from and after the Fifteenth day of November next, all that tract of Land at present situate in the Parishes of Sackville and Dorchester, in the County of Westmorland, and bounded and described as follows, that is to say: Commencing at a point on the Sea Shore at the extremity of the boundary line between the said County of Westmorland and the County of Northumberland, thence Westerly following the said boundary line until it meets a line drawn North twenty degrees West, from the Northwestern corner of a lot granted to Collon Connor, which lot is situate on the Portage leading from Shediac to Peticodiac River, and running from the said County line along the line last mentioned, to the said Northwestern corner of Collon Connor's lot, thence following the Western bound of the said lot, and the extension thereof, until it meets a line, drawn due East from the mouth of Fox Creek, thence following the said east line until it reaches the side line of the Parish of Botsford, thence following the said side line to the Sea Shore, and thence following the Sea Shore to the place of beginning, comprehending and including Shediac Island, be a distinct Town or Parish, distinguished by the name of the Town or Parish of Shediac.

to be called Shediac.

i Parish Officers to be appointed on the 3d Tuesday in November.

Part of 1st Sec. 26 G. 3, C. 28, repealed.

Appointment of Officers, and acts done by

II. "And whereas the appointment of Town or Parish Officers in the said County of Westmorland has for several years past been made by the Justices at the General Sessions of the Peace, holden in and for the said County, on the third Tuesday in November, instead of the first General Session in the year, as directed by an Act made and passed in the twenty sixth year of the reign of his late Majesty, intituled "An Act for the appointment of Town or Parish Officers in the several Counties in this Province:" And whereas such alteration has been found convenient and advantageous;" Be it therefore further enacted, That the Justices of the Peace of the said County shall, and they are hereby authorised and empowered, annually, at the said General Sessions of the Peace, holden on the third Tuesday in November, to appoint such Town or Parish Officers as are directed in and by the said recited Act; and that so much of the said recited Act as directs the appointment to be made at the first General Sessions annually, so far as regards the said County of Westmorland, shall, and the same is hereby declared to be repealed.

III. And be it further enacted, That all appointments which have been so made at the said November General Sessions in any year, shall, and they are hereby

h Refer to 26 G. 3, C. 1, S. 3.

i Refer to 42 G. 3, C. 3, S. 3, and the Acts there referred to.

hereby declared to be good, valid and effectual, and all Acts done by such Parish Officers in the due exercise of their respective offices, shall be, and they are hereby declared as valid and lawful, as if such Officers had been appointed at the first General Sessions in the year, and the Officers appointed at the last November Sessions shall continue and remain in the discharge of their several Offices until others are appointed in their stead in November next.

them in discharge of their duty confirmed.

Officers to continue in office till others are appointed.

IV. [*Obsolete.*]

CAP. XIV.

An Act to regulate the Bass Fishery in the River Richibucto and its Branches.

Passed 19th March, 1827.

[*Expired.*]

CAP. XV.

An Act to empower the Justices of the County of Charlotte to make regulations for driving Timber and Logs down the Rivers Saint Croix, Magaguadavic and Digdeguash, and their Branches.

Passed 19th March, 1827.

“ **W**HEREAS much injury has been sustained by many persons lumbering on the Rivers Saint Croix, Magaguadavic and Digdeguash, and the several Branches thereof, in the County of Charlotte, in consequence of the neglect of some of the owners of Timber and Saw Logs (from time to time got out, and intended to be floated down the same,) to attend when there was a sufficiency of water to enable them to float and drive the same down the said Rivers and Branches to the places of rafting or sawing : And whereas it would greatly tend to the advantage of the lumbering and mercantile interests of that part of the Province, if suitable regulations were made to remedy the evil ;”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace in and for the said County of Charlotte, shall and may have full power and authority, at any General Sessions of the Peace hereafter to be holden, from time to time to make such Rules and Regulations respecting the mode of driving or floating Timber and Saw Logs down the said Rivers and the several Branches thereof, as they shall think expedient and necessary for the more careful and beneficial management thereof; and the same Rules and Regulations so from time to time made, shall and may at any time thereafter, amend, alter or abrogate, as may by experience be found most advantageous to the said lumbering and mercantile interests.

Justices of the Peace empowered to make rules for driving Timber and Saw Logs, and to amend the same as they shall deem proper.

II. And be it further enacted, That the said Justices at their General Sessions of the Peace, shall and may have full power and authority to appoint two or more suitable persons, in each and every Parish of the said County, to be Commissioners to carry into execution the said Rules and Regulations; and the said Commissioners so appointed, shall and may have full power and authority

Commissioners to be appointed by the Justices of the Peace, and furnished by the Clerk of all rules, &c. a

to

§ See 5 W. 4. C. 31, which regulates the driving of Timber &c. down the Magaguadavic and its branches, and refer to 26 G. 3, C. 34, for securing the Navigation of said River and the Act there referred to.

Copy of which to be always ready for inspection.

Not to be superseded except for wilful neglect of duty.

Commissioners to make returns of the quantity of Timber and Saw Logs, and the particular proprietors, to be attested and certified.

Justices to determine the pay of Commissioners, and assess proprietors of Saw Logs and Timber for the same.

On refusal to pay Commissioners to sue.

20 days' notice to be given in the Saint Andrew's Herald of any Special Session, &c.

Not to prevent parties agreeing among themselves as to payment.

Limitation.

to carry the same into execution within their separate Parishes and Districts; and the Clerk of the Peace for the said County, shall immediately after the making of, amending, altering or abrogating such Rules and Regulations as aforesaid, furnish the said Commissioners, and each of them, with a true copy thereof, under his hand, as Clerk, on which copies shall be endorsed, a Certificate of the said Clerk, that the said Commissioners are duly appointed and continue such; and at least one copy of which the said Commissioners for the several Parishes shall always have ready upon putting into execution any such Rules and Regulations, and shall shew the same to any person requiring it: And the said Commissioners are not to be superseded in their office, without notice to attend and answer any complaint which may be made against them, and be found guilty of wilful neglect of duty, or other improper conduct.

III. And be it further enacted, that the said Commissioners shall make regular Returns to the Justices at any General Session of the Peace, or Special Session for that purpose to be holden, of the quantity of Timber and Saw Logs floated down in their respective Parishes or Districts, under their direction, and of the Proprietor thereof; specifying particularly the number of Logs and Sticks of Timber belonging to each proprietor, which return shall be attested to by the said Commissioners respectively, and shall be also examined and certified by the Boom Masters of the respective Booms, to which such Logs and Timber shall be brought; and the said Justices shall and may have power to determine and settle such sum or sums of money to be paid to such Commissioners respectively, as they in their discretion may see fit, as a compensation for the services of such Commissioners; and the said Justices shall thereupon make or cause to be made, a Rate or Assessment upon the several Proprietors of Saw Logs and Timber for the payment of such sum or sums to such Commissioners, proportionably to the interest of the said Proprietors respectively; and if such Proprietors, or any of them, shall neglect or refuse to pay his or their proportion of such Assessment, and the same shall be and remain unpaid six days after the same shall be demanded, the said Commissioners may proceed for the recovery of the same, with costs of suit, in any Court, or before any Justice having competent jurisdiction in the Premises: Provided always, That no Special Session of the Peace shall be holden for the above purpose, until after twenty days notice of the time and place of holding such Session, shall be published in the Saint Andrew's Herald; and that there shall be present at such Session, at least six disinterested Justices: And provided also, That nothing herein contained shall prevent, or be construed to prevent the said Commissioners and Proprietors respectively agreeing among themselves, as to the compensation and payment of such Commissioners with the consent of all concerned.

IV. And be it further enacted, That this Act shall continue and be in force until the first day of May, in the year of our Lord One thousand eight hundred and twenty nine.

[Continued by 9 & 10 G. 4, C. 16, and 3 W. 4, C. 6, to March, 1837.]

CAP. XVI.

An Act to make further provisions for sick and disabled Seamen, not being /
Paupers belonging to this Province.

Passed 19th March, 1827.

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That from and after the first day of April next, every Ship or Vessel that shall arrive at the Ports of St. Andrews and Miramichi, and shall be of the burthen of sixty tons or upwards, shall pay an additional sum of one penny per ton, making in the whole two pence per ton such Ship or Vessel shall be rated at; the same to be paid, recovered and received in the manner directed, in and by the several acts in force for providing for sick and disabled Seamen, and subject to the Rules and Regulations and Restrictions therein contained.

Vessels of 60 tons and upwards to pay an additional duty, to be recovered as directed by 60 G. 3, C. 15, and 2 G. 4, C. 10.

II. And be it further enacted, That the surplus money (if any) raised in the Port of St. Andrews, shall be applied to the payment of any debt now incurred for the support of sick and disabled Seamen there, or to the erection of a suitable Building as a Hospital for such Seamen, if considered necessary, and that the surplus money, (if any,) raised in the Port of Miramichi, shall be applied to the payment of any debt now incurred, for the support of sick and disabled Seamen there, or to the erection of a suitable Building as a Hospital for such Seamen, if considered necessary; Provided always, that the commissioners shall not proceed to the erection of any Building without licence or authority shall be first obtained for that purpose, from the Lieutenant Governor or Commander in Chief of the Province, by and with the advice or consent of His Majesty's Council.

Surplus money at St. Andrews and Miramichi to be applied in payment of debts or erection of an Hospital.

Buildings not to be erected without licence.

CAP. XVII.

An Act in amendment of the Act for the regulation of the Militia so far as *m*
respects the City of St. John.

Passed 19th March, 1827.

66 **W**HEREAS the provisions of the Act made and passed in the sixth year " of His Majesty's Reign, intituled " An Act to repeal all the Laws " now in force for the organization and regulation of the Militia and to make further provision for the same," directing the Companies to be taken from certain " districts, have been found very inconvenient in the City of St. John ;"

Preamble.
6 G. 4, C. 18.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That so much of the said recited Act as requires the appointment of Company Districts shall not extend or be construed to extend to that part of the City of Saint John, lying on the Eastern side of the harbour Saint John, or the Militia belonging to that part of the said City, any thing in the said recited Act to the contrary notwithstanding.

Part of 6 G. 4, C. 18, not to extend to the Eastern side of Saint John Harbour.

II. And be it further enacted, That there be appointed some fit Person as Regimental Enrolling Officer for the said City who shall be allowed for his services such suitable yearly sum as the Lieutenant Colonel commanding the Regiment, with the consent and approbation of the Majors of both Battalions, may direct to be

A regimental enrolling Officer to be appointed to keep a general Muster Roll of all persons liable to serve in the Militia.

l Refer to 60 G. 3, C 15, and the Notes thereto.

m Refer to 6 G. 4, C. 18.

be paid out of the fines and other contingent monies of the said Battalions, each Battalion paying an equal proportion thereof, and that it shall be the duty of such Officer to keep a general Muster Roll containing the names of all persons liable to do duty in the said City Militia ; and in order to the obtaining the same, the several Captains of Companies in the Regiment of City Militia shall forthwith furnish the said Enrolling Officer with lists of the Persons belonging to such Companies at the time of the last General Inspection, and the said Enrolling Officer shall with the approbation of the Commanding Officer of the said City Militia appoint a time for taking such Enrollment, and shall also put up notices in the most public places in the City, and advertise in the Newspapers at least ten days before the time appointed requiring all Persons so liable to Militia duty, and not yet enrolled in any Company, to come forward and enroll themselves or send a written notification of their names and places of abode ; and all Persons so liable to do Militia duty, and not yet enrolled in any Company, who shall neglect to enroll themselves, or send such written notification to the Enrolling Officer after such Notices and Advertisements as aforesaid, shall be liable to a fine of Twenty Shillings, and also Ten Shillings per diem for each and every day he may be absent from Militia duty, to be recovered with costs in the Clerk's Court of the said City at the suit of the said Enrolling Officer ; the said Fines to be applied as directed in and by the Eighteenth Section of the said recited Act.

Time for taking enrollments to be published.

Persons neglecting to enroll themselves to be fined 20s. and 10s. per diem.

Recoverable with costs and applied as by the 18th Sec. G G. 4, C. 18.

Companies composed from lists furnished by the Captains, and when Companies exceed the proper number Captains to select.

No exchange to be made without the consent of Officers.

King's Ward and Duke's Ward to belong to the 1st Battalion, and Queen's Ward and Sydney Ward to the 2d.

Unattached persons, how appointed. Officers to have full powers.

Unattached persons may be formed into regular Companies.

Companies to be completed from unattached list, and persons

III. And be it further enacted, That the Persons contained in the said lists to be furnished by the said Captains, shall, to the extent allowed by Law, compose the Companies of such Captains respectively ; and if any Companies contain more than the proper number, the Captains thereof shall select such as they please thereout to compose their respective Companies ; and the remainder shall be considered as unattached but still belonging to the Battalion to which the said Companies may be attached ; and when the Companies are thus properly formed, no person belonging to them shall be allowed to change from one Company to another in the same Battalion, without the consent of the Major commanding such Battalion ; or from one Battalion to another without the consent of the Majors Commanding both Battalions, or Officers commanding both the said Battalions.

IV. And be it further enacted, That all Persons liable as aforesaid, and who have not yet enrolled themselves ; or who may hereafter become liable, resident in King's Ward and Duke's Ward, shall be considered as belonging to the first Battalion ; and those resident in Queen's Ward and Sydney Ward in the second Battalion ; and the several unattached persons belonging to each Battalion shall be appointed to such Companies as the Enrolling Officer with the approbation of the Commanding Officer of the Battalion may direct : and the remainder shall be formed into one or more Divisions or Companies, and shall be under command of such Officers as the Officer commanding the Battalion may select for the purpose of taking charge of drilling and exercising such persons ; and that the Officer appointed to the command of any such Division or Company shall have the same power with respect to the imposing or adjudging fines and forfeitures as any Captain of a Company now by Law possesses, with respect to his Company : Provided always, that nothing herein contained shall be considered as in any manner preventing a General order to be issued for forming such unattached persons or any of them into regular Companies, whenever it may be considered proper to appoint additional Companies to the said Battalions or either of them.

V. And be it further enacted, That any of the present Companies that are or shall hereafter become deficient in their proper complement of men, may, by and with the approbation and consent of the Major or other Officer commanding the Battalion,

Battalion, complete their Companies out of the unattached List of such Battalion; and any person so unattached may with the consent of the Captain or other Officer commanding, enroll themselves in any Company so deficient in number, until the same is complete.

may enroll themselves in deficient Companies.

VI. And be it further enacted, That in case any difference or dispute should arise as to what Company any man belongs, the Major or other Officer commanding the Battalion shall have the sole power of determining, and his decision shall be final.

Commanding Officer to determine disputes.

VII. Provided always, and be it further enacted, That for the encouragement of Companies putting themselves in uniform, any person may, with the approbation of the Captain of any uniform Company in the Battalion to which he belongs, and of the Major or Officer commanding such Battalion, attach himself to such uniform Company, first however giving due notice to the Enrolling Officer, and also to the Captain of the Company he is desirous of leaving (if belonging to any) of his wish and intention; and also providing himself with the proper uniform of the Company to which he is desirous of attaching himself; provided that no man shall change from one uniform Company to another, without the consent of the Officers commanding both Companies, and the Officer commanding the Battalion.

Any person may attach himself to a uniform Company with the consent of Officers.

VIII. And be it further enacted, That any person now belonging, or who may hereafter be attached, to a uniform Company, neglecting or refusing to appear in the uniform of such Company when turned out to Drill or Inspection, may, by order of the Commanding Officer, of the Battalion, be removed from such Company and placed on the unattached list, or attached to any other Company in the Battalion the said Commanding Officer may appoint.

No exchange from one uniform Company to another without consent of Officers, &c. Persons not appearing in uniform to be removed.

IX. And be it further enacted, That the Quarter Masters of the Battalions shall furnish lists of Exempts and Aliens now resident, or who may hereafter become resident, within the respective districts of such Battalions, to the said Enrolling Officer, who shall enter the names and places of abode of such Exempts and Aliens in a book for that purpose to be kept; and that it shall be the duty of such Enrolling Officer on or before the first day of June in each year, to transmit to the said Quarter Masters a roll of the Exempts and Aliens within the limits of their respective Battalions, in order that such Quarter Masters may proceed to the collection of the fines from such Exempts and Aliens.

Quarter Masters to furnish lists of Exempts, &c.

Enrolling Officer to transmit a yearly list to the Quarter Master.

X. And be it further enacted, That the said recited Act shall remain and continue in full force except as herein expressly altered; and that none of the provisions of this Act shall extend or be construed to extend to any other of the Militia Forces of this Province excepting those of the Eastern part of the City of Saint John only.

6 G. 4, C. 18, to continue in force except as herein altered.

CAP. XVIII.

An Act to repeal an Act, intituled "An Act to prevent the destruction of Sheep by Dogs," and to make other and more effectual provision for the prevention thereof.

Passed 19th March, 1827.

66. **W**HEREAS an Act made and passed in the thirty-second year of the "Reign of His late Majesty King George the Third, intituled "An Act to prevent the destruction of Sheep by Dogs" has been found ineffectual "for the object intended;"

Prohibitive.

32 G. 3, C. 6,
repealed.

Any dog hav-
ing destroyed a
Sheep or Lamb
the owner to
cause it to be
killed, and pay
the value of the
Sheep or Lamb.

The owner not
killing the dog
to pay each
time the dog
shall run at
large 20s. for
the use of the
Poor, to be re-
covered with
costs, and le-
vied by War-
rant of distress
and sale, and
for want of
goods offender
to be imprison-
ed.

Dog to be killed.
Damages to be
recovered be-
fore a Justice
where they do
not amount to
£5, otherwise
in any compe-
tent Court.

Persons justifi-
ed in destroying
any dog after
having killed a
sheep.

Plaintiff being
non-suited or
Judgment given
for Defendant
he shall recover
double costs of
suit.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the said Act be, and the same is hereby repealed.

II. And be it further enacted, That henceforth, if any Dog or Dogs shall kill any one or more Sheep or Lambs, the Owner or Owners of such Dog or Dogs, upon complaint and conviction thereof before any one Justice of the Peace in the County where such offence shall be committed, or in which such Owner or Owners of such Dog or Dogs shall reside, shall cause the Dog or Dogs to be immediately killed, and shall be liable to pay to the Owner of such Sheep or Lambs, the full value thereof, to be recovered with Costs in manner as hereinafter mentioned.

III. And be it further enacted, That the Owner of any Dog so convicted, who shall neglect to kill such Dog, after notice given to him for that purpose, shall be liable to pay a fine of Twenty Shillings for each and every time such Dog shall be found running at large, for the use of the Poor of the Parish where the offence shall be committed; such Fine to be recovered with Costs before a Justice of the Peace in the County where such offence shall be committed, or in which such Owner or Owners shall reside, and levied by Warrant of Distress and Sale of the Goods of the Person so convicted, rendering the overplus, if any, after deducting the costs and charges of such Distress and Sale, to the offender; and for want of Goods whereon to levy the same, the Offender to be imprisoned by Warrant of such Justice, before whom such conviction shall be made for a period not exceeding four days, and such Justice shall also by his Warrant directed to a Constable, require him to cause such Dog to be forthwith killed.

IV. And be it further enacted, That the damage which may be sustained by the loss of any Sheep or Lambs killed or maimed in manner as aforesaid, may be recovered before a Justice of the Peace, in manner as small debts are by Law recoverable, unless such damage shall exceed the value of Five Pounds, and if exceeding that value, then before any Court of competent Jurisdiction to try the same.

V. And be it further enacted, That all and every person or persons shall be fully authorised and justified in destroying any Dog which may be found running at large after having killed any Sheep or Lamb; and in case of any action of Trespass, or other action brought against any person or persons for so destroying any Dog or Dogs which may have so killed any Sheep or Lamb, the Defendant or Defendants in such action shall be allowed to plead this Act in justification, and if the Plaintiff shall become non-suited, or shall discontinue the action, or if upon verdict or demurrer Judgment shall be given against the Plaintiff, the Defendant shall recover double Costs of Suit, and have such remedy for the same as any Defendant can have in other cases where Costs are given by Law.

CAP. XIX.

n

An Act to ratify the purchase made of a House and Lot for a Marine Hospital for the City and Port of Saint John, and for vesting the title thereto in the Mayor, Aldermen and Commonalty of the City of Saint John, for the purpose aforesaid.

Passed 19th March, 1827.

Preamble.

3 G. 4, C. 27.

“ **W**HEREAS the Commissioners appointed under and by virtue of an Act “ made and passed in the third year of His present Majesty’s Reign, “ intituled “ An Act to alter an Act to provide for Sick and Disabled Seamen; “ not

“ not being Paupers, belonging to the Province, and to provide Buildings for the
 “ accommodation of the same,” deemed it expedient to purchase a House and Lot
 “ of Land for a Marine Hospital, for the Port and City of Saint John, instead of
 “ erecting a Building for that purpose on some part of the Public Lands of the
 “ Corporation of the said City, as contemplated by the fourth and fifth Sections
 “ of the said in part recited Act, and accordingly did make such purchase with
 “ the consent and approbation of the then President and Commander in Chief of
 “ the Province, of a House and Lot of Land, situate in Sidney Ward of the said
 “ City, being the Lot known and described in the Royal Grant of that part of the
 “ said City formerly called Parr Town, by the number eleven hundred and sixty
 “ seven, fronting on the South side of Stormont Street, being forty feet in width,
 “ and extending back one hundred feet more or less : and the same were con-
 “ veyed by John C. M’Pherson, the proprietor thereof, to the Honorable William
 “ Black, one of the said Commissioners, in whom the title thereto now rests :
 “ And whereas doubts are entertained as to the power and authority of the said
 “ Commissioners to make the said purchase ; for the removal whereof, and in
 “ order to vest the property and title of the said House and Lot of Land, and
 “ other the Premises in the Deed of Conveyance, to the said William Black, ex-
 “ pressed and described, in the Mayor, Aldermen and Commonalty of the City of
 “ Saint John, for the uses intended,”

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly,
 That the said purchase so made by the said Commissioners, be and the same is
 hereby ratified and confirmed, and that the said William Black, be, and he is
 hereby authorised and required to grant, assign and convey, the said described
 Lot of Land, and the Buildings thereon, to the Mayor, Aldermen and Common-
 alty of the City of Saint John : To have and to hold the same to the said Mayor,
 Aldermen and Commonalty, and their Successors, for ever ; in trust for the use
 and purpose of such Marine Hospital as aforesaid ; and that the said House and
 Land, and other the Premises, in the said Deed of Conveyance described and ex-
 pressed, shall for ever hereafter remain and be appropriated solely for the use of a
 Marine Hospital for the said Port and City of Saint John, and be under the ex-
 clusive control and management of the said Commissioners for the time being,
 in the same manner to all intents and purposes, as if the said Building had been
 erected on a part of the Public Lands of the said Corporation of the said City,
 laid out and set apart for that purpose, by the said Corporation, as is provided by
 the said fifth Section of the same Act, saving nevertheless the rights of all persons
 other than the said John C. M’Pherson and William Black, and their respective
 Heirs, Executors and Administrators, to same Land and Premises.

The purchase by
 Commissioners
 ratified and
 William Black
 required to con-
 vey the lot to
 the Corporation,
 to hold the same
 in trust for the
 purpose of a Ma-
 rine Hospital,

to be under the
 exclusive con-
 trol of Com-
 missioners.

II. And be it further enacted, That the said Lot of Land and the Buildings
 thereon, or any part thereof, shall not in any way, or by any means whatever, be
 alienated or granted, or disposed of, by the said Mayor, Aldermen and Common-
 alty, or their Successors, or the said Commissioners, for any other purpose what-
 ever than herein before stated, without an Act of the General Assembly autho-
 rising the same.

The premises
 not to be dispo-
 sed of without
 an Act of the
 General As-
 sembly.

III. “ And whereas it may be expedient to purchase a Lot or Lots adjoining
 “ the said Marine Hospital, for the purpose of such Hospital ;” Be it further
 enacted, That if the Commissioners should agree for the purchase of such other
 Lot or Lots, and such purchase should be approved of and sanctioned by the
 Lieutenant Governor or Commander in Chief of the Province for the time being,
 the same shall be conveyed to the said Mayor, Aldermen and Commonalty, to
 hold to them and their Successors for ever for the purposes aforesaid, in the same
 manner

Should the Com-
 missioners pur-
 chase any other
 lot, the same to
 be conveyed to
 the Corporation,
 and be subject
 to the same
 Rules and Re-
 strictions as be-
 fore mentioned.

manner as the premises above mentioned, and subject to all the Rules, Regulations and Restrictions, as to the use and assignment of the same as are herein before expressed and contained.

CAP. XX.

An Act to provide for the erection of a new Court House and Gaol in the County of Northumberland.

Passed 1th^h March, 1827.

Preamble.

“ WHEREAS the Court House and Gaol in and for the County of Northumberland, were destroyed in the great conflagration in October; one thousand eight hundred and twenty-five, and it is necessary that other Buildings should be erected in the Shire Town of that County, not only to supply the places of those so destroyed, but that the Building for a Gaol should be so constructed as to answer the purpose also of a House of Correction ;”

The Justices to take steps for erecting two Buildings in Newcastle, one for a County Court House and the other to answer as a Gaol and House of Correction.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace, for the said County, at any General Session of the Peace, to be hereafter holden, or at any Special Session for that purpose expressly convened and holden, or the major part of them so assembled, be, and they are hereby authorised and empowered, to take the necessary steps for the erection of two Buildings on the Public lot in Newcastle, one of which to be suitable and convenient in their judgment, for a Court House for the said County, and the other suitable and convenient for the double purpose of a Gaol and House of Correction: and to cause all necessary and proper measures to be pursued and taken at such Session, or any adjourned or General Session, by themselves or by one or more Committees of management, for that purpose to be appointed, to contract with able and sufficient workmen for erecting and finishing such Buildings, for such sum or sums of money, and in such manner and form as shall be approved of by the said Justices.

Justices by themselves or Committees to contract with workmen, &c.

II. }
III. } *Obsolete.*
IV. }

CAP. XXI.

An Act to make more effectual provision for preventing the importation or spreading of infectious Distempers within the Towns or Settlements on the River Miramichi.

Passed 19th March, 1827.

[*Repealed by 1 W. 4, C. 40.*]

CAP. XXII.

An Act to continue until the first day of May, in the year one thousand eight hundred and twenty-nine, an Act made and passed in the second year of His present Majesty's Reign intituled "An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and Saint Andrews," so far as relates to the said Town of Saint Andrews. 2 G. 4, C. 2.

Passed 19th March, 1827.

[*Expired.*]

CAP. XXIII.

An Act to establish and regulate Public Landing Places in Fredericton.

Passed 19th March, 1827.

- “ WHEREAS** great inconvenience and delays in the lading and unlading Preamble.
“ of Vessels have arisen for the want of regular and unobstructed
“ Landing places in the Town of Fredericton ; for remedy whereof,”
- I. Be it enacted by the Lieutenant Governor, Council and Assembly, That Eleven Public Landing places constituted and described.
there shall be eleven Public Landing Places in the said Town of Fredericton in Avery's land- ing.
the County of York, for Vessels and Boats to lade and unlade their cargoes, that Sunbury Street.
is to say, the first or lower, commonly called, Avery's Landing, opposite to the Church Street.
Inn, called the Golden Ball, to measure two hundred feet in length, on the mar- St. John Street.
gin of the River : the second Landing to be a continuation of Sunbury Street, and Market Place.
to extend on the margin of the River up Stream from the lower line of the said Regent Street.
street two hundred feet : that the third Landing be a continuation of Church Carleton, York, Westmorland, Northumber- land and Smyth Streets.
street, to measure also two hundred feet in length on the margin of the River : To extend to the top of the Bank and be marked by posts.
the fourth landing to be a continuation of Saint John's street to measure also two Plat thereof to be filed at the Surveyor General's Office.
hundred feet in length on the margin of the River : the fifth Landing to be The avenues to these landings to be deemed public High- ways.
bounded by a continuation of the said lines of the Lot granted to the Justices of
the Peace of the County of York for a Market : the sixth, commonly called the
Steam Boat Landing, at the junction of Regent street with the River, to measure
from the lower line of the said Street, three hundred feet in length, on the mar-
gin of the said River up Stream, and at the continuation of the five following
Streets, namely Carleton street, York street, Westmorland street, Northumber-
land street, and Smyth street, there shall be similar Landing Places, each measur-
ing two hundred feet on the margin of the River : which said Landing places shall
be considered to extend to the top of the bank, and shall be surveyed and distinct-
ly marked out by posts or other sufficient marks by such person as the Governor
or Commander in Chief for the time being shall appoint, and a return and plat
thereof, and of the avenues leading thereto, made and returned into the Surveyor
General's Office.
- II. And be it further enacted, That the said avenues leading to the said several Landing Places shall be deemed Public Highways, and persons obstructing the same, liable to the same penalties, as for obstructing any other Highways in the said Town, and incumbrances thereon may be removed and disposed of agreeable to the provisions of the laws for regulating Highways.
- III. And be it further enacted, That any Person incumbering or obstructing either

Persons incumbering the landings to incur a penalty of 40s. how recovered and applied.

either of the said Landing Places, by laying on the shore, or leaving in the water, any logs, wood or timber, or any other means, so as to prevent the easy and convenient access of Vessels and Boats to the same, and discharging their cargoes ; shall for every such offence incur the penalty of forty shillings, to be recovered upon conviction before any one of His Majesty's Justices of the Peace, upon the oath of a credible witness, or view of the Justice, and levied with full costs by warrant of distress and sale of the goods of the offender, rendering the overplus, if any, after deducting charges to the owner ; and for want of such goods the offender to be committed to Gaol by warrant from such Justice ; there to remain for eight days, unless the penalty and costs and charges shall be sooner paid ; which penalties when recovered shall be paid to the Commissioners of the Alms House in Fredericton for the use of the poor thereof.

The lower 100 feet of Regent Street landing, reserved exclusively for Steam Boats.

IV. And be it further enacted, That the lower one hundred feet of the said Steam Boat Landing shall be reserved exclusively for the accommodation of the present or any other Steam Boats which may come to the place ; and any person in any way incumbering the same, or any bridge or wharf thereon, so as to obstruct the approach of any Steam Boat to the same, or incommode such Boat in the landing of Passengers or discharging of Goods, or Freight, or Baggage, or shall remove the said bridge, shall incur the penalty of forty shillings for each and every offence, to be recovered and applied in manner as aforesaid.

Penalty for incumbering.

Proprietors of Steam Boats empowered to retain Constables to prevent annoyance of Passengers.

V. And be it further enacted, That in order to secure the safe and convenient landing of Passengers, it shall and may be lawful for the Proprietors of any Steam Boat, at their own expence, to retain any one or more of the Constables of Fredericton to attend at the bridge to which any such Steam Boat is expected to come, to prevent persons from crowding the same upon the arrival of any such Boat ; and that such Constable (having his staff of office in his hand) shall have power to prevent persons, at his pleasure, from going or remaining on any such bridge, at the time of the arrival of any such Boat : and in so doing he shall, at all times, be considered to be in the due execution of his office as Constable.

Constable having his staff, to be considered in the exercise of his duty.

CAP. XXIV.

An Act to repeal certain Enactments relative to the Revenue of this Province, and also to make provisions for the better security of the said Revenue.

Passed 19th March, 1827.

7 G. 4, C. 26.
6 G. 4, C. 21. and
5 G. 4, C. 17.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, an Act made and passed in the seventh year of the Reign of His present Majesty, intituled, " An Act to continue and revise the Revenue Laws of the Province ;" also An Act made and passed in the sixth year of the Reign of His present Majesty, intituled " An Act to continue and amend the Acts for raising a Revenue in this Province ;" also an Act made and passed in the fifth year of the Reign of His present Majesty, intituled " An Act to continue and amend an Act, intituled an Act for raising a Revenue in this Province ;" and also the first and second Sections of an Act made and passed in the third year of the Reign of His present Majesty, intituled " An Act for raising a Revenue in this Province," and also so much of the eleventh Section of the said last mentioned Act as allows the production of Certificates of two merchants to prove the exportation of any dutiable articles to the United States, and also so much of the fourteenth and fifteenth Sections of the said last mentioned Act as relates

First and second section of 3 G. 4, C. 9. Part of Sec. 11.

Part of Sec. 14 and 15.

relates to Drawbacks on Wine, Brandy, Geneva and Cordials, be and the same are hereby repealed, saving nevertheless, the right of recovery of any of the duties, penalties and forfeitures imposed, inflicted or incurred, under and by virtue of the provisions of any of the said Acts or Sections hereby repealed.

Repealed saving the right of recovery of duties, &c. under them.

II. And be it further enacted, That it shall be the duty of the Province Treasurer, and also of the several Deputy Treasurers, throughout the Province, to make regular returns quarterly to the office of the Provincial Secretary, of the bonds by them respectively taken and then remaining uncanceled for duties imposed by any of the Revenue Laws of this Province, such returns to state particularly the names of the obligors in such bonds, the amounts thereby secured, the times of payment and dates of such bonds, and the payments, if any, made thereon, and the dates of such payments, and such other remarks and explanations as they may deem proper; which returns, or copies thereof, shall be laid before the General Assembly, at or shortly after the commencement of the Session in each year.

Province and Deputy Treasurer to make Quarterly Returns of Bonds.

Returns to state names of obligors, the amount and terms of payment, &c. to be laid before the General Assembly.

III. "And Whereas, the increase of the Revenue collected at the several out ports in this Province, requires that the persons appointed to collect the same should give security to a larger amount than heretofore accustomed, and it is expedient to regulate that amount by Law;" Be it further enacted, That from and after the first day of July next, the Deputy Treasurer at Miramichi and Saint Andrews shall respectively give security to an amount not less than four thousand pounds; that the Deputy Treasurer at Richibucto shall give security to an amount not less than two thousand pounds; and that the other Deputy Treasurers now appointed or who may hereafter be appointed at any other of the out ports or places in this Province, shall severally give security to an amount not less than five hundred pounds, such security to be in all cases the bond of the party together with two or more good and sufficient persons as sureties, to be approved of by the Treasurer of the Province, such bonds to be taken in the name of His Majesty, his Heirs and Successors, as directed in and by the sixth Section of the said recited Act passed in the third year of His Majesty's Reign.

Deputy Treasurers at Miramichi and Saint Andrews to give security to the amount of £4000 each, at Richibucto, £2000, and other Deputies, at least £500. Security to be the Bond of the party, &c. as directed in 3 G. 4, C. 9, S. 6.

IV. And be it further enacted, That if any Treasurer, or Deputy Treasurer, shall neglect or refuse to make and transmit such returns as are required in and by the second Section of this Act, for a longer period than two months after the expiration of each quarter, he shall for each and every neglect, forfeit and pay the sum of fifty pounds, to be recovered and applied in the manner directed by the twentieth Section of the said Act last recited.

Treasurer or Deputies neglecting to make their returns to forfeit £50, recoverable as in 3 G. 4, C. 9, S. 20.

CAP. XXV.

An Act to continue and amend an Act, intituled "An Act for raising a Revenue in this Province."

Passed 19th March, 1827.

[Continued by 9 G. 4, C. 1; and 9 & 10 G. 4, C. 31, until 1st April, 1830, and then expired.]

CAP. XXVI.

An Act to appropriate a part of the Public Revenue to provide for the ordinary services of the Province.

Passed 19th March, 1827.

[*Expired.*]

CAP. XXVII.

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

Passed 19th March, 1827.

[*Expired.*]

CAP. XXVIII.

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

Passed 19th March, 1827.

[*Expired.*]

Anno Regni, GEORGII IV Britanniarum Regis,
Nono.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the fourteenth day of February, in the year of our Lord one thousand eight hundred and twenty-eight, in the Ninth Year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c. &c. being the First Session of the Ninth General Assembly, convened in the said Province.

CAP. I.

An Act to continue and amend the Revenue Laws of this Province.

Passed 29th March, 1828.

[Continued to 1st April, 1830, and then expired.]

CAP. II.

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.

Passed 5th April, 1828.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Justices of the Peace in and for the City and County of Saint John, at any General Sessions of the Peace for the said City and County, to borrow such sums of money as may from time to time be required for the completion of the Court House lately erected in the said City, not exceeding in the whole the sum of four thousand pounds, to be paid off and discharged in the 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, viz. :

Justices in Sessions may borrow money, not exceeding £4000, to be taken in loans of not less than £100.

Notes to be given.

“ Number

“ City and County of Saint John, ss. These are to certify that [here insert
“ name,

a See 6 W. 4, C. 50, authorizing the building of a Gaol in Saint John, and the raising money for that purpose.

CAP. III.

An Act to continue and amend the Acts for the better securing the navigation of the inner Bay of Passamaquoddy.

Passed 5th April, 1828.

[*Obselete by the expiration of 3 G. 4, C. 14. See 5 W. 4, C. 41.*]

CAP. IV.

An Act relative to the Streets and Squares in the City of Saint John.

Passed 5th April, 1828.

“ **WHEREAS** in consequence of the irregularities of the ground upon which the City of Saint John is laid out, it has been found expedient to make various and extensive alterations in the level of the streets, which have rendered it necessary in many instances for the proprietors of houses fronting on such streets to erect steps or stairways in order to have access to their respective houses; and it is considered that the general width of the streets of the said City will admit the placing of such steps or stairways without any material obstruction to the passage along such streets, and the same have been authorized by the Corporation of the said City: And whereas doubts have arisen whether the said Corporation is empowered by Charter or any Law now in force to permit the erection of such steps or stairways, and it is expedient that the said Corporation should be allowed to exercise such power under certain limitations and restrictions;”

I. Be it therefore enacted and declared by the Lieutenant Governør, Council and Assembly, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John or the major part of them in Common Council convened, to authorize and allow the erecting, placing and maintaining of steps or stairways for the convenient access to the ground floor of houses adjoining any street or streets in such parts of the said City as they may deem proper, and from time to time to make, establish and ordain such bye-laws, ordinances, rules and regulations as well for the keeping, erecting, placing or maintaining as for the better regulating and arranging with uniformity such steps or stairways, and also for the taking down and removal either in whole or in part of such steps or stairways as are now erected or hereafter may be erected in the said City: Provided always, that no steps or stairways shall be allowed to extend out upon such streets or any of them more than four feet or more than a tenth part of the breadth of such streets as are less than forty feet broad; and provided also, that no steps leading to any other than the ground floor or storey shall be placed upon any part of the said streets.

II. “ And whereas the enclosing of the two public squares in the said City, called by the names of King’s square and Queen’s square, with an open fence or railing and planting the same with trees would conduce much to the ornament of the said City;” Be it further enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty or the major part of them in Common Council convened, to authorize and direct the said public squares to be enclosed either in whole or in part or parts with open fences or railings, and the same to be laid out and planted with trees and shrubs in such manner

Preamble.

Common Council may allow steps and stairways to the houses to be erected, and make Bye Laws for regulating the same.

Stairways not to extend more than four feet into the street.

No steps allowed excepting to the ground floor.

Common Council may direct King’s and Queen’s Squares to be enclosed, and planted with trees, and make Bye Laws relating thereto.

Enclosures not to interfere with the public street, no fences or trees to be within sixty feet of buildings fronting on the Squares.

A Portico may be erected in front of the Court House not to extend more than fifteen feet upon the public square.

Bye Laws not to be in force till confirmed by the Governor and Council, and not to be altered but by a Law to be confirmed in like manner.

Bye Laws before confirmation to be published four weeks and proof thereof made.

Limitation.

as they may deem expedient; and from time to time to make such bye laws, ordinances, rules and orders for the erecting, keeping and preserving such fences, railings and trees in order to prevent damage or injury to the same, as also for the due regulation of such squares and the passage of foot passengers in, through and over the same as to them may seem necessary and proper: Provided always, that no such enclosures shall be made so as to narrow or interfere with the passage of the public streets running along the sides of such squares, nor shall any fences or trees be placed or set out within sixty feet of the buildings fronting on such squares or either of them.

III. "And whereas it would much add to the ornament and convenience of the Court House lately erected in the said City on the east side of King's square if a portico were placed in front of the same;" Be it therefore further enacted, That it shall and may be lawful for the Justices of the Peace of the said City and County of Saint John in General Sessions assembled, with the consent of the Common Council of the said City, to erect, place and maintain a portico and steps in front of the said Court House; provided the same shall not extend more than fifteen feet upon the said public square.

IV. Provided always and be it further enacted, That no bye law or ordinance to be made by the said Mayor, Aldermen and Commonalty of the City of Saint John in pursuance of this Act, shall be in force or valid until the same shall be confirmed by His Excellency the Lieutenant Governor and His Majesty's Council, and that when so confirmed the same shall not be altered, amended or repealed by any other bye law or ordinance of the said Corporation unless such other bye law or ordinance shall likewise be confirmed in the manner aforesaid.

V. Provided also and be it further enacted, That all bye laws or ordinances before they shall be sent up to His Excellency the Lieutenant Governor and Council for their confirmation shall be published in one of the newspapers of the City at least four weeks before the same shall be so sent, which publication shall be proved to the satisfaction of the Lieutenant Governor and Council before such confirmation shall be given.

VI. And be it further enacted, That this Act shall continue and be in force for the term of ten years and no longer.

CAP. V.

An Act to continue until the first day of April one thousand eight hundred and thirty certain Acts providing for the more effectually repairing the Streets and Bridges in the City and County of Saint John, and to amend the same.

Passed 5th April, 1828.

[Expired. See 3 W. 4, C. 13.]

CAP. VI.

An Act to authorize the Justices of the County of Gloucester to assess the said County for erecting a Court House and Gaol therein.

Passed 5th April, 1828.

[Obsolete.]

CAP.

CAP. VII.

An Act to authorize the Mayor, Aldermen and Commonalty of the City of Saint John, to open a Street from the Wharf on the south side of the Market Slip to the Wharf owned by Charles I. Peters, Esquire.

Passed 5th April, 1828.

“ WHEREAS by an Act made and passed in the fifty-eighth year of the reign of His late Majesty King George the Third, intituled “ An Act further to provide for the security of the City of Saint John against the ravages of fire,” it is enacted, that no street, lane or alley should thereafter be laid out and established as a public street and highway within the said City unless the same should be of the width of fifty feet at least: And whereas a large number of the most respectable inhabitants of the said City have petitioned the General Assembly that authority may be granted to the Mayor, Aldermen and Commonalty of the City of Saint John to lay out a street from the wharf on the south side of the Market Slip to the wharf of Charles I. Peters, Esquire, of a less width than fifty feet, such street having been originally contemplated at the laying out of the lots adjoining the said Market Slip ;”

Preamble.
58 G. 3, c. 12.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that the Mayor, Aldermen and Commonalty of the City of Saint John shall be and they are hereby fully authorized and empowered if they shall deem it expedient, to lay out and establish a public street or highway leading from the said wharf on the south side of the Market Slip, west of the store owned or occupied by John Ward, Esquire, to the wharf formerly belonging to Thomas Horsefield, Esquire, now in the possession of Charles I. Peters, Esquire, of such width, and under such rules and regulations as they may deem necessary ; provided that such street so to be laid out be not of a less width than thirty feet.

Common Council may lay out a street and make Regulations for the same.

II. And be it further enacted, That no house or store hereafter to be built on the lines of the said proposed street shall be more than three stories in height besides the gable.

Houses not to be more than three stories high.

III. Provided always and be it further enacted, That nothing herein contained shall extend or be construed to affect the rights of the King’s Majesty, His Heirs and Successors, or any person or persons, body politic or corporate whatsoever.

Rights of the King and other persons saved.

CAP. VIII.

An Act to regulate the manner of driving and riding upon the public Roads.

Passed 5th April, 1828.

“ WHEREAS great inconvenience and delay is experienced and often damage is sustained by the practice of driving and riding upon the public roads without any fixed or general rule for regulating the same : And whereas it is believed that much good would arise to the public in establishing by law the mode of driving and riding upon the public roads ;”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That all and every person and persons who shall drive any carriage, cart, wagon, dray, truck, sleigh or sled of any description, or ride upon any of the public roads,

Persons driving on the public roads and meeting others, to keep on the left hand.

δ See 6 W. 4, C. 25, to prevent disorderly riding, and further regulating the manner of driving.

Persons wishing to pass others going the same way to keep to the right.

roads, and who shall meet other persons driving or riding in the opposite direction, such person or persons so meeting others as aforesaid shall keep to the left hand side of the road, leaving those whom they may so meet on the right; and if any person so driving or riding upon the public roads shall have occasion to pass any other person who may be driving or riding in the same direction, then such persons so wishing to pass shall keep to the right of those whom they may wish to pass, leaving them on the left.

Part of Sec. 3 of 52 G. 3, C. 18, repealed.

II. And be it further enacted, That all that part of the third Section of an Act made and passed in the fifty second year of the reign of his late Majesty King George the Third, intituled "An Act in amendment of an Act made and passed in the forty fifth year of His Majesty's reign, intituled 'An Act to regulate the winter roads in the Counties of York and Sunbury,'" which requires persons travelling on the winter roads therein mentioned to leave the row of bushes placed on the said roads always on the left hand, be and the same is hereby repealed.

CAP. IX.

5 G. 4, c. 18. An Act to continue an Act, intituled "An Act to provide for the erection of fences with gates across the Highway leading through Deer Island in the Parish of West Isles and County of Charlotte."

Passed 5th April, 1828.

[Expired.]

CAP. X.

54 G. 3 c. 6. An Act to continue an Act until the first day of April in the year of our Lord one thousand eight hundred and thirty one, intituled "An Act for the better regulation of Licences to inns, taverns and houses for selling strong liquors by retail."

Passed 5th April, 1828.

[Expired.]

CAP. XI.

c An Act to alter the division line between the Parishes of Dundas and Wellington in the County of Kent.

Passed 5th April, 1828.

Preamble.

"WHEREAS the dividing line of the two Parishes of Dundas and Wellington, in the County of Kent, is by a line running through the middle of the river Mahalawadiac, and which has been found inconvenient to the inhabitants of the said Parishes;"

Division Line altered and described.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That henceforth the division line between the said Parishes shall commence at

at the sand bank or shore on the northerly line of lot number eight, originally granted to Joseph Richard; thence following the course of the North line of said lot number eight, until it strikes the east boundary line of the Parish of Harcourt.

II. Provided always and be it further enacted, That the enlargement of the said Parish of Wellington, as herein before provided, shall not operate or be construed to operate, to release any person or persons who heretofore belonged to the said Parish of Dundas, or any property which heretofore was situated in the same Parish, and which will by this Act be placed in the Parish of Wellington, from the payment of any penalty incurred, or any assessment which may have been made before the passing of this Act; but the same may be recovered as if this Act had not been made.

Alteration not to release persons or property from the payment of penalties or assessments heretofore incurred or made.

CAP. XII.

An Act for altering the times of holding the Inferior Courts of Common Pleas *d* and General Sessions of the Peace in the County of Kent.

Passed 5th April, 1828.

“ WHEREAS the times appointed for holding the Courts of General Sessions of the Peace and Inferior Court of Common Pleas, in the County of Kent, have been found inconvenient;”

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the said Courts shall hereafter be holden on the second Tuesday in January and fourth Tuesday in June in each and every year; any Law to the contrary notwithstanding.

Terms, second Tuesday in January and fourth Tuesday in June.

CAP. XIII.

An Act to continue and render more effectual certain Acts relative to high-ways and roads within this Province.

Passed 5th April, 1828.

[Continued to 1st April, 1832, by 10 & 11 G. 4, C. 31, and repealed by 1 W. 4, C. 33, S. 1.]

CAP. XIV.

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. 5 G. 4, C. 5.

Passed 5th April, 1828.

“ WHEREAS the inhabitants of the Town of Newcastle and its vicinity have purchased for the use of the said Town, a Fire Engine “ and

Preamble.

“ and various tools and implements for extinguishing fires ; and whereas the inhabitants of the Town of Chatham in the said County, have also purchased various tools and implements for extinguishing fires : And whereas it is necessary that a sufficient number of prudent and discreet persons should be appointed as firewards in each of the said Towns and their respective vicinities : And whereas it is also necessary that a sufficient number of skilful persons should be appointed to have the care and management of the said engine, tools and implements, and of any other that may from time to time be provided in each of the said Towns of Newcastle and Chatham ;”

5 G. 4, C. 5,
extended to
Newcastle and
Chatham.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, an Act made and passed the fifth year of His present Majesty's reign, 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,” and all the provisions thereof, be and the same are hereby extended to the Towns of Newcastle and Chatham, in the County of Northumberland.

[Continued by 10 & 11 G. 4, C. 7, and 5 W. 4, C. 13, until 1st April, 1840.]

CAP. XV.

50 G. 3, C. 31,
and
3 G. 4, C. 7. An Act further to continue an Act, intituled “ An Act to provide for the erecting of Fences with Gates across Highways leading through Intervale Lands in Queen's County and the County of Sunbury, where the same may be found necessary, and to extend the provisions of the same to King's County.”

Passed 5th April, 1828.

[Expired.]

CAP. XVI.

3 G. 4, C. 15,
&c. An Act to continue until the first day of April one thousand eight hundred and thirty, certain Acts for the support and relief of confined Debtors.

Passed 5th April, 1828.

[Expired.]

CAP. XVII.

An Act to erect a part of the Parish of Hillsborough in the County of Westmorland, into a distinct Town or Parish.

Passed 5th April, 1828.

Part of Hillsborough erected into a separate Parish to be called Co-verdale.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That from and after the fifteenth day of November next, all that tract of Land situate in the Parish of Hillsborough, commencing at the mouth of Stoney Creek, so called, and running from thence west until it shall intersect the eastern side line of the Township of Salisbury; thence running northerly on the same

same until it meets the Petticodiac River; and from thence following the same down stream to the first mentioned boundary, shall be known and distinguished by the name of the Parish of Coverdale.

II. And be it further enacted, That the Justices of the Peace for the said County shall, and they are hereby empowered annually at the General Sessions of the Peace held for said County on the third Tuesday in November in each year, to appoint Town or Parish Officers for the said Parish of Coverdale in like manner as for other Towns or Parishes in said County.

Justices on the third Tuesday in November annually, to appoint Parish officers.

CAP. XVIII.

An Act for altering the times of holding one of the Terms of the Inferior Courts 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 Gloucester.

Passed 5th April, 1828.

“**W**HEREAS the times appointed for holding the June Term of the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Gloucester; and also the time for holding the October Term of the said Inferior Court of Common Pleas have been found inconvenient;” for remedy whereof,

Preamble.

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

June Term altered to the last Tuesday in July.

g October Term altered to second Tuesday in November.

CAP. XIX.

An Act to grant a bounty on the destruction of Bears in this Province.

h

Passed 5th April, 1828.

“**W**HEREAS many losses have been suffered by sundry inhabitants of this Province from the destruction of cattle, sheep and hogs, by Bears, to the great discouragement of the increase of that valuable stock;” for remedy whereof,

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, a reward of fifteen shillings shall be paid to any Inhabitant or Inhabitants, or native Indian of this Province, for each and every Bear he or they shall kill, or assist to kill, within the limits of the same.

Fifteen shillings for each Bear killed.

II. And be it further enacted, That to entitle any person or persons to the said

f Refer to 7 G. 4, C. 31, and see Table of Courts, Appendix, No. 1.

g Altered again to last Tuesday in October by 5 W. 4, C. 7.

h See also 32 G. 3, C. 5, granting bounty for destruction of Wolves.

Oath to be made within fifteen days.

said reward, he or they shall, within fifteen days from the time of the killing such Bear, first take the following oath, to be set down in writing, and his or their name thereto subscribed, that is to say :

Form of oath.

I, [*or We,*] A. B. do swear, that I, [*or We,*] did on the day of kill, or assist to kill a Bear at [*here place where the Bear was killed to be particularly described, and if in the wilderness, its relative distance from some known place or river,*] within this Province of New Brunswick ; and that the Nose now produced by me, is the Nose of the Bear so killed, and for which the bounty of fifteen shillings is claimed ; and that no other person has received the bounty for the same ; which said oath may be made before any Justice of the Peace nearest the place where such Bear may be killed ; who is hereby authorized and required to administer the same without any fee ; and which oath shall be accompanied by a certificate of such Justice, that he verily believes the facts therein stated to be true, and that he has burned or otherwise destroyed the Nose of said Bear so produced.

Oath to be made before the nearest Justice.

Justices to certify.

Justices in Sessions to settle claims for rewards and certify in one general Schedule.

III. And be it further enacted, That it shall and may be lawful for the Justices of the Peace, in the several Counties at their General Sessions, to determine and settle all claims for rewards given by this Act, on the oath and certificate herein before required to be made ; and shall certify in one general schedule all such claims as they shall allow, and transmit the same to the Secretary of the Province.

Warrant on the Treasury for amount of the Schedule in favour of the Clerk of the Peace.

IV. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor and Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, to draw by warrant on the Treasurer of the Province, the amount of such Schedule in favour of the Clerk of the Peace of the County, to be by him paid and distributed to the respective claimants.

Limitation.

V. 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 thirty-one.

[Continued to 1st April 1840, by 1 W. 4, C. 10, and 6 W. 4, C. 11.]

CAP. XX.

An Act to provide for the services of the Speaker of the House of Assembly, and for defraying the expences and travelling charges of the Members of the said House, attending in General Assembly.

Passed 5th April, 1828.

[Expired.]

CAP. XXI.

i An Act to alter and amend the Laws now in force for the regulation of the Militia.

Passed 5th April, 1828.

Preamble.

“ WHEREAS by the Laws now in force for the organization and regulation of the Militia, certain duties are imposed upon persons “ liable

“ liable to serve, and no discretion is vested in the Commander in Chief to dis-
 “ pense with all or any of the duties so imposed, which in many cases might be
 “ done with much benefit to the Country : And whereas it is deemed expedient
 “ that the Commander in Chief should be authorized by Law to remit all or any
 “ part of the duties so imposed as aforesaid upon Militia men, whenever he may
 “ deem it necessary ;”

I. Be it therefore enacted by the Lieutenant Governor, Council and Assem- Commander in
Chief autho-
rized to dis-
pense with
duties imposed
by Law upon
Militia men.
 bly, That the Commander in Chief for the time being, is authorized to dispense
 with all or any part of the duties imposed upon the Inhabitants of the Province,
 under and by virtue of the Laws now in force for the organization and regula-
 tion of the Militia whenever he may in his discretion think proper so to do.

II. And be it further enacted, That from and after the passing of this Act, Commander in
Chief may
limit the allow-
ance to be
made to Adju-
tants and Ser-
jeant Majors.
 it shall and may be lawful for the Commander in Chief to fix and limit the
 allowance to be made to the Adjutants and Serjeant Majors in proportion to
 the duty they may have to perform, not however to exceed the sums granted by
 the said recited Act.

III. “ And whereas by the second section of the said recited Act, establish-
 “ ed Clergymen and licenced Ministers of the Gospel are exempted from being
 “ enrolled in the Militia, but are obliged to pay ten shillings per annum each,
 “ as exempt money, which it is considered advisable to remit ;” Be it further Clergymen, &c.
not required
to pay exempt
money.
 enacted, That in future no such Clergyman or licenced Minister of the Gospel
 shall be required to pay any money as an exemption from Militia duty, any thing
 in the said Act contained to the contrary notwithstanding.

CAP. XXII.

An Act in addition to an Act, intituled “ An Act to empower and authorize ;
 the Justices of the County of Wesmorland, at their General Sessions of 54 G. 3, C. 13.
 the Peace, to regulate the grazing and depasturing of the several marshes,
 lowlands or meadows within the said County.”

Passed 5th April, 1828.

[*Continued by 1 W. 4, C. 4, until 1st April, 1836, and then expired. See
 6 W. 4, C. 21.*]

CAP. XXIII.

An Act to lay a tax on Dogs in certain parts of the Parishes of Fredericton and h
 Saint Andrews.

Passed 5th April, 1828.

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That Limits in the
Parish of Fre-
dericton.
 from and after the first day of May next, there be laid and imposed the
 following tax or duty yearly and every year on all dogs which shall or may be
 owned or kept by persons residing in that part of the Parish of Fredericton in the
 County of York described within the following limits, that is to say : commencing
 at the river Saint John upon the line dividing the Parishes of Fredericton and
 Kingsclear,

j 54 G. 3. C. 13 and this Act expired after the publication of the former, and before the work had thus far ad-
 vanced this Act is therefore omitted. The Act now in force is 6 W. 4, C. 21.

h See 1 W. 4, C. 28, as to destruction or confinement of dogs during the prevalence of hydrophobia.

Limits in Saint Andrews.

Amount of Tax.

Justices in Sessions to appoint a Collector of Tax.

Collector to be sworn, and liable to penalty for neglect.

Owners to affix collars with their names on their Dogs.

Dogs going at large without collars liable to be killed.

Owner of a Dog found going at large without a collar liable to a fine of 10s.

Collector authorized to sue for Tax if not paid within six days after demand.

Tax to be applied towards the support of the Poor.

Collector may retain 20 per cent.

Kingsclear, thence along said line to the southerly side of the public road leading through Kingsclear aforesaid, thence by a course south twenty two and a half degrees east by the magnet until it meets Mill Creek, thence following Mill Creek by its several courses to its discharge into the river Saint John aforesaid; and by any person or persons residing within the limits of the town of Saint Andrews in the County of Charlotte, or within the limits of the Common which belongs to the said Town, or on the Glebe land adjoining the said Town, or on a tract of land situate north westerly thereof, which said tract of land was granted to Colin Campbell, Esquire; that is to say: for one dog (provided the person keeps but one,) the sum of five shillings; for two dogs owned or kept by one person, or in or about the same house, the sum of fifteen shillings; for three or more dogs owned or kept by one person, or in or about the same house, the sum of thirty shillings; such tax or duty to be paid by the person owning or keeping such dog or dogs.

II. And be it further enacted, That the Justices of the Peace for the said County of York, and the Justices of the Peace for the said County of Charlotte respectively, at their General Sessions or any Special Sessions to be for that purpose holden, are hereby authorized and required to appoint a fit person to be a collector of dog tax in the said Parish of Fredericton and the said Parish of Saint Andrews respectively; who shall be sworn to the faithful discharge of their duty, and shall be liable to all the pains and penalties for neglect of duty or refusal to serve as any Town or Parish Officers are now liable to by the Laws now in force.

III. And be it further enacted, That it shall be the duty of all persons residing within the limits prescribed in the first Section of this Act, and who shall own or keep any dog or dogs, to affix a collar on the neck of each and every such dog with the name of the owner or keeper plainly and legibly marked thereon; and all dogs found going at large within the limits aforesaid, and owned or kept by persons residing within the same, after the said first day of May next without such collar and name as aforesaid, shall be liable to be killed and destroyed by the said collector of dog tax or by any constable of the said Parish of Fredericton, or by the collector of dog tax or any constable of the Parish of Saint Andrews respectively: Provided always, that in case the owner or keeper of such dog or dogs so found going at large as aforesaid without such collar and name, contrary to the true intent and meaning of this Act, shall be known, that then he or she shall be liable to pay a fine of ten shillings (in addition to the tax), to be recovered and applied as directed by the fourth Section of this Act.

IV. And be it further enacted, That the said collectors of the said dog tax shall and they are hereby required on the first day of May in each and every year, and as often thereafter as may be necessary, to proceed to the collection of the tax imposed by this Act; and in case the said tax be not paid to each or either of the said collectors within six days after the same shall have been demanded, that then the said collectors shall and they are hereby required in their own name to sue for and recover the same with costs, by action of debt before any one of His Majesty's Justices of the Peace for the said Counties of York and Charlotte respectively; and the said tax when collected shall be paid into the hands of the Commissioners of the alms house and work house for the County of York, and to the Commissioners of the poor house in the Parish of Saint Andrews in the County of Charlotte, and to be applied by them towards the support of the poor of the said Parish of Fredericton and the said Parish of Saint Andrews; such collectors retaining for their trouble at and after the rate of twenty per cent on all sums actually paid in by them respectively.

V. And be it further enacted, That the said collectors of the said tax shall render accounts to the Justices at every General Sessions of the Peace to be holden in and for the Counties of York and Charlotte respectively, of their collections under and by virtue of this Act, which accounts shall be audited by the said Justices; and the said collectors shall be liable to all the pains and penalties for neglect or refusal to account for or pay over the monies so to be collected by them as any collector of rates are made liable to by the Law now in force.

Collectors to account to the Justices in Sessions.

Liable for neglect.

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

Limitation.

VII. And be it further enacted, That this Act shall be deemed and taken to be a public Act.

To be deemed a public Act.

[Made perpetual by 1 W. 4, C. 5.]

CAP. XXIV.

An Act for the erection of a Court House and Gaol in the County of Kent.

Passed 5th April, 1828.

“ WHEREAS it is necessary that a Court House and Gaol should be erected in the County of Kent;”

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace for the said County at any General Sessions of the Peace hereafter to be holden, or the major part of them, be and they are hereby authorized and empowered to contract and agree with able and sufficient workmen for building and finishing a Court House and Gaol in the said County, and to agree for such sum or sums of money as to them may seem meet in order to carry their object into effect; and the said Justices are hereby authorized and empowered to make a rate and assessment upon the said County of any sum not exceeding the sum of five hundred pounds, in such proportions and at such times as they in their discretion may think necessary, for the erecting and finishing a Court House and Gaol in the said County; the said sum or sums to be assessed, levied, collected and paid in such proportions and in the same manner as any other County rates can or may be assessed, levied, collected and paid under and by virtue of any Act or Acts in force in this Province for assessing, levying and collecting of rates for public charges.

Justices in Sessions may agree for building a Court House and Gaol.

Make an assessment not exceeding £500. to be assessed and collected as other County charges.

CAP. XXV.

An Act to authorize the Justices of the Peace of the County of Kent to make rules and regulations respecting the taking of Fish in the different harbours, rivers and creeks in the said County.

Passed 5th April, 1828.

“ WHEREAS the local situation of the Fisheries in the County of Kent render further and other regulations than those contained in the several Acts for regulating the Fisheries in the different rivers, coves and creeks of this Province necessary for carrying the said Act into effect;”

Preamble.

I.

Justices in Sessions may make regulations,

Not to interfere with those made by Act of Assembly, &c.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Justices of the County of Kent in their General Sessions to make such further regulations relating to the Fisheries in the said County as they may find necessary.

II. Provided always, That such regulations are not contrary to and do not interfere with the general regulations and restrictions contained in any Act of the General Assembly or with private rights.

CAP. XXVI.

An Act to empower the Rector, Church Wardens and Vestry of Trinity Church in the Parish of Saint John, to dispose of lots in the new burial ground in the vicinity of the said Parish.

Passed 5th April, 1828.

Preamble.

“ **W**HEREAS the Rector, Church Wardens and Vestry of Trinity Church “ in the Parish of Saint John, have by their petition to the General Assembly set forth that they have lately purchased from George G. Gilbert a lot “ of ground, situate in the Parish of Portland in the vicinity of the City of Saint “ John, for a burying ground, and divided the same into small lots, which they are “ desirous of selling to such individuals as may be willing to purchase the same ; “ which said land is bounded as follows : beginning at the south west corner of “ the public road leading to the sand flats, thence south eighty degrees west along “ the easterly line of the great Westmorland road towards the Aboideau six hun- “ dred and thirty feet, thence south ten degrees east five hundred and fifty feet, “ thence north eighty degrees east seven hundred and thirty five feet or until it “ meets the western line of the aforesaid road leading to the flats, thence north “ twenty one degrees thirty minutes west five hundred and sixty feet to the place “ of beginning ;”

Description of ground.

Rector, Wardens, &c. may sell the ground, or any part thereof.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the said Rector, Church Wardens and Vestry of Trinity Church in the Parish of Saint John, shall be and they are hereby authorized and empowered to make sale of the said burying ground or any part or parts thereof for such price or prices, and under and subject to such conditions, covenants, agreements and regulations as by them may be deemed necessary or proper ; and thereupon to make and execute good, legal and sufficient conveyances of the same, any former law to the contrary notwithstanding.

May make a plan of the ground as divided into Lots to be distinguished by numbers.

Where the plan shall be kept.

II. “ And whereas the making separate conveyances of each of the said small “ lots into which the said burial ground is divided would be attended with great “ trouble and expense ;” Be it further enacted, That the said Rector, Church Wardens and Vestry shall make or cause to be made a plan or plot of the said burying ground as divided into lots, distinguishing the lots by certain numbers marked on the said plan ; which said plan shall remain in the care and keeping of the clerk of the Vestry for the time being, and one true and exact counterpart thereof shall be deposited in the office of Register of Deeds of the City and County of Saint John, and one other counterpart shall be deposited in the common clerk’s office of the said City and County ; all or any of which said plans may at all proper times be seen and inspected by any person desirous of viewing the same ; and that the names of several purchasers in severalty may be included in one deed or conveyance, mentioning the numbers of the lots so conveyed to the said purchasers respectively and referring to the plan or plot of the said ground ; which said deed

Plan may be inspected.

Several persons may be included in severalty in one Deed.

so made to several purchasers shall be good, valid and effectual without the mention or insertion therein of the particular consideration paid for the same, such deeds being duly registered in the Register's office for the said City and County.

Deeds to several purchasers good, if duly registered.

III. Provided always, and be it further enacted, That such lots shall not be assigned or transferred by the purchasers thereof without the assent of the said Rector, Church Wardens and Vestry; and that they shall not be liable to be levied upon or taken in execution, but shall be altogether free from seizure at the suit of any person or persons whomsoever; and that the property in any one of such burial lots, or part thereof, shall not prevent any confined debtor from receiving support under the law in force for the relief and support of confined debtors.

Lots not to be assigned without consent of the Vestry, and not liable to execution, and not to prevent a confined debtor from receiving support.

IV. And be it further enacted, That nothing in this Act contained shall extend or be construed to affect the rights of any person or persons, body politic or corporate whatsoever other than the said Rector, Church Wardens and Vestry.

Saving all rights other than of the Rector, Wardens & Vestry.

CAP. XXVII.

An Act in amendment of the Acts regulating the exportation of Fish.

Passed 5th April, 1828.

[*Repealed by 10 & 11 G. 4, C. 28.*]

CAP. XXVIII.

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

Passed 5th April, 1828.

“**WHEREAS** it is expedient to repeal the Laws now in force for appointing Firewards and the better extinguishing fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town;”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Act passed in the fifty-seventh year of the reign of His late Majesty King George the Third, intituled “An Act for appointing Firewards in the Towns of Fredericton and Saint Andrews, and ascertaining their power and duty, and more effectually to prevent fires in the said Towns;” and also an Act passed in the second year of the reign of His present Majesty, intituled “An Act for the better extinguishing fires which may happen in the Towns of Fredericton and Saint Andrews;” and also an Act passed in the third year of the same reign, intituled “An Act in addition to an Act, intituled ‘An Act for the better extinguishing fires which may happen in the Towns of Fredericton and Saint Andrews;’” also an Act passed in the fourth year of the same reign, intituled “An Act to amend an Act, intituled ‘An Act for the better extinguishing fires which may happen in the Town of Fredericton and Saint Andrews;’” be and the same are hereby repealed so far as relates to the Town of Saint Andrews.

57 G. 3, C. 9.

2 G. 4, C. 2.

3 G. 4, C. 17, and

4 G. 4, C. 20, so far as they relate to Saint Andrews, repealed.

II. And be it further enacted, That the Governor or Commander in Chief for the time being, is hereby authorized and empowered by and with the advice of

Governor with the advice of the Council to appoint Fire-

wards, to be sworn before a Justice.

of His Majesty's Council from time to time, by warrants under his hand and seal, to appoint a sufficient number of prudent and discreet persons, not exceeding eight, to be Firewards in the Town of Saint Andrews, who shall be sworn to the faithful discharge of their duty, before any one of His Majesty's Justices of the Peace of the County of Charlotte, and a certificate thereof endorsed on the several warrants of appointment, for which warrants and certificates no fees shall be demanded or received from the person so appointed and sworn.

Firewards on duty to carry a Staff and Speaking Trumpet.

III. And be it further enacted, That in order that the said Firewards may be distinguished from others when on duty at a fire, and to enable them to communicate their directions with more facility, they shall each carry a staff seven feet in length, colored red, and also a speaking trumpet, painted white, with the name of the Town painted on it in black letters.

Firewards to command assistance for extinguishing fires, &c.

IV. And be it further enacted, That whenever a fire shall break out in the said Town or in its vicinity, and during the continuance thereof, the said Firewards are hereby authorized and required jointly or separately to command assistance for extinguishing the fire and removing household stuff, furniture, books, public stores, goods and merchandize out of any houses, storehouses and other buildings actually on fire or in danger thereof; and to appoint persons to take care of the same, and also to require assistance to prevent the further spreading of the fire in the said Town, and to prevent tumults and disorders in the same; and the said Firewards respectively are hereby required upon the notice of fire breaking forth in the said Town (taking their badges and trumpets with them) immediately to repair to the place and vigorously to exert their authority in requiring assistance, and to use their utmost endeavours to extinguish the fire and prevent its spreading, and to preserve and secure property and effects both public and private; and due obedience is hereby required to be yielded to them and each and every of them accordingly for that service, as well by the person or persons having the charge and management of any engine or engines in the said Town as all other persons whomsoever.

Upon notice of fire to repair with their Badges to the place and exert their authority.

Due obedience to be yielded to the Firewards by all persons.

V. And be it further enacted, That from and after the passing of this Act, upon every alarm of fire in the said Town or in its vicinity, either in the night or day time, it shall be the duty of every constable resident within the said Town or in its immediate vicinity, knowing of such alarm, immediately to repair (with a staff to be provided by the Firewards for that purpose as hereinafter directed) to the place where the fire may be, and there to report himself to some one or more of the Firewards there present, or if no Firewards be present on his arrival, then to the first Fireward that shall thereafter arrive at the fire, and to place himself under the immediate orders and directions of such Firewards, and to use his utmost exertions to aid and assist the said Firewards, and to obey and carry into effect all orders and directions that may be given to him by the said Firewards or any of them at the time of such Fire.

Constables knowing of alarm of fire to repair with a Staff to the place, and to report themselves to Firewards, and be under their direction.

Constables for neglect to forfeit 40s. with costs.

VI. And be it further enacted, That for every refusal or neglect by any constable resident in the said Town or in its immediate vicinity, to perform and fulfil any of the duties by this Act imposed upon him, such constable shall forfeit and pay the sum of forty shillings, together with the costs of recovering the same, to be recovered upon conviction before any one of His Majesty's Justices of the Peace for the County of Charlotte, on the oath of a Fireward or any other credible witness; and on refusal to pay the same, to be levied by distress and sale of the offender's goods and chattels, and for want of sufficient distress, such offender shall suffer eight days imprisonment, unless the penalty and costs shall be sooner paid, which penalty when recovered, shall be paid into the hands of the

How recovered.

Firewards

Firewards of the said Town or their Treasurer for the time being, to be applied by them towards defraying the necessary expenses attending the keeping the engine or engines of the said Town in a proper state of repair and equipment, and any other necessary expenses attending the keeping the fire companies of the said Town in a proper state of organization.

Penalty to the Firewards for the expense of the Engine, &c.

VII. And be it further enacted, That the Firewards are hereby authorized and required to provide a sufficient number of such proper and necessary staves for the constables herein before mentioned, as the said Firewards or the major part of them may deem most fit and convenient for the said constables to carry with them at all times of their attendance at fires as hereinbefore directed, which staff shall be kept at such convenient place or places as the said Firewards or the major part of them may direct, to be in readiness at all times when required.

Firewards to provide staves for Constables,

to be kept in such place as the Firewards shall direct.

VIII. And be it further enacted, That at and during the raging or continuance of any fire that may hereafter happen either in the said Town or in its immediate vicinity, if any person or persons shall refuse or wilfully omit to obey the orders of any Fireward there present for his falling into line, shall leave the same without the consent of any Fireward there present, or for his doing any other act that such Firewards may think necessary towards aiding and assisting in extinguishing such fires, or in preserving of any property endangered by such fire, or who shall be guilty of any disorderly conduct in defiance of the orders of any Firewards there present, or shall in any way wilfully obstruct or endeavour to obstruct, the carrying into effect any orders or regulations that may be then given or made by the Firewards present, or any of them, for the better extinguishing of such fire; the Firewards present at any such fire, or any of them, shall have full power if he or they see fit, and he and they are hereby authorized to order any constable present forthwith to take such offender or offenders into custody, and to convey such offender or offenders, if such Firewards or any of them see fit, to the common gaol of the County of Charlotte, and the gaoler of such gaol is hereby required to keep such offender or offenders so committed in close confinement, until delivered in manner hereinafter mentioned, and the Fireward or Firewards who may have committed any such offender, shall immediately after such fire shall be extinguished, and at the latest within twenty four hours, cause such offender or offenders to be brought up by the gaoler or other person appointed for that purpose, before any of His Majesty's Justices of the Peace (not being a Fireward) resident in the said Town, to answer for such offence; and upon conviction before such Justice of the Peace of such offence on the oath of a Fireward or any other credible witness, such offender shall forfeit and pay the sum of thirty shillings, together with the costs of recovering the same, to be levied by distress and sale of the offender's goods and chattels, and for want of sufficient distress, such offender shall suffer six days' imprisonment, unless the penalty and costs shall be sooner paid, which penalty when recovered, shall be paid and applied as in the sixth section of this Act is directed; and all persons present at any such offence are required to aid and assist any Constable or Fireward in carrying into effect the directions and provisions of this Act, as such Firewards or any of them may direct; and any constable or other person refusing or neglecting to obey any orders or directions of the Firewards present, or any of them for carrying into effect the provisions of this section of this Act, shall for every such offence be subject and liable to the like forfeiture or penalty as is imposed by the sixth section of this Act, (for the offences therein mentioned) to be recovered and applied as in the said sixth section is directed.

Persons wilfully disobeying Firewards,

May be committed by order of a Fireward to Gaol.

Gaolers to keep offenders in close confinement.

Offender to be brought within 24 hours before a Justice.

Upon conviction to forfeit 30s. with costs.

For want of goods to be imprisoned.

Penalty how applied.

All persons present required to aid Constable.

Constable for neglect of duty liable to a penalty.

IX. And be it further enacted, That the Firewards or any two or more of

Firewards may enter dwellings to inspect Stove Pipes, Chimnies, &c.

If Stove Pipes, Hearths, &c. are in the opinion of the Firewards dangerous, they may give directions in writing to discontinue fires till alterations made.

Penalty for disobeying directions.

No combustibles to be set on fire within two hundred feet of any fence or building under penalty of 40s.

No person to enter barns or stables with a lighted candle, unless placed in a Lantern, under penalty of 10s.

Fire not to be carried in the street, except in a covered vessel, under penalty of 10s.

Firewards may appoint Firemen, not exceeding twenty, to each Engine, and remove and displace them.

Firemen to be registered with the Clerk of the Peace.

Firewards to make rules and regulations for the conduct of the Firemen.

them are hereby authorized and empowered from time to time and at all reasonable times in the day time to enter into any house, shop or other building within the limits of the said Town, and to examine and inspect the manner in which any stove or stove pipes are set up, placed, fixed or carried, or any hearths, fire places or chimnies constructed or built; and if such stove or stove pipes, or such hearth, fire place or chimney shall be found, in the opinion and judgment of the said Firewards or any two of them, and in case more than two be present the major part of those present, so set up, placed, fixed or carried, constructed or built, as to be dangerous, such Firewards are hereby authorized and required to give directions in writing to prevent the continuance of fire in any such stove or any such hearth, fire place or chimney until the same shall have undergone alterations as shall be pointed out in writing by the said Firewards; and any person or persons who shall disobey any such directions of such Firewards, shall for each offence forfeit and pay the sum of three pounds, to be recovered and applied in the manner mentioned in the sixth section of this Act.

X. And be it further enacted, That no person or persons shall wantonly or wilfully set on fire, or cause to be set on fire, any combustible materials whatever in the said Town within two hundred feet of any fence or building, and that every person or persons so offending shall forfeit and pay the sum of forty shillings for each and every such offence, to be recovered and applied as the fines in the sixth section of this Act.

XI. And be it further enacted, That no person or persons within the said Town of Saint Andrews shall enter or remain in any barn or stable where hay or straw is, with a lighted candle, except the said lighted candle be in a good, safe and sufficient lantern; and that every person or persons so offending shall forfeit and pay the sum of ten shillings for each and every offence, to be recovered and applied as the fines in the sixth section of this Act.

XII. And be it further enacted, That no person or persons shall carry fire in any street of the said Town of Saint Andrews unless the fire be safely secured in a closely covered vessel or fire pan, and that every person or persons so offending shall forfeit and pay the sum of ten shillings for each and every offence, to be recovered and applied as the fines in the sixth section of this Act.

XIII. And be it further enacted, That the Firewards of the said Town shall at any meeting to be for that purpose holden nominate and appoint, by warrant under the hands and seals of them or the hands and seals of the major part then present, a sufficient number of able and discreet men, willing to accept, not exceeding twenty in number for each engine, being inhabitants of the said Town, to have the care, management and working of the said engines, tools and instruments for extinguishing fires which may happen within the same, and to remove and displace all or any of them from time to time, and to nominate and appoint others in their stead, and to fill up any vacancies which may happen at any time by death or removal or otherwise; and that the names of the said persons so appointed shall from time to time as the appointments shall be made be registered with the Clerk of the Peace in the said County, upon the certificate of the said Firewards, and to be called the Firemen of Saint Andrews, and are hereby enjoined and required to be ready at a call by night as well as by day to manage, work and use the engine or engines, tools and instruments for extinguishing fires which may happen to break out within the said Town.

XIV. And be it further enacted, That it shall be lawful for the Firewards for the time being of the said town, at any meeting to be holden at which the major part shall be present, to make and establish such rules, orders and regulations in respect

respect of the government, conduct, duty and behaviour of the said Firemen in working, managing, exercising, trying and using the engines, tools and instruments, and to impose and establish such reasonable fines and penalties upon them or any of them for default or neglect of the duties and services thereby to be enjoined or required from them, as the said Firewards or the major part of them present met as aforesaid shall from time to time think meet, so that the fine or penalty shall not exceed in any one instance the sum of forty shillings, to be recovered and applied as in the sixth section of this Act; which rules, orders and regulations shall be notified to the said Firemen by putting the same up at the engine house and inserting the same in the newspaper if any there be printed in the said Town.

Impose fines not exceeding 40s.

Rules to be published.

XV. And be it further enacted, That the Firemen within the said Town and each and every of them from time to time, during their continuance in the office of Firemen and no longer, shall be and they are hereby declared to be freed, exempted and privileged from the several offices of constable and surveyors of highways, and from all statute labour on the highways and streets in the said Town, and from serving on any Juries at the General Sessions of the Peace and Inferior Court of Common Pleas in the said County.

Privileges and exemption of Firemen.

XVI. And be it further enacted, That any person or persons who shall at any time wantonly or maliciously injure or destroy, remove or take away, or cause to be removed or taken away any hook, ladder, bucket or other implement provided for the purpose of extinguishing or checking the progress of fires in the said Town of Saint Andrews from the proper place or places appointed for the keeping of the same, shall forfeit and pay for each and every such offence the sum of forty shillings, to be recovered and applied in like manner as in the sixth section of this Act.

Penalty for removing or destroying Hooks, Ladders, &c.

XVII. And be it further enacted, That as soon after the passing of this Act as the same can be procured, every householder in the said Town or in its immediate vicinity shall provide himself with two good leather buckets of sufficient size to hold two and a half gallons of water, with the name of the proprietor thereof painted on the side of each of the said buckets, to be kept always ready in some convenient place in his house; and every house owner in the said Town shall provide himself with a good and sufficient ladder to lay on the roof and hold at the top by two substantial iron hooks fastened to the end of such ladder, which shall extend down the roof of the house to the eaves except such houses as the Firewards or the major part of them may be of opinion from the formation of the roof will not require such ladder, and in case of the absence or non-residence of the owner or owners of any house or houses in the said Town, the tenant or tenants occupying the same shall at the expense of his, her or their landlord, provide such ladders for every such house if so required by the said Firewards or the major part of them, which ladder every owner or occupier of such house shall keep stationary on the roof thereof; and that on every alarm of fire in the said Town or in its immediate vicinity, every householder in the said Town or in its immediate vicinity, knowing of such alarm and not being a Fireward, shall forthwith carry his buckets so provided as above directed or cause the same to be carried to the place where the fire may be, to be there used as occasion may require; and every person wilfully refusing or neglecting to perform any of the duties by this section of this Act imposed shall for every such offence forfeit and pay the sum of forty shillings, to be recovered and applied in the like manner as in the sixth section of this Act.

Every householder to be provided with two buckets, to be kept always ready, and ladders to lay on the roof of the house.

In the absence of the owner, tenant to procure ladders at expense of the landlord.

Householders, upon alarm of fire, to carry or send buckets to the place.

Penalty for neglect.

XVIII. And be it further enacted, That the Justices of the Peace for the County of Charlotte in their General Sessions, or the major part of them, are hereby authorized and required to raise by assessment such sum or sums, not exceeding one hundred pounds in any one year, on the said Town as the Firewards

Justices in Sessions may make assessment not exceeding £100 per annum for maintaining the

Engines and
Fire Compan-
ies.

may from time to time by estimate made out by them in writing and produced to the said Justices of the Peace or the major part of them in their General Sessions show to be necessary, over and above such of the fines hereinbefore mentioned as they may have received for the supply of the fire engines at the time of any fire that may happen in the said Town, and for the necessary expences attending the keeping the fire company in a proper organized state and the engines of the said Town in a sufficient state of equipment, with buckets, ladders, hooks and other necessaries, and also if found necessary for the purchasing or providing one or more engines for the said Town; such assessment to be made in due proportion upon all and every the person or persons who do or shall inhabit, hold, occupy or enjoy any house, shop, warehouse or other tenement within the said Town.

Assessment to
be made on
householders.

Assessment to
be levied as
other Parish
rates.

XIX. And be it further enacted, That such sum or sums shall be assessed in manner aforesaid by the assessors of the said Town, and shall be levied and collected in the same manner as any other Parish rate or assessment in the said Town can or may be levied and collected by virtue of any law now in force or hereafter to be made, and to be paid when collected to the said Firewards or their Treasurer for the time being, to be applied to and for the purpose above mentioned.

Firewards,
when required,
to account to
the Sessions.

XX. And be it further enacted, That the said Firewards of the said Town shall render to the Justices of the Peace of the County of Charlotte at their first General Sessions, at the time of making the annual appointments of Town or Parish officers, when required so to do a full and particular account of the expenditure of all monies so to be assessed as aforesaid, and also of all fines to be recovered as aforesaid, as they may have received respectively; and any of the Firewards refusing or wilfully neglecting to render such account when required, shall be considered guilty of a contempt of such Court of General Sessions of the Peace, and it shall and may be lawful for the Justices of the Peace of the said County or the major part of them in General Sessions to bring by warrant before them such Fireward or Firewards so guilty of such contempt, and if found necessary to commit such Fireward or Firewards so offending to prison until such account shall be made out and rendered to the satisfaction of the said Court of General Sessions, or to the Treasurer of the County in case such Court should be over before such account shall be rendered.

Penalty for ne-
glect.

Limitation.

XXI. And be it further enacted, That this Act shall continue and be in force for five years, and from thence to the end of the then next Session of the General Assembly and no longer.

[*Continued until March, 1840, by 4 W. 4, C. 11.*]

CAP. XXIX.

An Act to continue until the first day of April, one thousand eight hundred and thirty-three, an Act to regulate the manufacturing and shipment of Grindstones from the County of Westmorland.

Passed 5th April, 1828.

[*Expired.*]

CAP. XXX.

An Act to continue an Act, intituled “ An Act for the encouragement of Parish Schools in this Province.”

Passed 5th April, 1828.

[*Expired.*]

CAP. XXXI.

An Act to continue and amend the Acts for the encouragement of the cod and scale Fisheries.

Passed 5th April, 1828.

[*Expired.*]

CAP. XXXII.

An Act for granting a bounty upon Flour manufactured at the steam mills in Portland.

Passed 5th April, 1828.

[*Expired.*]

CAP. XXXIII.

An Act to apply a part of the public Revenue to the payment of the ordinary services of the Province.

Passed 5th April, 1828.

[*Expired.*]

CAP. XXXIV.

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

Passed 5th April, 1828.

[*Expired.*]

CAP. XXXV.

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

Passed 5th April, 1828.

[*Expired.*]

CAP. XXXVI.

An Act further to amend the Act for regulating Elections of Representatives in General Assembly.

Passed 5th April, 1828.

Preamble.

31 G. 3, C. 17.

“ WHEREAS by the third section of an Act passed in the thirty-first year of the reign of His late Majesty King George the Third, intituled “ An Act for regulating Elections of Representatives in General Assembly, and “ for limiting the duration of Assemblies in this Province,” it is enacted that “ the person to be chosen a Member of Assembly shall be possessed of real “ estate of the value of two hundred pounds, within the County for which he “ shall be chosen ; and it is thereby provided, that no person who shall have “ mortgaged his lands and remain in possession thereof, and receive the income “ therefrom, shall by reason of such mortgage be debarred from being so elected ; “ And whereas it is considered advisable to limit and restrain the operation of “ the said proviso ;”

m Candidates to possess freehold estate of £200 value, clear of incumbrances.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the end of the present House of Assembly, every person to be chosen a Member shall be possessed of freehold estate within the County for which he shall be chosen, the value whereof shall be two hundred pounds, free from, or over and above all incumbrances, and shall have possessed the same, and had his title deed registered six months before the teste of the writ of election.

n No freeman to vote in the City of Saint John unless registered six months.

II. And be it further enacted, That in any future election to be holden for the City of Saint John, no freeman shall be entitled to vote as such, unless his name shall have been duly registered in the list of freemen, at least six months before the teste of the writ of election.

Voters to declare qualification as freemen or freeholders, to be entered on Poll Book. Ward of freehold.

III. And be it further enacted, That every person coming to vote at any election hereafter to be holden for the said City of Saint John, shall distinctly declare whether he claims to vote as a freeman or freeholder ; and it shall be particularly specified on the poll book whether his vote was given as a freeman or freeholder ; and every freeholder shall if required by any candidate, specify the ward in which his freehold is situate, which shall also be noted on the poll book.

Vacancy certified by two Members Speaker may issue his Warrant for electing a Member.

IV. And be it further enacted, That henceforth in the event of any vacancy by death or appointment to His Majesty’s Council in the present or any future Assembly during any recess of the General Assembly, it shall be the duty of the Speaker within ten days after the same shall be certified to him in writing by at least two members, one of whom to be a member of the County or City in which the vacancy may happen (or of the adjoining County of Northumberland, in case the vacancy shall occur in the Counties of Kent or Gloucester) to send his warrant to the clerk of the Crown in Chancery, to cause a writ to be issued for the election of a member to fill such vacancy ; and that the said clerk of the Crown shall upon the receipt of such warrant issue out a writ for that purpose, with as much expedition as the same may be done ; and in case such vacancy shall be occasioned by the death of the Speaker, or his appointment to a seat in His Majesty’s Council during any recess as aforesaid, any four members, one of whom to be a member of the County or City for which such Speaker shall have been elected, may send their warrant to the said clerk of the Crown to cause a writ to be issued for the election of a member to fill the vacancy so made ; and that the

In case of death of the Speaker, or his removal to His Majesty’s Council, four Members may issue a warrant for a new election.

said

said clerk of the Crown shall upon the receipt of such warrant issue out a writ for that purpose, with as much expedition as the same may be done: Provided always, that if the Speaker shall have been a Member for either of the Counties of Kent or Gloucester, then the warrant to the clerk of the Crown may be made by any four Members, one of whom to be a Member for the County of Northumberland.

Clerk of the Crown to issue warrant. If Speaker a Member for Kent or Gloucester.

V. "And whereas the first oath prescribed in the seventh section of the said hereinbefore recited Act for the elector to take if required, at the time of polling, is not sufficiently explicit;" Be it therefore enacted, That in lieu of the said oath, every elector at the time of polling shall, if required by any candidate, first take the following oath, that is to say:

Oath to be taken by Electors in lieu of the oath required by the 7th section of 31 G. 3, C. 17.

You shall swear that you are by law qualified to vote at this election; and that you have not been before polled at this election; and that you have not procured your qualification to give your voice at this election; and that the place of your abode is at

VI. And be it further enacted, That this Act shall not be in force until His Majesty's Royal approbation be thereunto heard and declared.

[*This Act was approved by His Majesty in Council on the 7th day of December, 1829.*]

CAP. XXXVII.

An Act to regulate the trials of controverted Elections or returns of Members to serve in General Assembly.

Passed 5th April, 1828.

“WHEREAS the present mode of decision upon petitions complaining of “undue elections or returns of members to serve in General Assembly, obstructs public business, occasions much expense, trouble and delay to the parties, is defective for the want of those sanctions and solemnities which are established by Law in other trials; for remedy thereof,”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That after the next general election, whenever a petition complaining of an undue election or return of a member or members to serve in General Assembly, shall be presented to the House of Assembly, a day and hour shall be appointed by the said House for taking the same into consideration, and notice thereof in writing shall be forthwith given by the Speaker to the petitioners, and the sitting member or their respective agents, accompanied with an order to them to attend the House, at the time appointed, by themselves, their counsel or agents: Provided always, that the House may alter the day and hour so appointed, and appoint some subsequent day and hour for the same as occasion shall require, giving the like notice as aforesaid.

A day and hour to be appointed for considering Petitions, and notice thereof in writing to be given.

II. And be it further enacted, That at the time appointed for taking such petition into consideration, and previous to reading the order of the day for that purpose, the serjeant at arms shall be directed to go and require the immediate attendance of the members on the business of the House, and that after his return the House shall be counted, and if there be less than twenty members present, the order for taking such petition into consideration shall be immediately adjourned to a particular hour on the next day to which the House shall adjourn; and on the said next day the House shall proceed in the same manner, and so from day to day till there be an attendance of twenty members at the reading of the order of the day to take such petition into consideration.

Serjeant at Arms to require the attendance of Members.

House to be counted and if less than twenty present hearing of Petition postponed.

III.

Twenty Mem-
bers being pre-
sent parties to
attend at the
Bar.

No Member to
enter or depart
till the parties
be ordered to
withdraw.

Eleven Mem-
bers to be
drawn by bal-
lot.

A Member
being drawn
who voted at
the election, or
Petitioner to be
set aside.

A Member hav-
ing served on an
election com-
mittee during
the Session
may be excused.

Other Mem-
bers to be
drawn in place
of those
excused.

Each party to
name a Mem-
ber not drawn
to be added to
the list.

If eleven Mem-
bers cannot be
completed the
business to be
adjourned.

Members no-
minated may be
set aside for
cause or excus-
ed, and others
nominated.

The eleven
members
drawn to be re-
duced to five,
who, together
with the nomi-
nees, to be
sworn select
committee to
try the ques-
tion.

III. And be it further enacted, That if after summoning the members and counting the House as aforesaid, twenty members shall be found to be present, the petitioners by themselves, their counsel or agents, and the counsel or agents of the sitting members shall be ordered to attend at the bar; and then the door of the House shall be locked, and no member shall be suffered to enter into or depart from the House, until the petitioners, their counsel or agents and the counsel or agents of the sitting members shall be directed to withdraw; and when the doors shall be locked as aforesaid, the order of the day shall be read, and the names of the members of the House written or printed on distinct pieces of parchment or paper, being all as near as may be of equal size, and rolled up in the same manner, shall be put in equal numbers into two boxes or glasses to be placed on the table for that purpose, and shall be there shaken together; and then the clerk or clerk assistant attending the House shall publicly draw out of the said two boxes or glasses alternately the said pieces of parchment or paper, and deliver the same to the Speaker, to be by him read to the House, and so shall continue to do until eleven names of the members then present be drawn.

IV. Provided always and be it further enacted, That if the name of any member who shall have given his vote at the election so complained of as aforesaid, or who shall be a petitioner complaining of an undue election, or against whose return a petition shall be then depending, shall be drawn, his name shall be set aside with the names of those who are absent from the House: Provided always, that if the name of any member who has served on an election committee during the same Session be drawn, he shall if he require it be excused from serving unless the House should adjudge it necessary for him to serve; and the House may also excuse any other member or members from serving if it should be made manifest that such service would be attended with great detriment to such member or members; and in case of members so set aside and excused the names of other members shall be drawn, who may in like manner be set aside or excused and others drawn to supply their places until the whole number of eleven members not liable to be so set aside or excused shall be complete, and the petitioners or their agent shall then name one and the sitting members or their agents another from among the members then present whose names shall not have been drawn, to be added to those who shall have been so chosen by lot.

V. Provided always and be it further enacted, That if at the time of drawing by lot the names of the members, the number of eleven members not set aside nor excused cannot be completed, the House shall proceed in the same manner as herein before directed in case of less than twenty members being present at the counting of the House, and so from day to day as often as the case shall happen; and provided also, that either of the members nominated as above shall or may be set aside for any of the same causes as those chosen by lot, or if he requires it may be excused, and the party who so nominated the member set aside or excused shall nominate another in his stead, and so continue to do as often as the case shall happen until his nominee is admitted.

VI. And be it further enacted, That as soon as the said eleven members shall have been so chosen by lot and nominees appointed, the door of the House shall be opened and the House may proceed upon any other business; and the list of the eleven members so drawn by lot shall be reduced to five by the parties striking off alternately; and the reduced list with the names of the nominees added thereto shall be delivered in to the House, and the said five members together with the two nominees shall be sworn at the table well and truly to try the matters of the petition referred to them and a true judgment to give according to the evidence
and

and shall be a select committee to try and determine the merits of the said return or election, and shall meet at a certain time and place to be fixed by the House for that purpose.

VII. Provided always and be it further enacted, That if upon the drawing out the name of any member by lot as aforesaid, the said petitioner or sitting member or their agents shall declare that such member is intended to be one of the two nominees to be nominated by them respectively, and if such member shall consent to such nomination the name of such member so drawn by lot shall be set aside, and unless objected to as aforesaid he shall serve as such nominee, and the name of another member shall be drawn to supply his place to complete the number of eleven members to be drawn by lot; and if the said petitioners or sitting members or their agents shall not respectively nominate a member then present who shall be admitted according to the directions of this Act, then the want of such nomination shall be supplied by drawing out instead thereof the name of one or two members as the case shall require, who shall be drawn by lot in the like manner and subject to the like objections and excuses as the other members already drawn by lot, and shall be added thereto, and shall be liable to be struck off in the same manner, leaving always the number of seven members in the whole and no more as a select committee for the purposes aforesaid.

VIII. And be it further enacted, That the said select committee shall on their meeting elect a chairman from among such of the members thereof as shall have been chosen by lot; and if in the election of a chairman there be an equal number of voices, the member whose name was first drawn in the House shall have a casting voice, so likewise in case there should ever be occasion for electing a new chairman on the death or necessary absence of the chairman first elected; and no member of the select committee shall be allowed to absent himself from the same without leave of the House or excuse allowed by the House, or special cause shewn and verified upon oath; and the committee shall not sit until all members to whom such leave has not been granted or excuse allowed are met, and in case they shall not all meet within one hour after the time to which the said select committee shall have been adjourned, a further adjournment shall be made in the manner as before directed and reported with the cause thereof to the House.

IX. And be it further enacted, That the chairman of the said select committee shall at the next meeting of the House always report the name of every member thereof who shall have been absent therefrom without such leave or excuse as aforesaid, and such member shall be directed to attend the House at the next sitting thereof, and shall then be ordered to be taken into the custody of the sergeant at arms for such neglect of his duty and otherwise punished or censured at the discretion of the House, unless it shall appear to the House by facts specially stated and verified upon oath that such member was by sudden accident or by necessity prevented from attending the said select committee; and the committee shall not sit if more than two members be absent, but shall adjourn in manner aforesaid, and so from time to time until five members are assembled.

X. And be it further enacted, That the said select committee shall have power to send for persons, papers and records, and shall examine all the witnesses upon oath, which oath the chairman or the clerk (if any) attending such committee are hereby severally empowered to administer, and shall try the merits of the return or election or both, and shall determine by a majority of voices of the said select committee whether the petitioner or sitting members or either of them be duly returned or elected, or whether the election be void, which de-

A Member drawn and intended as a nominee may be set aside and serve, and another to be drawn.

If either of the parties omit to nominate, a Member to be drawn by lot to make up the number.

Select committee to elect a chairman, and in case of an equal division of votes the Member first drawn to decide.

No Member of select committee to be absent without leave or excuse allowed and verified on oath.

Chairman to report to the House Members absent without leave, who shall be punished unless prevented by accident or necessity from attending; and committee not to sit if more than two absent.

Committee empowered to send for persons, &c. and examine witnesses, and to determine by a majority of votes.

Determination to be final, and to be entered on the Journals, with the necessary order for carrying the same into effect.

In case of death or any unavoidable reduction a new committee to be chosen.

If committee determine otherwise than before mentioned, report to be made to the House, who shall make order thereon. Persons summoned, or witnesses misbehaving to be reported to the House.

Penalty for wilful perjury.

Committee, when they think it necessary, may order the room to be cleared.

Questions, &c. by majority.

Casting vote.

Petitioners to enter into recognizance in £200. with two sureties, to appear before the House and before the committee, and for payment of costs.

termination shall be final between the parties to all intents and purposes, and the House on being informed thereof by the chairman of the said select committee shall order the same to be entered in the Journals, and give the necessary directions for confirming or altering the return, or for the issuing a new writ for a new election, or for carrying the said determination into execution, as the case may require.

XI. And be it further enacted, that in case the number of members able to attend the said select committee shall, by death or otherwise, be unavoidably reduced to less than five, and shall so continue for the space of six sitting days, the said select committee shall be dissolved and another chosen to try and determine the matter of such petition in manner aforesaid, and all the proceedings of the said former select committee shall be void and of no effect.

XII. And be it further enacted, That if the said select committee shall come to any other resolution than the determination above mentioned, they shall if they think proper report the same to the House for their opinion at the same time that the chairman of the said select committee shall inform the House of such determination, and the House may confirm or disagree with such resolution and make such orders thereon as to them shall seem proper.

XIII. Provided always and be it further enacted, That if any person summoned by the said select committee shall disobey such summons, or if any witness before such select committee shall prevaricate or shall otherwise misbehave in giving or refusing to give evidence, the chairman of the said select committee by their direction may, at any time during the course of their proceedings, report the same to the House for the interposition of their authority or censure as the case shall require; and all persons who shall be guilty of wilful and corrupt perjury in any evidence which they shall give before the House or the said select committee under the oath to be taken by virtue of this Act, shall on conviction thereof incur and suffer the like pains and penalties to which any other persons convicted of that offence are liable.

XIV. And be it further enacted, That whenever the said select committee shall think it necessary to deliberate among themselves upon any question which shall arise in the course of the trial, or upon the determination thereof, or upon any resolution concerning the matter of the petition referred to them as aforesaid, as soon as the said select committee shall have heard the evidence and the parties or counsel on both sides relative thereunto, the room or place wherein they shall sit shall be cleared if they shall think proper while the members of the said select committee consider thereof; and all such questions as well as such determinations, and all other resolutions shall be by a majority of voices, and if the voices shall be equal the chairman shall have a casting voice.

XV. And be it further enacted, That no proceedings shall be had upon any petition complaining of an undue election or return unless the person or persons subscribing the same or some one or more of them shall, within ten days after the same shall have been presented or such further time as shall be limited by the House, personally enter into a recognizance to our Sovereign Lord the King, according to the form hereunto annexed, in the sum of two hundred pounds with two sufficient sureties in the sum of one hundred pounds each, to appear before the House at such time or times as shall be fixed by the House for taking such petition into consideration, and also to appear before any select committee which shall be appointed by the House for the trial of the same, and also for the payment of all costs, expences and fees which shall become due to any witness who shall have been summoned in behalf of the person or persons

so subscribing such petition, or to the party who shall appear before the House or committee in opposition to such petition, in case such person or persons shall fail to appear before the House at such time or times as shall be fixed for taking such petition into consideration, or in case the said petition shall be withdrawn by the permission of the House, or in case such committee shall report to the House that the said petition appears to them frivolous or vexatious; and if at the expiration of the said ten days such recognizance shall not have been so entered into or shall not have been received by the Speaker, he shall report the same to the House, and the order for taking such petition into consideration shall thereupon be discharged unless upon matter specially stated and verified on oath to the satisfaction of the House, the House shall enlarge the time for entering into such recognizance; and whenever such time shall be so enlarged, the order for taking such petition into consideration shall if necessary be postponed, so that no such petition shall be so taken into consideration till after such recognizance shall have been entered into and received by the Speaker.

XVI. And be it further enacted, That the said recognizance shall be entered into before the Speaker, who is hereby authorized and empowered to take the same, or if entered into twenty miles distant from Fredericton, then the said recognizance may be entered into before any of His Majesty's Justices of the Peace, which Justices are hereby empowered to take the same; and that the sureties shall in all cases severally justify before the said Speaker or Justice of the Peace by affidavit, that they are severally worth double the sum for which they are respectively bound by such recognizance after paying all their just debts; and that the said recognizance shall not be considered as entered into until such affidavit is made, unless the parties concerned should agree to dispense with the same.

XVII. "And for the removal of any doubts which might arise as to the authority of any select committee to examine as a witness any person who may have subscribed the petition to try and determine which such Committee shall have been appointed;" Be it hereby declared and enacted, That it is and shall be lawful for any such select committee to examine any person although he may have subscribed such petition, except it shall otherwise appear to such committee that such person shall be an interested witness.

XVIII. And be it further enacted, That every such select committee at the same time that they report to the House their final determination on the merits of the petition which they were sworn to try, shall also report to the House whether such petition did or did not appear to them to be frivolous or vexatious; and that they shall in like manner report with respect to every party or parties who shall have appeared before them in opposition to such petition, whether the opposition of such party or parties respectively, did or did not appear to them frivolous or vexatious, and that if no party shall have appeared before them in opposition to such petition, they shall then report to the House whether such election or return, according as the case may be, did or did not appear to them to be vexatious or corrupt.

XIX. And be it further enacted, That whenever any such committee shall report to the House with respect to any such petition that the same appeared to them to be frivolous or vexatious, the party or parties, if any, who shall have appeared before the committee in opposition to such petition shall be entitled to recover from the person or persons or any of them who shall have signed such petition the full costs and expenses which such party or parties shall have incurred in opposing the same, such costs and expenses to be ascertained in the manner hereinafter directed.

If recognizance not entered in ten days petition to be dismissed, unless upon sufficient cause shewn, the House shall enlarge the time.

Recognizance to be entered into before the Speaker, or if 20 miles from Fredericton, a Justice of the Peace. Sureties to justify.

Recognizance not considered as entered into till justification.

Committee may examine subscribers to petition.

Committee to report if petition frivolous or vexatious.

Or if opposition frivolous or vexatious.

Costs payable on frivolous petition.

Costs to be paid for frivolous or vexatious opposition.

XX. And be it further enacted, That whenever any such committee shall report to the House with respect to the opposition made to such petition by any party or parties who shall have appeared before them, that such opposition appeared to them to be frivolous or vexatious, the person or person who shall have signed such petition shall be entitled to recover from such party or parties or any of them with respect to whom such report shall be made, the full costs and expences which such petitioner or petitioners shall have respectively incurred in prosecuting their said petition, such costs and expences to be ascertained in the manner hereinafter directed.

Costs to be taxed and certified by the Speaker, with the assistance of the Clerk of the House, or of the Supreme Court, or a Master in Chancery.

Party entitled may recover costs by action of debt.

Form of declaration.

Speaker's certificate and copy of Journal full evidence.

Persons from whom costs shall have been recovered may recover a proportionable share from other persons liable.

Recognizance, if default made in the condition, shall be estreated into the Supreme Court, and delivered to the proper officer.

XXI. And be it further enacted, That in the several cases herein before mentioned the costs and expences of prosecuting or opposing any such petition shall be ascertained in manner following, that is to say: that on application made to the Speaker he shall examine and tax the same, calling to his assistance if he should so think fit the Clerk or Clerk assistant of the House of Assembly, the Clerk of the Supreme Court and Masters in Chancery, or any one or more of such officers; and after such costs and expences are allowed and taxed, the Speaker shall on application deliver to the party or parties a certificate signed by himself expressing the amount of the costs and expences allowed and taxed; and it shall and may be lawful for the party or parties entitled to such costs and expences or for his or their executors or administrators to demand the whole amount thereof so certified as above from any one or more of the persons respectively, who are herein before made liable for the payment thereof in the several cases herein before mentioned, and in case of non-payment thereof to recover the same by action of debt in any of His Majesty's Courts of Record having jurisdiction in the premises; in which action it shall be sufficient for the plaintiff or plaintiffs to declare that the defendant or defendants is or are indebted to him or them (in the sum to which the costs and expences ascertained in manner aforesaid shall amount) by virtue of this Act; and the Speaker's certificate under his signature of the amount of such costs and expences, together with an examined copy of the entries in the Journals of the Assembly of the resolution or resolutions of the said select committee, shall be deemed full and sufficient evidence in support of such action of debt; in which action the party or parties in whose favour judgment shall be given shall recover his or their costs.

XXII. And be it further enacted, That in every case where the amount of such costs and expences shall have been so recovered from any person or persons, it shall and may be lawful for such person or persons to recover in like manner from the other persons or any of them, if such there shall be, who shall be liable for the payment of the said costs and expences, a proportionable share thereof according to the number of persons so liable.

XXIII. And be it further enacted, That if the petitioner or petitioners who shall have entered into the aforementioned recognizance shall in any manner fail in the performance of the conditions of the same, such person or persons shall be held to have made default in such recognizance, and the Speaker shall thereupon certify such recognizance into the Supreme Court, and shall also certify that such person or persons have made default therein; and such certificate shall be conclusive evidence of such default, and the recognizance being so certified shall have the same effect as if the same were estreated from a Court of Law: Provided always, that such recognizance so certified shall be delivered by the Clerk or Clerk assistant of the House of Assembly into the hands of the Chief Justice or one of the Judges of the said Supreme Court, or of such officer of the said Court as shall be appointed by the said Court to receive the same.

XXIV. And be it further enacted, That whenever it shall happen that the General Assembly shall be prorogued while any select committee shall be sitting and before they have reported their determination to the House, such committee shall not be dissolved by such prorogation, but shall be thereby adjourned to twelve of the clock of the day immediately following that on which the Assembly shall again meet for the despatch of business (Sundays, Good Friday and Christmas day always excepted), and all former proceedings of the said Committee shall remain and continue to be of the same force and effect as if the Assembly had not been so prorogued.

Select Committee not to be dissolved by a prorogation of the House, but to meet again at the next Session of the House.

XXV. And be it further enacted, That in case there are more than one petition complaining of undue election or return to be taken into consideration by the House on the same day, it shall and may be lawful for the House to draw by lot and complete in the manner before mentioned another list to form the committee upon the second petition, according to the rules, directions and regulations of this Act; provided not less than twenty five members are present.

If more than one petition to be taken into consideration on the same day another committee may be selected.

XXVI. And be it further enacted, That in all cases of controverted elections or returns, all the parties complaining of, or defending such elections or returns, shall, by themselves or their agents, deliver in to the Clerk of the House lists of the votes intended to be objected to; giving in his said lists the several heads of objections, and distinguishing the same against the name of the voters excepted to; such lists to be delivered in six days at least before the day appointed for the consideration of such petition; and that no evidence shall be adduced before the select committee against the validity of any vote upon any head or objection to such voter other than one of the heads so specified and particularized; and if no evidence shall be produced to substantiate such objection, and if the committee shall be of opinion that such objection was frivolous or vexatious, the said committee shall report the same to the House, together with their opinion on the other matters relating to the said petition, and the opposite party shall be entitled to recover from the party making such objection the costs and expences incurred by reason of such objection; the same to be ascertained and recovered in the manner before mentioned.

Nominal lists of votes to be delivered in to the Clerk six days before hearing the petition, with heads of objections.

No evidence admitted but upon objection specified in list.

For want of evidence, &c. committee to report to the House and party made liable to costs.

XXVII. And be it further enacted, That all monies which may be recovered and received under and by virtue of any recognizance which may become forfeited under the directions of this Act, shall be paid into the Treasury of the Province, and be applied in such manner as the General Assembly may direct.

Monies recovered by virtue of recognizance to be paid into the Treasury.

XXVIII. And be it further enacted, That the oaths by this Act directed to be taken in the House, shall be administered by the clerk or the clerk assistant of the House, who are hereby severally empowered to administer the same.

XXIX. And be it further enacted, That this Act shall not be in force until His Majesty's royal approbation be thereunto had and declared.

Form of the Recognizance referred to in this Act.

Be it remembered, that on the day of , in the year of our Lord , before me, A. B. [Speaker of the House of Assembly of the Province of New Brunswick or] one of His Majesty's Justices of the Peace for the County or City and County of , came C. D. of , E. F. of , and G. H. of , and severally acknowledged themselves to owe to our Sovereign Lord the King the following sums, that is to say: the said C. D. the sum of two hundred pounds, and the said E. F. and G. H. the sum of one hundred pounds each, to be levied on their respective goods and chattels, lands and tenements, to the use of our said Sovereign Lord the King, His Heirs and Successors, in case the said C. D. shall fail in performing the condition hereunto annexed. The

The condition of this recognizance is, that if the said C. D. shall duly appear before the House of Assembly at such time or times as shall be fixed by the said House for taking into consideration the petition signed by the said C. D. complaining of an undue election or return for the County (or City) of _____, and shall appear before any select committee which shall be appointed by the House for the trial of the same, and shall also well and truly pay all costs, expences and fees which shall be due and payable from the said petitioner to any witness who shall be summoned to give evidence in his behalf; and if the said C. D. shall also well and truly pay the costs and expences of the party who shall appear before the House in opposition to the said petition; in case the said petitioner shall fail to appear before the House at the time or times fixed for taking such petition into consideration; or in case the select committee appointed by the House to try the matter of the said petition, shall report to the House that the said petition appears to them to be frivolous or vexatious. Then this recognizance to be void, otherwise to be of full force and effect.

[*This Act was approved by His Majesty in Council, on the 7th day of December, 1829.*]

Anno Regni, GEORGII IV. Britanniarum Regis,
Nono et Decimo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the ninth day of December, in the year of our Lord one thousand eight hundred and twenty eight, in the Ninth Year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c. &c. being the Second Session of the Ninth General Assembly, convened in the said Province.

CAP. I.

An Act to prevent the failure of Justice by reason of variances between Records and Writings produced in evidence in support thereof. *a*

Passed 10th February, 1829.

66 **WHEREAS** great expense is often incurred, and delay or failure of Justice takes place at trials by reason of variances between writings produced in evidence and the recital or setting forth thereof upon the record or pleadings on which the trial is had, in matters not material to the merits of the case, and such record or pleadings cannot now in any case be amended at the trial and in some cases cannot be amended at any time; for remedy thereof;” *Preamble.*

Be it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for every Court of Record holding plea in civil actions, any Judge sitting at Nisi Prius, and Court of Oyer and Terminer and General Gaol Delivery, within this Province, if such Court or Judge shall see fit so to do, to cause the record or pleading on which any trial may be pending before any such Judge or Court in any civil action, or in any indictment or information for any misdemeanor, when any variance shall appear between any matter in writing or in print produced in evidence and the recital and setting forth thereof upon the record or pleading whereon the trial is pending, to be forthwith amended in such particular by some officer of the Court on payment of such costs (if any) to the other party as such Judge or Court shall think necessary; and thereupon the trial shall proceed as if no such variance had appeared; and in case such trial should be had at Nisi Prius, the order for the amendment shall be endorsed on the postea and returned together with the record; and thereupon the papers, rolls and other records of the Court from which such records issued shall be amended accordingly.

In cases where a variance shall appear between written or printed evidence and the record, the Court may order the record to be amended on payment of costs.

CAP.

CAP. II.

56 G. 3, C. 17. An Act further to continue an Act, intituled "An Act more effectually to provide for the support of a Nightly Watch in the City of Saint John."

Passed 10th February, 1829.

[*Expired.*]

CAP. III.

39 G. 3, C. 5, &c. An Act to continue the Laws for regulating the Fisheries in the County of Northumberland.

Passed 10th February, 1829.

[*Expired.*]

CAP. IV.

4 G. 4, C. 21. An Act to continue an Act, intituled "An Act for the regulation of booms for securing Masts, Logs and Lumber in certain parts of the County of Northumberland."

Passed 10th February, 1829.

[*Expired.*]

CAP. V.

7 G. 4, C. 19. An Act to continue "An Act for granting Bounties on Grain raised on new Land."

Passed 10th February, 1829.

[*Expired.*]

CAP. VI.

58 G. 3, C. 4. An Act further to continue until the first day of April one thousand eight hundred and thirty five, "An Act to authorize the Justices of the Peace in their General Sessions to establish Ferries in their respective Counties."

Passed 10th February, 1829.

[*Expired.*]

CAP. VII.

An Act to authorise the extension of the Gaol Limits in the City of Saint John.

Passed 10th February, 1829.

[Continued in force during the continuance of 10 & 11 G. 4, C. 30, by S. 12 of that Act, which was repealed by 6 W. 4, C. 41.]

CAP. VIII.

An Act for the more speedy and effectual punishment of Persons keeping Disorderly Houses.

Passed 10th February, 1829.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for any one of His Majesty's Justices of the Peace, upon the complaint of any two Inhabitants and Householders of any City, Town or Parish within this Province, upon oath, of any person keeping a bawdy house, gaming house, or other disorderly house, in such City, Town or Parish, to issue his warrant to bring such person before him; and such Justice shall thereupon bind him or her over, to appear at the next General Sessions of the Peace, or at the next Court of Oyer and Terminer, to be holden in and for the County, or City and County in which such place shall be, as to the said Justice shall seem meet; there to answer to such bill of indictment, as shall be found against him or her for such offence; and such Justice shall and may, if in his discretion, he thinks fit, likewise demand and take security for such person's good behaviour, in the meantime: Provided always, that before any such Warrant shall be issued by a Justice of the Peace, he shall require the two Inhabitants, so making complaint to him as aforesaid to enter into a recognizance in the penal sum of twenty pounds each, to give or produce material evidence against the person complained of, at the next Sessions, or Court of Oyer and Terminer, as the case may be.

Justices upon complaint on oath against any person keeping a disorderly House to issue Warrant to bring such person before him.

Security for good behaviour.

Recognizance to produce evidence against person complained of.

II. And be it further enacted, That any person, who shall at any time hereafter, appear, act, or behave him or herself as master or mistress, or as the person having the care, government or management of any bawdy house, gaming house, or other disorderly house, shall be deemed and taken to be the keeper thereof, and shall be liable to be prosecuted and punished as such, notwithstanding he or she shall not in fact be the real owner or keeper thereof.

Person appearing or behaving as master or mistress of any disorderly house to be deemed the keeper.

III. And be it further enacted, That upon any such prosecution, against any persons for keeping a bawdy house, gaming house, or other disorderly house, any person may give evidence against the Defendant, or on behalf of the Defendant in such prosecution; notwithstanding his or her being an Inhabitant, or having entered into such recognizance as aforesaid.

Sureties may give evidence against or on behalf of Defendant.

IV. And be it further enacted, That every indictment against any person for keeping a bawdy house, gaming house, or other disorderly house, shall be heard, tried and finally determined at the same General Sessions, or Court of Oyer and Terminer, where such indictment shall have been preferred, unless the Court shall think proper upon cause shown, to adjourn the same to the next or any subsequent Sessions, or Court of Oyer and Terminer.

Indictment to be determined at the General Sessions or Court of Oyer and Terminer.

V. And be it further enacted, That this Act shall continue and be in force, until

Limitation.

until the first day of April in the year of our Lord one thousand eight hundred and thirty-four.

[*Revived and continued to 1st April, 1840, by 5 W. 4, C. 6.*]

CAP. IX.

↳ An Act for amending the Laws of Evidence in certain cases.

Passed 10th February, 1829.

Preamble.

“**W**HEREAS it is expedient that Quakers and Moravians should be “ allowed to give evidence upon their solemn affirmation in all cases, “ criminal as well as civil ; and that in prosecutions for Forgery the party interested should be rendered a competent witness ;”

Quakers or Moravians giving evidence permitted to make solemn affirmation or declaration.

Affirmation to have the same effect as an oath.

Persons affirming falsely guilty of perjury.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That every Quaker or Moravian, who shall be required to give evidence in any case whatsoever, criminal or civil, shall, instead of taking an oath in the usual form, be permitted to make his or her solemn affirmation or declaration in the words following : that is to say, “ I, A. B. do solemnly, sincerely, and truly declare and affirm ;” which said affirmation or declaration shall be of the same force and effect, in all Courts of Justice and other places where, by Law an oath is required, as if such Quaker or Moravian had taken an oath in the usual form ; and if any person making such affirmation or declaration, shall be convicted of having wilfully, falsely and corruptly affirmed or declared any matter or thing, which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, every such offender shall be subject to the same pains, penalties and forfeitures to which persons convicted of wilful and corrupt perjury, are, or shall be subject.

In prosecutions for forgery no person to be deemed an incompetent witness by reason of any supposed interest.

II. And be it further enacted, That on any prosecution, by indictment or information, against any person for forging any deed, writing, instrument, or other matter whatsoever, or for uttering or disposing of any deed, writing, instrument or other matter whatsoever, knowing the same to be forged ; no person shall be deemed to be an incompetent witness in support of any such prosecution by reason of any interest which such person may have, or be supposed to have, in respect of such deed, writing, instrument or other matter.

CAP. X.

An Act to continue an Act, 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.”

Passed 10th February, 1829.

[*Expired.*]

↳ Refer to 26 G. 3, C. 19, and see British Statute, 9 G. 4, C. 32.

CAP. XI.

An Act to continue and amend an Act, intituled "An Act to provide for the surrender of the Principal in discharge of Bail, in Actions pending in the Supreme Court of Judicature in this Province."

Passed 10th February, 1829.

“ WHEREAS in and by an Act passed in the fourth year of His Majesty's reign, intituled "An Act to provide for the surrender of the Principal in discharge of bail in actions pending in the Supreme Court of Judicature in this Province," power is given to the Commissioners for taking bail in the said Court in the several Counties where no Judge of the said Supreme Court resides, to take the surrender of Defendants in discharge of their bail in the same manner as the Judges of the said Court are used to do: And whereas it frequently happens that Judges are absent from the Counties in which they have their residence, and in their absence no persons are present in such Counties, before whom such surrender now lawfully can be made:"

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That all the power vested in the said Commissioners, by the said Act, shall and may be exercised by them respectively in the absence of all the Judges of the said Court from any County in which the surrender is to be made, in the same manner as they may now do, in cases of non-residence of such Judges, or any of them.

II. And be it further enacted, That this Act, together with the said recited Act, to which this is an amendment, shall continue and be in force until the first day of April in the year of our Lord one thousand eight hundred and thirty-five.

[Made perpetual by 5 W. 4, C. 26.]

CAP. XII.

An Act in addition to an Act, intituled "An Act for the appointment of Town and Parish Officers in the several Counties in this Province."

Passed 10th February, 1829.

[Repealed by 2 W. 4, C. 6.]

CAP. XIII.

An Act to extend the provisions of the several Acts regulating the exportation of Fish, to all Pickled Fish intended for exportation.

Passed 10th February, 1829.

[Repealed by 10 & 11 G. 4, C. 28.]

c Refer to 4 G. 4, C. 17.

CAP. XIV.

An Act to repeal an Act, intituled “ An Act for the speedy punishment and release of such Persons as shall commit criminal offences under the degree of Grand Larceny.”

Passed 10th February, 1829.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act passed in the twenty sixth year of the reign of His late Majesty King George the Third, intituled “ An Act for the speedy punishment and release of such persons as shall commit criminal offences under the degree of Grand Larceny,” be and the same is hereby repealed.

26 G. 3. C. 59,
repealed.

CAP. XV.

d An Act to regulate the appointment of County Treasurers.

Passed 10th February, 1829.

PREAMBLE. “ **W**HEREAS it is deemed expedient and proper that no Justice of the Peace, or Clerk of any Sessions, in and for any County in this Province, shall hold, or be appointed to the situation of Treasurer of such County ;”

No Justice or
Clerk of Ses-
sions to be
County
Treasurer.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That no Justice of the Peace, or Clerk of any Sessions, in and for any County in this Province, shall hold or be appointed to the situation of Treasurer of such County.

CAP. XVI.

An Act to continue an Act, intituled “ An Act to empower the Justices of the County of Charlotte to make regulations for driving Timber and Logs down the Rivers Saint Croix, Magaguadavic, Digdeguash, and their Branches.”

Passed 10th February, 1829.

[*Expired.*]

CAP. XVII.

An Act for the better Regulation of Sales by Auction.

Passed 10th February, 1829.

[*Repealed by 1 W. 4, C. 42.*]

d Refer to 26 G. 3, C. 42, as to appointment and duties of County Treasurers.

CAP.

CAP. XVIII.

An Act relative to the Election of Charter Officers for Guy's Ward and Brook's Ward, in the City of St. John.

Passed 10th February, 1829.

“**W**HEREAS by the second section of an Act passed in the forty-^{Preamble.}
 “ third year of the reign of His late Majesty King George the
 “ Third, intituled “ An Act for altering the division of four of the Wards in
 “ the City of Saint John, and for changing the mode of elections, within the two
 “ other Wards in the said City,” an alteration was made in the mode of elect-
 “ ing Charter Officers for Guy's Ward and Brook's Ward ; which alteration, in
 “ consequence of the increase of Population in the said Wards is now found
 “ inconvenient, and the Mayor, Aldermen and Commonalty of the City of
 “ Saint John have by their Petition to the General Assembly prayed that the
 “ said second section of the said Act be repealed ;”

I. Be it therefore enacted by the Lieutenant Governor, Council and Assem-
 bly, That the second section of the Act passed in the forty-third year of the
 reign of His late Majesty, intituled “ An Act for altering the division of four of
 the Wards in the City of Saint John and for changing the mode of election with-<sup>43 G. 8, C. 3,
 S. 2, repealed.</sup>
 in the two other Wards in the said City,” be and the same is hereby repealed.

II. [*Obsolete.*]

CAP. XIX.

An Act to lay a Tax on Dogs in certain parts of the Parishes of Newcastle, Chatham, and Nelson, in the County of Northumberland.

Passed 10th February, 1829.

[*Expired.*]

CAP. XX.

An Act, in addition to an Act, intituled, “ An Act to make more effectual pro-
 vision for preventing the importation or spreading of Infectious Distempers
 within the Towns or Settlements on the river Miramichi.”

Passed 10th February, 1829.

[*Repealed by 1 W. 4, C. 40.*]

CAP. XXI.

An Act to amend the Statute Law relative to offences against the person, and to
 provide for the more effectual punishment of such offences. ^e

Passed 10th February, 1829.

“**W**HEREAS by an Act of the Parliament of the United Kingdom, passed ^{Preamble.}
 “ in the ninth year of the reign of His present Majesty, intituled
 “ An

^e See 10 & 11 G. 4, C. 35, taking away benefit of Clergy from all offences made capital by this Act. See also 1 W. 4, C. 14, S. 25 & 26, abolishing benefit of Clergy, and declaring what offences shall be punished with death. See also 1 W. 4, C. 17, further amending the Law relating to offences against the person.

4 G. 9, C. 31. " An Act for consolidating and amending the Statutes in England relative to offences against the person," various Statutes, the titles of which are therein particularly specified, were thereby repealed, and other provisions made in lieu thereof: And whereas several of the said Statutes so lately repealed in England, have hitherto been considered in force and acted upon in this Province, and it is deemed advisable that the operation of the same should also cease in this Province, and necessary provision be made in lieu thereof by Act of Assembly ;"

f Acts of Parliament repealed in England by 9 G. 4, C. 31, repealed.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Statutes or Acts of Parliament, or parts of Statutes or Acts of Parliament, so repealed in England by the said Statute or Act first mentioned, or such of them as are in force in this Province, be and the same are hereby declared to be repealed and of no force or effect within the same, any law, usage, or custom to the contrary notwithstanding; except nevertheless so far as any of the said Acts may repeal the whole or any part of any other Acts.

Petit Treason to be treated as murder.

II. And be it enacted, That every offence which before the commencement of this Act would have amounted to petit treason, shall be deemed to be murder only and no greater offence, and all persons guilty in respect thereof whether as principals or as accessaries shall be dealt with, indicted, tried and punished as principals and accessaries in murder.

Punishment of principal and accessaries in murder.

III. And be it further enacted, That every person convicted of murder or of being an accessary before the fact to murder shall suffer death as a felon, and every accessary after the fact to murder shall be liable to be punished by fine and imprisonment or either, such imprisonment to be with or without hard labour in the common gaol or house of correction at the discretion of the Court, for any term not exceeding four years.

Provision for trial of murder and manslaughter where the death only happens in this Province.

IV. And be it enacted, That where any person being feloniously stricken, poisoned or otherwise hurt upon the sea, or at any place out of this Province, shall die of such stroke, poisoning or hurt, in this Province, every offence committed in such case whether the same shall amount to the offence of murder or manslaughter, or of being accessary before the fact to murder, or after the fact to murder or manslaughter, may be dealt with, inquired of, tried, determined and punished in the County or City and County in which such death shall happen, in the same manner in all respects as if such offence had been wholly committed in that County or City and County.

Punishment of manslaughter.

V. And be it further enacted, That every person convicted of manslaughter, shall be liable to be imprisoned with or without hard labour in the common gaol or house of correction for any term not exceeding three years, or to pay such fine as the Court shall award, or to be both fined and imprisoned if the Court should so award.

IV.

f The British Statutes declared to be repealed by this Act, are the following:—9 H. 3, C. 26; 52 H. 3, C. 25; 3 Ed. 1, C. 11 and 13; 4 Ed. 1, St. 3, C. 5; 6 Ed. 1, C. 9; 13 Ed. 1, St. 1, C. 29 and 34; 9 Ed. 2, St. 1, C. 3; 18 Ed. 3, St. 3, C. 2; 25 Ed. 3, St. 5, part of C. 2; 50 Ed. 3, C. 5; 1 Rich. 2, C. 15; 6 Rich. 2, St. 1, C. 6; 5 H. 4, C. 5; 5 H. 4, C. 6; 2 H. 5, St. 1, C. 9; 11 H. 6, C. 11; 3 H. 7, C. 2; 3 H. 7, C. 14; 12 H. 7, C. 7; 24 H. 8, C. 5; 25 H. 8, C. 6; 53 H. 8, C. 12, part of S. 6, to S. 18; 38 H. 8, C. 23; 1 Ed. 6, C. 12, S. 10, 13, 16 and 22; 5 & 6 Ed. 6, C. 4, S. 3; 4 & 5 P. & M. C. 4; 4 & 5 P. & M. C. 8; 5 Eliz. C. 4, S. 21; 5 Eliz. C. 17; 18 Eliz. C. 7; 39 Eliz. C. 9; 1 J. 1, vulgo 2 J. 1 C. 8; 1 J. 1, vulgo 2 J. 1, C. 11; 22 & 23 Car. 2, C. 1; 22 & 23 Car. 2, C. 11 S. 9; 11 W. 3, vulgo 11 & 12 W. 3, C. 7, S. 18; 9 Ann. C. 14, S. 8; 9 Ann. C. 16; 12 G. 1 C. 34, S. 6; 2 G. 2, C. 21; 11 G. 2, C. 22, part of S. 1, and 2; 22 G. 2, C. 27, part of S. 12; 25 G. 2, C. 37, except S. 9 and 10; 26 G. 2, C. 19, S. 11; 30 G. 3, C. 48, (partially); 33 G. 3, C. 67, S. 2; 35 G. 3, C. 67; 36 G. 3, C. 9, part of S. 1 and 2; 43 G. 3, C. 58; 43 G. 3, C. 113; 54 G. 3, C. 101; 58 G. 3, C. 38, S. 1; 1 G. 4, C. 90, S. 2; 1 G. 4, C. 115; 1 & 2 G. 4, C. 88, (partially); 3 G. 4, C. 38; 3 G. 4, C. 114, (partially.)

VI. Provided always and be it enacted, That no punishment or forfeiture shall be incurred by any person who shall kill another by misfortune, or in his own defence, or in any other manner without felony. As to homicide not felonious.

VII. [*Repealed by 1 W. 4, C. 17, S. 2.*]

VIII. And be it enacted, That if any person with intent to procure the miscarriage of any woman then being quick with child, unlawfully and maliciously shall administer to her or cause to be taken by her any poison or other noxious thing, or shall use any instrument or other means whatever with the like intent, every such offender and every person counselling, aiding or abetting such offender, shall be guilty of felony, and being thereof convicted shall suffer death as a felon; and if any person with intent to procure the miscarriage of any woman not being or not being proved to be then quick with child, unlawfully and maliciously shall administer to her or cause to be taken by her any medicine or other thing, or shall use any instrument or other means whatever with the like intent, every such offender and every person counselling, aiding or abetting such offender, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned with or without hard labour in the common gaol or house of correction for any term not exceeding two years, and if a male, to be once, twice or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment. Administering poison, &c. to procure the miscarriage of a woman quick with child.
Woman not quick with child deemed felony.

IX. And be it enacted, That every person convicted of the abominable crime of buggery, committed either with mankind or with any animal, shall suffer death as a felon. Sodomy.

X. And be it enacted, That every person convicted of the crime of rape shall suffer death as a felon. Rape.

XI. And be it enacted, If any person shall unlawfully and carnally know and abuse any girl under the age of ten years, every such offender shall be guilty of felony, and being convicted thereof shall suffer death as a felon; and if any person shall unlawfully and carnally know and abuse any girl being above the age of ten years and under the age of twelve years, every such person shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned with or without hard labour for such term as the Court shall award. Carnal knowledge of a girl under 10 years.
The like of a girl above 10 and under 12.

XII. "And whereas upon trials for the crime of buggery and rape, and of carnally abusing girls under the respective ages herein before mentioned, offenders sometimes escape by reason of the difficulty of the proof which has been required of the completion of these several crimes; for remedy thereof," Be it enacted, That it shall not be necessary in any of those cases to prove the actual emission of seed in order to constitute a carnal knowledge, but that the carnal knowledge shall be deemed complete upon the proof of penetration only. Proof of carnal knowledge.

XIII. And be it enacted, That if any person shall unlawfully take or cause to be taken any unmarried girl being under the age of sixteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable to suffer such punishment by fine or imprisonment or by both as the Court shall award. Unlawful abduction of a girl from her parents or guardians.

XIV. And be it enacted, That if any person being married shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in this Province or elsewhere, every such offender shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned with or without hard labour for any term not exceeding two years and also fined if the Court should so award; and any such offence may be dealt with, inquired of, tried, determined and punished in the County where the offender shall be Bigamy.
Place of trial.

Exceptions.

be apprehended or be in custody as if the offence had been actually committed in that County: Provided always, that nothing herein contained shall extend to any second marriage contracted out of this Province by any other than a subject of His Majesty; or to any person marrying a second time, whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who at the time of such second marriage shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any Court of competent jurisdiction.

Persons committing any common assault may be compelled to pay fine and costs not exceeding £5.

Application of the fine.

Commitment on non-payment.

If Magistrates dismiss the complaint they shall give certificate to that effect.

Certificate shall be a bar to any other proceedings.

Provisions not to apply to aggravated cases, &c.

XV. "And whereas it is expedient that a summary power of punishing persons "for common assaults and batteries should be provided under the limitations "hereinafter mentioned;" Be it therefore enacted, That where any person shall unlawfully assault or beat any other person, it shall be lawful for two Justices of the Peace upon complaint of the party aggrieved to hear and determine such offence, and the offender upon conviction thereof before them shall forfeit and pay such fine as shall appear to them to be meet, not exceeding together with costs if ordered the sum of five pounds; which fine shall be paid to the overseers of the poor some or one of them in the City or Parish in which the offence shall have been committed, to be by them applied to the support of the poor of such City or Parish; and the evidence of any Inhabitants of the City or Parish shall be admitted in proof of the offence, notwithstanding such application of the fine incurred thereby; and if such fine, as shall be awarded by the said Justices together with the costs if ordered, shall not be paid either immediately after the conviction or within such period as the said Justices shall at the time of the conviction appoint, it shall be lawful for them to commit the offender to the common gaol or house of correction, there to be imprisoned for any term not exceeding one calendar month unless such fine and costs be sooner paid; but if the Justices upon the hearing of any such case of assault or battery shall deem the offence not to be proved, or shall find the assault or battery to have been justified, or so trifling as not to merit any punishment, and shall accordingly dismiss the complaint, they shall forthwith make out a certificate under their hands stating the fact of such dismissal, and shall deliver such certificate to the party against whom the complaint was preferred.

XVI. And be it enacted, That if any person against whom any such complaint shall have been preferred for any common assault or battery shall have obtained such certificate as aforesaid, or having been convicted shall have paid the whole amount adjudged to be paid under such conviction, or shall have suffered the imprisonment awarded for non payment thereof, in every such case he shall be released from all further or other proceedings civil or criminal for the same cause.

XVII. Provided always and be it enacted, That in case the Justices shall find the assault or battery complained of to have been accompanied by any attempt to commit felony, or shall be of opinion that the same is from any other circumstance a fit subject for a prosecution by indictment, they shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as they would have done before the passing of this Act: Provided also, that nothing herein contained shall authorize any Justice of the Peace to hear and determine any case of assault or battery in which any question shall arise as to the title to any lands, tenements or hereditaments, or any interest therein or accruing therefrom, or any execution under the process of any Court of Justice.

XVIII. And be it enacted, That every accessory before or after the fact to any felony

felony punishable under this Act for whom no punishment has been hereinbefore provided, shall be liable to be imprisoned with or without hard labour in the common gaol or house of correction for any term not exceeding two years or to pay such fine as the Court shall award, and every person who shall counsel, aid or abet the commission of any misdemeanor punishable under this Act, shall be liable to be proceeded against and punished as a principal offender.

Provision for the punishment of accessories.

XIX. " And for the more effectual prosecution of offences punishable upon " summary conviction by virtue of this Act;" Be it enacted, That where any person shall be charged on the oath of a credible witness before any Justice of the Peace with any such offence, the Justice may summon the person charged to appear before any two Justices of the Peace at a time and place to be named in such summons, and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person by delivering the same to him) the Justices may either proceed to hear and determine the case ex parte, or may issue their warrant for apprehending such person and bringing him before them, or the Justice before whom the charge shall be made, may (if he shall so think fit) issue such warrant in the first instance without any previous summons.

Provision for offences against this Act punishable on summary conviction.

XX. Provided always and be it enacted, That the prosecution for every offence punishable on summary conviction by virtue of this Act, shall be commenced within one calendar month after the commission of the offence and not otherwise.

Time for summary proceedings.

XXI. And be it enacted, that the Justices before whom any person shall be summarily convicted of any offence against this Act, may cause the conviction to be drawn up in the following form of words or any other form of words to the same effect, as the case shall require; that is to say:

Form of conviction.

Be it remembered that on the day of in the year of our Lord at in the County of A. B. is convicted before us, [*naming the Justices*] two of His Majesty's Justices of the Peace for the said County [*or City and County as the case may be*] for that he the said A. B. did [*specify the offence, and the time and place when and where the same was committed, as the case may be*] and we, the said Justices adjudge the said A. B. for his said offence to forfeit and pay the sum of [*here state the amount of the fine imposed*], and also to pay the sum of for costs, and in default of immediate payment of the said sums to be imprisoned in the for the space of unless the said sums shall be sooner paid [*or, we order that the said sums shall be paid by the said A. B. on or before the day of*], and we direct that the said sum of [*i. e. the amount of the fine*] shall be paid to the overseers of the poor of aforesaid, in which the said offence was committed or some one of them, to be by them applied to the support of the poor of the said , and we order that the said sum of for costs, shall be paid to C. D. [*the party aggrieved.*] Given under our hands the day and year first above mentioned.

XXII. Provided always and be it enacted, That nothing in this Act contained shall affect or alter any Statute or Act now in force in this Province so far as it relates to the crimes of high treason or burglary or to any branch of the revenue or customs, or for the prevention of smuggling.

Exceptions to the operation of this Act.

XXIII. Provided also and be it enacted, That this Act shall not commence and take effect until the first day of July next, and that all offences committed before that day shall be dealt with and punished as if this Act had not been passed.

Commencement of this Act.

CAP. XXII.

An Act in amendment of the Act for establishing Parish Schools.

Passed 10th February, 1829.

[*Repealed by 3 W. 4, C. 31.*]

CAP. XXIII.

An Act to regulate the exportation of Lumber, and to repeal all the Acts now in force relating to the same.

Passed 10th February, 1829.

[*Repealed by 1 W. 4, C. 45.*]

CAP. XXIV.

An Act to repeal an Act, intituled, “An Act for erecting and maintaining a Light House upon one of the Islands or Rocks near the Southeast Coast of the Island of Grand Manan.”

Passed 10th February, 1829.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fifth year of the reign of His present Majesty King George the Fourth, intituled, “An Act for erecting and maintaining a Light House upon one of the Islands or Rocks, near the southeast coast of the Island of Grand Manan,” be and the same is hereby repealed.

5 G 4, C. 3,
repealed.

CAP. XXV.

g An Act providing for the Publication of the County Accounts.

Passed 10th February, 1829.

Statement of
the receipts and
expenditure of
the County
monies to be
published.
Mode of publi-
cation.

BE it enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace, in the several Counties shall, at some General Sessions, at least once in the year, cause a statement to be prepared of the receipts and expenditures of the County monies, and cause the same to be published in some newspaper in the County, and in those Counties where no newspaper is published, the said statement shall be deposited in the office of the Clerk of the Peace for the County, to be there open for the inspection of any person who may desire to see it.

g See 5 W. 4, C. 28, authorizing Grand Juries to inspect the County Accounts.

CAP. XXVI.

An Act to authorize the Extension of the Gaol Limits in the Town of Fredericton. *h*

Passed 10th February, 1829.

“ **W**HEREAS it is considered proper that Debtors confined within the “ Limits of the Gaol of the County of York, should be allowed to have “ access to such of the places of Public Worship within the Town Flat of Fre- “ dericton, as are not already contained within the Limits ;”

Preamble.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Justices of the Peace of the said County, at any General Sessions of the Peace or Special Sessions, for that purpose to be holden, to extend the limits of the gaol of the said County southerly so as to comprehend and include the street called King street, and the whole of the church called Christ church, with the inclosure around the same, situate at the extremity of the said street, and northerly so much of said King street as to comprehend and include the Methodist chapel situate near the upper extremity of the said street, and the whole of the said chapel with the area lying immediately in the front of the same : Provided always, that nothing herein contained shall be construed to authorize the Justices as aforesaid, to include any of the dwelling houses situate on the said streets, within the limits thus to be extended.

Justices to extend gaol limits.

Boundaries.

Exceptions.

CAP. XXVII.

An Act, to prevent Pedlars travelling and selling within this Provincē without ;
Licence.

Passed 10th February, 1829.

“ **W**HEREAS it is expedient that regulations should be made for Pedlars “ and petty Chapmen going about this Province without Licence ;”

Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the first day of April next, there shall be paid into the Treasury of this Province, by every Hawker, Pedlar, petty Chapman, or any other trading person or persons going from town to town or to other men’s houses, and travelling either on foot or with a beast of burthen, or otherwise within this Province, carrying to sell or exposing to sale any goods, wares, or merchandize, the following duties, that is to say : for every person so travelling on foot, two pounds and ten shillings per annum ; for every person so travelling with a beast of burthen bearing or drawing a burthen, the further sum of four pounds for each and every beast of burthen ; and for every waggon, cart, sled, or other carriage by land, or for any vessel, boat or canoe by water, and by a person or persons for the purpose aforesaid, the sum of four pounds.

Duties imposed on Hawkers, Pedlars, &c.

Rate.

II. And be it further enacted, That every Pedlar, Hawker, or petty Chapman, and other trading person or persons so travelling as aforesaid within this Province, shall take a Licence for that purpose from the Treasurer of the Province or any Deputy Treasurer for the time being, and shall pay unto the said Treasurer or such Deputy the sum or sums of money above mentioned ; upon payment whereof the said Treasurer or his Deputy is hereby authorized and required to grant such Licence

Hawkers to take out licence.

Treasurer or Deputy Treasurer to grant licence specifying how Pedlar is to travel.

h See 2 W. 4, C. 2, authorizing a further extension of the Gaol Limits in Fredericton ; and 6 W. 4, C. 41, S. 21, continuing Gaol Limits as then established.

i See 6 W. 4, C. 35, as to Pawn Brokers.

- Licence under his hand and seal, which Licence shall particularly specify whether such person so receiving the same is to travel on foot or with a beast of burthen, or with a waggon, cart, sled or other carriage, or in any vessel, boat or canoe, according to the form contained in the schedule of this Act; and that the said Treasurer or his deputy shall keep a register of all persons licenced under and by virtue of this Act, and from time to time publish the names of such persons in the Royal Gazette, and shall also keep a distinct account of the duties to be received by virtue of this Act.
- To register and publish names of Pedlars, &c.**
- Penalty for trading without licence.** III. And be it further enacted, That if any Hawker, Pedlar, or petty Chapman, or itinerant Trader as aforesaid, shall after the said first day of April next be found trading as aforesaid without or contrary to such Licence, such person shall for each and every offence forfeit and pay the sum of four pounds.
- Penalty for refusing to show licence.** IV. And be it further enacted, That every person so trading as aforesaid, who upon demand made by any Justice of the Peace, Sheriff or Constable, or by any person with whom he shall be so trading as aforesaid, shall refuse to produce and show the Licence for so trading, he shall forfeit and pay the sum of twenty shillings.
- Penalties how recovered.** V. And be it further enacted, That the penalties and forfeitures imposed by this Act shall be recovered in a summary way with costs, upon information or complaint made to any one or more Justice or Justices of the Peace in the County where such offence shall be committed, upon the oath of one or more credible witness or witnesses or confession of the party offending, and levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, after deducting the charges of such distress and sale to the owner thereof; and the penalty when recovered to be paid and applied as follows, that is to say, one moiety to the person who shall inform and sue for the same and the other moiety to the overseers of the poor for the use of the poor of the Parish where such offence shall be committed; and if there should not be any goods and chattels found whereon to levy such distress, it shall and may be lawful for such Justice or Justices to commit the offender to the common gaol of the County for the space of five days, unless the penalty with costs be sooner paid.
- Application.**
- Penalty for dealing in smuggled or contraband goods.** VI. And be it further enacted, That any Hawker, Pedlar, petty Chapman or other trading person as aforesaid, shall from and after the said first day of April be convicted of knowingly dealing or vending or selling any kind of smuggled, contraband or prohibited goods, wares or merchandize fraudulently or dishonestly procured either by themselves or through the medium of others with their privity and knowledge, every such Hawker, Pedlar, petty Chapman or trading person, shall from and after such conviction forfeit his Licence, and forever thereafter be incapable of obtaining or holding any new Licence, or dealing, trafficking or trading under the same, and over and above all such forfeitures and incapacities, fines and penalties, to which he is or shall be by law subject and liable to for such illicit and illegal trafficking and dealing.
- Penalty for forging licence.** VII. And be it further enacted, That if any person or persons whatsoever shall forge or counterfeit any Licence or Licences by this Act directed to be granted, or travel with or produce, or show any forged or counterfeited Licence or Licences for any of the purposes aforesaid, every such person shall upon conviction thereof be subject to the like pains and penalties as persons guilty of forging or uttering any forged instrument within this Province are now by law liable.
- Not to extend to persons selling fruit, &c. goods of their own** VIII. Provided always and be it further enacted, That nothing herein contained shall extend or be construed to extend to prohibit any persons or persons from selling any fruit, fish, victuals or country produce, or to hinder any person or persons

persons who are the real makers or workers of any goods or wares, or carrying about for sale or selling the goods of his, her, or their own manufacture, or to vessels of fifteen tons burthen. manufacture, or to vessels of 15 tons burthen.

IX. Provided also and be it further enacted, That nothing in this Act contained shall extend or be construed to affect the rights, privileges and immunities granted by Charter to the Mayor, Aldermen and Commonalty of the City of Saint John. Not to affect the rights of the Charter of Saint John.

X. And be it further enacted, That this Act shall continue and be in force until the first day of April one thousand eight hundred and thirty-one. Limitation.

Treasurer's [or] Deputy Treasurer's Office,
Province of New Brunswick.

No. District of

Be it known that A. B. a native of of the age of or thereabouts, having this day paid into the Treasury the sum of pounds, licence and permission are therefore hereby given and granted to the said A. B. to use the occupation of a Hawker, Pedlar or itinerant Trader throughout this Province [*here state particularly whether the person is privileged to travel on foot or with a horse, gelding, mare or other beast of burthen, carriage or boat, as the case may be*], pursuant to the Act of Assembly passed in the tenth year of King George the Fourth, intituled "An Act to prevent Pedlars travelling and selling within this Province without Licence." This Licence to continue and be in force for one year from the date hereof and no longer.

[L. S.] Given under my hand and seal the day of one thousand eight hundred and

C. D. Province Treasurer [or Deputy Treasurer.]

[*Revised and continued by W. 4, C. 12, until 1st April, 1839.*]

CAP. XXVIII.

An Act to secure and reclaim a tract of marsh on the Aulac River in the County *k* of Westmorland.

Passed 10th February, 1829.

“WHEREAS several of the Inhabitants and Proprietors of marsh land in Preamble. “the Parishes of Westmorland and Sackville in the County of Westmorland, are desirous of erecting an Aboideau over and across a navigable part of the River Aulac in the said County: And whereas it is considered that the erection will be of great public utility;”

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the said Inhabitants or Proprietors, or any of them, to erect, maintain and keep up an Aboideau over and across the said River Aulac where the same may be found convenient: Provided nevertheless, that in case a Canal may at any time hereafter be cut from the said Aulac river to the Bay Verte under the sanction of the Legislature of this Province, and the said Aboideau shall be found to obstruct or injure the line of such Canal, it shall be lawful for the person or persons having the superintendence and direction thereof, (after giving twelve months notice thereof) to cut such a passage through such Aboideau as the occasion may require, any thing herein contained to the contrary notwithstanding. Permission granted to erect an Aboideau over the River Aulac. If it obstructs a canal line a passage may be cut through it.

II.

k See 6 W. 4, C. 21, as to grazing and occupying marshes in Westmorland.

Persons aggrieved to seek redress as directed in 34 G. 3, C. 6, S. 3.

II. And be it further enacted, That any person aggrieved by any procedure to be had or made under the power given by this Act, may have the same remedy or redress as is provided in and by the third section of an Act passed in the thirty fourth year of the reign of His late Majesty King George the Third, intituled "An Act in addition to an Act, intituled 'An Act for appointing Commissioners of Sewers.'"

Aboideau may be used and established as part of the public road.

III. "And whereas the great road of communication between Sackville and Westmorland leading across the great marsh so called, might be greatly shortened by means of the said Aboideau, and the same thereby become of great public utility;" Be it therefore enacted, That whenever it shall be thought expedient to alter and shorten the present route of the great road between Sackville and Westmorland aforesaid by passing on and over the said Aboideau, that then and in such case the Supervisor, or such person or persons who shall have the superintendence of the said road, shall have full power and authority to use and establish the said Aboideau for the public benefit and as a part of the public road.

CAP. XXIX.

/ An Act for the endowment of King's College at Fredericton in the Province of New Brunswick, and also to make new provisions for the establishment and support of Grammar Schools throughout the Province.

Passed 10th February, 1829.

Preamble.

1 G. 4, C. 33.

“**WHEREAS** in pursuance of the power and authority in them vested by “an Act passed in the fourth year of His Majesty's reign, intituled “An Act to enable the Governor and Trustees of the College of New Brunswick “to make a conditional surrender of their Charter and for the further endowment “of the College upon the granting of a new Charter,” the said Governor and “Trustees did by an instrument in writing under their seal of incorporation, surrender into His Majesty's hands their Charter of incorporation upon condition “that His Majesty would accept the same and be pleased to grant another Charter “in its place for the re-incorporation of the said College: And whereas His Majesty has been graciously pleased to accept the said resignation so made by the “said Governor and Trustees of their said Charter of incorporation, and to grant “in the place thereof a Royal Charter under the great seal of the United Kingdom, bearing date the fifteenth day of December, in the eighth year of His Majesty's reign, thereby establishing a College with the privilege of a University, “by the name of King's College, and incorporating the Members thereof by the “name and style of “The Chancellor, President and Scholars of King's College, “at Fredericton, in the Province of New Brunswick:” And whereas in and by “the said Act it was further provided, that immediately upon the commencement “of the exercise of the powers to be vested by the contemplated new Charter, “the said Provincial Charter and the enrolment thereof should be deemed and “taken to be *ipso facto* cancelled and annulled, and the property and debts of the “said Governor and Trustees transferred to and vested in the new Corporation: “And whereas on the first day of January in this present Session a commencement “was made of the exercise of the powers vested by the said new Charter;”

Rights of the Governor and Trustees trans-

I. Be it therefore declared and enacted by the Lieutenant Governor, Council and Assembly, That all debts due and owing to the Governor and Trustees of the

the College of New Brunswick, shall be paid to, and may be recoverable by and in the name of the Chancellor, President and Scholars of King's College at Fredericton in the Province of New Brunswick, in the same manner as if the said debts had been contracted with them; and all property, real and personal, of the said Governor and Trustees has now become vested in the said new Corporation, and shall be holden henceforth by them in the same manner as the said Governor and Trustees might have held the same; and all tenants of the said Governor and Trustees shall be deemed and taken to be tenants of the said new Corporation, and that the said new Corporation are and shall be liable to the debts, contracts and engagements, made and entered into by the said Governor and Trustees in the same manner as if the same had been contracted by the said new Corporation; and the Graduates and Students of the late College of New Brunswick shall be deemed and taken to be Graduates and Students of the present University of King's College and entitled to the rights and privileges as such.

ferred to the
Chancellor,
President and
Scholars of
King's Col-
lege.

Graduates and
Students.

II. "And whereas by the Acts now in force, the several yearly sums of one hundred pounds, one hundred and fifty pounds, and six hundred pounds, have been appropriated for the support and endowment of the College, and the Schools connected therewith, and the further annual sum of two hundred and fifty pounds was pledged by a resolution of the House of Assembly, for the better endowment of the College in consideration of the Royal aid which has been promised for that purpose: And whereas it is deemed expedient to repeal those Acts, and grant in this Act the aforesaid sum;" Be it therefore further enacted, That an Act passed in the forty fifth year of the reign of His late Majesty King George the Third, intituled "An Act for granting aid in support of the College of New Brunswick, incorporated by Charter, and established at Fredericton," and also, an Act passed in the fifty sixth year of the reign of His said late Majesty, intituled "An Act for granting further aid in support of the College of New Brunswick, and of the public Grammar School of the City of Saint John," and the fourth section of the said Act, passed in the fourth year of His present Majesty's reign, be and are hereby severally repealed.

45 G. 3, C. 15,

56 G. 3, C. 20,
and
4 G. 4, C. 33,
S. 4, repealed.

III. And be it further enacted, That there be granted to the said Chancellor, President and Scholars of King's College, at Fredericton, in the Province of New Brunswick, and their successors for the endowment of the said College, and also the establishment and support of Collegiate Schools, the yearly sum of eleven hundred Pounds, to be paid from the Treasury of the Province, and drawn out of the same by warrants of the Lieutenant Governor or Commander in Chief of this Province for the time being, by and with the advice and consent of His Majesty's Council.

£1100 per
annum granted
for the en-
dowment of
the College.

IV. Provided always, and be it further enacted, That the sum of money hereby granted is upon condition that His Majesty will be graciously pleased to grant for the further endowment of the said King's College the annual sum of one thousand pounds sterling out of His Majesty's Casual Revenue of this Province, or from such other branch of His Majesty's Royal Revenue as he may be pleased to appoint for that purpose: Provided nevertheless, that nothing herein contained shall extend or be construed to authorize the appropriation of any part of the public Revenue of this Province without the consent of the Legislature thereof.

On condition
that His
Majesty grant
£1000 sterling
per annum for
the like pur-
pose.

V. "Whereas His Excellency Sir Howard Douglas, Baronet, Lieutenant Governor of this Province, and Chancellor of the said University, has been pleased to intimate his wish and intention to make a donation of the sum of one hundred pounds, to be placed in some safe funds on interest, and the yearly interest

£100 per an-
num for the
purchase of a
Medal or Prize
granted on the
donation of
£100 from

Sir Howard
Douglas being
paid into the
Treasury.

“ interest to be applied to the purchase of a suitable medal or prize for the
“ best composition in prose or verse in the Greek, Latin or English Language,
“ on such subject as the Chancellor for the time being may appoint under any
“ regulations to be made for that purpose by the Chancellor and College Coun-
“ cil; And it is the express desire of His Excellency that the said sum should
“ be placed in the Treasury of the Province, under the security of the Legisla-
“ ture :” Be it therefore further enacted, That upon the said sum of one hundred
pounds being paid by His Excellency into the Treasury of the Province, the
same may be applied to the public service of the Province, to be disposed of as
other public monies by the Legislature; and that yearly and every year from
henceforth for ever there be paid out of the Treasury of this Province to the
Chancellor of the said University for the time being, the sum of ten pounds, to
be applied and disposed of according to the munificent intention of the donor.

56 G. 3, C. 21,
and
4 G. 4, C. 24,
repealed.

VI. “ And whereas many of the provisions of the several Acts for the estab-
“ lishment of Grammar Schools in the several Counties of this Province have
“ been found inadequate for the purposes thereby intended, and it has become ex-
“ pedient to alter and make the same more effectual;” Be it further enacted,
That an Act made and passed in the fifty sixth year of the reign of His late Ma-
jesty King George the Third, intituled “ An Act to establish Grammar Schools
in the several Counties of this Province,” also an Act made and passed in the
fourth year of His present Majesty’s reign, intituled “ An Act to alter the Act
for the establishment of Grammar Schools in the several Counties of this Province,
be and the same are hereby repealed; saving and reserving nevertheless to the
Trustees and Directors of any Grammar Schools all such sum or sums of money
which may be due and payable to them at the time of passing this Act, under
and by virtue of any of the provisions of the said last two recited Acts.

Reserving such
sums as may be
due at the pass-
ing of this Act.

m Governor
with the advice
of the Council
to appoint
Trustees and
Directors.

VII. And be it further enacted, That His Excellency the Lieutenant Gover-
nor or Commander in Chief for the time being, by and with the advice and con-
sent of His Majesty’s Council, shall be and he is hereby authorized and empow-
ered to appoint during pleasure, and to remove as he shall see fit, three or more
fit and proper persons in the several Counties of this Province, the Counties of
York and Charlotte and the City and County of Saint John excepted, to be Trus-
tees and Directors of the Grammar Schools in each of the said Counties, except
as aforesaid, and for which they shall be respectively appointed.

Powers of
Trustees and
Directors.

VIII. And be it further enacted, That the said Trustees and Directors of the
said Grammar Schools in each of the said Counties respectively, except as afore-
said, or the major part of them, shall form and constitute a board for the manage-
ment of the said Schools respectively, with full power and authority to procure
and provide proper places whereon to erect suitable buildings for the said Schools
in their respective Counties, and to accept and receive donations for the erection
of such buildings and for the endowment of the said Schools, and to purchase and
hold lands and real estate in trust and for the use of such Schools, and that they
be enabled to sue and be sued, implead and be impleaded, answer and be answer-
ed unto by the name and description of Trustees and Directors of their respec-
tive Schools.

Trustees and
Directors to
procure
Masters.
Make bye laws.

IX. And be it further enacted, That the said Trustees and Directors or the
major part of them in each of their respective Counties, except as aforesaid, are
hereby empowered to procure and retain a Master or Usher for their said respec-
tive Schools, and to make and establish bye laws, ordinances and regulations for
the

the government of the said Schools, and to enforce obedience to the same by expulsion or other public censure as they may judge proper, and to fix and determine the rates of tuition at the said Schools: Provided always, that no such bye laws, ordinances or regulations shall have any force or effect until they shall have received the approbation of His Excellency the Lieutenant Governor or Commander in Chief for the time being.

Fix rates of tuition money.

Bye laws to be approved.

X. And be it further enacted, That no Master or Masters, Usher or Ushers shall be employed to teach in any School or Schools now established or hereafter to be established in this Province unless such Master or Usher shall be duly qualified and licenced as is required in and by His Majesty's Royal Instructions.

No person to teach without licence.

XI. And be it further enacted, That the said Trustees and Directors shall hold public visitations and examinations of the said Schools twice in each and every year, that is to say, on the first Monday in May and the first Monday in November.

Public examinations.

XII. And be it further enacted, That the Scholars shall be taught in the said Schools English Grammar, the Latin and Greek Languages, Orthography, the use of the Globes, and the practical branches of the Mathematics, and such other useful learning as may be judged necessary; and the said Trustees and Directors for the respective Counties shall be and they are hereby authorized and empowered to nominate and send to the said Schools any number of boys not exceeding eight to any one School, to be taught gratis, and such boys shall be instructed in all the branches of education which are taught at the said Schools respectively, or such parts thereof as the said Trustees and Directors shall direct, and in the same manner as any other Scholars; and on the removal of any such boys from the said schools respectively, the Trustees and Directors shall and may appoint and send others in their stead so as to keep up at all times the full number of eight free Scholars in each of the said Schools: Provided always that such boys be poor orphans or children whose parents cannot afford to pay for their education.

Course of tuition.

Provision for the admission of free scholars.

XIII. And be it 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 and 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 favor of the person or persons entitled thereto.

£100 per annum granted for Grammar Schools in the Counties of Northumberland, Sunbury, &c.

XIV. And be it further enacted, That no Grammar School in any of the said last mentioned Counties shall be entitled to the said sum of one hundred pounds in the next preceding section mentioned, unless the Inhabitants of the County in which such School shall be established shall have raised or subscribed, and *bona fide* to be paid, the further sum of fifty pounds in aid and support of the Master thereof.

No Grammar School entitled to said sum unless £50 subscribed in addition.

XV. And be it further enacted, That whenever the said Trustees and Directors in any of the said Counties last mentioned, shall certify to His Excellency the Lieutenant Governor or Commander in Chief for the time being, that a building suitable for a Grammar School hath been provided in such County, and that they the said Trustees and Directors have provided a competent Master to manage and teach the said School, and that the sum of fifty pounds hath been raised or subscribed and to be *bona fide* paid by the Inhabitants of such County to the said Trustees and Directors of such School in aid of the support and maintenance of the said Master, that then and in such case it shall be lawful for His Excellency the

Mode of drawing Provincial bounty.

Grants not drawn to revert to Provincial fund.

No master or usher to pay any part of £50.

No beneficed Clergyman or Minister to be master or usher.

Trustees and directors to continue in office.

Bye Laws, duly approved, to be in force.

Trustees accountable to the Legislature.

£50 per annum granted to Grammar School in Saint John.

To be deemed a public Act.

the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, to draw on the Treasury of the Province for one half of the said sum of one hundred pounds in favor of the Master or Teacher of the said School, and so to draw from time to time on the Treasury upon the like certificate, in half yearly payments for the use of such School: Provided always, that all the sums of money which shall be borne upon the estimate as aforesaid from year to year for the use of such Schools and which shall not be drawn from the Treasury of the Province pursuant to this Act, shall revert to the Provincial fund, to be appropriated by the Legislature.

XVI. And be it further enacted, That no part of the said sum of fifty pounds to be raised by the Inhabitants of any of the said last mentioned Counties in aid and support of any Grammar School within the same, shall be borne, paid or subscribed by the Master or Usher of such School.

XVII. And be it further enacted, That from and after the first day of January one thousand eight hundred and thirty, no beneficed Clergyman of the Established Church, or Minister of any other sect or denomination of Christians, having the spiritual charge of any Parish or Congregation, shall be eligible or be appointed Master or Usher of any Grammar School in any of the said last mentioned Counties.

XVIII. And be it further enacted, That all those persons who have at any time been appointed Trustees and Directors of any Grammar Schools under and by virtue of the provisions of the hereinbefore last recited Acts shall remain and continue in office, and the rules, ordinances, regulations and bye laws by them respectively made and passed, and which have been duly approved of for the government of any Grammar School, shall be construed and taken to be in full force and effect and in the same manner as if the said Acts had not been repealed.

XIX. And be it further enacted, That the said Trustees and Directors of the respective Grammar Schools for the said Counties last mentioned, shall be at all times accountable to the Legislature of the Province for their conduct and the management of the money to be vested in them by virtue and in pursuance of this Act.

XX. And be it further enacted, That there be granted to the President and Directors of the public Grammar School in the City of Saint John, the yearly sum of fifty pounds in addition to the sum of one hundred pounds now by Law granted, the same to be applied to the support of the Master or Usher of the said School and to defray the contingent expenses thereof.

XXI. And be it further enacted, That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such.

CAP. XXX.

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.

Passed 10th February, 1829.

Duty of 1s. 6d. per Gallon on Rum, &c. made in this Province.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That from and after the first day of March next, there be and are hereby granted to the King's most excellent Majesty, His Heirs and Successors, for the use of the Province and for the support of the Government thereof, the rate or duty of one shilling and six pence for every gallon of Rum and other distilled Spirituous Liquors made in this Province, to be paid by the manufacturers of the same.

II,

II. And be it further enacted, That it shall not be lawful for any person or persons whatever, by him, her or themselves, or by any other person or persons whomsoever, employed by him, her or them, or for his, her or their benefit, to employ or work any Distillery or Distilleries for the making or manufacturing any Rum or other Spirituous Liquors without having first taken out a Licence for that purpose in manner hereinafter mentioned; for which purpose the person requiring the same shall upon taking out the same immediately pay down to the Treasurer of the Province for the use of the Province, the sum of ten pounds; and that such Licence shall be granted by the Treasurer of the Province under his hand and seal, and the Treasurer of the Province is hereby authorized and required to grant and deliver such Licences to the person who shall apply for the same, under the rules and regulations required by this Act and upon payment of the duty hereinbefore mentioned.

Persons concerned in distillery to take out a licence and pay £10.

Province Treasurer to grant licence.

III. And be it further enacted, That all Licences given and granted by the said Treasurer under and by virtue of this Act, shall expire on the thirty-first day of December in each and every year.

Licences to expire on 31st December yearly.

IV. And be it further enacted, That if any person or persons shall, after the time appointed for this Act to go into operation, employ or work any Distillery or Distilleries of Spirituous Liquor without having first taken out a Licence for that purpose, or shall not renew the same yearly in manner aforesaid so long as he or she shall continue the business of distilling, he or she shall forfeit and pay the sum of one hundred pounds, to be recovered in the same manner as is directed in and by the eighth section of this Act.

Penalty for working any distillery without licence.

V. And be it further enacted, That no person or persons shall be capable of taking out or receiving a Licence as a distiller, save only the actual owner or owners of the Distillery or Distilleries intended to be worked by virtue thereof, and of the implements, backs and vessels to be employed or used in carrying on the trade or business of a distiller; and every such person or persons demanding such Licence shall take and subscribe an oath before the said Treasurer, (and which oath the said Treasurer is hereby authorized to administer,) that the said Distillery and Distilleries, and implements, backs and vessels to be used, are his, her, or their own property, and that the trade or business intended to be carried on is at his, her or their own risk, and on his, her or their own account; and in every Licence which shall be granted by virtue of this Act there shall be expressed and specified the christian name or names and the surname or surnames of the person or persons to whom the same shall be respectively granted, the place or places of his, her or their respective residence or residences, and the house or place, and the name of the particular County and Parish in which such house or place shall be situate, and which such Distill or Distills are intended to be employed, worked; or used, for which such Licence shall be granted, and also specifying the sum paid for the duty for such Licence and the time of commencing, and when such Licence shall cease and expire.

Only owners of distillery and implements to take out licence.

Applicants to be sworn.

Contents of Licence.

VI. And be it further enacted, That the owner or owners of any Distillery or Distilleries in this Province, or in case such Distillery or Distilleries shall be carried on by any agent or agents, servant or servants, then such agent or agents, servant or servants having the care or management of the same, shall respectively on the first Monday of each and every month from and after the publication of this Act, give and render on oath to the Treasurer of the Province or his Deputy, for the place or district where such Rum or other distilled Spirituous Liquors shall be made, a just and true account of the quantity of Rum or other distilled Spirituous Liquors that hath been manufactured or distilled in his, her

Accounts of the quantity of Rum, &c. manufactured, to be rendered on oath.

or their Distillery or Distilleries, and shall make and subscribe before the said Treasurer or his Deputy the following oath :

Form of oath. I, A. B., do solemnly swear that the account I have now rendered and subscribed of the Rum [or other distilled Spirituous Liquors, *as the case may be*], which have been manufactured or distilled at my, [or the Distillery of *here state where the Distillery is situate, and by whom owned*], is a just and true account of all the Rum and other distilled Spirituous Liquors that have been manufactured or distilled at the said Distillery since the day of to the day of ; and I do further swear that no Rum or other distilled Spirituous Liquors have been removed or taken away from the said Distillery to my knowledge or belief, without a Permit to remove or take away the same being first had and obtained from the Treasurer or his Deputy [*as the case may be*]. So help me God.

Duties, when and in what proportion to be paid.

VII. And be it further enacted, That immediately upon the making of the oath, as aforesaid, by the owner or owners, agent or agents, servant or servants, as aforesaid, the duties by this Act imposed, shall be paid or secured to be paid in the manner following, that is to say; if the same shall not exceed the sum of twenty-five pounds, to be paid at the time of making the oath as aforesaid, and when the same shall not exceed fifty pounds, it shall be lawful for the said Treasurer or his Deputy or Deputies, respectively, to take a bond duly executed, by the person making the oath, as aforesaid, with one or more good and sufficient surety, in double the amount of the rates and duties, payable upon the articles so distilled, for payment of the same, in three months; and when the rates and duties arising upon any one entry so made upon oath, as aforesaid, shall exceed one hundred pounds, then it shall and may be lawful for the said Treasurer or his Deputy or Deputies, respectively, to take a bond executed in like manner for payment of the same; one third in four months, one third in eight months, and one third in twelve months; all which bonds shall be taken in the name of the King's Majesty, and be payable to His said Majesty, His Heirs and Successors, and conditioned for the amount of the said duties, respectively, at the time or times specified therein, either to the Treasurer for the time being, or his Deputy, if taken at Saint John, or to the Deputy Treasurer for the time being, at the port or place where the same may be taken.

Penalty for neglect to render monthly account on oath.

VIII. And be it further enacted, That in case of the neglect or refusal, of any owner or owners, of any Distillery or Distilleries, or the neglect or refusal of his, her, or their agent or agents, servant or servants, where such agent or agents, servant or servants have the care or management of the same, to render on oath, a just and true account, of all Rum and other distilled Spirituous Liquors that have been manufactured at such Distillery or Distilleries, agreeably to the second Section of this Act; that then, in such case, all the Rum and other distilled Spirituous Liquors, so manufactured, and the account of which has not been rendered, as aforesaid, shall be forfeited and shall be proceeded against, in like manner as is provided in and by an Act for raising a Revenue in this Province, in case where dutiable goods have been clandestinely brought or imported into this Province before entry and report made thereon.

No Rum or other distilled liquors to be removed without a permit.

IX. And be it further enacted, That no Rum or other distilled Spirituous Liquors shall be removed or carried away from any Distillery or Distilleries in this Province, without a Permit for that purpose, first being had and obtained from the Treasurer of the Province, or one of his Deputies; which Permit shall be in the following form, namely :

Permit

Permit A. B. to remove or carry away from the Distillery of _____ situate
 and being in the Parish or City of _____ gallons of
 Given under my hand at _____ the _____ day of _____

C. D. Treasurer [or Deputy Treasurer.]

X. And be it further enacted, That in case any Rum or other distilled Spirituous Liquors, made in this Province, shall be found in possession of any person or persons, and which shall have been removed or carried away from any Distillery or Distilleries in this Province, without a permit for that purpose being first had and obtained agreeably to the provision of this Act, the person or persons, in whose possession the said Rum or other distilled Spirituous Liquors shall be so found, shall forfeit and pay the sum of fifty pounds, to be recovered by information to be made and filed by His Majesty's Attorney General in the Supreme Court of Judicature in this Province, upon the filing whereof, the first process shall be a *capias* to be directed to the Sheriff or Coroner of the place where the offender may be found, by virtue of which process the said offender or offenders shall be held to bail, for his appearance at the return of the process, to answer the matters charged in such information; and the said Rum or other distilled Spirituous Liquors shall be forfeited, and proceeded against in like manner, as other dutiable articles are when illegally imported into this Province.

Penalty for having Rum, &c. in possession without a permit.

Mode of recovering penalty.

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

Limitation.

XII. And be it further enacted, That this Act shall not go into operation until the first day of March next.

Commencement.

[Continued by 1 W. 4, C. 3, and 6 W 4, C. 8, to 1st April, 1840.]

CAP. XXXI.

An Act further to continue and amend the several Acts for raising a Revenue in this Province.

Passed 10th February, 1829.

[Expired.]

CAP. XXXII.

An Act to appropriate a part of the public Revenue to the payment of the ordinary services of the Province.

Passed 10th February, 1829.

[Expired.]

CAP. XXXIII.

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

Passed 10th February, 1829.

[Expired.]

**Anno Regni, GEORGII IV. Britanniarum Regis,
Decimo et Undecimo.**

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the twelfth day of January, in the year of our Lord one thousand eight hundred and thirty, in the Tenth Year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c. &c. being the Third Session of the Ninth General Assembly, convened in the said Province.

CAP. I.

An Act to continue an Act for the better extinguishing of Fires that may happen within the City of Saint John, and to repeal all the Acts now in force relating to the same.

Passed 8th March, 1830.

[*Expired.*]

CAP. II.

An Act further to continue an Act for the more effectual punishment of persons who shall be guilty of the Trespasses therein mentioned in the City of Saint John.

Passed 8th March, 1830.

[*Expired.*]

CAP. III.

An Act to continue the Act now in force for regulating the Assize of Bread in the Town of Fredericton.

Passed 8th March, 1830.

[*Expired.*]

CAP. IV.

An Act to regulate the Assize of Bread in the Parish of Portland.

Passed 8th March, 1830.

BE it enacted by the President, Council and Assembly, That the Assize of Bread in the Town or Parish of Portland shall at all times be the same as in the City of Saint John, and shall be published in one of the newspapers of the said City in the same manner as the Assize of Bread is published for the said City of Saint John; and the Justices of the Peace for the City and County of Saint John at any General Sessions or at any Special Sessions to be holden for that purpose, are hereby authorized and empowered to make such rules and regulations respecting the same and the sale thereof within the Town or Parish of Portland in the said County as to them may be deemed just and expedient, and to enforce such rules and regulations under such fines and forfeitures as they shall think fit; Provided always, that no fine or penalty for any one offence shall exceed the sum of forty shillings; which fine and penalty may be recovered by information before any Justice of the Peace for the said City and County, and levied by distress and sale of the offender's goods and chattels, and if there shall be an overplus of such distress and sale after paying costs, the same shall be returned to the offender; and the fine so recovered shall be applied, one moiety thereof to the person complaining and the other moiety towards the support of the poor of the said Town or Parish.

Assize of bread in Portland.

Justices of the City and County to make regulations and enforce the same.

Mode of recovering and applying fines and penalties.

CAP. V.

An Act for erecting and maintaining a Boom on the River Kouchibouguais in the County of Kent.

Passed 8th March, 1830.

[Expired.]

CAP. VI.

An Act for erecting a part of the Parish of Wakefield in the County of York, *a* into a separate and distinct Town or Parish.

Passed 8th March, 1830.

“WHEREAS the boundaries of the Parish of Wakefield, from its great extent, and by being on both sides of the river Saint John, have been found inconvenient: And whereas it is expedient to erect a separate Parish within the same;”

Preamble.

I. Be it therefore enacted, by the President, Council and Assembly, That all that part of the said Parish of Wakefield that lies east of the channel of the river Saint John, be erected into a new Town or Parish, to be called and known by the name of the Town or Parish of Brighton.

Parish of Brighton erected.

II. And be it further enacted, That the Justices of the Peace for the said County, shall at their first General Sessions in each and every year, appoint Parish Officers for the said new Town or Parish of Brighton, in like manner

Parish officers annually to be appointed.

ae

a Refer to 26 G. 3, C. 1, S. 8; and 43 G. 3, C. 5; and see 1 W. 4, C. 50, erecting the County of Carleton.

as for the other Towns or Parishes in the said County, and until the next January Sessions, the Officers lately appointed, for the said Town or Parish of Wakefield, shall continue to perform the duties of their several offices in and throughout both of the said Parishes, as if this Act had not been made.

CAP. VII.

9 G. 4, C. 14. 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.’ ”

Passed 8th March, 1830.

[*Expired.*]

CAP. VIII.

An Act to encourage the erection of an Oat Mill at Dorchester, in the County of Westmorland.

Passed 8th March, 1830.

Preamble.

“ **W**HEREAS it is in contemplation to erect an Oat Mill in Dorchester, immediately below the bridge over Keiller’s brook (so called,) and adjoining the King’s highway : And whereas for the purpose of driving said Mill, it will be necessary and convenient to convey the water to said Mill by troughs to be placed across the said Highway, and under the said bridge ; and whereas, the erection of said Oat Mill will be of great public utility ;”

Troughs may be erected across the high-ways.

Supervisor or Commissioner may cause their removal.

Be it therefore enacted by the President, Council and Assembly, That it shall and may be lawful for the builder or owner of said Mill, to erect, keep up, and maintain such troughs across said highway, under said bridge, as may be found expedient and necessary : Provided nevertheless, that the Supervisor or Commissioners of said highway for the time being, be at liberty to cause the removal of said troughs, when, and so often as it may be necessary to repair or rebuild the said bridge.

CAP. IX.

An Act to continue the Laws now in force for appointing Firewards, and for the better extinguishing Fires in the Town and Parish of Fredericton.

Passed 8th March, 1830.

[*Expired.*]

CAP. X.

An Act to authorise the Justices of the Peace in the several Counties, in their *b* General Sessions, to make regulations for Carmen, Waggoners and Truckmen; and to establish the rates and fares to be taken for the Cartage and Truckage of Goods, in the several Towns throughout the Province; and also to regulate the measurement of Coals and Salt.

Passed 8th March, 1830.

I. **BE** it enacted by the President, Council and Assembly, That from and after the passing of this Act, the Justices of the General Sessions of the peace for the several Counties within the Province, be, and are hereby authorized and empowered, from time to time, to make such rules and regulations for the government of all Carmen, Waggoners and Truckmen, within their respective Towns, and for establishing and fixing the rates and fares to be taken for the cartage and truckage of any goods, wares and merchandize, or other articles within the said Towns, as they or the major part of them in their General Sessions shall deem just and expedient; and to enforce such rules and regulations under such fines and penalties, as they or the major part of them shall think fit: Provided always, that no fine for one offence shall exceed the sum of forty shillings.

Justices may make regulations for Carmen, &c. and establish their fares.

II. And be it further enacted, That the several fines and penalties to be imposed under and by virtue of this Act, shall be recovered upon oath of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace for the County where the offence shall be committed; and levied by distress and sale of the goods and chattels of the offender, rendering the overplus, if any, after deducting the costs and charges of the prosecution and sale, to such offender, and 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 Parish where the offence may be committed.

Penalties not to exceed 40s. for each offence.

Mode of recovering and applying fines and penalties.

III. "And whereas, the present mode of admeasuring coals and salt is not uniform throughout the Province;" Be it therefore further enacted, That from and after the passing of this Act, coals shall be admeasured in tubs to hold four bushels each when struck, twelve of which shall be considered equal to one chaldron; and that salt when delivered from Vessels, shall be measured in a tub holding four bushels, each struck.

c Rules for the measuring of coals and salt.

IV. Provided always and be it further enacted, 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 charter to the Mayor, Aldermen, and Commonalty of the City of Saint John.

Not to affect the rights of the Charter of Saint John.

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

Limitation.

[Continued to 1st April 1845, by 5 W. 4, C. 14.]

b See 6 W. 4, C. 22, in addition to this Act, and refer to 6 G. 4, C. 2, as to Fredericton.
c Refer to 26 G. 3, C. 15, regulating weights and measures.

CAP. XI.

An Act to authorize the Justices of the Peace for the County of Charlotte to lease a certain piece of common land in the Parish of Saint Andrews for the purpose of erecting thereon a suitable building for an Hospital for sick and disabled Seamen.

Passed 8th March, 1830.

Preamble

“**W**HEREAS from the increased trade of the Port of Saint Andrews it “has become necessary that an Hospital for sick and disabled Sea- “men should be built in or near to the Town of Saint Andrews: And whereas “the common land to the eastward of the town plat of Saint Andrews is eli- “gible and conveniently situated for that purpose;”

Justices autho- rized to lease a part of the common lands for the use of an Hospital for sick and dis- abled Seamen.

Be it therefore enacted by the President, Council and Assembly, That the Justices of the Peace for the County of Charlotte be and they are hereby au- thorized and empowered, by a good and sufficient lease to grant and to farm let such part not exceeding five acres of the common lands situated to the eastward of the town plat of Saint Andrews, as they in their discretion may think fit, for any term not exceeding twenty one years so long as said land is occupied solely for the use and benefit of an Hospital for sick and disabled Seamen, at the an- nual rent of five shillings per acre if demanded.

CAP. XII.

An Act for the better and more effectual securing the navigation of the river Saint Croix in the County of Charlotte.

Passed 8th March, 1830.

Preamble.

“**W**HEREAS on the said river Saint Croix in the Parish of Saint “Stephen, there are a number of machines for sawing laths, clap- “boards and other small lumber, the slabs and refuse of which are generally “thrown into the said river, filling up the channel and obstructing the naviga- “tion therefrom;”

Owners or manufacturers of Lath, &c. throwing into the Saint Croix slabs or waste lumber, to be fined.

I. Be it enacted by the President, Council and Assembly, That all and every person or persons owning of or engaged in the manufacture of laths, clapboards or other small sawn lumber on the said river Saint Croix in the Parish of Saint Stephen, who shall throw or cause to be thrown out of their, or any, or either of their mills and machines, any slab or other waste lumber that may tend to fill up the channel of the said river, shall forfeit and be made liable to pay a fine not exceeding five pounds nor less than one pound; to be recovered with costs of suit by plaint or information had or made before any one of His Majesty's Jus- tices of the Peace for the County of Charlotte, one half of which said sum shall be given to the informer and the other half for the use of the poor of the Parish where the offence may be committed.

Mode of reco- vering and ap- plying fines.

Commence- ment of opera- tion.

II. And be it further enacted, That this Act shall not go into operation until a law with similar provisions be passed by the Legislature of the State of Maine in the United States, for the more effectually securing the navigation of the river Saint Croix within the said State of Maine.

Limitation.

III. And be it further enacted, That this Act shall not continue to be in force for a longer period than the first day of April, which will be in the year of our Lord one thousand eight hundred and thirty three.

[Continued by S W. 4, C. 5, until March, 1837.]

CAP. XIII.

An Act to authorize the Justices of the Peace for the County of Charlotte to assess the Inhabitants for erecting a Gaol in the said County.

Passed 8th March, 1830.

[*Expired.*]

CAP. XIV.

An Act to repeal all the Acts now in force relating to the Light House upon Partridge Island, and to make provision for the future support thereof and of other Light Houses at the entrance of the Harbour of Saint John.

Passed 8th March, 1830.

[*Repealed by 2 W. 4, C. 9, S. 1.*]

CAP. XV.

An Act to alter the boundary lines of certain Parishes in the County of Northumberland, and to erect two new Parishes in said County.

Passed 8th March, 1830.

“**W**HEREAS the present line of division between the Parishes of Ludlow and Northesk includes within the last mentioned Parish certain settlements which should belong to the former : And whereas the Parish of Ludlow is already so extensive as to render the performance of the Parish duties inconvenient and difficult ;”

Preamble.

I. Be it therefore enacted by the President, Council and Assembly, That the said Parish of Ludlow shall be and the same is hereby divided into three Parishes, and named and bounded in manner hereinafter described, any thing in the said Act contained to the contrary thereof notwithstanding, that is to say :

Parish of Ludlow divided into three Parishes.

The said Parish of Ludlow to be bounded on the upper or westerly side by the County line dividing the Counties of Northumberland and York ; on the southerly side by the County line dividing the County of Northumberland from the Counties of York and Sunbury ; on the lower or easterly side by a line running north and south from the mouth of Big Hole Brook ; and on the northerly side by a line running south seventy three degrees west from Beobear's Point.

Boundaries of the Parish of Ludlow.

The next Parish to be called, known and distinguished by the name of Blissfield ; to be bounded on the westerly side by the said Parish of Ludlow ; on the southerly side by the County line dividing the County of Northumberland from the Counties of Sunbury and Queen's ; on the easterly side by a line running north and south from the mouth of Moore's brook ; and on the northerly side by a line running south seventy three degrees west from Beobear's point aforesaid.

Parish of Blissfield erected.

The third or lower Town or Parish to be called, known and distinguished by the name of Blackville ; to be bounded on the westerly side by the said Parish of Blissfield ; on the southerly side by the County line dividing the County of Northumberland

Parish of Blackville erected.

Northumberland from the Counties of Queen's and Westmorland; on the easterly side by the westerly line of the Parish of Nelson and its prolongation; and on the north by a line running south seventy three degrees west from Beobear's point aforesaid.

Division line
between
Northesk, Lud-
low, Blissfield
and Blackville

II. And be it further enacted, That the divisional line between the Parish of Northesk and the Parishes of Ludlow, Blissfield and Blackville before mentioned, shall be formed by the prolongation of the westerly line of the Parish of Nelson until it intersects a line running south seventy three degrees west from Beobear's point aforesaid, and thence on a course along said line to the western boundary line of the County of Northumberland.

Justices annu-
ally to appoint
Parish officers.

III. And be it further enacted, That the Justices of the Peace for the said County shall and they are hereby empowered at their first General Sessions of the Peace held annually, to appoint Town or Parish officers for the said Parishes of Blissfield and Blackville in like manner as for other Towns or Parishes in said County.

CAP. XVI.

- 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 8th March, 1830.

Preamble.

“ **W**HEREAS the Laws now in force for the better security of the navigation of certain harbours in the County of Northumberland have been found ineffectual: And whereas it is necessary for the greater safety and conveniency of the navigation of certain bays and harbours in the Counties of Northumberland, Kent and Gloucester, that buoys and beacons be erected in the said bays and harbours, and that provision be made for defraying such expenses, as may be incurred in erecting, repairing and replacing such buoys and beacons;”

50 G. 3, C. 5,
and

3 G. 4, C. 4,
repealed.

I. Be it therefore enacted by the President, Council and Assembly, That an Act made and passed in the fiftieth year of the reign of His late Majesty King George the Third, intituled " An Act for the better security of the navigation of certain Harbours in the County of Northumberland," and also an Act made and passed in the third year of the reign of His present Majesty King George the Fourth, intituled " An Act to make perpetual an Act, intituled ' An Act for the better security of the navigation of certain harbours in the County of Northumberland,' " be and the same are hereby repealed.

II. [*Repealed by 3 W. 4, C. 37.*]

Duties for sup-
port of Buoys
and Beacons.

Rate payable
at Miramichi.

III. And be it further enacted, That there be and are hereby granted to His Majesty, his Heirs and Successors, for defraying such expenses as may be incurred in erecting, building, rebuilding, replacing and supporting such buoys or beacons, that is to say: on all vessels entering the bay or harbour of Miramichi in the County of Northumberland, the sum of one half penny per ton for each and every ton such vessels admeasure per register, entering the said bay or har-
bour

• See 2 W. 4, C. 14, requiring payment of balance in the hands of the Commissioners for Northumberland to the Deputy Treasurer, and see 3 W. 4, C. 37, regulating the appointment of Commissioners, their entering into Bonds, &c.

bour of Miramichi; on all vessels entering the bay or harbour of Richibucto in the County of Kent, the sum of one penny per-ton for each and every ton such vessel may admeasure per register; on all vessels entering the harbours of Buctouche and Cocagne in the County of Kent, the sum of one half penny per ton for each and every ton such vessel may admeasure per register; on all vessels entering the bays and harbours of Ristigouche, Bathurst, Caraquet, and Shippegan in the County of Gloucester, the sum of one penny per ton for each and every ton such vessel may admeasure per register, for each and every time such vessel or vessels may arrive at any of the said harbours: Provided always, that no coasting vessel under the register of sixty tons shall pay more than once in each year, and no coasting vessel between sixty and one hundred tons shall pay more than twice in each year; and that all vessels clearing from any Ports in this Province, Canada, Prince Edward Island, Nova Scotia and Newfoundland, and vessels on a fishing voyage, shall be considered coasters under this Act.

Richibucto,
Buctouche and Cocagne.
Ristigouche, Bathurst, Caraquet and Shippegan.
Rate payable by coasting vessels.
What vessels shall be deemed coasters.

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

Duties to be collected and paid to the Commissioners when called for.
Account of sum collected to be rendered on oath to the commissioners when required, deducting ten per cent. for collecting.

V. And be it further enacted, That every master of such ship or vessel who shall refuse or neglect to call upon the Deputy Province Treasurer of the district of the port or place where such ship or vessel shall arrive, and pay to him or the person authorized by him to receive the same, such tonnage duties as are hereinbefore imposed within twenty-four hours after his arrival, shall forfeit and pay for such neglect the sum of three pounds, to be sued for by the said Deputy Treasurer of the district or the person authorized by him to receive the same, and recovered before any one of His Majesty's Justices of the Peace, and applied for the purpose of erecting, repairing and replacing such beacons and buoys.

Masters of Vessels neglecting to pay duty to forfeit £3, to be recovered before a Justice of the Peace.

VI. And be it further enacted, That the Deputy Treasurers shall annually make return of an account of the duties respectively by them received for the district, to the Treasurer of the Province, with proper vouchers of the payment of the money to the Commissioners, already or who may hereafter, be appointed by virtue of this Act.

Application of fine.
Deputy Treasurers annually to render an account with vouchers for payment.

VII. And be it further enacted, That Commissioners already appointed, or who may be appointed in pursuance of this Act, shall, on the twentieth day of December, in each and every year, render an account, duly attested, of the monies from time to time received and expended by them in pursuance of this Act, to the Treasurer of the Province, to be by him transmitted, with his account, to the Secretary's Office; and shall likewise render a copy of such account to the first Court of General Sessions in their Counties respectively, in each and every year; and the balance, (if any,) of the monies so received by them,

Commissioners to render an account to be transmitted to the Secretary's office.
Commissioners likewise to account annually at the General Sessions.

f The third Section of this Act, so far as relates to Ristigouche, repealed by S. W. 4, C. 25, which imposes a duty of one half penny per ton at said harbour.

Application
of balance.

Penalty for
removing or
injuring any
Buoy or
Beacon.

On failure of
payment offen-
der to be com-
mitted to Gaol.

Limitation.

them, in the hands of the Commissioners of the harbours respectively, to be applied by the said Commissioners, or the major part of them, for the purpose of further improving the navigation of the said bays and harbours.

VIII. And be it further enacted, That if any person or persons, shall take away, destroy, deface, or remove any of the said beacons or buoys, such offender or offenders, shall on due conviction thereof, by the oath of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace, forfeit and pay a sum not exceeding fifteen pounds, to be recovered and applied as aforesaid; and on failure of payment, or want of goods and chattels whereon to levy; such offender or offenders shall be committed by such Justice or Justices, to the common gaol of the County, there to remain for a space of time not exceeding three months.

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

CAP. XVII.

An Act in addition to an Act, intituled "An Act to enable the Justices of the Peace for the several Counties in this Province for the time being, to receive for public uses, Grants of Lands lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same."

Passed 8th March, 1830.

Preamble.

26 G. 3, c. 38.

Justices of
Northumber-
land may sell
land within
the Town Plot
of Newcastle,
and dispose of
the reversion
and remainder
of lots already
leased.

“ WHEREAS by the second section of an Act made and passed in the “ twenty sixth year of the reign of His late Majesty King George “ the Third, intituled “ An Act to enable the Justices of the Peace of the several “ Counties in this Province for the time being, to receive for public uses, grants “ of land lying in their respective Counties, and to regulate the commons be- “ longing to the several Townships or Parishes within the same,” the Justices of “ the Peace for the several Counties within this Province, are only authorized “ to lease for a term of years, lands granted to them or heretofore given for “ public uses: And whereas in the County of Northumberland, in consequence “ of the Town plot of Newcastle being laid out through the County lot granted “ for public uses to the Justices of the Peace of that County, it has been found “ extremely inconvenient and discouraging to the inhabitants, and disadvan- “ tageous to the Town, that the Justices of the Peace are not authorized to “ give freehold titles to such parts of the said County lot as they have sold or “ may hereafter sell, inasmuch as it has been found to hinder and deter the set- “ tling and improvement of the said Town, and also to prevent purchasers from “ erecting stone and brick buildings thereon;”

I. Be it therefore enacted by the President, Council and Assembly, That from and after the passing of this Act, the Justices of the Peace for the County of Northumberland in General Sessions convened, are hereby fully authorized and empowered to sell and give fee simple titles to so much of the County lot or land granted to them for public uses as aforesaid, as is contained in the Town plot of the Town of Newcastle, and as hereafter may be laid off for purchasers, in addition to those contained in the said Town plot, to such person or persons as may feel inclined to purchase the same, or any part thereof; and also to sell and give freehold titles to such person or persons as may purchase the
reversion

reversion or reversions; remainder or remainders of such part or parts of the said County Lot so granted to them as aforesaid, as have been already leased by the said Justices of the Peace, under and by virtue of the said Act.

II. And be it further enacted, That the monies arising from the sales of the said land shall be vested by the Justices of the Peace in the purchase of other lands within the said County to be by them held in fee simple for public uses and for the benefit of the said County.

Money arising from such sales to be vested in other land.

III. And be it further enacted, That the situation and value of the lands so to be purchased by the monies arising from the sales of the lands in the said Town plot of Newcastle, shall be determined upon and settled by the Justices of the said County or the major part of them convened in any General Sessions of the Peace to be held for the said County.

Value and situation of land to be purchased to be settled by the Justices.

CAP. XVIII.

An Act to grant John Aymar the privilege of supplying the Town of Saint Andrews with water by pipes.

Passed 8th March, 1830.

“ **WHEREAS** the conveyance of water by pipes to the several houses “ in the Town plot of Saint Andrews, would be highly beneficial “ to the public, and is a measure universally desired; and John Aymar, an “ Inhabitant of the said Town, is desirous to obtain the privilege of supplying “ the same by pipes as aforesaid;”

Preamble.

I. Be it enacted by the President, Council and Assembly, That the privilege of carrying water to the houses of the Inhabitants of Saint Andrews in pipes, through the several streets thereof, be, and the same is hereby granted to John Aymar, so long as he shall keep the same in operation and good repair: Provided always, That the said John Aymar, shall at his own costs and charge, and without unnecessary delay, repair and make good any and every injury or damage thereby done to said streets, or any part thereof.

Privilege of supplying Saint Andrews with water granted to J. Aymar.

Damage to streets to be made good.

II. And be it further enacted, That the said John Aymar shall make and keep in good repair, proper openings and plugs (to be used only in case of fire) in all such places where his pipes extend, as the Firewards of the Town of Saint Andrews may direct or approve; the said Firewards to be accountable for the actual expense thereof.

Openings and plugs to be made where the Firewards direct.

III. And be it further enacted, That if the said John Aymar should neglect so to make and adjust proper plugs on the requisition of said Firewards, that it should be lawful for them the said Firewards, to cause the same to be done and completed accordingly.

On neglect Firewards may cause plugs to be made.

IV. And be it further enacted, That this Act shall continue and be in force for the term of fifteen years, and no longer.

Limitation.

CAP. XIX.

An Act to provide for the conveyance of Criminals from County to County within the Province.

Passed 8th March, 1830.

“ **WHEREAS** it is necessary to make some provision for the conveyance “ of criminals from the County or places where found and arrested, “ to the Gaol of the County where the offence may have been committed;”

Preamble.

Be

Expense of removal of criminals from one County to another to be allowed by any two Justices of the County where the offence was committed.

Upon production of the order the Treasurer of the County to pay the same.

Be it therefore enacted by the President, Council and Assembly, That whenever it may become necessary, to convey any criminal or person arrested, under any criminal charge, from the gaol of any County or place where so arrested, to the gaol of the County within which the offence may have been committed, it shall and may be lawful for any two Justices of the Peace, of the County, where the offence may have been committed, to agree upon, order and allow, such reasonable sum or sums as may be considered sufficient for the charge and expense of the conveyance of such criminal to the place of commitment; and such sum or sums so agreed upon, ordered and allowed, the Treasurer of the County, to which such criminal may be sent or conveyed, shall be and is hereby authorized and directed to pay upon the production of the order of such Justices, in favor of the person or persons therein named.

CAP. XX.

g An Act to establish Houses of Correction within the Counties of York and Charlotte.

Passed 8th March, 1830.

Preamble.

“ **W**HEREAS great inconvenience arises from the want of houses of correction within the Counties of York and Charlotte, wherein persons convicted of certain offences, and rogues and vagrants might be confined and kept at hard labor, instead of being imprisoned in the County gaols: And whereas there are alms houses and work houses erected and built within the Parishes of Fredericton and Saint Andrews, parts of which might be beneficially appropriated as houses of correction;”

Justices of York and Charlotte may establish Houses of Correction at the Alms and Work Houses within the said Counties.

Be it therefore enacted by the President, Council and Assembly, That the Justices of the Peace of the Counties of York and Charlotte, respectively, or the major part of them in General Sessions assembled, be and they are hereby authorised and empowered, by and with the consent in writing of the Commissioners of the said alms houses and work houses for the time being, to establish houses of correction, at the said alms houses and work houses; and the same, when so established, shall be deemed and taken to be the houses of correction in and for the said Counties of York and Charlotte respectively.

CAP. XXI.

An Act to alter and amend an Act for the more speedy recovery of small debts.

Passed 8th March, 1830.

[*Repealed by 1 W. 4, C. 45.*]

CAP. XXII.

h An Act for the more summary punishment of Persons guilty of maliciously killing, maiming, disfiguring or otherwise injuring Cattle.

Passed 8th March, 1830.

Persons maliciously killing or injuring Horses.

I. **B**E it enacted by the President, Council and Assembly, That if any person or persons shall maliciously, unlawfully and wilfully kill, maim, wound, disfigure

g Refer to 3 G. 4, C. 25, and 5 G. 4, C. 10.

h See 3 W. 4, C. 33, giving costs in prosecutions under this Act—Refer to 26 G. 3, C. 35, giving triple damages for such offences, and see 4 W. 4, C. 19, providing for punishment of cruelty to animals.

disfigure or otherwise injure any horses, neat cattle, swine, sheep or other cattle, it shall be lawful for two Justices of the Peace in the County where such offence may be committed, upon complaint of the party aggrieved, to hear and determine such offence, and the offender or offenders, upon conviction thereof, shall forfeit and pay to the party aggrieved such damages as the said Justices shall assess under all the circumstances of the case, provided that the same do not exceed the sum of ten pounds, to be levied upon the offender or offenders goods and chattels, and for want of such goods and chattels to satisfy the same, that the said offender or offenders shall be committed to the gaol of the County, there to remain for a space of time not less than thirty nor more than sixty days, unless such damage, with costs incurred, shall be sooner paid.

&c. to forfeit such damage not exceeding £10 as two Justices shall award.

For want of sufficient distress offender to be imprisoned.

II. "And for the more effectual prosecution of the offence punishable upon summary conviction by virtue of this Act;" Be it enacted, That when any person or persons shall be charged before any Justice of the Peace with such offence, the Justice may summon the person or persons charged to appear before any two Justices of the Peace, at a time and place to be named in such summons, and if he shall not appear, then upon proof of the due service of the summons upon such person or persons by delivering a copy of the same to him, her or them, the Justices may proceed to hear the case *ex parte*, or issue their warrants for apprehending such offender or offenders, and bring him, her or them before the said Justices; or if the Justice before whom the charge is made shall think fit, he may issue his warrant in the first instance without any previous summons.

Mode of prosecuting offences under this Act.

III. Provided always and be it further enacted, That the prosecution for every offence punishable on summary conviction, by virtue of this Act, shall be commenced within six months after the commission of the offence, and not otherwise.

To be prosecuted within six months.

CAP. XXIII.

An Act to provide for the maintenance of the Light House established upon the Island of Campo Bello, near Head Harbour, in the County of Charlotte.

Passed 8th March, 1830.

[*Repealed by 2 W. 4, C. 9, S. 1.*]

CAP. XXIV.

An Act to authorize the Justices of the Peace for the County of York, to levy an assessment for the purpose of paying off the debt due on the County Court House.

Passed 8th March, 1830.

[*Obsolete.*]

CAP. XXV.

An Act further to continue certain Acts providing for the more effectually repairing the Streets and Bridges in the City and County of Saint John.

Passed 8th March, 1830.

[*Expired.*]

CAP. XXVI.

An Act to confirm a division made of certain Lands situated at Chamcook in the Parish of Saint Andrews, granted to the Justices of the County of Charlotte in trust for the use and benefit of the Rector or Minister and Parish School of the same Parish.

Passed 8th March, 1830.

Preamble.

“ **W**HEREAS by a certain grant or letters patent under the great seal of
 “ the Province of New Brunswick, bearing date the ninth day of No-
 “ vember in the year of our Lord one thousand seven hundred and eighty seven,
 “ certain tracts of land situated at Chamcook in the Parish of Saint Andrews, in
 “ the County of Charlotte, were granted to the Justices of the Peace of the said
 “ County in trust for the use, behoof and benefit of the Rector or Minister and of
 “ the School of the said Parish of Saint Andrews: And whereas at the General
 “ Sessions of the Peace for the said County held in the month of April in the year
 “ of our Lord one thousand eight hundred and twenty one, the said Justices in
 “ General Sessions, at the joint request of the Rector of the said Parish and of the
 “ Trustees for the Parish School, ordered an equal division of the said tracts of
 “ land so granted as aforesaid to be made between the parties interested therein,
 “ under the trusts of the said grant: And whereas an equal division has been
 “ made of the said tracts of land pursuant to the order of the said Justices in Ge-
 “ neral Session; and the said Rector’s share or division of the said land according
 “ to the division so made as aforesaid, is distinguished and described by the survey
 “ and plan of division made thereof by Colin Campbell, Esquire, Deputy Surveyor,
 “ as follows, to wit: The first tract, letter C, beginning on the northern bank or
 “ shore of Passamaquoddy bay at the eastern boundary of a tract of land granted
 “ to the first Minister of Saint Andrews, thence running along the eastern line
 “ of the said grant and the extension thereof, north by the magnet thirteen degrees
 “ thirty minutes west eighty eight chains of four poles each, thence north seventy
 “ six degrees thirty minutes east forty chains, thence south thirteen degrees thirty
 “ minutes east one hundred and four chains, thence southeasterly across Kilmarn-
 “ nick head to a cove marked with a cross, thence following the several courses
 “ of Kilmarnick head aforesaid in a southerly and northwesterly direction to the
 “ southeastern boundary of the said tract, letter C, thence westerly along the shore of
 “ Passamaquoddy bay aforesaid to the place of beginning: The second tract, letter
 “ A, beginning at the southwestern angle of the first division of the Penobscot
 “ grant, thence running south seventy six degrees thirty minutes west one hun-
 “ dred and twenty two chains to the reserved road which bounds the third divi-
 “ sion of the Penobscot grant aforesaid, thence along the said road north thirteen
 “ degrees thirty minutes west forty three chains to the southwestern angle of
 “ lands granted to John Rigby and others, thence along the southern line of the
 “ said lands north seventy six degrees thirty minutes east one hundred and forty
 “ two chains to the western side line of the first division of the Penobscot grant
 “ aforesaid, thence along the said line south thirty eight degrees east twenty six
 “ chains, thence along a small stream to the place of beginning: The third
 “ tract, embracing lots letters B and D, beginning at the northeastern angle of
 “ a tract of land granted to the first Minister of Saint Andrews, thence running
 “ along the northern line of the said grant and of the grant to Thomas Wyer and
 “ others south seventy six degrees thirty minutes west one hundred and twenty
 “ five chains to the reserved road which bounds the third division of the Penob-
 “ scot.”

First tract.

Second tract.

Third tract.

“ scot grant aforesaid, thence along the said road north thirteen degrees thirty
 “ minutes west forty-eight chains, thence north seventy-six degrees thirty minutes
 “ east one hundred and twenty-two chains to the south western angle of the first
 “ division of the Penobscot grant aforesaid at the shore of Passamaquoddy bay,
 “ thence southerly along the several courses of the said shore and of Kilmarnick
 “ head aforesaid to the cove marked with a cross as before mentioned, thence
 “ across Kilmarnick head in a northwesterly direction to the southern boundary
 “ of the said first tract, thence along the eastern line of the said first tract north
 “ thirteen degrees thirty minutes west one hundred and four chains, thence south
 “ seventy-six degrees thirty minutes west forty chains, thence south thirteën de-
 “ grees thirty minutes east fifteen chains to the place of beginning, as by reference
 “ to the said plan, or certified copy thereof, remaining in the office of the Regis-
 “ trar of deeds and wills for the County of Charlotte, will more fully and at large
 “ appear : And whereas it is deemed expedient that the said division of the said
 “ tracts of land so made as aforesaid should be confirmed and made perpetual by
 “ law ;”

I. Be it therefore enacted by the President, Council and Assembly, That the
 division of the before mentioned tracts of land so made as in the preamble of this
 Act is above mentioned and therein particularly described, shall be and the same
 is hereby confirmed and made perpetual.

Division of
land confirmed.

II. And be it further enacted, That the said Justices of the Peace of the County
 of Charlotte shall and they are hereby authorized and empowered to assign and
 convey unto the said Rector, Church Wardens and Vestry of the Parish of Saint
 Andrews, by a good and sufficient deed, the said third tract hereinbefore de-
 scribed, embracing lots letters B and D as aforesaid, to have and to hold the same
 to the said Rector, Church Wardens and Vestry, and their successors for ever, in
 trust for the use of the Rector for the time being, as a Glebe ; and that the Rec-
 tor for the time being, may have the use, benefit and advantage of the said tract
 of land, embracing lots letters B and D as aforesaid, the same as any other land
 granted as a Glebe for the use of the Rector.

Justices to con-
vey to the Rec-
tor, Church
Wardens and
Vestry the
third tract.

Rector to have
use and benefit
of said tract.

III. And be it further enacted, That so much of the said tracts of land as is
 by the division above mentioned allotted to the Trustees of the Parish School
 aforesaid, and described as lots letters A and C in the said first and second tract,
 shall be and remain vested in the Justices of the Peace of the said County of Char-
 lotte in trust for the use, benefit and behoof of the Parish School of Saint Andrews
 aforesaid.

Tracts allotted
to Trustees of
Parish School
vested in Jus-
tices of Char-
lotte.

IV. And be it further enacted, That nothing in this Act contained shall ex-
 tend or be construed to extend to authorize the said Justices of the Peace for
 the said County of Charlotte, to sell and convey absolutely and in fee simple
 any part or the whole of the said shares or divisions of the said tracts of land in
 the preamble of this Act mentioned, so by them to be held in trust for the said
 Parish School of Saint Andrews as aforesaid.

Not to author-
ize Justices to
convey any part
of land so held
by them in
trust.

V. And be it further enacted, That nothing in this Act contained shall extend
 or be construed to affect or interfere with the right or title of the King's Majesty,
 His Heirs or Successors, or any other person or persons, body politic or corpo-
 rate, other than the said Justices, Trustees of the Parish School of Saint Andrews,
 and the Rector of the said Parish respectively.

Rights reserv-
ed.

VI. And be it further enacted, That this Act shall be deemed and taken to
 be a public Act, any thing herein contained to the contrary thereof in any wise
 notwithstanding.

To be deemed a
public Act.

CAP. XXVII.

An Act to repeal all the Acts now in force relative to the importation and spreading of Infectious Distempers in the City of Saint John, and to make more effectual provision for preventing the same.

Passed 8th March, 1830.

[*Repealed by S W. 4, C. 21.*]

CAP. XXVIII.

An Act to regulate the inspection of dry and pickled Fish for home consumption and for exportation.

Passed 8th March, 1830

[*Expired. See 5 W. 4, C. 43.*]

CAP. XXIX.

An Act to repeal certain Acts relating to Commissioners of Sewers, and to make more effectual provisions in lieu thereof.

Passed 8th March, 1830.

Preamble.

“**W**HEREAS the laws now in force for the appointment of Commissioners “of Sewers have been found ineffectual for all the purposes intended: And whereas it is expedient to repeal the same, and to make further “and more effectual provisions therefor;”

26 G. 3, C. 45,
and

34 G. 3, C. 8,
repealed.

I. Be it therefore enacted by the President, Council and Assembly, That an Act made and passed in the twenty sixth year of the reign of His late Majesty King George the Third, intituled “An Act for appointing Commissioners of Sewers,” also an Act made and passed in the thirty fourth year of the reign of His said late Majesty King George the Third, intituled “An Act in addition of an Act, intituled ‘An Act for appointing Commissioners of Sewers,’” be and the same are hereby respectively repealed.

Governor with
advice of
Council to
appoint Com-
missioners of
Sewers.
Their powers
and duties.

II. And be it further enacted, That upon application of any proprietors of any marsh, low lands, meadow or other unreclaimed lands, the Governor or Commander in Chief, with the advice of His Majesty’s Council, may and is hereby authorized by commission to appoint such able discreet persons as to him shall seem meet to be Commissioners of Sewers, in which commission such Commissioners shall be authorized and empowered to convene and meet together from time to time as occasion may require to consult, consider and devise means and methods for building, erecting or repairing such aboideaux, dikes and wears as are or may be necessary to prevent inundation, and for the draining or drowing of marshes, swamps and other unreclaimed lands, either diked or undiked, and to employ labourers and workmen for such reasonable wages as may be agreed on for that purpose, and to tax and assess all such persons from time to time as shall or may be owners of such marshes, meadows, swamps or unreclaimed lands as aforesaid, for defraying the expence thereof, having regard to the quantity and quality of land of each person, and benefits thereby to be received as equally as they

they can, according to their best judgment, and shall appoint a Clerk, by whom all records, entries, notices and other documents shall be made and kept, also to appoint and swear a Collector or Collectors for collecting such assessments, and paying the same to such persons as by said Commissioners shall be appointed, with powers to distrain all such persons as shall neglect or refuse to make payment of his, her or their proportions assessed as aforesaid, in like manner as is usually done in other cases by distress; and such Collector appointed as aforesaid shall be entitled to levy for his services a sum over and above such assessment not exceeding seven and a half per cent. on the amount of such assessment, the said sum so to be allowed for collecting, to be first regulated by the Commissioners having regard to the amount to be collected, and to call before them such Collector or Collectors to account for his or their trusts in regard to the premises; which said Commissioners shall be sworn to a faithful discharge of their duty, *and may receive, out of such assessment, a reasonable compensation for their services; provided the same shall not exceed the rate of ten shillings per day, for each and every Commissioner.*

i Commissioners' Clerk, and his duties. Collector, his powers and duties.

Per centage.

A Commissioners to be sworn and receive a reasonable compensation.

III. And be it further enacted, That if no person shall appear to pay the quota or proportion of any delinquent proprietor in any assessment made as aforesaid, for the diking or draining such lands, and no sufficient distress shall be found to answer such assessment, the Commissioners of Sewers or major part of them shall, by advertisement during three months in the Royal Gazette, published by the King's Printer, and in the office of the Register of deeds and wills in such County, cause notice to be given for letting out the lands of such delinquent proprietor; and if no person shall appear to hire the same, it shall and may be lawful for the said Commissioners, or the major part them, by warrant under their hands and seals, to order the Sheriff to sell at public auction to the highest bidder, so much of such delinquent's land so diked in and drained, as may be sufficient to pay such proportion or quota due as aforesaid, with the charges of such sale, and such Sheriff is hereby authorized and directed to execute a good and authenticated deed to the purchaser or purchasers thereof, their heirs and assigns.

Land of delinquent proprietors to be let or sold if no distress can be found.

IV. And be it further enacted, That in all cases, either in erecting new dikes or aboideaux, or raising or repairing the same, or draining marsh or low lands, the Commissioners of Sewers shall give at least six days previous notice of such repairs or draining as aforesaid by advertizing the same in three public places within the jurisdiction of such Commissioners; and upon such notice being given as aforesaid, it shall be the duty of the owner or occupier of such marsh or low land to attend either themselves or by sufficient labourers as the case may require, with proper tools to work at such time and place as by the said Commissioners shall be appointed, agreeably to the rules and regulations which are or may be made for that purpose, and according to the quantity or proportion of land belonging to such owner or proprietor; and where it may be necessary to employ oxen and carts, each and every owner or possessor of such lands who have them, shall in like manner be obliged to attend with such oxen and carts for such work, according to the discretion of said Commissioners, or shall forfeit and pay over and above his tax or assessment, the sum of five shillings for every day's neglect; and so in proportion for oxen and carts; to be recovered in any Court proper to try the same; and the monies arising from such fines, to be paid into the hands of the Commissioners, who are hereby authorized to sue for the said fines, to be appropriated for the repairs of such dikes.

On six days' notice owners of marsh land to attend or send labourers with tools to work where ordered.

Oxen or carts may be employed.

Penalty for neglect.

V.

i No Commissioner shall be Clerk of the Board of which he is a member.—4 W. 4, C. 21, S. 1.

A So much of this Section as relates to pay of Commissioners repealed, and each Commissioner allowed five shillings per day when actually employed.—4 W. 4, C. 21, S. 2.

In case of a breach in any dike owners of land within such dike to repair to the place and work.

Penalty for neglect.

Owner to be indemnified when his soil or sod is cut for diking, or his land washed away.

Commissioners not to dike in any marsh, &c. without consent of proprietors of one half of such marsh, nor to drain but upon application of one half of the proprietors.

Commissioners to state an account of expenditure, &c. and to give thirty days' notice of such account to each proprietor.

Schedule of absent proprietors showing amount due by each to be posted up.

Owners of lands benefited by other lands being enclosed by dikes erected without their dikes, to be

V. And be it further enacted, That in case of any sudden breach in any dike, or where the same is likely to be made or inundation occasioned by high tides, storms or otherwise, each and every owner or possessor of land within such dikes, shall immediately on notice given by one or more of the Commissioners, repair to the place directed with proper tools or teams, to labour and use their utmost endeavours to repair or prevent such breach, and shall continue to work from day to day so long as the Commissioners of Sewers shall judge necessary, or shall forfeit and pay over and above their tax or assessment the sum of ten shillings for each day's neglect, and so in proportion for oxen and carts, to be recovered in manner and applied to the uses aforesaid.

VI. And be it further enacted, That when the sod or soil shall have been cut off the lands of any proprietor or proprietors, in any track of marsh diked in common with any other proprietor or proprietors, for the purpose of diking in the same, or when the land of such proprietor or proprietors shall have been washed away by the tide or current of the river, or when by means of making new dikes for securing the marsh land so diked in common, such proprietor shall have lost the whole or part of his lot, it shall and may be lawful for the Commissioners of Sewers to cause a just valuation to be made of such loss, by five disinterested freeholders, who shall be sworn truly and impartially to value the same; which valuation shall be levied and collected in like manner as directed in and by the second section of this Act.

VII. And be it further enacted, That hereafter no Commissioners of Sewers already appointed or hereafter to be appointed by virtue of this Act, shall have power to proceed to dike in any body of marsh, low lands or meadow, but upon the application or by consent and concurrence of the proprietors of at least one half of the quantity of such marsh, low lands or meadow; or shall have power to drain any body of marsh, low lands or meadow, either diked or undiked, but upon the application of at least one half of the proprietors of the quantity of marsh, low lands or meadow, to be benefited by any such drain so be made.

VIII. And be it further enacted, That such Commissioners, upon making up any bill of assessment, shall state an account of the expenditures and work done in diking or draining any such lands under their authority and direction; which account shall be left with the Clerk for the inspection of all persons concerned; and the said Commissioners shall also cause notice of such stated account to be given to each proprietor or agent, who may at the time be resident within the Parish where such Commissioners are acting, at least thirty days previous to issuing any warrant to distrain, to the intent that each proprietor may pay their respective quota previous to any such distress; and where any owner of lands as aforesaid shall reside without the Parish, it shall be the duty of the said Commissioners to cause a schedule of such proprietors so residing without the Parish, signed by their Clerk, shewing the amount due from each person being so absent as aforesaid, and to be posted up, at least thirty days previous to their advertising for letting out the lands of such delinquent proprietors, at three public places in the said Parish, and also at the County Court House.

IX. And be it further enacted, That in all cases where land shall be reclaimed and enclosed by dikes or aboideaux, erected without other dikes or aboideaux, and which shall be found to benefit the proprietors of the lands first diked as aforesaid, by securing more effectually such lands, the Commissioners of Sewers now appointed, or to be hereafter appointed under and by virtue of this Act, are hereby

1 No proprietor to be assessed under this Section above the real value of the land reclaimed.—4 W. 4, C. 21, S. 3.

hereby authorized and empowered to tax and assess all persons having lands enclosed by any former dikes or aboideaux, and who are benefited by any such dikes and aboideaux made without as aforesaid, according to the best discretion of such Commissioners, and such assessment to be collected, paid and accounted for in the same manner as other assessments are in and by the second section of this Act.

assessed at the discretion of the Commissioners.

X. "And whereas it is expedient that any grievance which may be suffered under this Act be redressed in the most easy and expeditious manner;" Be it therefore further enacted, That whenever any person shall be aggrieved by any procedure had or made by such Commissioners, or any others in pursuance of this Act, such person aggrieved may appeal therefrom to the Supreme Court or Court of Nisi Prius; which said Courts or either of them may grant redress; provided notice of such appeal, with the grounds thereof, be given to the adverse party, at least twelve days previous to such hearing by appeal.

Persons aggrieved may appeal to Supreme Court or Court of Nisi Prius.

CAP. XXX.

An Act to repeal all the Acts now in force for the support and relief of confined Debtors and to make other and more effectual provisions in lieu thereof.

Passed 8th March, 1830.

XIII. And be it further enacted, That when any person is confined in any gaol in this Province either upon mesne process or execution, the Sheriff in whose custody such person may be is hereby authorized and empowered to permit such person to go about and have his liberty within the limits designated for such gaol, as provided in the eleventh section of this Act, upon a bond being given to the Sheriff by the name of his office, by such person with two sufficient sureties to the satisfaction of the Sheriff in double the amount of the sum for which such person shall be in confinement, upon condition thereunder written that such defendant shall not go or be at large out of such limits, or escape at any time while he has the liberty of the same as aforesaid, any law or custom to the contrary notwithstanding; and the Sheriff shall be entitled to demand and receive for making such bond five shillings and no more; and such bond shall be in the form following, that is to say:

m Sheriff may permit persons to have liberty within the limits upon bond given to him by the name of his office.

Fee of five shillings allowed for bond.

Form of bond.

Know all men by these presents, that we are held and firmly bound to Sheriff of the County [or City and County] of in the sum of lawful money of New Brunswick, to be paid to the said Sheriff or his certain attorney, executors, administrators and assigns; for which payment to be well and truly made we bind ourselves and each of us by himself, for and in the whole, our and each and every of our heirs, executors and administrators firmly by these presents. Sealed with our seals and dated this day of in the year of the reign of our Sovereign Lord of the United Kingdom of Great Britain and Ireland, &c. &c. and in the year of our Lord one thousand eight hundred and

Whereas the above named Sheriff as aforesaid, hath given permission to the above bounden, a person confined in the gaol of the County [or City and County] above mentioned to go about and have his liberty within the limits of such gaol. Now the condition of this obligation is such, that if the said shall not go or be at large out of the said limits of such gaol or escape at any time while he has the liberty of the same as aforesaid, then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered in presence of

Which

m The 13th and 14th Sections of this Act although repealed with the rest of the Act by 6 W. 4, C. 11, are published, being expressly referred to by 1 W. 4, C. 31, as to Gaol limits in Charlotte.

Bond to be assigned to the Plaintiff, and if forfeited he may sue therefor in his own name.

Which said bond the said Sheriff or his Deputy, at the request of the plaintiff in such suit or his attorney, shall assign to the said plaintiff in such action, by endorsing the same, (and attesting to it,) under his hand and seal, in the presence of two or more credible witnesses; and if the said bond or assignment be forfeited, the plaintiff in such action after such assignment made may bring an action and sue therefor in his own name, and the Court where the action is brought may by rule or rules of the same Court give such relief to the plaintiff and defendant in the original action and to the obligors in the said bond as is agreeable to justice and reason, and that said rule or rules of the said Court shall have the nature and effect of a defeazance to such bond.

Sheriff not liable to action of escape or other suit on account of liberty given to debtors pursuant to this Act.

XIV. And be it further enacted, That no Sheriff shall be liable to any action of escape or other suit or information for or on account of any liberty that may be granted to any confined debtor under the provisions and according to the true intent and meaning of this Act: Provided always, that if any confined person shall go or be at large in any manner or by any means not authorized by this Act, the Sheriff shall then be liable to all intents and purposes in the same manner as if this Act had not been made.

[Amended and continued to 1st April, 1834, by 2 W. 4, C. 13; continued to 1st April, 1836, by 4 W. 4, C. 37, S. 1; repealed by 6 W. 4, C. 41.]

CAP. XXXI.

An Act to continue the several Acts now in force relating to Roads and Highways.

Passed 8th March, 1830.

[Repealed by 1 W. 4, C. 33, S. 1.]

CAP XXXII.

An Act to repeal an Act to define and describe the crime of Petit Larceny, and to make provision for the punishment of the same.

Passed 8th March, 1830.

[Repealed by 1 W. 4, C. 14, S. 2.]

CAP. XXXIII.

n An Act for the relief of His Majesty's Roman Catholic Subjects in this Province.

Passed 8th March, 1830.

The Act 10 G. 4, C. 7, of the Imperial Parliament.

BE it enacted by the President, Council and Assembly, That an Act of the Imperial Parliament made and passed in the Tenth year of His present Majesty's

n Copy of 10 G. 4, C. 7, of the Imperial Parliament, referred to in the above Act.

An Act for the relief of His Majesty's Roman Catholic Subjects.

Passed 13th April, 1829.

WHEREAS by various Acts of Parliament certain restraints and disabilities are imposed on the Roman Catholic subjects of His Majesty, to which other subjects of His Majesty are not liable: And whereas it is expedient that such restraints and disabilities shall be from henceforth discontinued: And

Majesty's reign, intituled "An Act for the relief of His Majesty's Roman Catholic Subjects," do and be construed to extend, in all cases, and under all circumstances, where the provisions of the said Imperial Act are applicable, to this Province.

ment, to extend to this Province so far as applicable.

CAP.

"whereas by various Acts certain oaths and certain declarations, commonly called the declaration against transubstantiation and the declaration against transubstantiation and the invocation of Saints and the sacrifice of the Mass, as practised in the Church of Rome, are or may be required to be taken, made and subscribed by the subjects of His Majesty as qualifications for sitting and voting in Parliament, and for the enjoyment of certain offices, franchises and civil rights ;"

I. Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the commencement of this Act all such Parts of the said Act, as require the said declarations, or either of them, to be made or subscribed by any of his Majesty's subjects, as a qualification for sitting and voting in Parliament, or for the exercise or enjoyment of any office, franchise or civil right, be and the same are (save as hereinafter provided and excepted) hereby repealed.

Acts relating to declarations against transubstantiation repealed.

II. And be it enacted, That from and after the commencement of this Act, it shall be lawful for any person professing the Roman Catholic Religion, being a Peer, or who shall after the commencement of this Act be returned as a Member of the House of Commons, to sit and vote in either House of Parliament respectively, being in all other respects duly qualified to sit and vote therein, upon taking and subscribing the following oath, instead of the oaths of allegiance, supremacy and abjuration :

Roman Catholics may sit and vote in Parliament.

I, A. B. do sincerely promise and swear, That I will be faithful, and bear true allegiance to His Majesty King George the Fourth, and will defend him to the utmost of my power against all conspiracies and attempts whatever which shall be made against his Person, Crown, or Dignity ; and I will do my utmost endeavour to disclose and make known to His Majesty, his Heirs and Successors, all treasons and traitorous conspiracies which may be formed against him or them ; and I do faithfully promise to maintain, support and defend, to the utmost of my power, the succession of the Crown, which succession by an Act, intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this Realm ; and I do further declare, that it is not an article of my Faith, and that I do renounce, reject and abjure the opinion, that Princes excommunicated or deprived by the Pope, or any other authority of the See of Rome, may be deposed or murdered by their subjects or by any person whatsoever ; and I do declare, that I do not believe that the Pope of Rome or any other Foreign Prince, Prelate, Person, State, or Potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this Realm. I do swear, that I will defend to the utmost of my power, the settlement of property within this Realm as established by the Laws ; and I do hereby disclaim, disavow and solemnly abjure any intention to subvert the present Church Establishment as settled by Law within this Realm ; and I do solemnly swear, that I never will exercise any privilege to which I am or may become entitled to disturb or weaken the Protestant Religion or Protestant Government in the United Kingdom ; and I do solemnly, in the presence of God, profess, testify and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation or mental reservation whatsoever. So help me God.

Oath.

III. And be it further enacted, That wherever in the oath hereby appointed and set forth, the name of His present Majesty is expressed or referred to, the name of the Sovereign of this Kingdom for the time being, by virtue of the Act for the further limitation of the Crown and better securing the rights and liberties of the subject, shall be substituted from time to time, with proper words of reference thereto.

The name of the Sovereign to be used in the oath.

IV. Provided always, And be it further enacted, That no Peer professing the Roman Catholic Religion, and no person professing the Roman Catholic Religion, who shall be returned a Member of the House of Commons after the commencement of this Act, shall be capable of sitting or voting in either House of Parliament respectively, unless he shall first take and subscribe the oath hereinbefore appointed and set forth, before the same persons, at the same times and places and in the same manner, as the oaths and the declaration now required by Law are respectively directed to be taken, made, and subscribed ; and that any such person professing the Roman Catholic Religion, who shall sit or vote in either House of Parliament without having first taken and subscribed, in the manner aforesaid, the oath in this Act appointed and set forth, shall be subject to the same penalties, forfeitures and disabilities, and the offence of so sitting or voting shall be followed and attended by and with the same consequences as are by Law enacted and provided in the case of persons sitting or voting in either House of Parliament respectively, without the taking, making, and subscribing the oaths and the declaration now required by Law.

No Roman Catholic capable of sitting or voting until he has taken the oath.

V. And be it further enacted, That it shall be lawful for persons professing the Roman Catholic Religion to vote at elections of Members to serve in Parliament for England and for Ireland, and also to vote at the elections of Representative Peers of Scotland and of Ireland, and to be elected such Representative Peers, being in all other respects duly qualified, upon taking and subscribing the oath hereinbefore appointed and set forth, instead of the oaths of allegiance, supremacy and abjuration, and instead of the declaration now by law required, and instead also of such other oath or oaths as are now by law required to be taken by any of His Majesty's subjects professing the Roman Catholic Religion, and upon taking also such other oath or oaths as may now be lawfully tendered to any person offering to vote at such elections.

Roman Catholics may vote, and be elected, taking the oath.

VI. And be it further enacted, That the oath hereinbefore appointed and set forth shall be administered to

CAP. XXXIV.

An Act, to regulate the law with regard to the Course of proceeding on indictments and informations, in the Supreme Court, in certain cases.

Passed 8th March, 1830.

Judge of the Supreme Court may issue warrant for person

I. BE it enacted by the President, Council and Assembly, That whenever any person shall be charged with any offence for which he or she may be prosecuted by indictment or information in His Majesty's Supreme Court, not being Treason

Oath shall be administered in the same manner as former oaths.

His Majesty's subjects professing the Roman Catholic Religion, for the purpose of enabling them to vote in any of the cases aforesaid, in the same manner, at the same time, and by the same officers or other persons as the oaths for which it is hereby substituted are or may be now by Law administered; and that in all cases in which a certificate of the taking, making or subscribing of any of the oaths or of the declaration now required by Law is directed to be given, a like certificate of the taking or subscribing of the oath hereby appointed and set forth shall be given by the same officer or other person, and in the same manner as the certificate now required by Law is directed to be given, and shall be of the like force and effect.

Persons administering oaths at elections.

VII. And be it further enacted, That in all cases where the persons now authorized by Law to administer the oaths of allegiance, supremacy and abjuration to persons voting at elections, are themselves required to take an oath previous to their administering such oaths, they shall, in addition to the oath now by them taken, take an oath for the duly administering the oath hereby appointed and set forth, and for the duly granting certificates of the same.

So much of Acts as require the formula in 8 & 9 W. 3. C. 3, to be tendered repealed.

VIII. "And whereas in an Act of the Parliament of Scotland made in the eighth and ninth Session of the first Parliament of King William the Third, intituled "An Act for the preventing the growth of Popery," a certain declaration or formula is therein contained, which it is expedient should no longer be required to be taken and subscribed;" Be it therefore enacted, That such parts of any Acts as authorise the said declaration or formula to be tendered or require the same to be taken, sworn and subscribed, shall be and the same are hereby repealed, except as to such offices, places and rights as are hereinafter excepted; and that from and after the commencement of this Act it shall be lawful for persons professing the Roman Catholic Religion to elect and be elected Members to serve in Parliament for Scotland, and to be enrolled as freeholders in any shire or Stewartry of Scotland, and to be chosen Commissioners or delegates for choosing Burgesses to serve in Parliament for any districts or Burghs in Scotland, being in all other respects duly qualified, such persons always taking and subscribing the oath hereinbefore appointed and set forth, instead of the oaths of allegiance and abjuration as now required by Law, at such time as the said last mentioned oaths, or either of them, are now required by Law to be taken.

Roman Catholics may elect and be elected members for Scotland.

No Roman Catholic Priest to sit in the House of Commons.

IX. And be it further enacted, That no person in holy orders in the Church of Rome shall be capable of being elected to serve in Parliament as a Member of the House of Commons; and if any such person shall be elected to serve in Parliament as aforesaid, such election shall be void; and if any person, being elected to serve in Parliament as a Member of the House of Commons shall, after his election, take or receive holy orders in the Church of Rome, the seat of such Person shall immediately become void; and if any such person shall, in any of the cases aforesaid, presume to sit or vote as a Member of the House of Commons, he shall be subject to the same penalties, forfeitures and disabilities as are enacted by an Act passed in the forty first year of the reign of King George the Third, intituled "An Act to remove doubts respecting the eligibility of persons in holy orders to sit in the House of Commons," and proof of the celebration of any religious service by such person according to the rites of the Church of Rome, shall be deemed and taken to be prima facie evidence of the fact of such person being in holy orders, within the intent and meaning of this Act.

Roman Catholics may hold Civil and Military Offices with certain exceptions.

X. And be it enacted, That it shall be lawful for any of His Majesty's subjects professing the Roman Catholic Religion to hold, exercise and enjoy all civil and military offices and places of trust or profit under His Majesty, his Heirs or Successors, and to exercise any other franchise or civil right, except as hereinafter excepted, upon taking and subscribing, at the times and in the manner hereinafter mentioned, the oath hereinbefore appointed and set forth, instead of the oaths of allegiance, supremacy and abjuration, and instead of such other oath or oaths as are or may be now by Law required to be taken for the purpose aforesaid by any of His Majesty's subjects professing the Roman Catholic Religion.

Not to exempt Roman Catholics from taking any other oaths.

XI. Provided always, and be it enacted, that nothing herein contained shall be construed to exempt any person professing the Roman Catholic Religion from the necessity of taking any oath or oaths, or making any declaration not hereinbefore mentioned, which are or may be by law required to be taken or subscribed by any person on his admission into any such office or place of trust or profit as aforesaid.

Offices withheld from Roman Catholics.

XII. Provided also and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable any person or persons professing the Roman Catholic Religion to hold or exercise the office of Guardians and Justices of the United Kingdom, or of Regent of the United Kingdom, under whatever name, style or title such office may be constituted, nor to enable any person, otherwise than as he is now by law enabled, to hold or enjoy the office of Lord High Chancellor, Lord Keeper or Lord Commissioner of the Great Seal of Great Britain or Ireland, or the office of Lord Lieutenant, or Lord Deputy, or other Chief Governor or Governors of Ireland, or His Majesty's High Commissioner to the General Assembly of the Church of Scotland.

Nothing herein to repeal 7 G. 3, C. 72.

XIII. Provided also and be it further enacted, That nothing herein contained shall be construed to affect or alter any of the provisions of an Act passed in the seventh year of his Majesty's reign, intituled "An Act to consolidate and amend the Laws which regulate the levy and application of Church rates and Parish cesses, and the election of Church Wardens, and the maintenance of Parish Clerks in Ireland."

Treason or Felony, and the same shall be made appear to any Judge of the same Court, by affidavit, or by certificate of an indictment or information being filed against such person in the said Court, for such offence, it shall and may be lawful for such Judge, to issue his warrant under his hand and seal, and thereby to cause such person to be apprehended, and brought before him, or some other Judge of the same Court, or before some one of His Majesty's Justices of the Peace, in order

prosecuted for any offence, not being treason or felony.

XIV. And be it enacted, That it shall be lawful for any of His Majesty's subjects professing the Roman Catholic Religion to be a member of any lay body corporate, and to hold any civil office or place of trust or profit therein, and to do any corporate act, or vote in any corporate election or other proceeding, upon taking and subscribing the oaths hereby appointed and set forth, instead of the oath of allegiance, supremacy and abjuration, and upon taking also such other oath or oaths as may now by law be required to be taken by any persons becoming members of such lay body corporate, or being admitted to hold any office or place of trust or profit within the same.

Roman Catholics may be members of lay corporations.

XV. Provided nevertheless and be it further enacted, That nothing herein contained shall extend to authorize or empower any of His Majesty's subjects professing the Roman Catholic Religion and being a member of any lay Body corporate, to give any vote at, or in any manner to join in the election, presentation or appointment of any person to any Ecclesiastical Benefice whatsoever, or any office or place belonging to or connected with the United Church of England and Ireland, or the Church of Scotland, being in the gift, patronage or disposal of such lay corporate body.

Such members of corporations not to vote in Ecclesiastical appointments.

XVI. Provided also and be it enacted, That nothing in this Act contained shall be construed to enable any persons, otherwise than as they are now by law enabled, to hold, enjoy or exercise any office, place or dignity of, in or belonging to the United Church of England and Ireland, or the Church of Scotland, or any place or office whatever of, in or belonging to any of the Ecclesiastical Courts of Judicature of England and Ireland respectively, or any Court of Appeal from, or Review of the sentences of such Courts, or of, in or belonging to the Commissary Court of Edinburgh, or of, in or belonging to any Cathedral or Collegiate or Ecclesiastical Establishment or Foundation, or any office or place whatever of, in or belonging to any of the Universities of this Realm, or any office or place whatever, and by whatever name the same may be called, of, in or belonging to any of the Colleges or Halls of the said Universities, or the Colleges of Eton, Westminster and Winchester, or any College or School within this Realm, or to repeal, abrogate or in any manner to interfere with any local statute, ordinance or rule, which is or shall be established by competent authority within any University, College, Hall or School, by which Roman Catholics shall be prevented from being admitted thereto, or from residing or taking degrees therein: Provided also, that nothing herein contained shall extend or be construed to extend to enable any person otherwise than as he is now by law enabled, to exercise any right of presentation to any Ecclesiastical Benefice whatsoever, or to repeal, vary or alter in any manner the laws now in force in respect to the right of presentation to any Ecclesiastical Benefice.

Not to extend to Offices, &c. in the established Church or Ecclesiastical Courts, Universities, Colleges or Schools;

nor to presentations to benefices.

XVII. Provided always and be it enacted, That where any right of presentation to any Ecclesiastical Benefice shall belong to any office in the gift or appointment of His Majesty, His Heirs or Successors, and such office shall be held by a person professing the Roman Catholic Religion, the right of presentation shall devolve upon and be exercised by the Archbishop of Canterbury for the time being.

Proviso for presentation to benefices.

XVIII. And be it enacted, That it shall not be lawful for any person professing the Roman Catholic Religion, directly or indirectly, to advise His Majesty, his Heirs or Successors, or any person or persons holding or exercising the office of Guardians of the United Kingdom, or Regent of the United Kingdom, under whatever name, style or title such office may be constituted, or the Lord Lieutenant or Lord Deputy, or other Chief Governor or Governors of Ireland, touching or concerning the appointment to or disposal of any office or preferment in the United Church of England and Ireland, or in the Church of Scotland; and if any such person shall offend in the premises, he shall, being thereof convicted by due course of law, be deemed guilty of a high misdemeanor, and disabled for ever from holding any office civil or military, under the Crown.

No Roman Catholic to advise the Crown in the appointment to Offices in the established Church.

XIX. And be it enacted, That every person professing the Roman Catholic Religion, who shall after the commencement of this Act be placed, elected or chosen in or to the office of Mayor, Provost, Alderman, Recorder, Bailiff, Town Clerk, Magistrate, Councillor or Common Councilman, or in or to any office of magistracy or place of trust or employment, relating to the Government of any City, Corporation, Borough, Burgh, or District within the United Kingdom of Great Britain and Ireland, shall, within one calendar month next before or upon his admission into any of the same respectively, take and subscribe the oath herein before appointed and set forth, in the presence of such person or persons respectively as by the charters or usages of the said respective Cities, Corporations, Burghs, Boroughs or Districts, ought to administer the oath for due execution of the said offices or places respectively; and in default of such, in the presence of two Justices of the Peace, Councillors or Magistrates of the said Cities, Corporations, Burghs, Boroughs or Districts, if such there be; or otherwise, in the presence of two Justices of the Peace of the respective Counties, Ridings, Divisions or Franchises wherein the said Cities, Corporations, Burghs, Boroughs or Districts are; which said oath shall either be entered in a book, roll; or other record to be kept for that purpose, or shall be filed amongst the records of the City, Corporation, Burgh, Borough or District.

Time and manner of taking oaths for corporate offices.

XX. And be it enacted, That every person professing the Roman Catholic Religion, who shall after the commencement of this Act be appointed to any office or place of trust or profit under His Majesty, his Heirs or Successors, shall within three calendar months next before such appointment, or otherwise shall, before he presumes to exercise or enjoy or in any manner to act in such office or place, take and subscribe the oath herein before appointed and set forth, either in His Majesty's High Court of Chancery, or in any of His Majesty's Courts of King's Bench, Common Pleas or Exchequer, at Westminster or Dublin; or before any Judge of As-

Time and manner of taking oaths for other offices.

in order to his being bound over to appear in Court and answer the same.

Commitment in default of bail.

order to his or her being bound to the King's Majesty, with two sufficient sureties, in such sum as in the said warrant shall be expressed, with condition to appear in the said Court, at the time mentioned in such warrant, and to answer to all and singular indictments or informations for any such offence; and in case any such person shall neglect or refuse to become bound as aforesaid, it shall be lawful for such Judge or Justice respectively, to commit such person to the common

Penalty on acting in offices without taking the oath.

Oaths by Military and Naval officers.

No other Oaths necessary to be taken by Roman Catholics.

Titles to Sees, &c. not to be assumed by Roman Catholics.

Officers not to attend with insignia of office at any place of worship other than established Church.

Penalty on Ecclesiastics officiating except in their usual places.

Not to repeal Statute 5 G. 4. C. 25.

size, or in any court of General or Quarter Sessions of the Peace in Great Britain or Ireland, for the County or place where the person so taking and subscribing the oath shall reside; or in any of His Majesty's Courts of Session, Justiciary, Exchequer or Jury Court, or in any Sheriff or Stewart Court, or in any Burgh Court, or before the Magistrates and Councillors of any Royal Burgh in Scotland between the hours of nine in the morning and four in the afternoon; and the proper officer of the Court in which such oath shall be so taken and subscribed shall cause the same to be preserved amongst the records of the Court; and such officer shall make sign and deliver a certificate of such oath having been duly taken and subscribed, as often as the same shall be demanded of him, upon payment of two shillings and sixpence for the same; and such certificate shall be sufficient evidence of the person therein named having duly taken and subscribed such oath.

XXI. And be it enacted, That if any person professing the Roman Catholic Religion shall enter upon the exercise or enjoyment of any office or place of trust or profit under His Majesty, or of any other office or franchise, not having in the manner and at the times aforesaid taken and subscribed the oath herein before appointed and set forth, then and in every such case such person shall forfeit to His Majesty the sum of two hundred pounds; and the appointment of such person to the office, place or franchise so by him held, shall become altogether void, and the office, place or franchise shall be deemed and taken to be vacant to all intents and purposes whatsoever.

XXII. Provided always, That for and notwithstanding any thing in this Act contained, the oath herein before appointed and set forth shall be taken by the officers in His Majesty's land and sea service, professing the Roman Catholic Religion, at the same times and in the same manner as the oaths and declarations now required by law are directed to be taken, and not otherwise.

XXIII. And be it further enacted, That from and after the passing of this Act no oath or oaths shall be tendered to or required to be taken by His Majesty's subjects professing the Roman Catholic Religion, for enabling them to hold or enjoy any real or personal property, other than such as may by law be tendered to and required to be taken by His Majesty's other subjects; and that the oath herein appointed and set forth, being taken and subscribed in any of the Courts, or before any of the persons above mentioned, shall be of the same force and effect, to all intents and purposes as, and shall stand in the place of all oaths and declarations required or prescribed by any law now in force for the relief of His Majesty's Roman Catholic subjects from any disabilities, incapacities or penalties; and the proper officers of any of the Courts above mentioned, in which any person professing the Roman Catholic Religion shall demand to take and subscribe the oath herein appointed and set forth, is hereby authorized and required to administer the said oath to such person, and such officer shall make sign and deliver a certificate of such oath having been duly taken and subscribed, as often as the same shall be demanded of him, upon payment of one shilling; and such certificate shall be sufficient evidence of the person therein named having duly taken and subscribed such oath.

XXIV. "And whereas the Protestant Episcopal Church of England and Ireland, and the doctrine, discipline and government thereof, and likewise the Protestant Presbyterian Church of Scotland, and the doctrine, discipline and government thereof, are by the respective Acts of Union of England and Scotland, and of Great Britain and Ireland, established permanently and inviolably: And whereas the right and title of Archbishops to their respective Provinces, of Bishops to their Sees, and of Deans to their Deaneries, as well in England as in Ireland, have been settled and established by law;" Be it therefore enacted, That if any person, after the commencement of this Act, other than the person thereunto authorized by law, shall assume or use the name, style or title of Archbishop of any Province, Bishop of any Bishoprick, or Dean of any Deanery, in England or Ireland, he shall for every such offence forfeit and pay the sum of one hundred pounds.

XXV. And be it further enacted, That if any person holding any Judicial or civil Office, or any Mayor, Provost, Jurat, Bailiff, or other Corporate Officer, shall, after the commencement of this Act, resort or be present at any place or public meeting for religious worship in England or in Ireland, other than that of the United Church of England and Ireland, or in Scotland, other than that of the Church of Scotland, as by law established, in the Robe, Gown, or other peculiar Habit of his office, or attend with the ensign or insignia, or any part thereof, of or belonging to such his office, such person shall, being thereof convicted by due course of law, forfeit such office, and pay for every such offence the sum of one hundred pounds.

XXVI. And be it further enacted, That if any Roman Catholic Ecclesiastic or any member of any of the orders, communities or societies herein after mentioned, shall after the commencement of this Act, exercise any of the rites or ceremonies of the Roman Catholic Religion, or wear the habits of his order, save within the usual places of worship of the Roman Catholic Religion, or in private houses, such Ecclesiastic or other person shall, being thereof convicted by due course of law, forfeit for every such offence the sum of fifty pounds.

XXVII. Provided always and be it enacted, That nothing in this Act contained shall in any manner repeal, alter or affect any provision of an Act made in the fifth year of His present Majesty's reign, intituled "An Act to repeal so much of an Act passed in the ninth year of the reign of King William the Third, as relates to burials in suppressed Monasteries, Abbeys or Convents in Ireland, and to make further provision with respect to the burial in Ireland of persons dissenting from the established Church."

XXVIII. "And whereas Jesuits and members of other religious orders, communities or societies of the Church of Rome, bound by monastic or religious vows, are resident within the United Kingdom; and it is expedient to

mon gaol of the County, City or Place, where the offence shall have been committed, or where he or she shall have been apprehended, there to remain until he or she shall become bound as aforesaid, or shall be discharged by order of the said Court, in term time, or of one of the Judges of the said Court in vacation; and the recognizance to be thereupon taken, shall be returned and filed in the said Court, and shall continue in force until such persons shall have been acquitted

Recognizance
in force until ac-
quittal or judg-

“make provision for the gradual suppression and final prohibition of the same therein;” Be it therefore enacted, That every Jesuit, and every member of any other religious order, community or society of the Church of Rome, bound by monastic or religious vows, who at the time of the commencement of this Act shall be within the United Kingdom, shall within six calendar months after the commencement of this Act, deliver to the Clerk of Peace of the County or place where such person shall reside, or to his Deputy, a notice or statement, in the form and containing the particulars required to be set forth in the Schedule to this Act annexed; which notice or statement such Clerk of the Peace or his Deputy, shall preserve and register amongst the records of such County or place without any fee, and shall forthwith transmit a copy of such notice or statement to the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of Ireland, if such person shall reside in Ireland, or if in Great Britain, to one of His Majesty's Principal Secretaries of State; and in case any person shall offend in the premises, he shall forfeit and pay to His Majesty, for every calendar month during which he shall remain in the United Kingdom without having delivered such notice or statement as is herein before required, the sum of fifty pounds.

Suppression of
Jesuits and
other religious
orders of the
Church of
Rome.

XXIX. And be it further enacted, that if any Jesuit or member of any such religious order, community or society as aforesaid, shall, after the commencement of this Act, come into this Realm, he shall be deemed and taken to be guilty of a misdemeanor, and being therefore lawfully convicted, shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life.

Jesuits, &c. com-
ing into the
Realm to be
banished.

XXX. Provided always and be it further enacted, That in case any natural born subject of this Realm, being at the time of the commencement of this Act, a Jesuit or other member of any such religious order, community, or society as aforesaid, shall, at the time of the commencement of this Act, be out of the Realm, it shall be lawful for such person to return or to come into this Realm; and upon such his return or coming into the Realm he is hereby required, within the space of six calendar months after his first returning or coming into the United Kingdom, to deliver such notice or statement to the Clerk of the Peace of the County or place where he shall reside, or his Deputy, for the purpose of being so registered and transmitted, as herein before directed; and in case any such person shall neglect or refuse so to do, he shall for such offence forfeit and pay to His Majesty, for every calendar month during which he shall remain in the United Kingdom without having delivered such notice or statement, the sum of fifty pounds.

Natural born
subjects being
Jesuits may re-
turn into the
Kingdom and
be registered.

XXXI. Provided also and be it further enacted, That notwithstanding any thing herein before contained, it shall be lawful for any one of His Majesty's Principal Secretaries of State, being a Protestant, by a licence in writing, signed by him, to grant permission to any Jesuit or member of any such religious order, community or society as aforesaid to come into the United Kingdom, and to remain therein for such period as the said secretary of State shall think proper, not exceeding in any case the space of six calendar months; and it shall also be lawful for any of His Majesty's Principal Secretaries of State to revoke any licence so granted before the expiration of the time mentioned therein, if he shall so think fit; and if any such person to whom such licence shall have been granted shall not depart from the United Kingdom within twenty days after the expiration of the time mentioned in such licence, or if such licence shall have been revoked, then within twenty days after notice of such revocation shall have been given to him, every person so offending shall be deemed guilty of a misdemeanor, and being thereof lawfully convicted shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life.

The principal
Secretaries of
State may grant
licences to
Jesuits, &c. to
come into the
Kingdom, and
may revoke the
same.

XXXII. And be it further enacted, That there shall annually be laid before both Houses of Parliament an account of all such licences as shall have been granted for the purpose herein before mentioned within the twelve months then next preceding.

Accounts of
licences to Par-
liament.

XXXIII. And be it further enacted, That in case any Jesuit or member of any such religious order, community or society as aforesaid, shall, after the commencement of this Act, within any part of the United Kingdom, admit any person to become a regular Ecclesiastic, or brother or member of any such religious order, community or society, or be aiding or consenting thereunto, or shall administer or cause to be administered, or be aiding or assisting in the administering or taking any oath, vow or engagement purporting or intending to bind the person taking the same to the rules, ordinances or ceremonies of such religious order, community or society, every person offending in the premises in England or Ireland shall be deemed guilty of a misdemeanor, and in Scotland shall be punished by fine and imprisonment.

Admitting per-
sons as members
of such religious
orders deemed a
misdemeanor.

XXXIV. And be it further enacted, That in case any person shall, after the commencement of this Act, within any part of this United Kingdom, be admitted or become a Jesuit, or brother or member of any other such religious order, community or society as aforesaid, such person shall be deemed and taken to be guilty of a misdemeanor, and being thereof lawfully convicted shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life.

Any person so
admitted a
member of a
religious order
to be banished.

XXXV. And be it further enacted, That in case any person sentenced and ordered to be banished under the provisions of this Act, shall not depart from the United Kingdom within thirty days after the pronouncing of such sentence and order, it shall be lawful for His Majesty to cause such person to be conveyed to such place out of the United Kingdom as His Majesty, by the advice of his Privy Council, shall direct.

The party of-
fending may be
banished by His
Majesty.

XXXVI. And be it further enacted, That if any offender who shall be so sentenced and ordered to be banished in manner aforesaid, shall, after the end of three calendar months from the time such sentence and order hath been pronounced, be at large within any part of the United Kingdom, without some lawful cause, every such

If at large may
be transported
for life.

ment, unless discharged by Court.
Limitation.

quitted of such offence, or in case of conviction, shall have received judgment for the same, unless sooner ordered by the said Court to be discharged.

II. And be it further enacted, That this Act shall continue and be in force for the term of five years.

[Continued until 1st April, 1845, by 5 W. 4 C. 27.]

CAP. XXXV.

9 & 10 G. 4, C. 21.

An Act in addition to and explanatory of "An Act to amend the Statute Law relative to offences against the person, and to provide for the more effectual punishment of such offences."

Passed 8th March, 1830.

Preamble.

66 **W**HEREAS in and by an Act made and passed in the Ninth and Tenth "years of the reign of his present Majesty, intituled "An Act to amend the Statute Law relative to offences against the person, and to provide "for the more effectual punishment of such offences," the benefit of Clergy "is not taken away by express words for the crimes there made capital; and "whereas, doubts are entertained whether persons convicted of the said crimes "would not for the first offence be entitled to the benefit of Clergy; for remedy "whereof,"

o The benefit of Clergy taken away in offences made capital by 9 & 10 G. 4, C. 21.

Be it therefore enacted by the President, Council and Assembly, That in all cases where any crime or offence is made capital by the provisions of the before recited Act, and it is enacted that every person convicted of the same "shall suffer death as a felon," that then and in all such cases every such person so convicted shall suffer death as a felon without the benefit of Clergy, and the benefit thereof shall be abolished.

offender being so at large as aforesaid, on being thereof lawfully convicted, shall be transported to such place as shall be appointed by His Majesty, for the term of his natural life.

Not to extend to female societies.

XXXVII. Provided always and be it enacted, That nothing herein contained shall extend or be construed to extend in any manner to affect any religious order, community or establishment consisting of females bound by religious or monastic vows.

Penalties how to be recovered.

XXXVIII. And be it further enacted, That all penalties imposed by this Act shall and may be recovered as a debt due to His Majesty, by information to be filed in the name of His Majesty's Attorney General for England or for Ireland, as the case may be, in the Courts of Exchequer in England or Ireland respectively, or in the name of His Majesty's Advocate General in the Court of Exchequer in Scotland.

May be altered this Session.

XXXIX. And be it further enacted, That this Act, or any part thereof, may be repealed, altered or varied at any time within this present Session of Parliament.

Commencement of Act.

XL. And be it further enacted, That this Act shall commence and take effect at the expiration of ten days from and after the passing thereof.

SCHEDULE to which this refers.

Date of the registry.	Name of the party.	Age.	Place of Birth.	Name of the order, community or society, whereof he is a Member.	Name & usual residence of the next immediate superior of the order, community or society.	Usual place of residence of the party.

o See 1 W. 14, C. 4, S. 25 and 26, as to benefit of Clergy.

CAP. XXXVI.

An Act in addition to and in amendment of an Act, intituled “An Act relating to the punishment of persons convicted of Felony, within the benefit of Clergy.

Passed 8th March, 1830.

[*Repealed by 1 W. 4, C. 14, S. 2.*]

CAP. XXXVII.

An Act to appropriate a part of the public Revenue to the payment of the ordinary services of the Province.

Passed 8th March, 1830.

[*Expired.*]

CAP. XXXVIII.

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

Passed 8th March, 1830.

[*Expired.*]

CAP. XXXIX.

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

Passed 8th March, 1830.

[*Expired.*]

**Anno Regni, GEORGII IV. Britanniarum Regis,
Undecimo.**

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the tenth day of March, in the year of our Lord one thousand eight hundred and thirty, in the Eleventh Year of the Reign of our Sovereign Lord George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c. &c. being the Fourth Session of the Ninth General Assembly, convened in the said Province.

An Act for raising a Revenue in the Province.

Passed 13th March, 1830.

[*Continued by 1 W. 4, C. 1, to 1st April, 1832, and then expired.*]

**Anno Regni, GULIELMI IV. Britanniarum Regis,
Primo.**

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the seventh day of February, in the year of our Lord one thousand eight hundred and thirty one, in the First Year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. ; being the First Session of the Tenth General Assembly, convened in the said Province.

CAP. I.

An Act to alter and amend the Act for raising a Revenue in the Province.

Passed 25th March, 1831.

[Expired.]

CAP. II.

An Act to regulate the cutting of Saw Logs on the river Magaguadavic and its Branches.

Passed 25th March, 1831.

[Expired.]

CAP. III.

An Act to continue an Act, 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."

Passed 25th March, 1831.

[Expired.]

CAP. IV.

An Act to continue the Acts to empower and authorize the Justices of the County of Westmorland, at their General Sessions of the Peace, to regulate the grazing and depasturing of the several marshes, low lands or meadows within the said County.

Passed 25th March, 1831.

[*Expired.*]

CAP. V.

An Act to make perpetual an Act, intituled “An Act to lay a tax on Dogs in certain parts of the Parishes of Fredericton and Saint Andrews.”

Passed 25th March, 1831.

9 G. 4, C. 23,
made perpetual.

BE it enacted by the President, Council and Assembly, That an Act made and passed in the ninth year of the reign of His late Majesty King George the Fourth, intituled “An Act to lay a tax on Dogs in certain parts of the Parishes of Fredericton and Saint Andrews,” be and the same is hereby made perpetual.

CAP. VI.

An Act to authorize the Justices of the Peace of the County of Gloucester to make rules and regulations respecting the taking of Fish in the different Harbours, Rivers and Creeks in the said County.

Passed 25th March, 1831.

[*Repealed by 3 W. 4, C. 27.*]

CAP. VII.

6 G. 4, c. 16. An Act to amend the Act to incorporate sundry persons by the name of the Saint John Marine Insurance Company.

Passed 25th March, 1831.

[*Obsolete. The Corporation having been dissolved under the provisions of this Act.*]

CAP. VIII.

An Act to amend an Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte, and to provide for the inspection of smoked Herrings in the said Parishes.

Passed 25th March, 1831.

Preamble.

“**W**HEREAS an Act made and passed in the eighth year of the reign of “His late Majesty, intituled “An Act to regulate the Herring Fishery “in

“ in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield and Saint George, in the County of Charlotte, and to provide for the inspection of smoked Herrings in the said Parishes,” has been found ineffectual for the purposes intended, so far as relates to Grand Manan ;”

I. [*Repealed by 4 W. 4, C. 16, which makes other regulations as to setting nets, &c. in lieu thereof.*]

II. And be it further enacted, That if any person or persons shall offend contrary to the provisions of this Act, he shall forfeit and pay five pounds, to be recovered on complaint made before any one of His Majesty's Justices of the Peace for the County of Charlotte, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods, rendering the overplus (if any) after deducting costs and charges to the offender ; the penalties to be paid and applied as is provided for in the first section of the herein before recited Act.

Penalty and mode of recovery.

Application.

III. And be it further enacted, That this Act shall continue and be in force as long as the herein before recited Act, to which this is an amendment.

Limitation.

[*Continued by 2 W. 4, C. 3, and 4 W. 4, C. 16, to 1st May, 1837.*]

CAP. IX.

An Act to repeal all the Acts in force relating to Trespasses, and to make more effectual provisions for the same.

Passed 25th March, 1831.

“ WHEREAS the Laws now in force relating to Trespasses have been found ineffectual ;”

I. Be it therefore enacted by the President, Council and Assembly, That an Act made and passed in the forty first year of the reign of King George the Third, intituled “ An Act to repeal all the Acts now in force relating to Trespasses, and for making new regulations to prevent the same,” likewise the twenty fifth, twenty sixth and twenty seventh sections of an Act made and passed in the fiftieth year of the reign of King George the Third, intituled “ An Act to regulate the proceedings in actions of Replevin, and to enable the sale of Goods distrained for rent, in case the rent be not paid in a reasonable time, and for the more effectual securing the payment of rents, and preventing fraud by tenants,” also an Act made and passed in the fifty fourth year of the reign of King George the Third, intituled “ An Act in amendment of an Act, intituled ‘ An Act to repeal all the Acts now in force relating to Trespasses, and for making new regulations to prevent the same,’ ” likewise an Act made and passed in the second year of the reign of His late Majesty King George the Fourth, intituled “ An Act to amend the Laws now in force relating to Trespasses, and to make further regulations to prevent the same,” and likewise an Act made and passed in the third year of the reign of His late Majesty King George the Fourth, intituled “ An Act further to amend the Laws now in force relating to Trespasses,” be and the same are hereby repealed.

41 G. 3, C. 3,

50 G. 3, C. 21,
S. 25, 26, 27,

54 G. 3, C. 8,

2 G. 4, C. 14,
and

3 G. 4, C. 18,
repealed.

II. And be it further enacted, That the fences dividing improved lands shall be erected, made and maintained at the joint and equal expense of the occupiers of the said lands lying on each side of such fence, or line whereon the fence is to be erected, on notice to the occupiers of the adjoining lands ; which fence shall be a good, strong and sufficient fence, and not less than four feet six inches high ; and

Division fences to be erected at the joint expense of occupiers, and to be four feet six inches high.

Disputes to be determined by Fence Viewers.

On neglect to erect the fence Fence Viewer may employ persons to do it.

Repairs to fences.

Fees for viewing, and by whom payable.

Penalty for neglect of duty.

Justice to make regulations for preventing trespasses,

and also respecting islands, &c.

Hog Reeves, &c. may impound cattle at large contrary to the regulations.

and in case any dispute shall arise between the occupiers of such lands on which the said fence should be erected, on the particular part or portion of the fence to be erected by them, it shall and may be lawful to apply to the nearest fence viewer, who is hereby empowered (notice being given to the parties to attend) to view such place where the same is proposed to be erected, and to determine the part or portion that it may be equitable each of the occupiers of such improved lands should erect; and if either of the parties after six days notice of the determination of the said fence viewer, shall not make and erect his portion of the said fence in the manner herein before directed, it shall and may be lawful for the fence viewer to employ any person to make such fence, who shall be paid for his labour in making such fence at the rate of seven shillings and sixpence per day, besides the expense of procuring materials for the same; all which shall be recovered from the person refusing to erect his part of such fence, in the name of the person so employed by the fence viewer, with costs of suit, before any Court competent to try the same; and where fences are already made and wanting immediate repair, the said fence viewer shall, on application, forthwith summon the parties concerned, and view the same, and also direct such repairs to be immediately made; and in case of the refusal or neglect of the party complained of, it shall be lawful for the fence viewer to repair such fence or direct the person complaining to make such repair, the value thereof to be ascertained at the rate above mentioned, and recovered in the manner before directed from the person refusing or neglecting to repair such fence; Provided always, that no fence viewer should be allowed more than seven shillings and sixpence per day for fence viewing, to be paid by, and in case of refusal to be recovered from, the party who shall have neglected to keep his fence in repair, or who shall neglect or refuse, when so ordered by the fence viewer, to repair the same; and if any fence viewer shall, when notified, neglect his duty, he shall for every such offence forfeit the sum of two pounds, to be recovered with costs by the person injured, one half thereof to the complainant, and the other half to the overseers of the poor of the Parish where the offence is committed, towards the support of the poor of the said Parish.

III. And be it further enacted, That the Justices in their General Sessions of the Peace shall be and they are hereby empowered to make such other regulations for preventing trespasses by horses, swine, sheep, goats and neat cattle as shall be most expedient and agreeable to the nature and circumstances of the several Counties, Towns and Parishes; and the said Justices are further empowered to make such regulation relating to the islands, low lands and meadows in their respective Counties as they may think necessary, and to determine and order what waters and water fences shall be necessary and sufficient for the protection of the same; and if any horses, swine, sheep, goats or neat cattle shall be found going at large contrary to such rules and regulations so to be made by the Justices in their General Sessions, it shall and may be lawful for the hog reeve or other Parish officer to be by them named and appointed for that purpose, to take up and impound in the Parish pound any horses, swine, sheep, goats and neat cattle found going at large contrary to any regulations so to be made, and shall and may receive a sum, to be specified in such regulations, not exceeding five shillings for each and every beast so taken up and impounded, to be paid together with the charges of the pound keeper by the owner or owners of such beast before the same shall be delivered from the pound. IV.

^a See Chap. 22, as to trespasses by horses and swine in Fredericton and Saint Andrews, and 3 W. 4, C. 32, as to swine and other animals in Saint John. See also 6 W. 4, C. 29, in amendment of this Act, authorizing the imposition of fines for breaches of regulations, and requiring advertisement of impounded beasts.

IV. Provided always and be it further enacted, That the owner or occupier of any wood, barren or burned land, and not under any improvement, but adjoining to improved or cultivated lands, shall not be obliged to erect or make or maintain any part of the fence dividing such wood, barren, burned or unimproved land from lands so improved or cultivated; any law, usage or customs to the contrary notwithstanding.

Occupier of unimproved land not bound to fence.

V. And be it further enacted, That it shall and may be lawful for the Justices of the Peace, in their General Sessions, to divide each Town or Parish into as many districts as shall be thought necessary, and that a sufficient pound shall be built in each district; and in case the Inhabitants of such districts shall not build the pound by subscription or otherwise, the Justices may authorize an assessment upon the Inhabitants of such district for the building of a pound, to be assessed and collected as other Town or Parish Charges are.

Parishes to be divided into districts, and each district to have a pound.

VI. And be it further enacted, That when any horses, sheep, swine, goats or neat cattle shall break into any field or enclosure under lawful fence, or into any of the islands, low lands, or meadows in the respective Counties, contrary to any regulations made or to be made under and by virtue of the third section of this Act, or shall be found trespassing therein, the owner or owners of any such beast so trespassing, shall forfeit and pay to the use of the poor of the Town or Parish wherein the lands lie a fine of five shillings per head for horses, neat cattle, swine or goats, and a fine of one shilling for each sheep so breaking or found trespassing as aforesaid, to be recovered with costs of prosecution before any one of His Majesty's Justices of the Peace, and shall also pay to the party injured the amount of any damages sustained by such trespasses, to be ascertained by three credible freeholders where such lands lie, being sworn before any Justice of the Peace truly and impartially to value the same; and the party injured may impound each and every such beast so trespassing, and the pound keeper shall cause the same to be advertised in three of the most public places of the neighbourhood of the pound; and if the owner or owners thereof shall neglect to pay such fine, costs and damages, and also to the pound keeper two shillings per day for each head of horses or neat cattle, and sixpence per day for each sheep, swine or goat, with charges for advertising the same, within fourteen days after the same shall be impounded, such beast or beasts shall be publicly sold or so many of them as may be necessary to defray the said fine, costs, damages and charges, and the overplus, (if any) shall be paid to the owner or owners thereof; and if the owner or owners do not appear within fourteen days to demand the same, then to be paid to the overseers of the poor for the use of the poor of such Town or Parish.

The owner of cattle breaking into any field, or trespassing therein, to be fined, and to pay damages to the party injured, who may impound the cattle.

On neglect to pay the fines, &c. cattle to be sold.

Application of proceeds.

VII. And be it further enacted, That if any person or persons shall rescue any beast or beasts, so found trespassing as aforesaid, from any hog reeve or other person whatsoever driving or leading such beast or beasts as aforesaid to pound, each and every offender shall forfeit for such rescue the sum of five pounds over and above all damages that may be sustained by the trespass; which penalty may be recovered before any one of His Majesty's Justices of the Peace, on the oath of one credible witness, and levied by warrant of distress and sale of the offender's goods, and in case sufficient distress cannot be found whereon to levy the same, then such offender or offenders shall be committed to the common gaol or house of correction of the County, there to remain without bail or mainprise for a term not exceeding fifteen days; and if any person or persons shall make a breach in any pound, or if any pound keeper or any other person or persons shall unduly or by any indirect means deliver or set at large any beast so impounded, such pound keeper or other person or persons so offending and every of them, shall upon conviction

Penalty for rescuing cattle driving to pound.

Mode of recovering penalty.

Penalty for pound breach.

viction before any two Justices *Quorum unus*, forfeit for every such offence ten pounds, and in case sufficient distress cannot be found whereon to levy the same, such offender or offenders shall be committed to the common gaol or house of correction of the County, there to remain without bail or mainprize for a term not exceeding thirty days; and that the several penalties in this section mentioned shall upon recovery be paid and applied, one half to the person prosecuting and the other half to the use of the poor, after deducting the charges and expences of repairing such pound breach.

Application of penalties.

Fences four feet six inches high lawful.

When want of repair shall be no excuse for trespass.

VIII. And be it further enacted, That all good, strong and sufficient fences, four feet six inches in height, shall be deemed and adjudged lawful fences under this Act: Provided always, that nothing in this Act contained shall prevent the provisions of this law from taking effect in any case where it shall appear that the breach into any field has been made in a place where the offence is lawful; and provided also and be it further enacted, that in cases where it shall be made to appear that the trespass has been committed by breaking through that part of a division fence which the owner of the trespassing cattle or swine ought to keep in repair, the want of reparation or defect of such fence shall not be deemed, taken or considered to be any excuse for such trespass; any thing herein contained to the contrary notwithstanding.

Trespasses not exceeding £5 may be tried before a Justice of the Peace.

IX. " And whereas the expenses attending the process in suing out Replevin " in the Courts of Record in cases of trespasses by horses, neat cattle, sheep, goats " and swine, where the value of the damage does not exceed five pounds, should " be prevented; Be it further enacted, That in all cases where a trespass or supposed trespass shall have been committed by horses, neat cattle, sheep, goats or swine, and the value of the damage alleged to be suffered shall not exceed the sum of five pounds, the same shall be heard and tried by one Justice of the Peace in the same manner and agreeable to the provisions of an Act for the more speedy recovery of small debts.

Justice may grant a Replevin.

X. And be it further enacted, That in all such cases as aforesaid where it may become necessary, any Justice of the Peace in the County shall grant a Replevin in manner and form following, to wit:

Form of the Writ.

To either of the Constables of the Parish of . . .
 You are hereby commanded to replevy to A. B. his . . . , which C. D. unjustly, as is alleged, detains under pretence of having committed a trespass not exceeding five pounds; and also to summon the said C. D. to be and appear before me, on the . . . day of . . . , at . . . o'clock in the . . . noon, then and there to answer such things as shall be objected against him by the said A. B.

Witness my hand and seal, the . . . day of . . . , 183 . . .

. . . , J. Peace.

and on return thereof shall hear the merits of the case between the parties, and shall give judgment and grant execution as in other cases to the same amount, and shall receive no more nor greater fees than in such other cases as aforesaid.

Bond to prosecute the Replevin to be given.

XI. And be it further enacted, That every constable who may be required to serve such writ of Replevin, before proceeding to execute the same, shall take from the person to whom the said Replevin is granted a bond in a sum not exceeding five pounds with two sufficient sureties, to prosecute such Replevin with effect within seven days; and in case the said party should fail to prosecute the said Replevin within the time specified, the said constable is hereby authorized and required to assign the said bond to the defendant, who is hereby authorized and empowered to sue for and recover the same in his own name in any Court competent to try the same.

On failure to prosecute, bond to be assigned to the defendant.

XII.

XII. And be it further enacted, That the bond so described to be taken by the constable in the preceding section shall be in the form following, to wit:

We, A. B. of _____, C. D. of _____, and E. F. of _____, are jointly and severally bound to G. H. constable of the Parish _____, in the sum of _____, to be paid to the said constable, his executors, administrators or assigns. Form of bond.

Sealed with our seals, and dated this _____ day of _____ 183 _____.

The condition of the above obligation is such, that if the above bound A. B. shall appear before J. K. a Justice of the Peace for the County of _____, [or before the Clerk's Court in the City of Saint John, *as the case may be,*] on [here insert the time and place specified in the *Replevin,*] and do prosecute his suit with effect against L. M. for taking and unjustly detaining his goods, [here the same are to be enumerated,] and do make return, if a return shall be adjudged by the said Justice, [or in the Clerk's Court in the City of Saint John, *as the case may be,*] then the said bond to be void, otherwise to be in force and effect.

XIII. And be it further enacted, That the Clerk's Court in the City of Saint John shall have the like powers as are given in the two last preceding sections to a Justice of the Peace, and shall and may proceed in the like cases according to the form and course of proceeding in the said Clerk's Court. Clerk's Court in City of Saint John to have same power as Justices.

CAP. X.

An Act to continue an Act granting a bounty on the destruction of Bears in this Province.

Passed 25th March, 1831.

[*Expired.*]

CAP. XI.

An Act to incorporate the Minister and Elders of the Kirk of Scotland in the *b* Town of Newcastle, and for the purposes therein mentioned.

Passed 25th March, 1831.

66 **W**HEREAS sundry Inhabitants of the Town of Newcastle and its vicinity in the County of Northumberland, being of the Protestant profession of worship approved of by the General Assembly of the Church of Scotland, have by voluntary contributions erected a large and handsome building for a place of public worship, which it is intended shall be in connection with the said Church of Scotland: And whereas the title to the parcel of land on which the said Church has been erected, being part of the lot number two, and bounded as follows, that is to say: beginning at the north side of the highway running through Newcastle aforesaid, one rod distant from the western boundary of the County lot or grant number three, thence running twenty three rods and one half of a rod along the said western boundary of the said lot number three, one rod distant from the said boundary, thence at a right angle westerly nine rods, thence at a right angle southerly twenty six rods and one half of a rod or until it meets the said highway, thence along the said highway Preamble.

b See 2 W. 4, C. 18, providing for the incorporation of Churches in this Province, in connexion with the Church of Scotland.

“highway easterly until it meets the first mentioned boundary, containing in the whole one acre and one half of an acre, is now in sundry Inhabitants of the said Town of Newcastle and its vicinity in trust and for the use of the persons of the profession aforesaid: And whereas the said persons are desirous that the said title to the said parcel of land should be transferred to and vested in the Minister and Elders of the said Church; which said Minister and Elders have been duly appointed and chosen according to the usages of the said Church of Scotland, and the said Minister has been duly licensed to officiate in the said Church;”

The described land vested in the Minister and Elders.

Rights reserved.

Minister and Elders incorporated, may hold real estate to the amount of five hundred pounds per annum.

I. Be it therefore enacted by the President, Council and Assembly, That the Minister and Elders of the said Church, commonly called and known by the name of the Kirk of Scotland, shall be deemed and taken to be in all Courts of law and equity the proprietors of the said parcel of land instead of the said persons now having title thereto as aforesaid, and that the said title to the said parcel of land shall henceforward be transferred to and vested in the said Ministers and Elders, and their Successors forever, being so elected and appointed, and approved and licensed as aforesaid, to have, hold, use and enjoy the same for the use and intent aforesaid; saving nevertheless the right of His Majesty, His Heirs and Successors, and of all bodies politic and corporate, and of all other persons, to the said parcel of Land, except the said persons in whom the title is vested as aforesaid, for the use aforesaid.

II. And be it further enacted, That the said Minister and Elders shall be and they are hereby incorporated by the name of the Minister and Elders of the Kirk of Scotland, in the Town of Newcastle, and shall by that name have perpetual succession, and be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, and to receive, take and hold gifts and grants of land and real estate the annual income of which shall not exceed the sum of five hundred pounds, and also to accept of and receive donations for the endowment of the same.

CAP. XII.

c An Act to remove doubts respecting the competency of Citizens of the City of Saint John as witnesses in cases where the Corporation of that City is a party.

Passed 25th March, 1831.

Preamble.

“WHEREAS doubts have arisen as to the competency of Citizens of the City of Saint John, as witnesses in cases where the Corporation of that City is a party;”

Citizens to be competent Witnesses in cases where the corporation is a party.

Be it declared and enacted by the President, Council, and Assembly, That no person shall be deemed an incompetent witness in any case in which the Mayor, Aldermen and Commonalty of the City of Saint John may be a party or interested, by reason of such person being an Inhabitant, Freeholder or Freeman of the said City.

c See Charter of the City of Saint John, Appendix No. 2.

CAP. XIII.

An Act to revive an Act, intituled "An Act for regulating the Courts of Law established in the several Counties for the Trial of Causes to the value of forty shillings."

Passed 25th March, 1831.

[*Expired.*]

CAP. XIV.

An Act for improving the administration of Justice in Criminal Cases.

Passed 25th March, 1831.

“**W**HEREAS by two several Acts of the Parliament of the United Kingdom, one of which was passed in the seventh year of the reign of His late Majesty King George the Fourth, and is intituled “An Act for improving the administration of Criminal Justice in England,” and the other was passed in the seventh and eighth years of the same reign, and is intituled “An Act for repealing various Statutes in England relative to the benefit of Clergy, and to Larceny and other offences connected therewith, and to malicious injuries to property, and to remedies against the hundred,” various Statutes therein particularly specified, were repealed: And whereas divers of the said Statutes so repealed in England, have hitherto been considered in force and acted upon in this Province, and it is deemed expedient that the operation of the same should also cease in this Province, and that divers Acts of Assembly hereinafter specified should also be repealed, and provision be made by Act of Assembly for improving the administration of Criminal Justice, after the example of the Imperial Parliament in that respect;”

I. Be it therefore enacted by the President, Council and Assembly, That all and singular the Statutes or Acts of Parliament, or parts of Statutes or Acts of Parliament repealed in England by the said two several Acts of Parliament herein before recited, or such or so much of them as are or have been deemed to be in force in this Province, be and the same are hereby declared to be repealed and of no force or effect within the same, any law, usage or custom to the contrary notwithstanding; except nevertheless so far as any of the said Statutes may repeal the whole or any part of any other Statutes.

Preamble.

Acts of Parliament repealed in England by 7 G. 4, C. 64, d and 7 & 8 G. 4, C. 27, e repealed.

II.

d The Statutes repealed by this Act are as follows:—3 Ed. 1, C. 15; 7 H. 5, 9 H. 5, C. 1; 18 H. 6, C. 12; 23 H. 6, C. 9, (partially); 1 Ric. 3, C. 3; 3 H. 7, C. 3 (partially); 25 H. 8, C. 3; 32 H. 8, C. 3, (partially); 2 & 3 Ed. 6, C. 24; 5 & 6 Ed. 6, C. 10; 1 & 2 P. & M. C. 13; 2 & 3 P. & M. C. 10; 4 W. & M. C. 8; 10 & 11 W. 3, C. 23, (partially); 1 Ann. St. 2, C. 9, S. 1; 6 Ann. (vulgo 5 Ann.) C. 31, (partially); 6 G. 1, C. 23; 25 G. 2, C. 36, S. 11; 27 G. 2 C. 3, S. 3; 18 G. 3, C. 19, S. 7, 8; 43 G. 3, C. 59, S. 3; 43 G. 3, C. 173, S. 5; 56 G. 3, C. 73; 58 G. 3, C. 70, (partially); 59 G. 3, C. 27; 59 G. 3, C. 96; 1 G. 4, C. 102; 3 G. 4, C. 38 (partially); 3 G. 4, C. 126, S. 60. 6 G. 4, C. 56.

e The Statutes repealed by this Act are as follows:—9 H. 3, St. 2, C. 10; 3 Ed. 1, C. 2, 20; 13 Ed. 1, St. 1, C. 46, (partially); 13 Ed. 1, St. 2, (partially); 21 Ed. 1, St. 2; 1 Ed. 3, St. 1, C. 8; 25 Ed. 3, St. 6, (vulgo St. 3) C. 4, 5; 28 Ed. 3, C. 11; 34 Ed. 3, C. 22; 37 Ed. 3, C. 19; 8 H. 6, C. 12, S. 3; 33 H. 6, C. 1; 1 H. 7, C. 7; 4 H. 7, C. 13; 21 H. 8, C. 7; 21 H. 8, C. 11; 23 H. 8, C. 1; 23 H. 8, C. 11; 31 H. 8, C. 2; 33 H. 8, C. 1; 34 & 35 H. 8, C. 14; 35 H. 8, C. 17; 37 H. 8, C. 6; 37 H. 8, C. 8, S. 2; 1 Ed. 6, C. 12, S. 10, 14; 2 & 3 Ed. 6, C. 33; 5 & 6 Ed. 6, C. 9; 4 & 5 P. & M. C. 4, (partially); 5 Eliz. C. 10; 5 Eliz. C. 21; 8 Eliz. C. 4; 13 Eliz. C. 25, S. 3, 18, 19; 18 Eliz. C. 7, (partially); 27 Eliz. C. 13; 31 Eliz. C. 4; 31 Eliz. C. 12, S. 5; 39 Eliz. C. 15; 43 Eliz. C. 7; 43 Eliz. C. 13; 2 Jac. 1, C. 27, (partially.) [Recognized as existing in 2 G. 3, C. 29]; 3 Jac. 1, C. 13; 7 Jac. 1, C. 13. [The last two Acts are recognized as

Acts of Assem-
bly.

26 G. 3, C. 60,

26 G. 3, C. 61.

29 G. 3, C. 7.

42 G. 3, C. 4,

50 G. 3, C. 2,

56 G. 3, C. 5,

56 G. 3, C. 9,

10 & 11 G. 4,
C 32, and

10 & 11 G. 4,
C 36,
repealed.

f Felony not
bailable by a
Justice of the
Peace, unless
expressly made
so by Statute.

II. And be it enacted, That an Act of Assembly made and passed in the twenty-sixth year of the reign of King George the Third, intituled "An Act for the conviction and punishment of criminals who shall refuse to plead when arraigned, and for the trial of those who shall peremptorily challenge more than twenty," and an Act made and passed in the same year of the same reign, intituled "An Act for the trial and punishment of criminals who shall steal bills of exchange, bonds, warrants, bills or promissory notes," and an Act made and passed in the twenty-ninth year of the same reign, intituled "An Act relating to the punishment of persons convicted of felony within the benefit of Clergy," and an Act made and passed in the forty-second year of the same reign, intituled "An Act to render persons convicted of petty larceny competent witnesses," and an Act made and passed in the fiftieth year of the same reign, intituled "An Act for making further provisions to prevent the destroying and murdering of bastard children, and for the further prevention of the malicious using of means to procure the miscarriage of women," and an Act made and passed in the fifty-sixth year of the same reign, intituled "An Act to provide for the punishment of horse stealing," and an Act made and passed in the same year of the same reign, intituled "An Act to prevent the cutting or breaking down the bank of any river, sea bank or dike, and for the preservation of the same," and an Act made and passed in the tenth and eleventh years of the reign of His late Majesty King George the Fourth, intituled "An Act to repeal an Act to define and describe the crime of petty larceny, and to make provisions for the punishment of the same," and an Act made and passed in the same year of the same reign, intituled "An Act in addition to and in an amendment of an Act, intituled 'An Act relating to the punishment of persons convicted of felony within the benefit of Clergy,'" be and the same are hereby repealed; except so far as any of the said Acts may repeal the whole or any part of any other Acts.

III. And be it enacted, That where any person shall be taken on a charge of felony or suspicion of felony, before one or more Justice or Justices of the Peace, and the evidence shall be such as not to warrant a dismissal of the charge, such person shall be committed to prison by such Justice or Justices, except in cases where authority may be expressly given to such Justice or Justices to admit to bail, by any Act or Statute.

IV.

existing in 16 G. 3, C. 30.] 15 Car. 2, C. 2; 22 Car. 2, C. 5; 22 & 23 Car. 2, C. 7; 22 & 23 Car. 2, C. 11, S. 12; 22 & 23 Car. 2, C. 25, except S. 1 to 3; 9 W. & M. C. 9; 4 W. & M. C. 23, (partially); 4 W. & M. C. 24, S. 13; 10 W. 3, C. 12, (vulgo 10 & 11 W. 3, C. 23,) except S. 7, 8; 1 Ann. St. 2, C. 9, except S. 3; 6 Ann. C. 9, (vulgo 5 Ann. C. 6); 12 Ann. St. 1, C. 7; 13 Ann. C. 21, (vulgo 12 Ann. St. 2, C. 18.) S. 4, 5; 1 G. 1, St. 2, C. 5, S. 4, 6; 1 G. 1, St. 2, C. 48; 4 G. 1, C. 11, except S. 7; 5 G. 1, C. 28; 6 G. 1, C. 16; 9 G. 1, C. 22; 2 G. 2, C. 25, S. 3; 4 G. 2, C. 32; 6 G. 2, C. 37; 8 G. 2, C. 16; 8 G. 2, C. 20; 10 G. 2, C. 32, except S. 10; 11 G. 2, C. 22, S. 5 to the end; 13 G. 2, C. 21; 14 G. 2, C. 6; 15 G. 2, C. 34; 22 G. 2, C. 24; 22 G. 2, C. 46, S. 34; 24 G. 2, C. 45; 25 G. 2, C. 10; 25 G. 2, C. 36, S. 1; 26 G. 2, C. 19, S. 1, 2, 3, 4, 8; 28 G. 2, C. 19, S. 3; 29 G. 2, C. 30; 29 G. 2, C. 36, S. 6, 7, 8, 9; 30 G. 2, C. 24, S. 1; 31 G. 2, C. 35; 2 G. 3, C. 29; 4 G. 3, C. 12; 4 G. 3, C. 31; 5 G. 3, C. 14; 6 G. 3, C. 36; 6 G. 3, C. 48; 9 G. 3, C. 29; 9 G. 3, C. 41; 10 G. 3, C. 18; 10 G. 3, C. 48; 13 G. 3, C. 31, S. 4, 5; 13 G. 3, C. 32; 13 G. 3, C. 33; 16 G. 3, C. 30; 19 G. 3, C. 74; except S. 70; 21 G. 3, C. 68; 21 G. 3, C. 69; 22 G. 3, C. 58; 31 G. 3, C. 35; 31 G. 3, C. 51; 33 G. 3, C. 67, S. 5, 6; 36 G. 3, C. 9, S. 3, to the end; 39 G. 3, C. 85; 39 & 40 G. 3, C. 77, S. 1, 5; 41 G. 3, C. 24, (U. K.); 42 G. 3, C. 67; 42 G. 3, C. 107; 43 G. 3, C. 58; part of S. 1; 43 G. 3, C. 113, except S. 6; 44 G. 3, C. 92, S. 7, 8; 45 G. 3, C. 66; 48 G. 3, C. 129; 48 G. 3, C. 144; 51 G. 3, C. 41; 51 G. 3, C. 120; 52 G. 3, C. 68; 52 G. 3, C. 64; 52 G. 3, C. 130; 53 G. 3, C. 162, (partially); 56 G. 3, C. 125; 57 G. 3, C. 19, S. 38; 1 G. 4, C. 56; 1 G. 4, C. 115, (partially); 1 G. 4, C. 117; 3 G. 4, C. 24; 3 G. 4, C. 33; 3 G. 4, C. 38, (partially); 3 G. 4, C. 114, (partially); 3 G. 4, C. 126, S. 128; 4 G. 4, C. 46, (partially); 4 G. 4, C. 53, (partially); 4 G. 4, C. 54, (partially); 6 G. 4, C. 19; 6 G. 4, C. 94, S. 7, 8, 9, 10; 7 G. 4, C. 69—and all Acts continuing or perpetuating any of the foregoing Acts or parts thereof, so far as relates to the continuing or perpetuating of the same.

f See 4 W. 4, C. 23, making Forgery a Felony, and 5 W. 4, C. 35, defining the crime of Forgery.

IV. And be it enacted, That such Justice or Justices, before he or they shall commit to prison, or admit to bail, any person arrested for felony, or on suspicion of felony, shall take the examination of such person, and the information upon oath of those who shall know the facts and circumstances of the case, and shall put the same, or as much thereof as shall be material, into writing, and shall certify such bailment in writing; and every such Justice shall have authority to bind by recognizance all such persons as know or declare any thing material touching any such felony, or suspicion of felony, to appear at the next Supreme Court, or Court of Oyer and Terminer and Gaol Delivery, or Sessions of the Peace, at which the trial thereof is intended to be, then and there to prosecute or give evidence against the party accused; and such Justice and Justices respectively shall subscribe all such examinations, informations, bailments and recognizances, and 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.

V. Provided always and be it enacted, That any person charged with felony or suspicion of felony, may be admitted to bail by order of the Supreme Court, or any one of the Judges of the same Court, without bringing the body of the person charged before such Court or Judge; and such Court or Judge may order to be transmitted to them or him the evidence taken before the Justice or Justices of the Peace against the person charged, for the purpose of considering an application for bail, without a writ of *Certiorari* being issued for that purpose; and any order for bailment to be made by such Court or Judge shall specify the number of sureties, and the amount in which security is to be taken; and bailment by virtue of such order may be made by any Justice or Justices of the Peace of the County or Place where the person charged may be in custody; which Justice or Justices shall require good and sufficient bail to the number and amount specified in the order, and shall certify the bailment in writing, and subscribe the same, and deliver or transmit the same, together with the order for bailment, to the proper officer of the Court in which the trial is to be, before or at the opening of the Court.

VI. And be it enacted, That every Justice of the Peace before whom any person shall be taken on a charge of misdemeanor, or suspicion thereof, shall take the examination of the person charged, and the information upon oath of those who shall know the facts and circumstances of the case, and shall put the same, or as much thereof as shall be material, into writing, before he shall commit to prison or require bail from the person so charged; and in every case of bailment shall certify the bailment in writing; and shall have authority to bind all persons by recognizance to appear to prosecute or give evidence against the party accused, in like manner as in cases of felony; and shall subscribe all examinations, informations, bailments and recognizances, and 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, in like manner as is in cases of felony: Provided always that nothing herein contained shall extend to cases of assault and battery in which summary proceedings are had under the provisions of an Act of Assembly passed in the ninth and tenth years of the reign of His late Majesty, intituled "An Act to amend the statute law relative to offences against the person, and to provide for the more effectual punishment of such offences."

VII. And be it enacted, That every Coroner, upon any inquisition before him taken, whereby any person shall be indicted for manslaughter or murder, or as an accessory to murder before the fact, shall put in writing the evidence

g Before any person charged with Felony shall be committed or bailed, the Justice shall take down in writing the examination of the prisoner, &c.

Examinations, &c. to be transmitted.

Judges of the Supreme Court may order bail in cases of Felony; and the evidence may be transmitted without a *Certiorari*.

A Justice of the Peace may take the bail ordered by the Judge of the Supreme Court.

Duty of Justice on charges of misdemeanor.

9 & 10 G. 4, C. 21.

Duty of Coroner on inquisitions for murder or manslaughter, &c.

dence given to the Jury before him, or as much thereof as shall be material; and shall have authority to bind by recognizance all such persons as know or declare any thing material touching the said manslaughter or murder, or the said offence of being accessory to murder, to appear at the next Supreme Court, or Court of Oyer and Terminer and Gaol Delivery, at which the trial is to be, then and there to prosecute or give evidence against the party charged; and every such Coroner shall certify and subscribe the same evidence, and all such recognizances, and also the inquisition before him taken, and 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.

All Felonies to be tried in the Supreme Court or Court of Oyer and Terminer.

VIII. And be it enacted, That every felony shall be tried and determined in the Supreme Court or Court of Oyer and Terminer and Gaol Delivery, except in cases where power may be specially given by Act or Statute to any other Court to try and determine any felony.

Accessory before the fact may be tried as such, or as a substantive Felon, by any Court which has jurisdiction to try the principal Felon, although the offence be committed on the high seas or abroad.

IX. "And for the more effectual prosecution of accessaries before the fact to "felony;" Be it enacted, That if any person shall counsel, procure or command any other person to commit any felony, whether the same be a felony at common law, or by virtue of any Statute or Statutes, Act or Acts of Assembly, made or to be made, the person so counselling, procuring or commanding shall be deemed guilty of felony, and may be indicted and convicted either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished; and the offence of the person so counselling, procuring or commanding, howsoever indicted, may be inquired of, tried, determined and punished by any Court which shall have jurisdiction to try the principal felon, in the same manner as if such offence had been committed at the same place as the principal felony, although such offence may have been committed either on the high seas or at any place on land, whether within His Majesty's dominions or without; and that in case the principal felony shall have been committed within the body of any County, and the offence of counselling, procuring or commanding shall have been committed within the body of any other County, the last mentioned offence may be inquired of, tried, determined and punished in either of such Counties: Provided always, that no person who shall be once duly tried for any such offence, whether as an accessory before the fact or as for a substantive felony, shall be liable to be again indicted or tried for the same offence.

If the offences be committed in different Counties, accessory may be tried in either.

Accessory after the fact may be tried by any Court which has jurisdiction to try the principal felon.

X. "And for the more effectual prosecution of accessaries after the fact to "felony;" Be it enacted, That if any person shall become an accessory after the fact to any felony, whether the same be a felony at common law, or by virtue of any Statute or Statutes, Act or Acts of Assembly, made or to be made, the offence of such person shall be deemed felony, and may be inquired of, tried, determined and punished by any Court which shall have jurisdiction to try the principal felon, in the same manner as if the act by reason whereof such person shall have become an accessory had been committed at the same place as the principal felony, although such Act may have been committed either on the high seas or at any place on land, whether within His Majesty's dominions or without; and that in case the principal felony shall have been committed within the body of any County, and the act by reason whereof any person shall have become
 accessory

If the offences be committed in different Coun-

accessary shall have been committed within the body of any other County, the offence of such accessary may be inquired of, tried, determined and punished in either of such Counties: Provided always, that no person who shall be once duly tried for any offence of being an accessary shall be liable to be again indicted or tried for the same offence.

ties, accessary may be tried in either.

XI. "And in order that all accessaries may be convicted and punished in cases where the principal felon is not attainted;" Be it enacted, That if any principal offender shall be in any wise convicted of any felony, it shall be lawful to proceed against any accessary, either before or after the fact, in the same manner as if such principal felon had been attainted thereof, notwithstanding such principal felon shall die or be pardoned, or otherwise delivered before attainder; and every such accessary shall suffer the same punishment if he or she be in any wise convicted as he or she should have suffered if the principal had been attainted.

Accessary may be prosecuted after conviction of the principal, although the principal be not attainted.

XII. "And for the more effectual prosecution of offences committed near the boundaries of Counties, or partly in one County and partly in another, or in places with respect to which it may be uncertain within which of two or more Counties they are situate;" Be it enacted, That where any felony or misdemeanor shall be committed on the boundary or boundaries of two or more Counties, or within the distance of one mile from any such boundary or boundaries, or in any place or places with respect to which it may be uncertain within which of two or more Counties they may be situate, or where any felony or misdemeanor shall be begun in one County and completed in another, every such felony or misdemeanour may be dealt with, inquired of, tried, determined and punished in any of the said Counties in the same manner as if it had been actually and wholly committed therein.

Offences committed on the boundaries of Counties, &c. may be tried in either County.

XIII. "And for the more effectual prosecution of offences committed during journies from place to place;" Be it enacted, That where any felony or misdemeanor shall be committed on any person, or on or in respect of any property in or upon any coach, waggon, cart, sleigh, sled or other carriage whatever employed in any journey, or shall be committed on any person, or on or in respect of any property on board any vessel or boat whatever employed on any voyage or journey upon any navigable river, canal, or inland navigation, or on or in respect of any property in, upon or forming part of any raft whatever, passing in or upon any such navigable river, canal, or inland navigation, such felony or misdemeanor may be dealt with, inquired of, tried, determined and punished in any County through any part whereof such coach, waggon, cart, sleigh, sled, carriage, vessel, boat or raft shall have passed in the course of the journey, voyage or passage during which such felony or misdemeanor shall have been committed, in the same manner as if it had been actually committed in such County; and in all cases where the side, centre or other part of any highway, or the side, bank, centre or other part of any such river, canal or navigation, shall constitute the boundary of any two Counties, such felony or misdemeanor may be dealt with, inquired of, tried, determined and punished in either of the said Counties through or adjoining to or by the boundary of any part whereof such coach, waggon, cart, sleigh, sled, carriage, vessel, boat or raft shall have passed in the course of the journey, voyage or passage during which such felony or misdemeanor shall have been committed in the same manner as if it had been actually committed in such County.

Offences committed during a journey or voyage may be tried in any County through which the coach, &c. passed.

XIV. "And in order to remove the difficulty of stating the names of all the owners of property in the case of partners and other joint owners;" Be it enacted,

enacted,

In indictments for offences committed on the property of partners it may be laid in any one partner by name, and others.

enacted, That in any indictment or information for any felony or misdemeanor wherein it shall be requisite to state the ownership of any property whatsoever, whether real or personal, which shall belong to or be in the possession of more than one person, whether such persons be partners in trade, joint tenants, parceners or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named, and another, or others, as the case may be; and whenever in any indictment or information for any felony or misdemeanor it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners or tenants in common, it shall be sufficient to describe them in the manner aforesaid, and this provision shall be construed to extend to all joint stock Companies and Trustees.

Property belonging to Counties, &c. may be laid in the Inhabitants of the County.

XV. "And with respect to the property of Counties," Be it enacted, That in any indictment or information for any felony or misdemeanor committed in, upon or with respect to any bridge, court house, gaol, house of correction, infirmary, asylum or other building erected or maintained in whole or in part at the expense of any County or City and County, or on or with respect to any goods or chattels whatsoever, provided for or at the expense of any County or City and County, to be used for building, altering or repairing any bridge, court house or other such building as aforesaid, or to be used in or with any such bridge, court house or other building, it shall be sufficient to state any such property, real or personal, to belong to the Inhabitants of such County or City and County; and it shall not be necessary to specify the names of any of such Inhabitants.

Property under the management of public officers may be laid in the public officer.

XVI. "And with respect to property under the management of public officers;" Be it enacted, That in any indictment or information for any felony or misdemeanor committed on or with respect to any building, or any goods and chattels, or any other property, real or personal, whatsoever, in the occupation of or under the superintendence, charge or management of any public officer or commissioner whatsoever, or any County or Parish Officer or Commissioner whatsoever, it shall be sufficient to state any such property to belong to the Officer or Officers, Commissioner or Commissioners in whose occupation, or within or under whose superintendence, charge or management such property shall be, and it shall not be necessary to specify the names of any of such Officers or Commissioners.

Indictment not to abate by dilatory plea of misnomer.

XVII. "And for preventing abuses from dilatory pleas;" Be it enacted, That no indictment or information shall be abated by reason of any dilatory plea of misnomer or of want of addition, or of wrong addition of the party offering such plea, if the Court shall be satisfied by affidavit or otherwise of the truth of such plea; but in such case the Court shall forthwith cause the indictment or information to be amended according to the truth, and shall call upon such party to plead thereto, and shall proceed as if no such dilatory plea had been pleaded.

What defects shall not vitiate an Indictment after verdict or otherwise.

XVIII. "And that the punishment of offenders may be less frequently inter-
cepted in consequence of technical niceties;" Be it enacted, That no judgment upon any indictment or information for any felony or misdemeanor, whether upon demurrer, or after verdict or outlawry, or by confession, default or otherwise, shall be given in favour of any prisoner or defendant, or stayed or reversed for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," or of the words "against the peace," nor for the insertion of the words "against the form of the Statute or Act of Assembly," instead of the words "against the form of the Statutes or Acts of Assembly," or *vice versa*,
nor

nor for that any person or persons mentioned in the indictment or information is or are designated by a name of office or other descriptive appellation instead of his, her or their proper name or names, nor for omitting to state the time at which the offence was committed, in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment or exhibiting the information, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue, where the Court shall appear by the indictment or information to have had jurisdiction over the offence.

XIX. And be it enacted, That no judgment after verdict upon any indictment or information for any felony or misdemeanor shall be stayed or reversed for want of a similiter, nor by reason that the Jury process has been awarded to a wrong officer upon an insufficient suggestion, nor for any misnomer or misdescription of the officer returning such process, or of any of the Jurors, nor because any person has served upon the Jury who has not been returned as a Juror by the Sheriff or other officer; and that where the offence charged has been created by any Act or Statute, or subjected to a greater degree of punishment by any Act or Statute, the indictment or information shall after verdict be held sufficient to warrant the punishment prescribed by the Act or Statute if it describe the offence in the words of the Act or Statute.

What shall not be sufficient to stay or reverse judgment after the verdict.

XX. And be it enacted, That if any person being arraigned upon any indictment for treason or felony shall plead thereto a plea of not guilty, he shall by such plea, without any further form, be deemed to have put himself upon the country for trial, and the Court shall in the usual manner order a Jury for the trial of such person accordingly.

A plea of "Not Guilty," shall put the prisoner on his trial by Jury.

XXI. And be it enacted, That if any person being arraigned upon or charged with any indictment or information for treason, felony or misdemeanor, shall stand mute of malice, or will not answer directly to the indictment or information, in every such case it shall be lawful for the Court if it shall so think fit, to order the proper officer to enter a plea of not guilty on behalf of such person, and the plea so entered shall have the same force and effect as if such person had actually pleaded the same.

If he refuses to plead Court may order a plea of "Not Guilty" to be entered.

XXII. And be it enacted, That no plea setting forth any attainder shall be pleaded in bar of any indictment, unless the attainder be for the same offence as that charged in the indictment.

Attainder of another crime not pleadable.

XXIII. And be it enacted, That where any person shall be indicted for treason or felony, the Jury empannelled to try such person shall not be charged to inquire concerning his lands, tenements or goods, nor whether he fled for such treason or felony.

Jury shall not inquire of a prisoner's lands, &c.

XXIV. And be it enacted, That no person arraigned for any felony shall be admitted to any peremptory challenge above the number of twenty; and if any person indicted for any treason or felony shall challenge peremptorily a greater number of the men returned to be of the Jury than such person is entitled by law so to challenge, every peremptory challenge beyond the number allowed by law in the case then in hand shall be entirely void, and the trial of such person shall proceed as if no such challenge had been made.

No peremptory challenge in Felony above twenty.

Every challenge above the legal number shall be void.

XXV. And be it enacted, That benefit of Clergy with respect to persons convicted of felony shall be abolished, but that nothing herein contained shall prevent the joinder in any indictment of any counts which might have been joined before the passing of this Act.

Benefit of Clergy abolished.

XXVI. And be it enacted, That no person convicted of felony shall suffer death

What felonies only shall be capital.

death unless it be for some felony which was excluded from the benefit of Clergy before or on the first day of the present Session of the General Assembly, or which hath been or shall be made punishable with death by some Act or Statute passed after that day.

Felonies not capital punishable under the Acts, if any, relating thereto; otherwise under this Act.

XXVII. And be it enacted, That every person convicted of any felony not punishable with death, shall be punished in the manner prescribed by the Act or Acts, Statute or Statutes specially relating to such felony; and that every person convicted of any felony for which no punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable at the discretion of the Court to be imprisoned for any term not exceeding two years, and in addition to such imprisonment, if the Court shall so think fit, to be either fined in such sum as the Court shall award, or if a male, to be once, twice or thrice publicly or privately whipped.

The Court may sentence to labour in all cases of felony, where imprisonment is awarded.

XXVIII. "And with regard to the place and mode of imprisonment for all felonies;" Be it enacted, That where any person shall be convicted of any felony for which imprisonment may be awarded as a punishment, it shall be lawful for the Court to sentence the offender to be imprisoned either in the common gaol or the house of correction, and also to be kept to hard labour for the whole or any portion or portions of such imprisonment as to the Court in its discretion shall seem meet.

If a person under sentence of imprisonment for another offence is convicted of any offence the Court may pass a second sentence.

XXIX. "And be it enacted, That wherever sentence shall be passed for any offence on a person already under sentence of imprisonment for another offence, it shall be lawful for the Court to award imprisonment for the subsequent offence, to commence at the expiration of the imprisonment to which such person shall have been previously sentenced, although the aggregate term of imprisonment may exceed the term for which either of those punishments could be otherwise awarded.

Punishment for a subsequent felony.

XXX. "And whereas it is expedient to provide for the more exemplary punishment of offenders who commit felony after a previous conviction for felony, whether such conviction shall have taken place before or after the commencement of this Act;" Be it therefore enacted, That if any person shall be convicted of any felony not punishable with death, committed after a previous conviction for felony, such person shall on such subsequent conviction be liable to be imprisoned for any term not exceeding four years, and if a male to be once, twice or thrice publicly or privately whipped (if the Court shall so think fit,) in addition to such imprisonment; and in an indictment for any such felony committed after a previous conviction for felony, it shall be sufficient to state that the offender was at a certain time and place convicted of felony, without otherwise describing the previous felony; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony, purporting to be signed by the Clerk of the Court, or other Officer having the custody of the records of the Court where the offender was first convicted, or by the deputy of such Clerk or Officer, shall upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction without proof of the signature or official character of the person appearing to have signed the same; and if any such Clerk, Officer or Deputy shall utter a false certificate of any indictment and conviction for a previous felony, or if any person other than such Clerk, Officer or Deputy shall sign any such certificate as such Clerk, Officer or Deputy, or shall utter any such certificate with a false or counterfeit signature thereto, every such offender shall be guilty of felony.

Indictment for subsequent felony.

What shall be sufficient proof of the first conviction.

Uttering false certificate of conviction.

XXXI. And be it enacted, That if His Majesty shall be pleased to extend mercy

mercy to any offender convicted of any crime punishable with death, upon condition of transportation to any place without the limits of this Province, either for the term of life or for any number of years, and such intention of mercy shall be signified by the Governor or Commander in Chief of the Province to the Court before which such offender hath been or shall be convicted, or any subsequent Court with the like authority, such Court shall allow to such offender the benefit of a conditional pardon, and make an order for the immediate transportation of such offender; and in case such intention of mercy shall be so signified to any Judge of the Supreme Court, such Judge shall allow to such offender the benefit of a conditional pardon and make an order for the immediate transportation of such offender in the same manner as if such intention of mercy had been signified to any such Court as aforesaid; and such allowance and order shall be considered as an allowance and order made by the Court before which such offender was convicted, and shall be entered on the records of the same Court by the proper officer thereof, and shall be as effectual to all intents and purposes and have the same consequences as if such allowance and order had been made by the same Court during the continuance thereof; and every such order shall subject the offender to be conveyed to the place or places without the limits of this Province therein mentioned, and to be liable to all the regulations and provisions of any Statute or Statutes of the Imperial Parliament relating to offenders transported to such place or places.

Persons convicted of a capital crime and receiving a pardon on condition of transportation may be transported.

XXXII. And be it enacted, That wherever this or any other Act or Statute relating to any offence, whether punishable upon indictment or summary conviction, in describing or referring to the offence or the subject matter on or with respect to which it shall be committed, or the offender or the party affected or intended to be affected by the offence, hath used or shall use words importing the singular number or the masculine gender only, yet the Act or Statute shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and wherever any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where such body shall be the party aggrieved.

Rule for the interpretation of all criminal Statutes

XXXIII. "And whereas it is expedient to prevent all doubts respecting the civil rights of persons convicted of felonies not capital, who have undergone the punishment to which they were adjudged;" Be it therefore enacted, That where any offender hath been or shall be convicted of any felony not punishable with death, and hath endured or shall endure the punishment to which such offender hath been or shall be adjudged for the same, the punishment so endured hath and shall have the like effects and consequences as a pardon under the great seal as to the felony whereof the offender was so convicted: Provided always that nothing herein contained, nor the enduring of such punishment, shall prevent or mitigate any punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other felony.

Every punishment for felony, after it has been endured, shall have the effect of a pardon under the Great Seal.

XXXIV. "And whereas there are certain misdemeanors, which render the parties convicted thereof incompetent witnesses, and it is expedient to restore the competency of such parties after they have undergone their punishment;" Be it therefore enacted, That where any offender hath been or shall be convicted of any such misdemeanor, (except perjury or subornation of perjury,) and hath endured or shall endure the punishment to which such offender hath been or shall be adjudged for the same, such offender shall not, after the punishment

No misdemeanor, except perjury, shall render a party an incompetent witness after he has undergone the punishment.

so endured, be deemed to be by reason of such misdemeanor an incompetent witness in any Court or proceeding, civil or criminal.

Commencement of this Act.

XXXV. And be it enacted, That this Act shall commence and take effect on the first day of October in the present year, except as to offences and other matters committed or done before or upon the last day of September, which shall be dealt with and punished as if this Act had not been passed.

CAP. XV.

An Act for consolidating and amending the Laws relative to Larceny and other offences connected therewith.

Passed 25th March, 1831.

Preamble.

“ **WHEREAS** various Statutes heretofore in force in England, and deemed to be in force and acted upon in this Province, relative to larceny and other offences connected therewith, are by an Act of the present Session of the General Assembly for improving the administration of justice in criminal cases, declared to be repealed and of no force and effect in this Province; and various Acts of Assembly relating to the same offences are also repealed by the same Act; and the same Act is to commence and take effect on the first day of October in the present year; and it is expedient that the provisions relating to the same offences should be amended and consolidated into this Act, to take effect at the same time with the said recited Act;”

Commencement of Act.

I. Be it therefore enacted by the President, Council and Assembly, That this Act shall commence on the said first day of October in the present year, except as to offences committed before or upon the last day of September, which shall be dealt with and punished as if this Act had not been passed.

Distinction between Grand and Petty Larceny abolished.

II. And be it enacted, That the distinction between grand larceny and petty larceny shall be abolished, and every larceny, whatever be the value of the property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents in all respects as grand larceny was before the commencement of this Act: and every person convicted of larceny shall be liable to the punishment prescribed for felony in the said recited Act of the present Session for improving the administration of justice in criminal cases: Provided always, that in cases where by this or any other Act or Statute jurisdiction is given to any Magistrate or Magistrates to try in a summary way any larceny or other offence connected therewith, it shall be lawful for such Magistrate or Magistrates to award such punishment only as they are expressly authorized and empowered to do.

Punishment for larceny.

Except in cases of summary conviction.

III. And be it enacted, That if any person shall steal any certificate, order or other security whatsoever, intitling or evidencing the title of any person or body corporate, to any share or interest in any public stock or fund, whether of the United Kingdom, or of Great Britain or of Ireland, or of this or any other British Province or of any Foreign State, or in any fund of any body corporate, company or society, or to any deposit in any Savings Bank, or shall steal any debenture, deed, bond, bill, note, warrant, order or other security whatsoever, for money or for payment of money, whether of the United Kingdom, or of Great Britain or of Ireland, or of this or any other British Province, or of any Foreign State, or shall steal any warrant or order for the delivery or transfer of any goods or valuable thing, every such offender shall be deemed guilty of felony, of the same nature and in the same degree, and punishable in the same manner as if he had

Stealing public or private securities for money, or warrants for goods, shall be felony, and punishable according to the circumstances like stealing goods.

had stolen any chattel of like value with the share, interest or deposit to which the security so stolen may relate, or with the money due on the security so stolen or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing mentioned in the warrant or order; and each of the several documents herein before enumerated shall throughout this Act be deemed for every purpose to be included under and denoted by the words "valuable security."

Rule of interpretation.

IV. And be it enacted, That if any person shall rob any other person of any chattel, money or valuable security, every such offender, being convicted thereof, shall suffer death as a felon; and if any person shall with menaces or by force demand any such property of any other person with intent to steal the same, or shall assault any other person with intent to rob him, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to the punishment prescribed for felony in the said recited Act for improving the administration of justice in criminal cases.

Robbery capital.

Demands with menaces or force, and assaults to commit robbery.

V. And be it declared and enacted, That if any person shall accuse or threaten to accuse any other person of any infamous crime, as hereinafter defined, with a view or intent to extort or gain from him, and shall by intimidating him by such accusation or threat extort or gain from him, any chattel, money or valuable security, every such offender shall be guilty of robbery, and shall be indicted and punished accordingly.

Obtaining money, &c. by threatening to accuse a party of an infamous crime deemed robbery.

VI. And be it enacted, That if any person shall knowingly send or deliver any letter or writing, demanding of any person, with menaces, and without any reasonable or probable cause, any chattel, money or valuable security, or if any person shall accuse or threaten to accuse, or shall knowingly send or deliver any letter or writing accusing or threatening to accuse, any person of any crime punishable by law with death, imprisonment with hard labour, or pillory, or of any assault with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any infamous crime, as hereinafter defined, with a view or intent to extort or gain from such person any chattel, money or valuable security, every such offender shall be guilty of felony, and being convicted thereof shall be liable to be punished in the manner prescribed for felony in the above mentioned Act for improving the administration of justice in criminal cases.

Sending letters containing menacing demand or threatening to accuse a party of an infamous crime to extort money, &c.

VII. "And for defining what shall be an infamous crime within the meaning of this Act;" Be it enacted, That the abominable crime of buggery, committed either with mankind or beast, and every assault with intent to commit the said abominable crime, and every attempt or endeavour to commit the said abominable crime, and every solicitation, persuasion, promise or threat offered or made to any person whereby to move or induce such person to commit or permit the said abominable crime, shall be deemed to be an infamous crime within the meaning of this Act.

What shall be deemed an infamous crime.

VIII. And be it enacted, that every person convicted of burglary shall suffer death as a felon: and it is hereby declared, that if any person shall enter the dwelling house of another with intent to commit felony, or being in such dwelling house shall commit any felony, and shall in either case break out of the said dwelling house in the night time, such person shall be deemed guilty of burglary.

Burglary capital.

IX. Provided always and be it enacted, That no building, although within the same curtilage with the dwelling house and occupied therewith, shall be deemed to be part of such dwelling house for the purpose of Burglary, unless there shall be a communication between such building and dwelling house, either immediate, or by means of a covered and inclosed passage leading from one to the other.

What buildings only are part of a house for capital purposes.

X. And be it enacted, That if any person, in the night time, shall break and

Breaking in the night time into buildings, not being houses, for capital purposes.

and enter any building, being within the curtilage of a dwelling house and occupied therewith, but not being part thereof according to the provision herein before mentioned, or any public office, or other public building, or any shop, warehouse, counting house, bank, office or other building used or occupied for carrying on any trade or business, such public office, public building, shop, warehouse, counting house, bank, office or other building, not being a dwelling house, for the purpose of burglary, with intent in any such case to commit felony, every such offender shall be guilty of felony, and being convicted thereof shall be liable to the punishment prescribed for felony in the said recited Act for improving the administration of justice in criminal cases.

The stealing, &c. of records and other proceedings of Courts of Justice.

XI. And be it enacted, That if any person shall steal, or shall for any fraudulent purpose take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall unlawfully and maliciously obliterate, injure or destroy, any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, order or warrant of attorney, or any original document whatsoever of or belonging to any Court of Record, or relating to any matter, civil or criminal, begun, depending or terminated in any such Court, or any bill, answer, interrogatory, deposition, affidavit, order or decree, or any original document whatsoever of or belonging to any Court of Equity, or relating to any cause or matter begun, depending, or terminated in any such Court, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable to suffer such punishment by fine or imprisonment, or by both, as the Court shall award; the imprisonment to be either with or without hard labour as the Court shall think fit, and in no case to exceed the term of two years; and it shall not in any indictment for such offence be necessary to allege that the article, in respect of which the offence is committed, is the property of any person, or that the same is of any value.

The stealing, &c. of wills.

XII. And be it enacted, That if any person shall, either during the life of the testator or testatrix, or after his or her death, steal, or for any fraudulent purpose destroy or conceal, any will, codicil or other testamentary instrument, whether the same shall relate to real or personal estate, or to both, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable to suffer such punishment as is herein before last mentioned; and it shall not in any indictment for such offence be necessary to allege that such will, codicil or other instrument, is the property of any person, or that the same is of any value.

The stealing of writings relating to real estate.

XIII. And be it enacted, That if any person shall steal any paper or parchment, written or printed, or partly written and partly printed, being evidence of the title or of any part of the title to any real estate, every such offender shall be deemed guilty of a misdemeanor, and being convicted thereof shall be liable to suffer such punishment as is hereinbefore last mentioned; and in any indictment for such offence, it shall be sufficient to allege the thing stolen to be evidence of the title, or of part of the title, of the person or of some one of the persons having a present interest, whether legal or equitable, in the real estate to which the same relates, and to mention such real estate, or some part thereof; and it shall not be necessary to allege the thing stolen to be of any value.

These provisions as to wills and writings shall not lessen any remedy which the party aggrieved now has.

XIV. Provided always and be it enacted, That nothing in this Act contained relating to either of the misdemeanors aforesaid, nor any proceeding, conviction or judgment to be had or taken thereupon, shall prevent, lessen or impeach any remedy at law or in equity which any party aggrieved by any such offence might or would have had if this Act had not been passed; but nevertheless the conviction of any such offender shall not be received in evidence in any action at law or suit

suit in equity against him; and no person shall be liable to be convicted of either of the misdemeanors aforesaid, by any evidence whatever, in respect of any act done by him, if he shall at any time previously to his being indicted for such offence have disclosed such act, on oath, in consequence of any compulsory process of any Court of law or equity in any action, suit or proceeding which shall have been *bona fide* instituted by any party aggrieved.

XV. And be it enacted, That if any person shall wilfully kill any horse, mare, gelding, colt or filly, or any bull, cow, ox, heifer or calf, or any ram, ewe, sheep or lamb, with intent to steal the carcase or skin or any part of the cattle so killed, every such offender shall be guilty of felony, and being convicted thereof shall be liable to be punished in the manner prescribed for felony in the above mentioned Act for improving the administration of justice in criminal cases.

Killing horses, cows or sheep with intent to steal.

XVI. "And for the punishment of embezzlements committed by clerks and "servants;" Be it declared and enacted, That if any clerk or servant, or any person employed for the purpose or in the capacity of a clerk or servant, shall, by virtue of such employment, receive or take into his possession any chattel, money or valuable security, for or in the name or on the account of his master, and shall fraudulently embezzle the same, or any part thereof, every such offender shall be deemed to have feloniously stolen the same from his master, although such chattel, money or security was not received into the possession of such master otherwise than by the actual possession of his clerk, servant or other person so employed; and every such offender, being convicted thereof, shall be liable to be punished in the manner herein before last mentioned.

Clerks or servants receiving any money, &c. on their master's account, and embezzling it, shall be deemed to have feloniously stolen it.

XVII. "And for preventing the difficulties that have been experienced in the "prosecution of the last mentioned offenders;" Be it enacted, That it shall be lawful to charge in the indictment and proceed against the offender for any number of distinct acts of embezzlement, not exceeding three, which may have been committed by him against the same master within the space of six calendar months from the first to the last of such acts; and in every such indictment, except where the offence shall relate to any chattel, it shall be sufficient to allege the embezzlement to be of money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained, if the offender shall be proved to have embezzled any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved; or if he shall be proved to have embezzled any piece of coin or valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, and such part shall have been returned accordingly.

Distinct acts of embezzlement may be charged in the same indictment.

As to allegation and proof of the property embezzled.

XVIII. "And whereas a failure of justice frequently arises from the subtle "distinction between larceny and fraud; for remedy whereof," Be it enacted, That if any person shall by any false pretence obtain from any other person, any chattel, money or valuable security, with intent to cheat or defraud any person of the same, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable to suffer such punishment by fine or imprisonment, or both, as the Court shall award; the imprisonment to be either with or without hard labour as the Court shall see fit, and not in any case to exceed the term of two years: Provided always, that if upon the trial of any person indicted for such misdemeanor it shall be proved that he obtained the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no person tried for such misde-

Obtaining money, &c. by false pretences a misdemeanor.

No acquittal on the ground that the case proved amounts to larceny.

meanor

meanor shall be liable to be afterwards prosecuted for larceny upon the same facts.

Where the original offence is felony the receivers of stolen property may be tried either as accessories after the fact or for a substantive felony.

XIX. "And with regard to receivers of stolen property;" Be it enacted, That if any person shall receive any chattel, money, valuable security, or other property whatsoever, the stealing or taking whereof shall amount to a felony either at common law or by virtue of this Act, such person knowing the same to have been feloniously stolen or taken, every such receiver shall be guilty of felony, and may be indicted and convicted either as an accessory after the fact or for a substantive felony, and in the latter case whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and any Court that has power to try the principal felon may also try the receiver howsoever indicted; and every such receiver, howsoever convicted, shall be liable to be punished in the manner prescribed for felony in the said Act for improving the administration of justice in criminal cases: Provided always, that no person howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.

Where the original offence is a misdemeanor, receivers may be prosecuted for a misdemeanor.

XX. And be it enacted, That if any person shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, obtaining or converting whereof is made an indictable misdemeanor by this Act, such person knowing the same to have been unlawfully stolen, taken, obtained or converted, every such receiver shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the person guilty of the principal misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to justice; and every such receiver shall on conviction be liable to be punished in the manner provided for the person guilty of the principal misdemeanor.

All receivers may be tried where the principal is triable, &c.

XXI. And be it enacted, That if any person shall receive any chattel, money, valuable security, or other property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained or converted, every such person, whether charged as an accessory after the fact to the felony, or with a substantive felony, or with a misdemeanor only, may be dealt with, indicted, tried and punished in any County or place in which he shall have or shall have had any such property in his possession, or in any County or place in which the party guilty of the principal felony or misdemeanor may by law be tried, in the same manner as such receiver may be dealt with, indicted, tried and punished in the County or place where he actually received such property.

The owner of stolen property prosecuting thief or receiver to conviction shall have restitution of property.

XXII. "And to encourage the prosecution of offenders;" Be it enacted, That if any person guilty of any such felony or misdemeanor as aforesaid, in stealing, taking, obtaining or converting, or in knowingly receiving any chattel, money, valuable security, or other property whatsoever, shall be indicted for any such offence by or on the behalf of the owner of the property, or his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative; and the Court before whom any such person shall be so convicted shall have power to award from time to time writs of restitution for the said property, or to order the restitution thereof in a summary manner; and the Court may in like manner, if it shall see fit, order the restitution of property in cases where the party so indicted as aforesaid may not be convicted, if it shall clearly appear that the property had been stolen, or taken or obtained from the owner by felony or misdemeanor as aforesaid: Provided always, that if it shall appear before any award or order made that any valuable security shall have been *bona fide* paid or discharged by some person or body corporate liable to the payment thereof, or being a negotiable instrument shall have been *bona fide* taken or received

Restitution where Party not convicted.

Exception.

received by transfer or delivery by some person or body corporate for a just and valuable consideration, without any notice or without any reasonable cause to suspect that the same had by any felony or misdemeanor been stolen, taken, obtained or converted as aforesaid, in such case the Court shall not award or order the restitution of such security.

XXIII. And be it enacted, That every person who shall corruptly take any money or reward, directly or indirectly, under pretence or upon account of helping any person to any chattel, money, valuable security, or other property whatsoever, which shall by any felony or misdemeanor have been stolen, taken, obtained or converted as aforesaid, shall (unless he cause the offender to be apprehended and brought to trial for the same) be guilty of felony, and being convicted thereof shall be liable to be punished in manner prescribed for felony in the said Act for improving the administration of criminal justice.

Taking a reward for helping to the recovery of stolen property.

XXIV. And be it enacted, That in the case of every felony punishable under this Act, every principal in the second degree and every accessory before the fact, shall be punishable with death or otherwise, in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall on conviction be liable to be punished by fine or imprisonment, or both, as the Court shall award; such imprisonment to be either with or without hard labour as the Court shall see fit, and not to exceed the term of two years; and every person who shall aid, abet, counsel or procure the commission of any misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal offender.

Principals in the second degree and accessories.

Abettors in misdemeanors.

XXV. "And for the more effectual apprehension and discovery of all offenders punishable under this Act;" Be it enacted, That any person found committing any offence punishable under this Act, may be immediately apprehended without a warrant by any peace officer or by the owner of the property upon or with respect to which the offence shall be committed, or by his servant or any person authorized by him, and forthwith taken before a Justice of the Peace, to be dealt with according to law; and if any credible witness shall prove upon oath before a Justice of the Peace a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever, on or with respect to which any such offence shall have been committed, the Justice may grant a warrant to search for such property as in the case of stolen goods; and any person to whom any property shall be offered to be sold, pawned or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorized, and, if in his power, is required to apprehend and forthwith to carry before a Justice of the Peace the party offering the same, together with such property, to be dealt with according to law.

A person in the act of committing any offence may be apprehended without a warrant.

A Justice may grant a search warrant.

Any person to whom stolen property is offered may seize the party offering it.

XXVI. "And for the protection of persons acting in the execution of this Act;" Be it enacted, That all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be laid and tried in the County where the fact was committed, and shall be commenced within six calendar months after the fact committed and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action, and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such

Protection of persons acting under this Act.

Venue.

Notice of action.

General issue, &c.

such

Costs for defendant or plaintiff.

such action brought, by or on behalf of the defendant, and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be shall certify his approbation of the action and of the verdict obtained thereupon.

What offences are triable by the Sessions of the Peace.

XXVII. And be it enacted, That the Court of General Sessions of the Peace shall have power to deal with, try and determine any larceny, or any accessaries thereto, or any offence of receiving stolen goods, in which the value of the property on or with respect to which the offence shall be committed shall not exceed the sum of five pounds: Provided always, that the said Court of General Sessions of the Peace, in any case of difficulty in which a party may be indicted before such Court for any offence under this Act triable by such Court whether it be a felony or a misdemeanor, either before or after the party has pleaded, may cause the indictment to be handed over by the Clerk of the Peace to the next Supreme Court, or Court of Oyer and Terminer held in the County, to be therein dealt with, tried and determined, and shall in such case bind by recognizance all witnesses to appear before such Supreme Court or Court of Oyer and Terminer and Gaol Delivery, and give evidence upon the trial of such indictment; and if it be a case of misdemeanor, and the party indicted can find good and sufficient bail, shall also take bail from such party to appear in such Supreme Court or Court of Oyer and Terminer and Gaol Delivery, and plead or take his trial upon such indictment as the case may be, and if it be a case of felony the said Court of General Sessions of the Peace may, if it so think fit, admit the party indicted to bail, upon his giving good and sufficient bail in like manner to appear and plead or take his trial upon such indictment, as the case may be, in such Supreme Court or Court of Oyer and Terminer and Gaol Delivery.

Sessions, in cases of difficulty, may hand over indictment to the Supreme Court or Court of Oyer and Terminer, and bind witnesses, &c.

and bail the party.

What offences are triable in a summary manner by Justices of the Peace.

XXVIII. And be it enacted, That any person charged with any larceny or any offence of receiving stolen goods wherein the value of the property stolen shall not exceed forty shillings, may be admitted to bail by any Justice of the Peace before whom such person may be so charged; and in case of any such offender being committed to prison and not giving sufficient bail for his appearance at the next General Sessions of the Peace for the County where the offence may be triable within forty eight hours after such commitment, it shall and may be lawful for any three Justices of the Peace of the County where the offender may be committed, or, if in the City of Saint John, for the Mayor, Recorder and Aldermen, or any three of them, (the Mayor or Recorder always being one) forthwith to hear and determine such offence, and on conviction either by confession or on the testimony of one or more credible witness or witnesses, the said Magistrates are hereby authorized and empowered to punish the offender by imprisonment, with or without hard labour, as they in their discretion may think fit, for any term not exceeding six months, or else by whipping, the said whipping not to exceed thirty nine stripes.

What punishments the Justices may award.

CAP. XVI.

An Act for amending the laws relative to malicious injuries to property. *h*

Passed 25th March, 1831.

“ **W**HEREAS it is expedient to make provision by law against certain malicious injuries to property, to take effect at the same time with an Act of the present Session of the General Assembly for improving the administration of justice in criminal cases; which Act is to commence on the first day of October in the present year;” *Preamble.*

I. Be it therefore enacted by the President, Council and Assembly, That this Act shall commence on the said first day of October in the present year, except as to offences committed before or upon the last day of September, which shall be dealt with and punished as if this Act had not been passed. *Commencement of Act.*

II. And be it enacted, That if any person shall unlawfully and maliciously set fire to any church or chapel, or to any chapel or other building set apart and solely used for the religious worship of persons dissenting from the United Church of England and Ireland, or shall unlawfully and maliciously set fire to any house, stable, coach house, out house, warehouse, office, shop, mill, barn or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, every such offender shall be guilty of felony, and, being convicted thereof, shall suffer death as a felon. *Setting fire to a church, chapel, &c. a capital felony.*

III. And be it enacted, That if any person shall unlawfully and maliciously set fire to, or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away or in anywise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, every such offender shall be guilty of felony, and, being convicted thereof, shall suffer death as a felon. *Setting fire to or destroying a ship a capital felony.*

IV. And be it enacted, That if any person shall unlawfully and maliciously damage, otherwise than by fire, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same, or to render the same useless, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable to the punishment prescribed for felony in the said above recited Act of the present Session for improving the administration of justice in criminal cases. *Damaging a ship otherwise than by fire felony.*

V. And be it enacted, That if any person shall unlawfully and maliciously break down or cut down any sea bank or sea wall, or any dike or aboideau, whereby any lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously cut down, break down, or otherwise destroy any mill dam, or shall unlawfully and maliciously pull down, or in anywise destroy any public bridge, or do any injury with intent and so as thereby to render such bridge or any part thereof dangerous or impassable, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable to the punishment herein before last mentioned. *Destroying any sea bank, &c. or any mill dam, or any public bridge felony.*

VI.

h Refer to 47 G. 3, C. 7, authorizing a summary conviction of persons guilty of cutting and taking away growing Grain, robbing Orchards, &c. &c.

Setting fire to any school house or stack of corn, grain, &c. felony.

Malice against owner not essential to offence.

Principles in the second degree and accessories.

Persons committing any offence may be apprehended without a warrant.

Provision for the protection of persons acting under this Act.

VI. And be it enacted, That if any person shall unlawfully and maliciously set fire to any public school house, or any stack of corn, grain, pulse, straw, or hay, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable to the punishment herein before last mentioned.

VII. And be it enacted, That every punishment by this Act imposed on any person maliciously committing any offence, shall equally apply and be enforced whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise.

VIII. And be it enacted, That in every case of felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death or otherwise, in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall, on conviction, be liable to be punished by fine or imprisonment, or both, as the Court shall award; such imprisonment to be either with or without hard labour as the Court shall see fit, and not to exceed the term of two years.

IX. "And for the more effectual apprehension of all offenders under this Act;" Be it enacted, That any person found committing any offence against this Act, may be immediately apprehended without a warrant by any peace officer, or the owner of the property injured, or his servant or any person authorized by him, and forthwith taken before a Justice of the Peace, to be dealt with according to law.

X. And be it enacted, That all the provisions contained in the twenty sixth Section of an Act of the present Session for consolidating and amending the laws relative to larceny and other offences connected therewith, for the protection of persons acting in execution of that Act, shall apply to and be in force and available for the protection of persons acting in execution of this Act in the same manner as if the said provisions were expressly contained in this Act.

CAP. XVII.

An Act further to amend the Laws relative to offences against the Person.

Passed 25th March, 1831.

Preamble.

“WHEREAS an Act of Assembly of the fiftieth year of the reign of King George the Third, relating to the destroying and murdering of bastard children, is repealed by an Act of the present Session for improving the administration of justice in criminal cases, which last mentioned Act is to commence on the first day of October in the present year; and it is expedient to amend the law relative to the offence of concealing the birth of children by this Act, to take effect at the same time with the said Act for improving the administration of justice in criminal cases;”

A woman secreting the dead body of her child, to conceal the fact of its birth, guilty of a misdemeanor.

May be acquitted of murder and convicted of concealment.

I. Be it therefore enacted by the President, Council and Assembly, That if any woman shall be delivered of a child, and shall, by secret burying or otherwise disposing of the dead body of the said child, endeavour to conceal the birth thereof, every such offender shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding two years; and it shall not be necessary to prove whether the child died before, at, or after its birth: Provided always, that if any woman tried for the murder of her child shall be acquitted thereof, it shall be lawful for the Jury by whose verdict she shall be acquitted, to find, in case it shall so appear in evidence, that she was delivered of a child, and that she did, by secret burying or otherwise

otherwise disposing of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if she had been convicted upon an indictment for the concealment of the birth.

II " And whereas it is expedient to amend the law in certain cases of attempt " to kill or do bodily harm ;" Be it therefore enacted, That the seventh section of an Act of Assembly made and passed in the ninth and tenth years of the reign of his late Majesty King George the Fourth, intituled " An Act to amend the Statute law relative to offences against the person, and to provide for the more effectual punishment of such offences," be and the same is hereby repealed.

9 & 10 G. 4,
C. 21, S. 7,
repealed.

III. And be it enacted, That if any person unlawfully and maliciously shall administer or attempt to administer to any person, or shall cause to be taken by any person, any poison, or other destructive thing, or shall unlawfully and maliciously attempt to drown, suffocate or strangle any person, or shall unlawfully and maliciously shoot at any person, or shall by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to kill such person, or to maim, disfigure or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of the party so offending, or of any of his accomplices, for any offence for which he or they may respectively be liable by law to be apprehended or detained, every such offender, and every person counselling, aiding, or abetting such offender, shall be guilty of felony, and, being convicted thereof, shall be liable to the punishment prescribed for felony in the above recited Act of the present Session for improving the administration of justice in criminal cases ; and every accessory after the fact to any such offence shall be liable to be punished in the manner provided for accessaries after the fact in the above recited Act of the ninth and tenth years of the reign of His late Majesty, for amending the Statute law relative to offences against the person.

Attempting to
poison or
drown, shoot-
ing at, stabbing,
cutting or
wounding any
person with
intent to kill
or maim, &c.
felony.

Accessaries
after the fact.

IV. And be it enacted, That this Act shall commence and take effect on the first day of October in the present year, except as to offences committed before or upon the last day of September, which shall be dealt with and punished as if this Act had not been passed.

Commence-
ment of this
Act.

CAP. XVIII.

An Act to provide for setting and keeping to hard labour persons adjudged to that punishment.

Passed 25th March, 1831.

" **WHEREAS** it is expedient to make provision for setting and keeping to " hard labour persons who may be adjudged to that punishment ;"

I. Be it therefore enacted by the President, Council and Assembly, That the Justices of the Peace in the several Counties in this Province, at their General Sessions, or at any Special Sessions to be for that purpose expressly convened and holden, shall be and they are hereby required and empowered to make orders, rules and regulations for setting and keeping to hard labour all persons who may be adjudged to hard labour for any offence, by any Court, or Justice or Justices of the Peace, having competent jurisdiction therefor, and for securing, governing and managing such persons while employed at such hard labour ; and in all such cases the work shall be of such kind as the said Justices shall prescribe, and may be

Justices in
Sessions to
make regula-
tions for keep-
ing to hard
labour persons
adjudged to
that punish-
ment.

be performed at any place within the County which the Justices may direct, as well without as within the prison or house of correction in which the offender may be imprisoned; and the said Justices at such Sessions as aforesaid may from time to time appoint one or more fit person or persons to superintend and oversee all such offenders so set to hard labour, and may remove such persons so appointed, and appoint others in their stead; and may also revoke, alter and amend any such orders, rules and regulations as occasion may require: Provided always, that in cases where it may be thought expedient that offenders should be set to hard labour within the common gaol of the County, the concurrence of the Sheriff of the County shall be previously had to the orders, rules and regulations of the Justices, and the appointment of any such overseer.

Overseers to be appointed.

Regulations, &c. may be revoked or amended.

Application of the proceeds arising from the labour.

II. And be it enacted, that the proceeds arising from the work and labour of all offenders so adjudged to hard labour, shall be applied by the said Justices at such Sessions as aforesaid, in the first place to the support and clothing of such offenders, and the overplus (if any) shall be paid to the County Treasurer for the use of the County.

Punishment of persons refusing to work or guilty of any misbehaviour.

III. And be it enacted, That if any person so adjudged and set to hard labour as aforesaid shall refuse to perform any labour lawfully required of him, or shall be guilty of any misbehaviour or disorderly conduct, such Justices of the Peace, at any such General or Special Sessions as aforesaid, shall be and they are hereby authorized and empowered for any such refusal or misbehaviour, or disorderly conduct, to order such offender to be whipped, such whipping not to exceed thirty nine stripes.

Commencement of this Act.

IV. And be it enacted that this Act shall commence and take effect on the first day of October in the present year.

CAP. XIX.

i An Act to erect two new Parishes in the County of Gloucester.

Passed 23th March, 1831.

Preamble.

“**W**HEREAS the Parish of Saumarez, in the County of Gloucester, is so “extensive and populous as to render the performance of the duties “of the Parish Officers inconvenient and burthensome;”

Parish of Saumarez divided into three parishes.

I. Be it therefore enacted by the President, Council, and Assembly, That the said Parish of Saumarez shall be and the same is hereby divided into three Parishes; which Parishes shall be and hereby are named and bounded in the manner hereinafter mentioned and described; any law to the contrary thereof in any wise notwithstanding:

Parish of New Bandon erected.

The northwesterly part of the said Parish of Saumarez to be called, known and distinguished by the name of the Parish of New Bandon, and to be abutted and bounded as follows: Westerly by the eastern boundary line of the Parish of Bathurst; northerly and easterly by the Bay de Chaleur, until it comes to the mouth of the south branch of Carraquet river; thence to run westerly, by the several courses of the said south branch of Carraquet river, until it comes to the second forks: thence to run southwest, until it strikes the said eastern line of the said Parish of Bathurst; thence northerly, along the said line to its termination at the said Bay de Chaleur, and including the Islands in front.

The next Parish to be called, known and distinguished by the name of the Parish

Parish of Carraquet, and to be abutted and bounded as follows : Northerly by the said Parish of New Bandon, and by the sea coast ; easterly and southeasterly, by the Gulph of Saint Lawrence until it comes to the eastern angle of lot number one granted to William Ferguson ; thence by a line to run, by the magnet, north thirty-six degrees west, three hundred chains ; thence by a line running to the second forks of the Carraquet river aforesaid, including all the islands situated in front.

Parish of Carraquet erected.

The next Parish to be called, known and distinguished by the name of the Parish of Saumarez, and to be abutted and bounded as follows : Northerly by the said Parish of Carraquet and New Bandon ; easterly by the sea coast ; southerly by the County of Northumberland ; and westerly by the Parish of Bathurst, and to include the islands situate in front.

Boundaries of the Parish of Saumarez.

II. And be it further enacted, That the Justices of the Peace for the said County shall and they are hereby empowered, at their first General Sessions of the Peace held annually, to appoint Town or Parish Officers for the said new Parishes of New Bandon and Carraquet, in like manner as for other Towns or Parishes in the said County ; and, until the next January Sessions, the officers lately appointed for the Town or Parish of Saumarez, shall continue to perform the duties of their respective offices, in and throughout the said Parishes, as if this Act had not been made.

Parish officers to be annually appointed.

CAP. XX.

An Act to empower the Chancellor, President and Scholars of King's College, to assign a certain mortgage and mortgaged premises therein mentioned.

Passed 25th March, 1831.

“ **W**HEREAS by a certain indenture of mortgage bearing date the eleventh day of March in the year of our Lord one thousand eight hundred and eleven, and made between Henry Smith, of Fredericton in the County of York and Province of New Brunswick, Esquire, of the one part, and the Governor and Trustees of the College of New Brunswick of the other part, it was witnessed that for valuable consideration therein mentioned, the said Henry Smith had granted, bargained and sold unto the said Governor and Trustees of the said College and their successors, a certain piece or parcel of land situate, lying and being in the Parish of Fredericton in the County of York aforesaid, and abutted and bounded as follows, to wit : Beginning at the northerly easterly corner of lands granted to Daniel Bass on the bank at the westerly side of the strip of intervalle below the town plat of Fredericton, thence running along the said Bass's land south seventy-six degrees west, by the magnet, four chains (of four poles each) and fifty links, or until it meets the road leading from the Town of Fredericton, thence along the said road, following the several courses thereof, northwesterly and southeasterly, until it comes to the first creek or gully below the said Town of Fredericton, thence along the said creek or gully until it comes to the bank at the westerly side of the intervalle aforesaid, and thence along the said bank southwardly to the place of beginning ; containing in the whole by estimation ten acres, more or less ; also four lots of land situate, lying and being in block number five in the town plat of Fredericton, and known and distinguished in the said block as lots numbers seventy-three, seventy-four, seventy-five and seventy-six ; and also two lots of land

Preamble.

“ land

“ land situate, lying and being in block number six in the town plat of Fredericton aforesaid, and known and distinguished in the said block as lots numbers eighty one and eighty three ; together with all houses, out houses, buildings and improvements on the said piece, parcel and lots of land, and the reversion and reversions, remainder and remainders, rents, issues and profits of the same, with the appurtenances ; to hold the same and every part thereof unto the said Governor and Trustees of the College of New Brunswick aforesaid and their successors forever, subject to a proviso or condition of redemption in the said indenture of mortgage reserved and contained: And whereas by the operation of an Act of the General Assembly of this Province, made and passed in the ninth and tenth years of the reign of His late Majesty King George the Fourth, intituled “ An Act for the endowment of King’s College at Fredericton in the Province of New Brunswick, and also to make new provisions for the establishment and support of Grammar Schools throughout the Province,” all the estate, right, title and interest, of, in and to the said in part recited mortgage and mortgaged premises, became and is fully vested in the said Chancellor, President and Scholars of King’s College aforesaid: And whereas Charles S. Putnam and Henry George Clopper, of Fredericton, Esquires, have fully paid up and satisfied all principal and interest due upon the said mortgage, and the said Chancellor, President and Scholars have agreed to assign and transfer unto the said Charles S. Putnam and Henry George Clopper, their heirs and assigns, all the estate, right, title and interest of them the said Chancellor, President and Scholars, of, in and to the said mortgage and mortgaged premises ;”

The Corporation empowered to assign the recited mortgage and premises, subject to the condition of redemption.

Be it therefore enacted by the President, Council and Assembly, That the said Chancellor, President and Scholars of King’s College, New Brunswick, be and they are hereby fully authorized and empowered to grant, bargain, sell, assign, transfer and set over unto the said Charles S. Putnam and Henry George Clopper, their several and respective heirs, executors, administrators and assigns, all the estate, right, title and interest of them, the said Chancellor, President and Scholars, of, in and to the said in part recited indenture of mortgage, and of, in and to all and singular the lands, tenements and hereditaments therein conveyed, or meant, mentioned, or intended so to be, to hold the same and every part thereof unto the said Charles S. Putnam and Henry George Clopper, their several and respective heirs, executors, administrators and assigns forever, in as full, ample and beneficial a manner to all intents and purposes as the said Chancellor, President and Scholars now hold or heretofore have held and enjoyed the same ; subject however to the proviso or condition of redemption in the said indenture reserved and contained.

CAP. XXI.

An Act to authorize the Justices of the Peace in the County of Northumberland to levy an assessment upon the Inhabitants of the said County to discharge the debts due from the said County.

Passed 25th March, 1831.

[*Expired.*]

CAP. XXII.

An Act relative to trespasses by Horses and Swine in the Parish of Fredericton *h* and the Town of Saint Andrews.

Passed 25th March, 1831.

BE it enacted by the President, Council and Assembly, That from and after the passing of this Act, if any horse, horses or swine shall be found going at large within that part of the Parish of Fredericton, situate between the upper boundary line thereof and the creek or gully to the southward of the late Archdeacon Best's dwelling house, in the County of York, or in the town plat of Saint Andrews in the County of Charlotte, the owner or owners thereof shall forfeit and pay the sum of ten shillings for each and every horse or swine so found going at large, one half to the Commissioners of the alms house or poor house of the said Parishes respectively, and one half to the informer; to be recovered together with costs of prosecution upon conviction before any one of His Majesty's Justices of the Peace residing in the said Parish respectively, and to be levied of the goods and chattels of the owner or owners of such horse, horses or swine; and in case the owner or owners of such horse, horses or swine shall not be known, then it shall be the duty of the hog reeve or hog reeves of the said Parishes to impound such horse, horses or swine as shall be found so going at large; and it shall be the duty of the pound keeper or pound keepers of the said Parishes of Fredericton and Saint Andrews respectively, upon any horse, horses or swine being so impounded, to advertise the same in three public places in the said Parishes respectively; and in case the owner or owners of such horse, horses or swine shall not within six days after such advertisement being put up as aforesaid, pay the said fine for each horse or swine so impounded, together with the accustomed fees and charges for keeping the same, it shall and may be lawful for the said pound keeper to sell such horse, horses or swine at public auction, and apply the money arising therefrom towards paying the said fine and charges, and to pay the overplus, if any, to the owner or owners of such horse, horses or swine, whenever such owner or owners shall appear and demand the same; and in case such owner or owners shall not appear and demand the same within six months after such horse, horses or swine shall have been so impounded, then the said overplus shall be paid to the said Commissioners of the alms house or poor house for the use of the poor of the said Parishes of Fredericton and Saint Andrews respectively: Provided always, that if it shall be made appear to the satisfaction of the Justice before whom complaint shall be made, that any such horse, horses or swine were so going at large by accident and contrary to the will of the owner or owners thereof, and not by any neglect on the part of such owner or owners, that then and in such case it shall and may be lawful for such Justice to discharge the complaint upon payment by such owner or owners of the costs which may have been incurred, or in case such horse, horses or swine shall have been impounded, to order the pound keeper to discharge the same upon payment of the expenses of keeping the same.

Penalty for horses or swine going at large within certain parts of Fredericton or Saint Andrews.

Application. Mode of recovery.

When the owner is not known the horses or swine to be impounded and advertised.

After advertisement the horses or swine to be sold at public auction.

Application of the proceeds of the sale.

Power of Justices when the horses or swine may have been at large by accident.

h Refer to C. 9, S. 3.

CAP. XXIII.

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;”

Passed 25th March, 1831.

“**W**HEREAS it is expedient to repeal the law declaring 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 enactments in lieu thereof;”

50 G. 3, C. 27,
repealed.

I. Be it enacted by the President, Council and Assembly, That an Act made and passed in the fiftieth year of the reign of 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,” be and the same is hereby repealed.

Church Wardens and Vestrymen to be owners of pews, and resident in the Parish, all pew holders to have voices in their election.

II. And be it further enacted, That the Inhabitants of the several and respective Parishes in this Province who shall be owners or proprietors of pews in the Church of the Parish wherein they shall or may be resident; or in some Chapel of Ease thereto belonging, shall and may be qualified and capable to be elected and appointed, and to have and hold the offices or places of Church Wardens and of Vestrymen; and all pewholders, whether resident or not, to have voices and votes in the election of all such Church Wardens and Vestrymen, in the several Parishes as aforesaid; and that no other person or persons whatsoever shall be qualified or capable to hold or enjoy the said offices or places, or any or either of them, or shall have voice or vote in the election or appointment of any such Church Wardens or Vestrymen in any Parish in this Province; any law, usage or custom to the contrary notwithstanding: Provided always, that the possession or ownership of a pew in any Church, shall not entitle more than one person to a vote at any election of Church Wardens and Vestrymen.

CAP. XXIV.

An Act to regulate Inns, Taverns and Houses for selling strong or spirituous Liquors and to repeal all the Laws now in force relating to the same.

Passed 25th March, 1831.

[*Repealed by 5 W. 4, C. 3, which makes other provisions.*]

1 Pew Owners residing in an adjoining Parish rendering eligible by 2 W. 4, C. 24.—See 2 W. 4, C. 16, as to Saint Andrews, and 6 W. 4 C. 3, as to Churches where sittings are free.

CAP. XXV.

An Act to continue and amend an Act, intituled " An Act for regulating the Salmon and Shad Fisheries so far as the same may relate to the River Petticodiac in the County of Westmorland." 7 G. 4, C. 22

Passed 31st March, 1831.

66 WHEREAS it is expedient and necessary that overseers should be appointed to carry into effect the provisions of the said recited Act ;" Preamble.

I. Be it therefore enacted by the President, Council and Assembly, That the Justices of the Peace for the County of Westmorland, at any General Sessions of the Peace held in and for the said County, shall and may appoint one or more fit person or persons as overseer or overseers of the fisheries in the said river Petticodiac and its Branches, whose duty it shall be to carry into effect, as far as may be, the several provisions of the said recited Act, and to inquire into and prosecute all offences against the same ; which said overseer or overseers shall be sworn to the faithful discharge of their duty, and be in all respects subject to the same rules, regulations, penalties and forfeitures as any other Town or Parish Officers are subject to by virtue of any Acts now in force in this Province. Overseers of the fisheries to be appointed. Their duty. To be sworn and liable as other Parish officers.

II. And be it further enacted, That the said recited Act, and also this Act in amendment thereof, shall continue and be in full force until the first day of April in the year of our Lord one thousand eight hundred and forty one. 7 G. 4, C. 22, continued.

CAP. XXVI.

An Act to regulate Assessments in this Province.

Passed 31st March, 1831.

[Part repealed and remainder continued by S. W. 4, C. 26, to 1st April, 1835, and then expired.]

CAP. XXVII.

An Act to continue an Act to provide for the expenses of the Judges holding the Circuit Courts and Courts of Oyer and Terminer in this Province, and of the Clerk in those Courts.

Passed 31st March, 1831.

[Expired.]

CAP. XXVIII.

An Act to authorize the Justices of the Peace at any General or Special Sessions to make regulations for the destruction or confinement of Dogs during the prevalence of canine madness or hydrophobia in any part of the Province.

Passed 31st March, 1831.

66 WHEREAS the frequent instances of canine madness or hydrophobia of late years prevailing among dogs and other animals in many parts of Preamble.

“ of this Province, renders it expedient to make regulations for the confinement
 “ or destruction of dogs during the prevalence of the contagion, in order to
 “ prevent the spreading thereof ;”

Justices in Sessions may make regulations as to dogs during the prevalence of Hydrophobia.

Be it therefore enacted by the President, Council and Assembly, That from and after the passing of this Act, the Justices of the Peace at any General or Special Sessions to be held in and for any County in this Province, be and they are hereby authorised and empowered to make such regulations for the confinement or destruction of any dogs within their respective Counties during the prevalence of hydrophobia or contagion as they may think expedient or find necessary in order to prevent the spreading of such contagion.

CAP. XXIX.

31 G. 3. C. 9. An Act to alter and amend an Act, intituled “ An Act for preserving the bank of the river Saint John in front of the Parishes of Magerville, Sheffield and Waterborough.”

Passed 31st March, 1831.

Preamble. “ WHEREAS by the first Section of an Act made and passed in the
 “ thirty-fourth year of the reign of King George the Third, intituled
 “ An Act for preserving the bank of the River Saint John in front of the Parishes
 “ of Magerville, Sheffield and Waterborough,” it is enacted, among other things,
 “ that it shall not be lawful for neat cattle, horses, sheep, swine, or goats, to be
 “ suffered to go at large in the highway or graze on the bank of the river Saint
 “ John in front of the Parish of Magerville, between the tenth day of March and
 “ the tenth day of November in each year : And whereas in consequence of an
 “ alteration of the highway in front of the upper part of the said Parish of Ma-
 “ gerville, the same has been found inconvenient ; for remedy whereof,”

34 G. 3. C. 9. S. 1, not to extend to herein described part of Magerville.

Be it therefore enacted by the President, Council, and Assembly, That nothing in the said in part recited section of the said Act shall be construed to extend to that part of Magerville from where the present highway leaves the river Saint John in the Parish of Magerville aforesaid, and runs in the rear to the County of York, to the upper boundary line of the said Parish of Magerville.

CAP. XXX.

An Act to continue the Acts for the encouragement of Parish Schools in this Province.

Passed 31st March, 1831.

[*Repealed by 3 W. 4, C. 31.*]

CAP. XXXI.

An Act to authorise the extension of the Gaol Limits in the County of Charlotte.

Passed 31st March, 1831.

Preamble. “ WHEREAS in and by the eleventh section of an Act made and passed
 “ in the tenth and eleventh years of the reign of His late Majesty
 “ King

“King George the Fourth, intituled “An Act to repeal all the Acts now in force for the support and relief of confined debtors, and to make other and more effectual provisions in lieu thereof,” the Justices in the several Counties were and are empowered, at any General or Special Sessions, to designate certain limits, not less than forty nor exceeding eighty rods, round the several gaols in this Province: And whereas it is expedient to extend the limits of the gaol in the County of Charlotte, so as to include Mary street, Earnest street, and Prince of Wales street, in the Town of Saint Andrews, within the said County;”

I. Be it therefore enacted by the President, Council and Assembly, That the Justices of the Peace in and for the County of Charlotte, at any General Session of the Peace hereafter to be holden in and for the said County, be and they are hereby authorized and empowered to designate, extend and enlarge the limits round the gaol in the Township of Saint Andrews, so as to include, to the westward of said gaol, Mary's street, eastward, Earnest street, and to the northward, Prince of Wales street; any thing in the said recited Act to the contrary in anywise notwithstanding: Provided always, that the limits so extended shall not exceed one hundred and sixteen rods from said gaol.

II. And be it further enacted, That the Sheriff of the said County of Charlotte may give the like permission, take the like bonds, assign the same, and be exempted from actions of escape for prisoners so having the benefit of said enlarged limits, in the same manner as is provided in the thirteenth and fourteenth sections of said recited Act.

Justices in General Session may extend gaol limits as herein described.

Proviso.

Sheriff may give permission &c. as in 10 & 11 G. 4, C. 30, S. 13, 14.

CAP. XXXII.

An Act to enable the Justices of the Peace for the County of Kent to raise money by assessment on the Inhabitants of the said County, to discharge the debt due for erecting the Court House and Gaol.

Passed 31st March, 1831.

[*Expired.*]

CAP. XXXIII.

An Act to repeal all the Acts 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.

Passed 31st March, 1831.

[*Repealed by 5 W. 4, C. 2.*]

m. See 6 W. 4, C. 41, which repeals the Act 10 & 11 G. 4, C. 30, with a saving of all Gaol Limits before established.—See particularly Sections 12 and 21 of the Act 6 W. 4, C. 41.

CAP. XXXIV.

An Act to repeal an Act, intituled “An Act to prevent illicit and clandestine trade, and for imposing a duty upon articles illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof.”

Passed 31st March, 1831.

47 G. 3, C. 16,
repealed.

BE it enacted by the President, Council and Assembly, That an Act made and passed in the forty seventh year of the reign of King George the Third, intituled “An Act to prevent illicit and clandestine trade, and for imposing a duty upon articles illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof,” be and the same is hereby repealed.

CAP. XXXV.

An Act to amend an Act, intituled “An Act to repeal all the Acts now in force relative to the importation and spreading of infectious distempers in the City of Saint John, and to make more effectual provisions for preventing the same.”

Passed 31st March, 1831.

[*Repealed by 3 W. 4, C. 21.*]

CAP. XXXVI.

An Act to authorize the Justices of the Peace for the County of Charlotte further to assess the Inhabitants of said County for the completion and finishing a Gaol and for the erection of lock up Houses in said County.

Passed 31st March, 1831.

[*Expired.*]

CAP. XXXVII.

n An Act to regulate the assize of Bread in the Towns of Newcastle and Chatham in the County of Northumberland.

Passed 31st March, 1831.

Preamble.

“**W**HEREAS it is found necessary that there should be a law to regulate “the assize of bread in the Towns of Newcastle and Chatham, in the “County of Northumberland;”

Justices in Sessions to regulate the assize and sale of bread.

I. Be it therefore enacted by the President, Council and Assembly, That the Justices of the Peace for the County of Northumberland, be and they are hereby authorized and empowered from time to time to make such rules and regulations

n Refer to 52 G. 3, C. 7, as to Saint Andrews, 5 G. 4, C. 18, as to Fredericton, and 10 & 11 G. 4, C. 4, as to Portland.

lations for ascertaining and establishing the assize of bread and the sale thereof, for the said Towns of Newcastle and Chatham respectively, 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.

Fines not to exceed 40s.

II. And be it further enacted, That the Clerk of the market for the said Towns of Newcastle and Chatham 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 in case he shall find any bread to be of less weight than the regulated size 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 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 is 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.

Power of Clerks of Market to seize bread deficient in weight.

Bread so seized to be for the use of the poor.

III. And be it further enacted, That the said clerks of the markets 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.

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 His 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 such Parish in which the offence shall have been committed.

Penalties how to be recovered and applied.

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

Limitation.

[Continued until 1st May, 1840, by 6 W. 4, C. 6.]

CAP. XXXVIII.

An Act to repeal the Act now in force against the profanation of the Lord's Day, commonly called Sunday, and for the suppression of Immorality, and to make other provisions in lieu thereof.

Passed 31st March, 1831.

“WHEREAS the Act now in force against the profanation of the Lord's Day, and for the suppression of immorality, has been found insufficient for the purposes intended;”

Preamble.

I. Be it therefore enacted by the President, Council and Assembly, That an Act passed in the twenty sixth year of the reign of His Majesty George the Third, intituled “An Act against the profanation of the Lord's Day, commonly called Sunday, and for the suppression of immorality,” be and the same is hereby repealed.

26 G. 3, C. 5, repealed.

II.

o Shooting, gaming, &c. on the Lord's day.

p Drunkenness or disturbing public worship on that or any other day.

Penalty.

Mode of recovery.

Application.

Complaint to be within ten days.

II. And be it further enacted, That from and after the passing of this Act all persons within this Province, of what description soever, who shall be convicted, either on view or by the oath of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace in any County within this Province, of shooting, gaming, sporting, playing, hunting, or frequenting tippling houses, or of servile labour (works of necessity and mercy excepted), on the Lord's Day, commonly called Sunday, or who shall be convicted of drunkenness or the disturbance of the public worship of God, either on that or any other day, shall for every such offence forfeit and pay a sum not less than five shillings nor more than twenty shillings, at the discretion of such Justice, to be levied by distress and sale of the offender's goods and chattels at public auction, by warrant under the hand and seal of any Justice of the Peace, the overplus (if any) after deducting costs of prosecution to be returned to the owner of such distrained goods; and for want of goods and chattels to satisfy such forfeiture and costs, such offender shall for every such offence, by warrant under the hand and seal of the Justice of the Peace before whom convicted, be committed to the common gaol of such County, or the lock up house of the Parish (having such a house) where the offence was committed, and there kept in close confinement for a term not less than twelve hours nor more than four days, at the discretion of the Justice before whom he or she shall have been so convicted; all forfeitures incurred by virtue of this Act to be applied towards the relief of the poor of the Parish in which they shall respectively have been incurred: Provided always, that the complaint shall be within ten days after the commission of such offence.

CAP. XXXIX.

An Act to incorporate sundry persons by the name of the New Brunswick Fire Insurance Company.

Passed 31st March, 1831.

Preamble.

“**W**HEREAS it is thought that the establishment of an Insurance Company against fire would tend to the increase of the wealth of the City of Saint John and of the Province in general, by keeping within the Province large sums of money that are annually paid in other parts for insurance against loss or damage by fire;”

Company incorporated by the name of “The New Brunswick Fire Insurance Company.”

I. Be it enacted by the President, Council and Assembly, That James Hendricks, William Scovil, Isaac L. Bedell, Benjamin Smith, John Kinnear, William H. Street, Robert F. Hazen, Robert Rankin, Ralph M. Jarvis, Stephen Wiggins, John M. Wilmot, John V. Thurgar, John Kerr, William Jarvis, William Hughson, Lachlan Donaldson, Henry Gilbert, Robert W. Crookshank, Thomas Millidge, William Crane, Henry G. Clopper, Thomas Wyer, Jedediah Slason, Daniel Leavitt, John Smyth, James Keator, William Walker, James Kirk, James T. Hanford, John Robertson, Charles Ward, Angus M'Kenzie, John Wishart and Richard Sands, their associates, successors or assigns, be and they are hereby declared to be a body corporate, by the name of the New Brunswick Fire Insurance Company; and that they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses,

Powers and Privileges.

o Tavernkeepers are prohibited from selling Spirituous Liquors, &c. on Sunday by 5 W. 4, C. 3, S. 9.
p For proceedings against Drunkards in Saint John.—See 3 W. 4, C. 29, S. 4.

houses, lands, tenements, hereditaments and rents. in fee simple or otherwise, and also goods and chattels, and all other things, real, personal or mixed, and also to give, grant, let or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation ; and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of law and equity, or any other place or places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner, to all intents and purposes, as any other person or persons are in law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto ; and also that they have one common seal to serve for the ensealing of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreements, assignments, powers and warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation.

II. And be it further enacted, That the capital or stock of the said Corporation shall consist of the sum of fifty 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 ; ten thousand pounds, being one fifth part thereof, to be paid within ninety days after the passing of this Act, and the remaining four fifths, or forty thousand pounds, 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 or stock to be divided into shares of ten pounds each, making in the whole five thousand shares.

Fifty thousand pounds to be the capital, payable one fifth in ninety days, and the remainder when necessary. To be divided into shares of ten pounds each.

III. And be it further enacted, That no member of the said Corporation, during the said ninety days after the passing of this Act as aforesaid, shall be entitled to hold or subscribe for more than fifty shares of the said capital or stock ; and if the whole of the said capital or stock shall not have been subscribed within the said ninety days, that then and in such case it shall be lawful for any stockholder or stockholders to increase his, her or their shares or subscriptions to as many shares as he, she or they may think proper.

For ninety days after the passing of this Act no member to hold more than fifty shares.

IV. And be it further enacted, That every subscriber or stockholder shall pay into the hands of the Directors for the time being, within the said ninety days as aforesaid, one fifth part, or twenty per cent. on the whole amount of his or her share or shares, and shall give to the President and twelve Directors herein after mentioned good and satisfactory security or securities, either by bond and mortgage on real estate, or otherwise, at the option and to the satisfaction of the said President and Directors, that the residue of the whole amount of his or her shares shall be paid to the said President and Directors for the time being, from time to time, and in such parts or portions, as to them the said President and Directors shall seem advisable ; provided that the amount also to be called in shall not exceed at any one time twenty per cent. on the whole amount of the capital or stock belonging to any individual ; and that fifty days notice of such payment being required shall be given in one or more of the newspapers published in this Province.

Twenty per cent. on the shares to be paid to the Directors within said ninety days, and security given for the remainder.

Proviso.

V. And be it further enacted, That whenever two thousand shares shall have been subscribed of the said capital or stock, a general meeting of the members and stockholders of the said Corporation, or the major part of them, shall take place, by notice in one or more of the public newspapers fourteen days previous to such meeting, for the purpose of choosing thirteen Directors, being members and

First general meeting for choosing Directors.

Directors to choose a President, make bye laws, appoint officers, receive instalments and take securities, and commence the operations of the company.

and stockholders of the said Corporation, under and in pursuance of the rules and regulations herein after made and provided; which Directors shall, as soon thereafter as may be convenient, meet together and choose out of their number a President, and shall at such or any future meeting proceed to make such bye laws, rules and regulations for the good management of the affairs of the said Corporation as they shall deem proper and necessary and shall also appoint, at the same time or at any future meeting, a Secretary and so many other Officers, Clerks and Servants for carrying on the said business as shall be thought requisite, and shall, at the same time or at any future meeting, accept and receive the first instalment of twenty per cent. on each subscriber's or stockholder's share or subscription, and shall take from such subscribers such securities for the remainder of their subscriptions as is herein before pointed out, and shall commence the operations of the said Insurance Company, subject to the rules and regulations herein after made and provided, and shall continue to serve and be Directors aforesaid until the first annual meeting for the choice of Directors as herein after made and provided, or until others are chosen in their room; provided that the laws and ordinances at any time made by the said Directors, be not in anywise contrary or repugnant to the laws and statutes of this Province.

At the annual general meeting, which is to be held on the first Monday in March, thirteen directors to be chosen.

President to be chosen by the Directors at their first meeting thereafter.

Seven Directors to be re-elected.

Power of Directors.

All expenses to be paid out of the corporate funds.

Board for transacting business,

VI. And be it further enacted, That there shall be a general meeting of the stockholders and members of the said Corporation held annually on the first Monday in March in each and every year, between the hours of twelve at noon and three in the afternoon, at the City of Saint John; at which annual meeting there shall be chosen, by a majority of the said stockholders and members of the said Corporation then met, out of the said stockholders and members, thirteen Directors, 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 herein after mentioned; and the Directors when chosen, or the major part of them, shall, at the first meeting after their election, choose out of their number a President, who is to be chosen by a majority of votes, each Director having one vote: Provided always, that seven of the Directors in office shall be re-elected at such annual meeting for the next succeeding year, of which the President shall always be one.

VII. And be it further enacted, That the Directors for the time being shall have power to do and execute all the matters and things contained in the preceding section of this Act, as far as the same may be left unexecuted by the Directors therein mentioned, and to alter and amend or entirely abrogate such bye laws, rules and regulations as may be made by any former set of Directors, so often as experience and necessity may require, and that they shall manage the whole concerns of the said Corporation agreeably to this Act of Incorporation and such bye laws, rules and regulations, and also do and execute all other matters and things that may be necessary and requisite for the benefit of the Corporation, and also shall have power to appoint such Officers, Clerks and Servants as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow the said Officers, Clerks and Servants such compensation for their respective services as to them the said Directors shall appear reasonable and proper; all which, together with the expenses of buildings, house rent, and all other contingencies, shall be defrayed out of the funds of the Corporation.

VIII. And be it further enacted, That not less than five Directors shall constitute a board for the transaction of business, of which the President shall always

ways be one, except in case of sickness or necessary absence, in which case the Directors present may choose one of their board as chairman for the time being ; that the President shall vote at the board as a Director, and in case there be an equal number of votes for and against any question before them, the President shall have a casting vote.

President to have a casting vote.

IX. And be it further enacted, That no Director shall be entitled to any salary or emolument for his services ; but that the Directors of said Corporation for the time being may make such compensation to the President as to them shall appear reasonable and proper.

No director to have a salary. Compensation to the President.

X. And be it further enacted, That no person shall be eligible as a Director unless such person is a stockholder, and holds not less than fifty shares of the capital stock of the said Corporation.

Qualification of Directors.

XI. And be it further enacted, That the number of votes to which each stockholder shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be one vote for each share in the capital or stock aforesaid ; and that every stockholder may vote by proxy, provided such proxy be a stockholder, and previous to voting produce a sufficient authority from his constituent or constituents so to act.

Each share to be entitled to a vote.

Votes by proxy.

XII. And be it further enacted, That if it should so happen that the Directors should not be chosen on the first Monday in March in any year as aforesaid, it shall and may be lawful to choose them on any other day between the hours of twelve at noon and three in the afternoon of said day, upon giving fourteen days notice of the time and place of meeting, which shall take place in the City of Saint John ; and in case any Director should disqualify himself by the sale, disposal or transfer of his shares, or of any of them, so as to reduce his interest in the said stock to less than fifty shares, required for the qualification of a Director, or in case of the removal of a Director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders, fourteen days notice of the time and place of meeting being first given ; and in case of any vacancy among the said Directors by death, resignation or absence from the Province for three months, the said Directors shall or may fill up the same by choosing one of the said stockholders ; and the person so chosen by the said stockholders or Directors shall serve until another be chosen in his room.

How Directors to be chosen when not chosen at the annual meeting.

Vacancies by selling out ;

by death, resignation or absence.

XIII. And be it further enacted That as soon as the said first instalment of ten thousand pounds shall have been actually paid in manner and form as is herein before provided, on account of the subscriptions to the said stock, notice thereof shall be given in one or more of the newspapers published in this Province, and the Directors shall commence with the business and operations of the said Corporation : Provided always, that no insurance shall be effected nor shall any policy be signed in manner as herein after provided, until the sum of ten thousand pounds shall be actually paid in and received on account of the subscriptions to the capital or stock of the said Corporation.

Upon payment of the first instalment notice to be given, and the business to be commenced.

XIV. And be it further enacted, That the said Company and Corporation shall have power and authority to make insurances on houses, buildings, ships or other vessels on the stocks or in port, merchandize, monies, goods, wares, and effects against loss or damage by fire, and to fix the premium and terms of payment ; and all policies of insurance by them made shall be subscribed by the President, or in case of his death, absence, sickness or inability, by any two of the Directors, and countersigned by the Secretary of the said Corporation, and shall be binding and obligatory upon the said Corporation and Company ; and that all losses duly arising under any policy so subscribed and countersigned shall

Corporation empowered to insure on houses, &c.

How Policies to be signed.

Losses to be settled by the Directors.

One insurance not to exceed £3,000.

Directors to make half yearly dividends.

Capital being reduced to less than £10,000 no dividend to be made.

Corporation not to deal in buying or selling goods, &c.

Or in banking operations.

Capital to be invested.

Corporation may hold real estate not exceeding £3,000.

May take mortgages to any amount as collateral security.

Not to lend money upon mortgages, &c.

Shares to be assignable.

shall and may be adjusted and settled by the board of Directors, and the same shall be binding on the said Company and Corporation, and shall be paid to the assured within ninety days from such adjustment : Provided always, that the said Directors shall not in any case make insurance on any single building, or goods contained therein, to an amount exceeding three thousand pounds.

XV. And be it further enacted, That it shall be the duty of the Directors of the said Corporation, or a quorum thereof, to make half yearly dividends of all the profits, rents, premiums and interest of the said Corporation, payable at such time and place as the Directors or a quorum thereof shall appoint, of which they shall give thirty days previous notice in one or more of the newspapers published in this Province : Provided always, that the monies received for premium of risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the said profits of the said Company ; and provided further, that if the amount of capital or stock paid as by the Act is required, shall be by any means reduced to a sum less than ten thousand pounds, then and in such case no dividend or dividends whatsoever shall be declared or made until a sum equal to the said sum of ten thousand pounds shall be vested for the use of the said Company.

XVI. And be it further enacted, That the said Company or Corporation shall not directly or indirectly deal or trade in buying or selling gold and silver coins or bullion, or bills of exchange or other negotiable instruments, or any goods, wares, merchandize or commodities whatsoever, or deal in the lending of money, or in bills of exchange or other negotiable instruments, by way of discount or otherwise, or engage in any banking operations whatsoever ; and the capital or stock of the Company collected at each instalment, and at the times and in the manner herein before provided, shall be by the said Directors invested and disposed of in such public funds, or to such public or corporate bodies or associations as may be deemed advisable.

XVII. And be it further enacted, That the said Corporation shall have full power and authority to take, receive, hold, possess and enjoy in fee simple, any lands, tenements, and real estate, and rents, to any amount not exceeding three thousand pounds : Provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate to any amount whatsoever by mortgage taken as collateral security for the payment of any sum or sums of money advanced by or debts due to the said Corporation, or for the security of the payment of the amount of such part of the capital or stock of the said Corporation that shall at any time or times remain unpaid : Provided further, that the said Corporation shall on no account lend money upon mortgage, or upon lands or other real property, nor take or hold any lands or real property in security for the payment of money, unless by way of additional security for debts contracted with the said Corporation in the course of its lawful dealings, or for the payment of such part or parts of its capital or stock as may from time to time remain unpaid as aforesaid.

XVIII. And be it further enacted, That the shares, capital or stock of the said Company shall be assignable or transferable according to such rules and regulations as may by the Directors be established in that behalf, but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a book, to be kept by the Directors for that purpose,

⁷ See 2 W. 4, C. 22, S. 1, limiting amount of dividends.

⁷ See 2 W. 4, C. 15, authorizing Province Treasurer to borrow part of the Capital Stock of this Corporation.

⁵ See 2 W. 4, C. 22. S. 2, authorizing the Corporation to let monies out at interest.

purpose, nor until such person or persons so making the same shall previously discharge all debts actually due and payable by him, her or them to the said Corporation; and in no case shall any fractional part of a share be assignable or transferable; and that whensoever any stockholder shall transfer in manner aforesaid, all his or her stock or shares in the said Corporation to any other person or persons whatsoever, such person shall cease to be a member of the said Corporation, and the person or persons so purchasing shall become a member of the said Corporation in his or her stead, and be entitled to all the privileges as such.

XIX. And be it further enacted, That no Fire Insurance Company shall hereafter be incorporated in this Province with a capital less than that of this Company or Corporation.

No similar company with a smaller capital.

XX. And be it further enacted, That in case of any loss or losses taking place which shall be equal to the amount of the capital or stock of the said Company, and the President and Directors after knowing of such loss or losses taking place shall make any further policy of insurance, they and their estates jointly and severally shall be accountable for the amount of any and every loss which shall take place under such policy or policies so made.

Liability of the President and Directors in case of losses equal to the capital.

XXI. And be it further enacted, that the joint stock or property of the said Corporation shall be alone responsible for the debts and engagements of the said Corporation; and that no person or persons who shall or may have dealings with the said Corporation, shall on any pretence whatsoever have recourse against the separate property of any present or future member or members of the said Corporation, or against their person or persons, further than has been herein before provided, and that may be necessary to secure the faithful application of the funds of this Corporation.

Joint stock only responsible for the debts and engagements.

XXII. And be it further enacted, That the bonds and other securities of what nature or kind soever, taken for the payment of the residue of the said capital or stock as is herein before directed, shall from time be renewed or changed, and other and further security or securities for the same be given, whenever and as often as the said Directors or any quorum thereof shall require, and in case of any refusal or delay to renew or change any such security or securities, or to give or grant other and further security or securities therefor, to the satisfaction of the said Directors or any quorum thereof, within thirty days after notice thereof given, then and in such case it shall and may be lawful to and for the said Directors or any quorum thereof, to cause such proceedings both in law and equity, or either, as may be deemed requisite, to be taken for the recovery of the amounts of such several security and securities, or it shall and may be lawful to and for the said Directors or any quorum thereof, if they shall think fit, to declare the shares in the said capital or stock, for the amount of the residue of which such security or securities shall have been given, forfeited to the said Company, together with all deposits, instalments, interests, profits or dividends thereto belonging or appertaining; and that such stock so forfeited shall be sold by public auction for and on account of the said Company, and the purchaser or purchasers thereof shall give such security or securities for the payment of the amounts due to the said Company on account of such forfeited shares at the time of such forfeiture as is herein before provided, and shall be likewise subject to all the provisions of this Act; any thing herein contained to the contrary thereof in anywise notwithstanding.

Bonds for residue of the capital may be renewed;

In case of refusal may be prosecuted,

or Shares forfeited.

XXIII. And be it further enacted, That the books, papers, correspondence, and all other matters and things belonging to the said Corporation, shall at all

Books, &c. to be open to inspection of Directors.

times

times be subject to the inspection of the Directors, or any of them; but no stockholder, not a Director, shall inspect the account of any individual or corporate body with the said Company.

A statement of the affairs to be laid before the Stockholders at the annual meeting.

Duplicate for the Governor and Council

XXIV. And be it further enacted, That the Directors shall at the general meeting to be holden on the first Monday in March in every year lay before the stockholders, for their information, an exact and particular statement of the then state of the affairs and business of the said Company, agreeably to the several regulations of this Act and such other rules and regulations as may by the said Directors be made by virtue hereof, so as the same may contain a true account of the whole of the affairs of the said Company; which statement shall be signed by the Directors and attested by the Secretary; and a duplicate thereof, in like manner signed and attested, shall be transmitted to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Honourable His Majesty's Council: Provided always, that the rendering of such statement shall not extend to give any right to the stockholders, not being Directors, to inspect the account of any individual or individuals with the said Corporation.

Committee of the Legislature to have access to the books.

XXV. And be it further enacted, That any joint Committee hereafter to be appointed by the Honourable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or prorogation of the General Assembly have free access to all the books and accounts of the same.

Calling of general meetings.

XXVI. And be it further enacted, That any number of Stockholders not less than twenty, who together shall be proprietors of one thousand shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the stockholders for purposes relating to the business of the said Corporation, giving at least thirty days notice in two of the newspapers published in this Province, and specifying in such notice the time and place of such meeting with the objects thereof; and the Directors or any five of them shall have the like power at any time (upon observing the like formalities) to call a general meeting as aforesaid.

How general meeting to consider a dissolution of the company to be called.

XXVII. And be it further enacted, That any number of Stockholders, not less than fifty, who together shall be proprietors of three thousand five hundred shares, shall have the power at any time, by themselves or their proxies, to call a general meeting of the stockholders for the purpose of taking into consideration the dissolving of the said Company, giving at least three months previous notice in one or more of the newspapers published in this Province, and specifying in such notice the time and place of such meeting with the objects thereof; and should it be agreed upon at such meeting that the said Company or Corporation should be dissolved, such stockholders are hereby authorized and empowered to take all legal and necessary means and ways to dissolve the said Company; and upon such or any other dissolution of the said Company, the Directors then in office shall take immediate and effectual measures for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders in proportion to their respective interests.

If a dissolution be agreed on directors to take measures for closing the concerns.

Limitation.

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

CAP. XL.

An Act to make more effectual provision for preventing the importation and [†] spreading of infectious Distempers within the Towns and Settlements in the Counties of Charlotte and Northumberland.

Passed 31st March, 1831.

“ **W**HEREAS from the great augmentation of the population of the Town
“ of Saint Andrews and other Towns in the County of Charlotte, and
“ also of the Towns of Newcastle and Chatham and other Towns or Villages on
“ the Miramichi river, it has become expedient for the safety of the Inhabitants
“ to make more effectual regulations for preventing the importation of infectious
“ Distempers in those districts than are already by law provided ;”

Preamble.

I. Be it therefore enacted by the President, Council and Assembly, That an Act made and passed in the eighth year of the reign of His late Majesty George the Fourth, intituled “ An Act to make more effectual provision for preventing the importation or spreading of infectious Distempers within the Towns or Settlements on the river Miramichi; and also an Act made and passed in the ninth and tenth years of the reign of His late Majesty George the Fourth, intituled “ An Act in addition to an Act, intituled ‘ An Act to make more effectual provision for preventing the importation or spreading of infectious Distempers within the Towns or Settlements on the river Miramichi,’ ” be and the same are hereby repealed.

8 G. 4, C. 21,
and

9 & 10 G. 4,
C. 20 repealed.

II. And be it further enacted, That no vessel having on board the small pox, yellow fever, putrid bilious fever, or other pestilential or contagious Distemper, or coming from any place infected with such Distempers, or at which any such Distempers at the time of her departure were known or supposed to prevail, or on board of which vessel any person during the voyage had died, or been sick of any such Distemper, shall come, proceed or be navigated farther from the sea into the bay of Passamaquoddy, or towards any port or place in the County of Charlotte, or further from the sea into the river Miramichi, than such place or places as the Justices of the Peace for the Counties of Charlotte and Northumberland at their General Sessions of the Peace, or at any Special Sessions to be for that purpose convened, shall in said Counties respectively order and appoint, until such vessel shall have been duly inspected and examined by the Physician or Physicians to be for that purpose as herein after mentioned appointed, and shall have received a licence for that purpose from two of His Majesty’s Justices of the Peace; and in case such licence shall be denied, and it shall be judged expedient by the Justices of the Peace of the said Counties respectively, or by any two of them, that such vessel with her cargo and all persons on board shall ride or perform quarantine, then the master or commander of such vessel for the time being shall forthwith cause such vessel, with all the persons, goods and cargo on board thereof, to be removed to and anchor at such place, and for such length of time (not exceeding forty days), as the said Justices or any two of them in either County shall direct or appoint; and during the time such vessel shall be performing such quarantine, the master or commander thereof shall not permit any intercourse between the persons on board such vessel and the shore or shores, or between such vessel and any other vessel in the said harbour or harbours, except under the direction of the said Physician or Physicians; and the master or commander

u Vessels here-
in described
not to come
within such
distance in the
Counties of
Charlotte and
Northumber-
land as shall
be appointed,
until inspected
and licensed.

If licence be de-
nied the Justi-
ces may order
vessel to per-
form quaran-
tine.

Regulations for
vessels at quar-
antine.

[†] Refer to 39 G. 3, C. 8, and the Acts there referred to.

u See 2 W. 4, C. 17, extending the provisions of this Act to all vessels having passengers.

mander of any such vessel, and all and every other person or persons belonging to and being on board such vessel, who shall disobey any such orders and directions as aforesaid, or shall neglect to execute and perform the same, or who shall come on shore or go on board of any other vessel within the said harbour or harbours, or shall presume to bring or put, or aid or assist in bringing or putting, on shore or on board any other vessel as aforesaid, any person or any goods from any such vessels so having come to anchor, or which shall be ordered to perform quarantine as aforesaid, without the licence or permission of the said Physician or Physicians being for that purpose first obtained, shall for each and every offence severally forfeit and pay a sum not less than fifty pounds nor more than two hundred pounds current money of this Province.

Penalty.

Described vessels to hoist a signal on arrival at specified places in the respective Counties.

III. And be it further enacted, That the master or commander of every vessel having on board the small pox, yellow fever, putrid bilious fever, or any other pestilential or contagious Distemper, or coming from any place infected with such Distemper or Distempers, or at which any such Distempers at the time of her departure were known or supposed to prevail, or on board of which vessel any person during the voyage had died or been sick of any such Distemper, shall immediately after her arrival at such place or places as shall be appointed as aforesaid by the Justices of the Peace of the County of Charlotte in General or Special Sessions convened, or after her arrival at or within Fox Island in the bay of Miramichi, in the said County of Northumberland, hoist such vessel's ensign with the union down, or if there be no ensign on board, then he shall hoist such other colours as shall be on board half mast, and continue the said signals so hoisted until a licence be had to remove the same, from the said Justices or any two of them for the said Counties respectively, under the penalty of twenty pounds for each and every offence.

Penalty.

Instructions to be furnished to the branch pilots.

IV. And be it further enacted, That the several branch pilots in the aforesaid Counties of Charlotte and Northumberland respectively, shall be furnished with printed or written instructions containing such memorandum or abstract of the provisions of this Act, and of the regulations to be made in pursuance thereof, as the said Justices of the Peace of the said Counties respectively at any General or Special Sessions may direct; and such instructions shall in all cases contain a notice to the following effect:

That the master or commander of any such vessel, shall not put on shore, or on board any other vessel, or suffer any other person to go or put on shore or on board any other vessel, any person or goods out of the said vessel until such vessel shall have been inspected by the Physician or Physicians and his or their licence for that purpose obtained, under the penalty of not less than fifty pounds nor more than two hundred pounds, and further, that the said master or commander shall cause the said vessel's ensign or such other colours as shall be on board to be hoisted half mast (if the ensign with the union down), and shall continue the same so hoisted until leave be granted by two Justices of the Peace to remove the same, under the penalty of twenty pounds;

To be read or purport communicated to masters of vessels.

And it shall be the duty of the said pilots respectively, on first boarding any vessel coming into the said bay of Passamaquoddy or any port or place in the County of Charlotte, or into the said river Miramichi, to read such notice to the master or commander of such vessel, or to communicate to him the purport and effect of such notice; and any branch pilot who shall neglect his duty in this respect shall for the first offence forfeit and pay the sum of ten pounds, and for the second offence an addition to the further penalty of ten pounds, be prevented forever after from holding a branch.

Penalty.

V.

V. And be it further enacted, That if any person or persons shall be found to have been landed, or attempting to land, from any such vessel so coming from any infected place as aforesaid, or having any person on board so infected as aforesaid, it shall and may be lawful for any Justice of the Peace in such Counties respectively, by warrant under his hand and seal directed to any Constable of said County, to cause such person to be taken and reconveyed on board such vessel; and the said Constable having such warrant is hereby authorized and empowered to command the necessary assistance to enable him to force back and convey on board the said vessel any and all persons so landed or attempting to land as aforesaid; and that it shall be lawful for the persons so called upon by the said Constable or Officer to assist or use such force as may be necessary to carry the said order into effect, by forcing such persons landed or attempting to land back to and on board such vessel; and the master or person having command or charge of such vessel from which such persons shall have landed or attempted to land, shall, on request of the Constable or Officer having the execution of such warrant, receive, take and detain on board his said vessel such person or persons, under the penalty of fifty pounds for each and every person that he shall refuse to receive, or neglect to detain and keep on board after being so returned.

Persons landed or attempting to land may be forced back.

Master of the vessel to receive and detain such persons.

Penalty.

VI. And be it further enacted, That the Justices of the Peace in the said Counties respectively, in General or Special Sessions convened, or the major part of them, be and they are hereby authorized and required to nominate and appoint by warrant under their hands and seals one or more Physician or Physicians, who shall have power and authority to go on board, visit and inspect all vessels arriving as aforesaid which may be suspected for having on board the said small pox, yellow fever, putrid bilious fever, or other pestilential or contagious Distemper, and who are required, at the instance of the said Justices or any one of them, to go on board such suspected vessel or vessels, and make full inquiry and examination into the state of the health of all persons on board, or who have been on board during any part of the voyage, and whether the said vessel or vessels came from or touched at any place infected with any of the Distempers aforesaid, and into and concerning all circumstances and matters in anywise touching or concerning the prevalence of any of the said Distempers at any place where the said vessel or vessels may have touched, or from which the said vessel or vessels may have sailed; and the said Physician or Physicians are hereby respectively fully authorized and empowered, on going on board of any vessel or vessels as aforesaid, to examine the master, and such other persons on board said vessel or vessels as he or they may think necessary, on oath, as to the health of all persons on board or who have been on board during any part of the voyage, and into and concerning all circumstances and matters in anywise touching or concerning the prevalence of any of the said Distempers at any place where the said vessel may have touched or from which she may have sailed; which oath the said health officers respectively are hereby fully authorized and empowered to administer; and the said Physician or Physicians performing such duty shall make report, in writing, to the said Justices or any one of them so requesting him or them to go on board and make examination as aforesaid, of the result of such examination and inquiry, with his or their opinion and advice thereon; and shall for each and every visit so made be entitled to demand and receive from the said master or owner the sum of thirty shillings, to be sued for and recovered as is herein after directed.

Justices in Sessions to appoint Physicians to inspect vessels, &c.

Physician empowered to make inquiry on oath as to the health of all persons on board, &c.

Physician to report to the Justices.

Fee for visiting.

VII. And be it further enacted, That during the time any vessel shall be ordered to perform quarantine as aforesaid, it shall and may be lawful for the Justices of the Peace for the said Counties respectively, in their General Sessions or at any Special

Persons may be landed from vessels performing quarantine and carried back.

Special Sessions to be for that purpose holden, there being not less than three such Justices present, to authorize and order the landing of either the healthy or the diseased persons from on board such vessel at such lazaretto or place detached from the settled part of the County, and under such restrictions as they may think expedient and necessary, in order to facilitate the recovery of those infected and to prevent and guard as much as possible against the spreading of the disease among the passengers and crew, and after such landing, at any time before the said vessel shall be discharged from quarantine, by like order of General or Special Sessions, cause any or all persons so landed to be again taken on board such vessel and detained on board said vessel for such time as they may think necessary, or until the said vessel shall be discharged from quarantine; and, subject always to such order of the General or Special Sessions as aforesaid, the persons so landed as aforesaid shall remain at such place or places as shall be appointed therefor until they are restored to health, their clothes thoroughly cleansed under the direction of the said Physician or Physicians, and his or their certificate be obtained that they may proceed into the said Town, Towns, Villages or Country without danger to the Inhabitants thereof; and the said vessel from which the said passengers shall be so landed, shall be thoroughly cleansed and purified under the directions of the said Physician or Physicians, and when so cleansed and purified the said Physician or Physicians shall report the same to the said Justice or Justices, and any two of the said Justices shall upon such report give a licence under their hands and seals for the said vessel to depart from such quarantine as aforesaid.

Persons landed to remain at the place assigned until restored to health, &c.

Vessel to be purified and discharged from quarantine.

Persons departing from the Lazaretto, &c.

Penalty.

Punishment.

Landing or approaching within eighty rods of the shore without licence.

Penalty.

Persons attacked with any infectious distemper after being landed may be removed to the Lazaretto, &c.

On oath being made that any person has escaped and is concealed in any building, or be-

VIII. And be it further enacted, That if any person after being landed or permitted to land from such vessel, shall escape or depart from the lazaretto or limits assigned by the Justices, such person so offending shall forfeit and pay the sum of not exceeding twenty pounds, and be liable to be arrested and forced back to the limits assigned as aforesaid, or to the vessel from which he or she was permitted to land, as the Justice or Justices shall order or direct, and there be kept in close confinement at the discretion of any two of such Justices.

IX. And be it further enacted, That if any passenger or other person whatsoever, such Physician or Physicians as aforesaid excepted, being on board any vessel having on board the before recited or other pestilential or contagious Distempers, or coming from any place infected with such Distemper, shall land from such vessel, or shall leave the said vessel and approach within eighty rods of the shore, without licence first had and obtained from the Justices according to the true intent and meaning of this Act, each and every passenger or other person so offending shall forfeit and pay for every offence a sum not less than five pounds nor more than ten pounds.

X. And be it further enacted, That if any passenger or person who shall have landed from any vessel so coming from any infected place as aforesaid, and who shall have obtained licence to land as aforesaid, shall after landing be attacked by such infectious Distemper or Disease, it shall be lawful for the said Justice or Justices, by warrant under his or their hand and seal as aforesaid directed, to cause such persons to be removed to the lazaretto or other place appointed as aforesaid, and there kept and detained for such time as may be found necessary to prevent the spreading of such Distemper or Disease.

XI. And be it further enacted, That if at any time it shall be made to appear to the satisfaction of any Justice of the Peace, on oath, that any person has escaped from any such vessel, or from the lazaretto, or limits assigned or to be assigned as aforesaid, and is kept or concealed in any house or other building within the

said

said Counties respectively, or if oath be made by some credible person or persons that there is good reason to suspect, and that such person or persons do verily believe, that any person so escaping as aforesaid is so kept or concealed, it shall and may be lawful for such Justice to issue his warrant to any of the constables of such County, authorizing and requiring him or them to enter and search such house or other building, and if such person so escaping as aforesaid shall be found therein, to arrest, take and convey him or her on board of such vessel or to the lazaretto or limits or place appointed or assigned as aforesaid for such person to be kept in.

lied to be so, any Justice may issue a search warrant.

XII. And be it further enacted, That if any person whatsoever shall aid, assist, or procure any person to aid, abet or assist, any person in landing from such vessel, or in escaping from such lazaretto or other place to be so appointed as aforesaid, previous to a licence for that purpose obtained as aforesaid, or shall keep secret or conceal, or shall procure any person to keep secret or conceal, any such person landing or leaving as aforesaid, or in any manner assist in preventing the detection and apprehension of such person so landing without a licence as aforesaid, every such person so offending shall for every such offence forfeit and pay a sum not less than five pounds nor more than twenty pounds.

Aiding persons to land or escape, or concealing them.

XIII. And be it further enacted, That if any person who shall be commanded by any constable or officer having a warrant from any Justice of the Peace as aforesaid for the enforcement of the quarantine, or compelling the return of persons who have landed or shall be attempting to land without licence as aforesaid, shall refuse or neglect to render or afford such assistance, shall for every offence forfeit and pay a sum not less than two pounds nor more than five pounds; and that in case of any action of trespass or other prosecution or suit whatsoever being brought or prosecuted against the said constable, or any person aiding and assisting, for any arrest, assault or violence, or force necessarily used towards persons so landing or attempting to land, or having escaped from such vessel or place appointed as aforesaid, the defendant or defendants in such action shall be allowed to plead the general issue, and give the special matter in evidence at the trial in like manner as if such matter had been fully and specially pleaded; and if the plaintiff shall become nonsuit, or shall discontinue the action, or if upon verdict or demurrer judgment shall be given against the plaintiff, the defendant shall recover double costs of suit, and have such remedy for the same as any defendant can have in other cases where costs are given by law.

Penalty.

Refusing to assist officers having a warrant to enforce the quarantine.

Penalty.

In actions for arrest or force used under this Act, defendant may plead the general issue, &c.

XIV. And be it further enacted, That in all cases where a pilot shall be detained on board of any ship or vessel, under and by virtue of this Act, each and every pilot so detained shall be entitled to receive from the master or owner of such ship or vessel (in addition to the pilotage money) a sum at and after the rate of twelve shillings and sixpence per day for each and every day he shall be so detained, to be sued for and recovered as is hereinafter directed.

Pay of Pilots detained on board any vessel under this Act.

XV. And be it further enacted, That the master or commander of every vessel arriving and coming from any such infected place as aforesaid, or having on board any person or persons infected, or who during the voyage shall have been infected with the small pox or any of the fevers or distempers aforesaid, or on board of which vessel any persons shall have died of any such fever or distemper, or being infected therewith shall have landed or quitted the said vessel during the said voyage, shall permit such Physician or Physicians at all reasonable times to come on board and make the inquiry and examination aforesaid, and make and give to him a true and full discovery and relation of all the matters, things and circumstances aforesaid; and if any such master or commander shall refuse or neglect to make such full and true discovery and relation as aforesaid, or shall suppress,

Masters of vessels to permit Physicians to come on board and to give a true relation touching distempers.

conceal or deny the truth in any particular relating thereunto, he shall forfeit and pay for each and every offence a sum not under fifty pounds nor more than two hundred pounds.

Penalty. XVI. And be it further enacted, That no person or persons whosoever, other than the Physician or Physicians appointed as aforesaid, shall go on board any vessel so arriving as aforesaid which shall have such signal so hoisted as aforesaid, or which having come to anchor shall continue to have such signal so hoisted as aforesaid, under the penalty of ten pounds for each and every offence; and if any person or persons, other than the Physician or Physicians aforesaid, shall go on

Going on board of vessels having the signal hoisted.
Penalty. board any such ship or vessel, then and in such case the master or commander of such vessel for the time being is hereby authorized and required to keep and detain such person or persons on board the said vessel, until such licence as aforesaid be given, or until the expiration of such time as shall be directed and appointed

Such persons to be detained. for the said vessel to perform quarantine as aforesaid; and if any such person or persons so having unlawfully gone on board any such vessel as aforesaid, shall go on shore or depart from the said vessel before such licence as aforesaid shall be given, or before the expiration of the time appointed for the said vessel to perform quarantine, or permission be given for him or them to depart as aforesaid, then and in such case every such person or persons so offending as aforesaid, and the master or commander of any such vessel so permitting such person or persons to go on shore or to depart from the said vessel, and every other person aiding and assisting therein, shall for each and every offence severally forfeit and pay a

Departing from the vessel after having unlawfully gone on board.
Penalty. sum not less than five pounds nor more than fifty pounds; and it shall and may be lawful for any one of His Majesty's Justices of the Peace to order such person or persons to be taken back, in manner directed in the fifth section of this Act, to such vessel, or to such other place as the said Justices of the Peace for the said respective Counties at any General or Special Sessions may have appointed for the reception of persons under such circumstances; and the provisions and penalties contained in the said fifth section shall apply to cases arising under this section, in like manner as if herein expressly contained.

Such persons may be carried back, &c.
 XVII. And be it further enacted, That the several and respective penalties and forfeitures in this Act mentioned, may be prosecuted, sued for and recovered by action of debt in the Supreme Court, or in the Inferior Court of Common Pleas for the said respective Counties, or may be prosecuted, sued for and recovered in a summary way before any three Justices of the Peace for the said respective Counties, of whom one at least shall always be a Judge of the Inferior Court of Common Pleas, by any person who shall prosecute for the same within

Mode of recovering penalties.
Application. two months after the commission of the offence, and when recovered shall be paid to the Treasurer of the County in which the offence was committed for the use of the County; or any person may be prosecuted for any offence under this Act, either before or after the expiration of the said period of two months, by indictment before any Court of Oyer and Terminer or General Sessions of the Peace for the said respective Counties, and upon conviction thereof before such Court shall be liable to the penalty and forfeiture in this Act allotted to the offence, to be paid in like manner to the Treasurer of the County for the use of the County:

Provido as to Juries in summary proceedings. Provided always, that in case of summary proceedings before three Justices of the Peace as aforesaid, for any offence in which the greater limit of the penalty shall exceed ten pounds, the party charged shall, if he require it, be tried by a jury of twelve men; and in such case it shall be lawful for the said Justices to issue a precept under their hands and seals commanding the Sheriff to return a Jury for the trial of such offence; and the men summoned to serve on such Jury, being so summoned three days

days before the day of appearance, shall be bound to attend and serve on such Jury, under the like penalties for default as if summoned to serve as Jurors at the General Sessions of the Peace.

XVIII. And be it further enacted, That it shall and may be lawful for any Judge of the Supreme Court, or of the Inferior Court of Common Pleas for the said respective Counties, upon affidavit made of the commission of any offence under this Act, to issue a warrant under his hand and seal for the apprehension and arrest of the person charged with such offence, and to bind such person by recognizance, with good and sufficient sureties, to appear and take his trial before the Court or Tribunal at which the trial is intended to be, and, in default of bail being so given, to commit the person charged to prison to await his trial: Provided always, that in case the Physician or Physicians herein before mentioned should deem it dangerous, from the fear of spreading any such infectious Distemper, that any such person should be committed to the County gaol, it shall and may be lawful for such Judge of the Supreme Court or Inferior Court of Common Pleas as aforesaid, to commit such person to any place of confinement that may be appointed for that purpose by any General or Special Sessions of the Peace as aforesaid in the said respective Counties, to be there kept in confinement until the time of trial.

Persons charged with offences against this Act may be arrested, bound to appear and take trial, or in default of bail be committed to gaol.

Proviso.

XIX. And be it further enacted, That the several and respective penalties and forfeitures herein before mentioned, together with costs of prosecution (unless in cases where sued for by action of debt as aforesaid), shall and may be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus (if any) to the offender; and if there shall not be sufficient goods and chattels whereon to levy the same, the offender may be committed to the common gaol, or in case of danger of spreading the infection, as in the last foregoing section mentioned, to such place of confinement as is therein mentioned, there to remain without bail or mainprize for any term not exceeding the term of twenty days for every five pounds of which the penalty may consist: Provided always, that if the master or commander of any ship or vessel be the offender, and have not sufficient goods and chattels of his own whereon to levy the penalty and costs as aforesaid, such penalty and costs shall and may be levied on the boats, tackle and apparel of such ship or vessel.

Mode of levying penalties.

XX. And be it further enacted, That this Act shall continue and remain in force until the first day of January, which will be in the year of our Lord one thousand eight hundred and thirty seven.

Limitation.

CAP. XLI.

An Act to authorize the Rector, Church Wardens and Vestry of Trinity Church in the Parish of Kingston, to convey their right to the land whereon the Court House has been erected to the Justices of the Peace of King's County in exchange for other land, and to establish a public square in the said Parish.

Passed 31st March, 1831.

“ WHEREAS the legal title to the land on which the Court House of “ King's County has been erected is claimed by the Rector, Church “ Wardens and Vestry of the Parish of Kingston as vested in them; but they are “ nevertheless desirous and willing to convey the same to the Justices of the Peace “ in and for the said County, and their successors, upon the said Justices con- “ veying

Preamble.

“veying to the said Rector, Church Wardens and Vestry, a certain other piece of land situate in the said Parish of Kingston; both of which said parcels of land are herein after described ;”

Corporation of Trinity Church, Kingston, on receipt of a good title to a tract of land herein described, may convey to the Justices of the Peace of King's County a tract of land also herein described.

I. Be it therefore enacted by the President, Council and Assembly, That upon the receipt of a good and sufficient title, conveyance and assurance, from the said Justices of the Peace of King's County, of all that certain lot, piece or parcel of land situate in the Parish of Kingston, being part of a tract heretofore granted to the Justices of the Peace of King's County aforesaid, by letters patent under the great seal of the Province of New Brunswick, bearing date the thirtieth day of October in the year of our Lord one thousand eight hundred and seven, in trust for the use, benefit and behoof of the Inhabitants of the said County, to erect thereon a Gaol and Court House and for other public uses, profits and benefits of the said Inhabitants; the said piece so intended to be conveyed being bounded as follows, viz.: Commencing at the southern angle of the said tract; thence running north forty five degrees east, sixteen chains to the eastern angle of the said tract; thence along the division line between the said tract and the Kingston glebe lot, eight rods; thence south forty five degrees west, on a line parallel to the first described boundary, till it meets the southwest line of the said tract; and thence following the said last mentioned line to the place of beginning; containing three acres; with all the rights, members and appurtenances thereunto belonging; to be made to the said Rector, Church Wardens and Vestry of Trinity Church in the Parish of Kingston, and their successors forever; they the said Rector, Church Wardens and Vestry of Trinity Church in the Parish of Kingston, be and they are hereby authorized and empowered, by good and sufficient deed, to grant, bargain, sell and convey unto the said Justices of the Peace in and for King's County, all that certain lot, piece or parcel of land situate in the said Parish of Kingston, and bounded and described as follows, that is to say: The front or northerly line of the said lot to be twelve feet distant from and parallel to the front of the said Court House, and to extend the whole width of the said Court House and fourteen feet beyond on each side, so as to make a front of eighty eight feet, and the said lot to extend back, preserving the same width of eighty eight feet, until it meets the line of land belonging to George Raymond and Achsah Raymond, the side lines to be at right angles with the said front line; together with the rights, members and appurtenances thereunto belonging; to hold to the Justices of the Peace of King's County for the time being, in trust for the use, benefit and behoof of the Inhabitants of the said County, for the purpose of erecting, maintaining and keeping thereon the Court House of the said County from henceforth forever, and for no other use or purpose.

Justices in Session authorized to make the conveyance to the Corporation of Trinity Church.

II. And be it further enacted, That the Justices of the Peace of the said County shall be and they are hereby authorized and empowered at any Court of General Sessions of the Peace for the said County, by good and sufficient deed under the seal of the said Court, to grant, bargain, sell and convey unto the said Rector, Church Wardens and Vestry of Trinity Church in the Parish of Kingston, and their successors forever, the said lot, piece or parcel of land first herein before described, being part of the said tract so granted to them for public purposes as aforesaid, and held by them by virtue of the said Grant, and the Act of Assembly in such case made and provided.

III. “And whereas all that parcel of land lying in front of the said Court House in the said Parish of Kingston, bounded northerly by the church yard of Trinity Church, easterly by the highway, and westerly by the land of the said Reverend Elias Seovik and George Raymond, has for many years past been used by the Inhabitants

“ Inhabitants of the said County as a public and open square ; and it is the desire of the said Rector, Church Wardens and Vestry of Trinity Church in the Parish of Kingston, and the said Justices of the Peace of King’s County, that the same open space, and also the land adjoining thereto, belonging to the said Rector, Church Wardens and Vestry, on each side of the lot so intended to be conveyed to the Justices of the Peace for the purpose aforesaid, should be recognized and established by law as a public square;” Be it therefore further enacted, That the said open space above described, together with the land adjoining thereto and extending therefrom to the line of Messieurs Raymonds’ land, lying on each side of the said Court House lot, and bounded westerly by the land of the Reverend Elias Scovil and George Raymond, and easterly by the public road or highway, shall forever hereafter continue and be a public and open square ; and that it shall not be lawful to erect or place any buildings or incumbrances thereon ; and that all or any buildings or incumbrances erected or placed thereupon, shall be deemed and taken to be public nuisances, in the same manner, to all intents and purposes, as if the same were placed on any public road or highway in the said Parish.

Described tract of land to be forever hereafter a public and open square.

Buildings and incumbrances thereon deemed nuisances.

IV. Provided also and be it further enacted, That nothing in this Act contained shall take away or affect, or be construed to take away or affect, the right and title of the King’s Majesty, His Heirs and Successors, or the rights of any person or persons, body politic or corporate whatsoever, other than the said Rector, Church Wardens and Vestry of Trinity Church in the Parish of Kingston, and the said Justices of the Peace of the said County in behalf of the Inhabitants of the said County, as before particularly set forth.

Rights reserved.

V. And be it further enacted, That this Act shall be deemed and taken to be a public Act, and as such judicially noticed without being specially set forth or pleaded.

Act to be deemed public.

CAP. XLII.

An Act to regulate Sales by Public Auction.

Passed 31st March, 1831.

“ WHEREAS by the present law for regulating sales by auction much doubt has arisen as to the construction of several clauses : And whereas several other parts or clauses in the same law are deemed injurious and oppressive to the Auctioneer as well as to the general interest of trade and commerce in this Province ;”

Preamble.

I. Be it enacted by the President, Council and Assembly, That from and after the time limited and appointed for this Act going into effect, the Act passed in the ninth and tenth years of the reign of His late Majesty George the Fourth, intituled “ An Act for the better regulation of sales by auction,” be and the same is hereby declared to be repealed ; saving nevertheless the right of recovery of all the duties and penalties which are now due, or hereafter may become due, under and by virtue of the said Act.

9 & 10 G. 4, C. 17, repealed, saving the right of recovering duties.

II. And be it further enacted, That there be granted to the King’s most Excellent Majesty, His Heirs and Successors, for the use of this Province and for the support of the Government thereof, the rate and duty herein after mentioned on goods sold by auction or public outcry, that is to say : on all goods, chattels, wares, merchandize and effects whatsoever, sold by public vendue, auction or outcry within this Province, the sum of two pounds ten shillings for every hundred pounds in value sold as aforesaid, and at and after the same rate for every greater or lesser

Duty of two and a half per cent. granted on all goods, &c. sold by auction.

sum :

Except Teas imported direct from China.

Goods sold within twelve hours after commencement of sale liable to the duty.

What goods shall be exempted from duty.

Bonds with Sureties to be given by Auctioneers.

Amount.

If the Sureties die, remove from the Province, &c. new bonds to be given.

Auctioneers to render accounts of duties and pay over the amount every three months.

Penalty.

Penalty for selling by auction without licence and giving bond.

sum: Provided always that the auction duties imposed by this section shall not extend to any teas imported direct from China.

III. And be it further enacted, That all goods, wares and merchandize advertised or exhibited for public sale by any Auctioneer or vendue Master, shall be liable and subject to the duty aforesaid if sold during or within twelve hours after the commencement of such sale: Provided always and be it further enacted, that all goods belonging to the Crown or seized by any public officer or officers for or on account of any forfeiture or penalty, houses, cattle, lands, ships, vessels, salt, coal, household effects, agricultural products, and manufactures of this Province or Nova Scotia, goods and effects of deceased persons, or goods distrained for rent, or taken in execution, effects of insolvent debtors, goods damaged at sea and sold on account of the owners or insurers within twenty one days after the same shall be landed, shall in no wise be subject to, but are hereby altogether exempted and declared free from the duty before mentioned.

IV. "And in order more effectually to secure the duty hereby imposed as aforesaid;" Be it further enacted, That no vendue Master or Auctioneer already appointed or hereafter to be appointed shall sell or dispose of any goods, chattels, wares, merchandize or effects, by public vendue, auction or outcry, until he or they shall have first given bond to our Sovereign Lord the King, His Heirs and Successors, with two good and sufficient sureties, to be approved of by the Treasurer or Deputy Treasurer, as the case may be, conditioned for the payment of the duties herein before mentioned, to the Treasurer of the Province for the time being, or to his Deputy; such bond, if within the City of Saint John, to be taken in the penal sum of five hundred pounds, and if within any other part of this Province, in the penal sum of two hundred pounds.

V. Provided always and be it further enacted, That should any person or persons so becoming surety for any vendue Master or Auctioneer die or remove from the Province, or become insolvent, or in the opinion of the Treasurer or Deputy Treasurer, as the case may be, insufficient, it shall and may be lawful for such Treasurer or Deputy to require such vendue Master or Auctioneer to enter into a new bond with other good and sufficient sureties, conditioned as aforesaid; and if such vendue Master or Auctioneer shall refuse or neglect to give such security within one month after being required so to do, he shall be deemed and taken to have forfeited his licence or appointment.

VI. And be it further enacted, That every Auctioneer or vendue Master shall, at, or within thirty days after the expiration of every three months, to be computed from the time at which this Act goes into operation, render a just and true account in writing, upon oath, to the Treasurer of the Province for the time being, or to the Deputy Treasurer of the district within which the sales shall take place, of all and singular the goods, chattels, wares and merchandize, with the amount thereof, which he or they may have sold within the period for which such account is rendered, and which are made subject and liable to duty by this Act, and shall forthwith pay to the said Treasurer or Deputy Treasurer, as the case may be, the full amount of duties on such sales; the oath required by this Act to be according to the form set forth in the schedule to this Act, or to that effect; and if any vendue Master or Auctioneer shall neglect or refuse to deliver such account on oath, and pay the duties as herein directed, he shall for each and every offence forfeit and pay the sum of fifty pounds.

VII. And be it further enacted, That any person or persons who shall sell or dispose of any lands, tenements, ships, vessels, goods, wares or merchandize, by public vendue, auction or outcry, without being first duly licensed and appointed, and

and without having first given bond as directed by this Act, shall for each and every offence forfeit and pay the sum of one hundred pounds: Provided always, that nothing herein contained shall extend or be construed to affect sales made under the process, order or decree of any Court of Justice, or by any public officer or by any executor or administrator of the lands or effects of the testator or intestate, or of any property, real or personal, belonging to the Crown.

Proviso.

VIII. And be it further enacted, That the penalties imposed by the sixth and seventh sections of this Act, shall and may be recovered by information to be made and filed by His Majesty's Attorney General in the Supreme Court of Judicature; and the said penalties after deducting the costs and charges of the prosecution, shall be paid into the Treasury of the Province for the use of the same.

Penalties how to be recovered and applied.

IX. And be it further enacted, That it shall be the duty of the Treasurer of the Province, and the Deputy Treasurers within their respective districts, to require the returns and accounts to be regularly made as directed by this Act, and to cause proceedings to be instituted against such vendue Master or Auctioneer as shall neglect or refuse to render the same.

Treasurer or Deputy to require returns, &c.

X. And be it further enacted, That every vendue Master or Auctioneer who may be licensed or appointed within any of the Counties of this Province, (the City of Saint John excepted,) shall pay to the Treasurer of the County, within ten days after the beginning of every year, such yearly sum as the Justices of the Peace for the said County at any General Sessions of the Peace may direct and appoint, not exceeding ten pounds per annum; the same to be applied in the like manner as other County rates; and every vendue Master or Auctioneer neglecting or refusing to pay the same, shall forfeit and pay the sum of twenty pounds, to be sued for and recovered by the County Treasurer for the time being in his own name, by action of debt in any Court of competent jurisdiction, together with the costs of suit; and the same when recovered to be applied as above mentioned; in which action any inhabitant of the County shall be considered a competent witness.

Auctioneers, except in Saint John, to pay yearly such sum, not exceeding £10, as the Justices shall direct.

Penalty and recovery.

XI. "And whereas by the Charter of the City of Saint John, the Mayor of the said City for the time being is authorized and empowered to licence and appoint vendue Masters and Auctioneers within the said City;" Be it further enacted, That nothing in this Act contained shall extend or be construed to interfere with the rights so granted as aforesaid: Provided always, that no vendue Master or Auctioneer shall attempt to sell without first having given bond as herein before directed; and provided also, that every vendue Master or Auctioneer so licensed or appointed within the said City, shall pay to the Chamberlain of the said City, for the use of the Mayor, Aldermen and Commonalty of the said City, such yearly sum as they may direct and appoint, not exceeding thirty pounds in any one year.

Act not to interfere with the Charter rights of Saint John.

Auctioneers in Saint John to give bond and pay yearly a sum not exceeding £30.

XII. And be it further enacted, That the said Province Treasurer and the Deputy Treasurer shall keep exact and distinct accounts of the monies arising from time to time by virtue of this Act which may be by them respectively received.

Distinct accounts of the duty to be kept.

XIII. And be it further enacted, That no Auctioneer or vendue Master shall knowingly sell or dispose of any contraband or smuggled goods, under the penalty of one hundred pounds, to be recovered and applied in the manner and to the uses directed in and by the eighth section of this Act.

Penalty for selling contraband goods.

XIV. And be it further enacted, That if any Auctioneer or Auctioneers shall be guilty of false swearing in any affidavit taken under and by virtue of this Act, such Auctioneer or Auctioneers so offending, shall, on due conviction thereof, be liable to suffer the pains and penalties by law imposed for wilful and corrupt perjury.

False swearing made perjury.

XV. And be it further enacted, That this Act shall go into operation on the first day of May next.

Limitation.

Schedule containing form of Affidavit and Bond.

Affidavit.

I, A. B. [*or We, A. B. and C. D.*] do solemnly swear in the presence of Almighty God, that the account now exhibited by me [*or us*], and to which I [*or we*] have subscribed my name [*or our names*], contains a just and true account of all goods, wares, merchandize and effects sold by me [*or us*], or any person or persons under me [*or us*], within the time set forth in the said account, which are liable to the duty imposed by an Act of the General Assembly, intituled "An Act to regulate sales by public auction." So help me God.

Bond. Know all men by these presents, that We _____, are held and firmly bound unto our Sovereign Lord the King, His Heirs and Successors, in the penal sum of _____ of current money of the Province of New Brunswick, to be paid to our said Sovereign Lord the King, His Heirs and Successors; for which payment well and truly to be made and done, we bind ourselves jointly and severally, 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 _____

Whereas in pursuance of an Act of Assembly passed in the first year of His Majesty's reign, intituled "An Act to regulate sales by public auction," the above bounden _____ has been duly licenced and appointed an Auctioneer or vendue Master, within the _____ County of _____

Now the condition of the above written obligation is such, that if the above bounden _____ shall and do from time to time, and at all times hereafter, so long as he shall continue an Auctioneer or vendue Master as aforesaid, render just, exact and true account upon oath, to the Treasurer of the Province for the time being, or the Deputy Treasurer (if any there shall be) within the district, of all and singular the goods, chattels, wares and merchandize, which he the said _____ may from time to time sell, and which are liable to duty under the said Act, and shall and do from time to time, well, truly and punctually pay to the said Treasurer or Deputy Treasurer, as in and by the said Act required, the full amount of auction duty or duties on such sales, pursuant to the said Act, and shall in all things well and truly obey and observe the provisions of the said Act, then the said obligation to be void, otherwise to remain in full force and virtue.

Sealed and delivered in the presence of _____ .

CAP. XLIII.

An Act to amend the Laws in force relating to insolvent confined Debtors.

Passed 31st March, 1831.

[Continued to 1st April, 1836, by 2 W. 4, C. 13, and 4 W. 4, C. 37; repealed by 6 W. 4, C. 41.]

CAP. XLIV.

An Act further to amend the Acts relative to Streets and Highways in the City and County of Saint John.

Passed 31st March, 1831.

[Expired.]

CAP.

CAP. XLV.

An Act to repeal the Acts now in force regulating the exportation of Lumber, and to make other provisions in lieu thereof.

Passed 31st March, 1831.

“ **W**HEREAS the laws now in force for the regulation of the lumber trade Preamble.
“ are found inconvenient;”

I. Be it therefore enacted by the President, Council and Assembly, That an 9 & 10 G. 4,
C. 23, repealed.
Act made and passed in the ninth and tenth years of His late Majesty’s reign, intituled “ An Act to regulate the exportation of lumber, and to repeal all the Acts now in force relating to the same,” be and the same is hereby repealed.

II. And be it further enacted, That from and after the passing of this Act no No lumber to be
shipped for ex-
portation pre-
vious to survey.
Penalty.
lumber of the descriptions hereinafter mentioned, shall be shipped for exportation from this Province until the same has been surveyed and measured, under a penalty for every offence, not exceeding fifty pounds nor less than five pounds currency, to be forfeited and paid by the person or persons who knowingly shall have shipped or caused the same to be shipped for exportation without having been so surveyed and measured.

III. And be it further enacted, That it shall and may be lawful for the Jus- Appointment
of Surveyors of
Lumber.
tices of the Peace in each County, at their first General Sessions, annually to appoint a sufficient number of fit persons in their respective Counties to be Surveyors of lumber in each County, Town or Place where such may be necessary ; which persons so appointed shall enter into bonds to His Majesty, His Heirs and Successors, in the sum of one hundred pounds, with two good and sufficient sureties in the sum of fifty pounds each, conditioned for the due performance of his duty as Surveyor of lumber, to be filed in the office of Clerk of the Peace in such County and shall take and subscribe the following oath before one of His Majesty’s Justices of the Peace or before the Clerk of the Peace for the County in which he may be appointed, either of whom is hereby authorized and required to administer the same without any fee, that is to say :

I do solemnly swear that I will faithfully, truly and impartially, to the best of Oath.
my knowledge, skill and ability, execute, do and perform the office and duty of a Surveyor of lumber, according to the true intent and meaning of an Act, intituled “ An Act to repeal the Acts now in force regulating the exportation of lumber, and to make other provisions in lieu thereof,” and that I will give a true and faithful account of the number, dimensions or measurement of all such lumber as may be submitted to my inspection, according to the best of my knowledge, and that I will not survey any lumber in which I may be directly or indirectly interested otherwise than for the compensation prescribed in this Act, and that I will not change any article of lumber that may be delivered or intrusted to me for the purpose of being so surveyed, and that I will not survey lumber for any person or persons in whose employment I may be, either buyer or seller.

Which affidavit every Surveyor so appointed and sworn shall deliver unto the Affidavit and
private mark to
be delivered to
the Clerk of the
Peace, &c.
Clerk of the Peace for the County in which he shall be appointed, together with the private mark which he shall adopt; and the said Clerk of the Peace is hereby required to grant a certificate to every such person, of his having taken and subscribed the said oath, and of his having filed the said bond, and to furnish him with a copy of this Act, for which copy so furnished he is to receive one shilling from the Sessions of said County; and it shall be lawful for them to survey

lumber in any part of the County in which they shall be appointed, and it shall Power to survey
lumber, &c.
be their duty respectively, personally, diligently and carefully to ascertain the
qualities

How disputes
as to Surveys to
be settled.

Surveyors pass-
ing lumber con-
trary to this
Act to be liable
for damages.

Rate.

Changing arti-
cles submitted
for survey.

Penalty.

Neglect of duty,
partiality, &c.

Punishment.

Description of
square timber
for the British
market.

qualities of the articles submitted to their inspection, and after rejecting all such as in their opinion may appear objectionable under this Act, of which each Surveyor is hereby required to provide himself with and retain a copy, they shall when required furnish the buyer and seller, each with a true and faithful account in writing, of the number, length, dimensions or measurement of the articles they shall respectfully find to be merchantable; and every such account duly certified under the hand of a Surveyor, shall be final and conclusive between the buyer and seller: Provided always, that when any dispute shall arise between the buyer or seller and any of the Surveyors, or between the buyer and seller of any article of lumber, and a resurvey shall be required, when such dispute shall arise between the buyer and seller and the Surveyor, it shall and may be lawful for the party requiring such resurvey, and for the said Surveyor respectively, to choose one disinterested Surveyor duly appointed under this Act, which two Surveyors so appointed shall choose a third disinterested Surveyor duly appointed under this Act, whose duty it shall be to examine and resurvey said lumber, and the decision of the said three Surveyors or of any two of them as to the said resurvey shall be final and conclusive; and when such dispute shall arise between the buyer and seller, it shall and may be lawful for the party who shall have had the choice of the first Surveyor to choose one disinterested Surveyor, and for the other party to choose two disinterested Surveyors, which said three Surveyors so chosen shall proceed to examine and resurvey the said lumber, and the decision of the said three Surveyors or any two of them as to the said resurvey shall be final and conclusive; and should the original survey be confirmed, then and in such case the person requiring said resurvey shall pay the expenses thereof; and should the said original survey not be confirmed, then and in such case the expenses of the said resurvey shall be paid by the person requiring such resurvey, who shall and is hereby authorized to recover the same again from the first Surveyor: Provided also, that if any Surveyor shall pass any article of lumber contrary to the provisions of this Act, such Surveyor so offending shall be liable to the party injured for all damages sustained by him or them, and be subject to the following penalties, namely: For every forty cubic feet of timber so passed, the sum of two shillings and sixpence; for every thousand superficial feet of plank, deals, boards or scantling, the sum of five shillings; for every spar, the sum of one shilling; for every thousand shingles, the sum of two shillings and sixpence; for every thousand staves, the sum of five shillings; for every cord of lathwood, the sum of two shillings and sixpence; and if any Surveyor appointed under this Act shall at any time wilfully change any article of lumber submitted to him for inspection or to be surveyed, by substituting any other article of lumber, he shall upon due conviction thereof incur a penalty not exceeding fifty pounds nor less than five pounds, to be recovered as is hereinafter prescribed in the ninth section of this Act: Provided also, that if any Surveyor shall at any time be found guilty of wilful neglect of duty, or of partiality in the execution of his office, or of wilfully giving a false account of the article or articles submitted to him for inspection, or of knowingly marking or shipping, or causing to be marked or shipped, any article of lumber surveyed by him of unmerchantable size, quality or manufacture, or in any manner contrary to what is required by this Act for exportation, he shall be dismissed from his office as Surveyor, and shall be ever after incapable of holding such situation or employment.

IV. And be it further enacted, That all square timber for the British market shall not be less than ten inches square nor shorter than sixteen feet, (hard wood excepted, which may be twelve feet long, if not less than twelve inches square,)

to

to be square and smoothly hewed, and free from knotty tops, plugs, rots, rotten or concave knots, decayed sap and worm holes, to be square butted, and the taper not to exceed one inch for every eighteen feet in length ; the wane not to exceed one inch on each and every corner where the square is under sixteen inches, and from sixteen to twenty inches square, on each and every corner two inches wane, and from twenty one inches square and upwards, three inches wane on each and every corner ; and in order to ascertain the contents of such timber, the Surveyor shall girth or measure the same at the middle of the stick ; and the difference of the squares between any two of the sides shall not exceed two inches ; and no log shall have a sweep unless it has two straight sides, and such sweep shall not exceed the rate of five inches to every forty feet in length : Provided nevertheless, that all pine timber over sixteen inches square, smoothly hewed, and free from the knots and defects aforesaid, shall be deemed merchantable, if over twelve feet long : all merchantable boards shall be seven eighths of an inch thick ; and all boards, plank, deals and scantling shall be square edged with the saw ; no board or plank shall be deemed merchantable if split at both ends, or have one continued split of more than two feet at one end, that is less than twelve feet long and nine inches wide, *and that is not sawed of an equal width and equal thickness throughout* ; all merchantable boards, plank, deals and scantling shall be free from rots, bad or large knots, (not exceeding two of two and a half inches diameter,) rents, shakes, worm holes, wane and auger holes ; and purchasers shall not be obliged to take planks with boards unless by special agreement ; and the breadth of boards, plank and scantling to be taken at the middle for measurement ; clear boards may be sawed out of the round log without being edged (optional with the party manufacturing the same), to be free from rots, knots, rents, shakes, worm holes and auger holes ; the width of which for measurement to be taken at the centre, inside of and not including the wane and dark sap : masts shall not be less than three feet and one fourth of a foot in length to every inch of diameter ; to be hewed smoothly and reduced sufficiently to show the real wood free from sap on the centre of all the four sides at the partners ; to be as small at the butt as at the partners, and of proportionate and full size at the top ; to be straight, free from rot, ring shakes, butt rots, concave or rotten knots, large knots at the top, bark on the waness, auger holes and other defects ; to be square butted ; the diameter for measurement to be taken at the partners, one third from the butt exclusive of sap : spars shall be of straight growth, free from large knots, rots and other defects ; to be of proportionate size at the top with the butt ; to be square butted ; and the diameter for measurement to be taken one third of the length from the butt, exclusive of bark ; and to be four and one half feet in length for every inch of diameter where the spar exceeds nine inches in diameter, and five feet at least for all spars under nine inches diameter : lath wood shall be of straight rift, free from bark, hearts, knots and rots ; to be measured by the cord of four feet high and eight feet long, and piled as close as it can be laid : pine shingles shall be eighteen inches long, not less than four inches wide, and three eighths of an inch thick at the butt, free from sap, rot and worm holes, to be put up in bundles not less than twenty five tiers or courses of twenty inches wide, four of which bundles shall be reckoned a thousand ; cedar shingles for exportation shall be twenty two inches long, and half an inch thick at the butt, the said thickness to be continued three fourths of the length and shaved from thence to the point, to be from four to four and one half inches in width, and

* Boards,
planks, deals
and scantling.

Masts.

Spars.

Lathwood.

Shingles.

and the account shall be taken by tale of ten hundred to the thousand ; and that all pine shingles manufactured in the same manner for exportation shall be subject to the like rules and regulations ; the whole of which cedar and pine shingles for exportation to be free from the defects above mentioned relative to shingles : hogshead staves shall be forty two inches long, three fourths of an inch thick on the thinnest edge, and not exceeding one and one eighth inches thick on the back, and shall also be from three and one half to five and one half inches wide ; barrel staves shall be thirty two inches long, half an inch thick on the thinnest edge, and not exceeding seven eighths of an inch thick on the back ; the whole to be of good rift, free from twists, fairly split, and free from knot holes, rotten knots, worm holes and shakes, and the account shall be taken by tale of twelve hundred to the thousand.

Hogshead and barrel staves.

Regulations respecting lumber measured afloat and proving unmerchantable.

V. " And whereas certain articles of lumber are measured afloat and cannot conveniently be inspected ;" Be it therefore further enacted, That when such lumber, or any part thereof, shall prove unmerchantable, it shall be the duty of the purchaser or purchasers of such lumber to give the seller or sellers, or his or their agent, ten days notice that such lumber has so proved unmerchantable, in order that the same may be removed ; and if the seller or sellers, or his or their agent, shall not within the time of such notice given as aforesaid apply for such lumber, and remove the same from the possession of such purchaser or purchasers, then the said purchaser or purchasers shall, and he or they are hereby required to call upon the Surveyor who first measured such lumber, which Surveyor shall examine the said lumber so found defective and take an account of the marks and contents of the same, and the purchaser shall put or cause the said lumber to be put in merchantable order under the superintendence of such Surveyor, by having the same overhauled, lined, hewed, sawed or repaired in any way that may be thought advisable by such Surveyor ; and the purchaser or purchasers shall be at liberty to charge the seller or sellers of such lumber with the expense of putting the same in order as aforesaid, and with any deficiency thereon ; which said expenses and deficiency shall be kept account of and estimated by such superintending Surveyor : Provided always, that no purchaser or purchasers of any lumber shall be allowed to have the same repaired or resurveyed at the risk or expense of the seller or sellers after he has had the same in possession more than twelve months : And provided also, That the seller or sellers of any lumber, in order to avail himself or themselves of the provisions contained in this section, if he or they reside more than twenty miles from the place where such sale is made, shall, at the time of making sale of any such lumber, nominate and appoint an agent or agents to attend to such unmerchantable lumber, and the person or persons so nominated and appointed agent or agents, shall be made known to the purchaser of such lumber at the time of such sale and purchase.

No repairs or resurvey allowed after twelve months possession.

Plugging timber, masts or spars.
Penalty.

VI. " And whereas some evil disposed persons are in the habit of plugging or wedging timber and masts, for the purpose of passing such timber, masts or spars, by such deceptions, as merchantable ;" Be it therefore enacted, That any person or persons convicted of plugging any timber, spars or masts, when any defect is covered by such plugging or wedging, shall be liable to pay a fine of five pounds currency for each and every such offence.

How lumber to be marked by Surveyors.

VII. And be it further enacted, That each of the Surveyors so appointed shall make a small mark or score in large and legible figures or characters, on one of the sides, near the butt end of each piece of timber inspected by him, his own mark, the length, the purchaser's mark, and the contents, and shall, at the place of girthing

girding the same, mark or score the girth thereof for measurement; masts and spars shall be marked in the same manner, having instead of the contents, the diameter at the partners: Provided always, that any person or persons adopting or using the private mark of any Surveyor of lumber under this Act, by placing the same upon any piece of timber, scantling, mast, spar or other article of lumber, other than such Surveyor of lumber, shall be for each and every such offence liable to the penalty of five pounds currency, to be sued for and recovered as is prescribed in all penalties of the like amount in this Act.

Improperly using the private mark of any Surveyor.

Penalty.

VIII. And be it further enacted, That the persons so appointed Surveyors as aforesaid shall respectively be entitled to ask, demand and receive for their skill and labour in surveying and resurveying, at and after the following rates, that is to say: For every forty cubic feet of timber, four pence; for every thousand superficial feet of deals, planks, scantling and boards, one shilling, and three pence for marking the same; for masts under seventeen inches diameter, one shilling and sixpence each, and if larger, two shillings each; for spars under six inches diameter, twopence each, being nine inches diameter and upwards, four pence each; for lathwood, one shilling and threepence per cord; for pine shingles, nine pence per thousand; for cedar shingles, one shilling per thousand; for hogsheads staves, three shillings per thousand; and for barrel staves, one shilling and sixpence per thousand; which rates for the survey of merchantable lumber shall be paid by the first buyer after the survey, provided it be purchased within four months, and should it not be purchased within that term, the Surveyor to be paid by the person who employed him; and the seller shall remove or cause to be removed at his own expense whatever may obstruct or prevent the Surveyor from ascertaining with facility the measurement, manufacture or quality of any article of lumber, and when required, the same shall be canted, and should the seller or sellers refuse or neglect to do the same, it shall and may be lawful to do so, or cause it to be done, and to charge the seller with the necessary expense of the same; which expense to be sued for and recovered in any court competent to try the same.

Fees of Surveyors.

By whom payable.

Seller to remove all obstructions to the Surveyors.

IX. And be it further enacted, That one half of the forfeitures or fines arising by virtue of this Act, shall be paid to the person or persons who shall sue for the same, and the other half to the Overseer of the poor of the Parish in which such forfeiture shall have been incurred, for the use of the poor of said Parish; and where any of the penalties imposed by this Act shall not exceed five pounds, they shall be recovered, together with the costs of prosecution, before any one of His Majesty's Justices of the Peace of the County in which the offence shall be committed, and where the same shall be more than five pounds and shall not exceed ten pounds, before any two of His Majesty's Justices of the Peace, on the oath of one or more credible witness or witnesses, by warrant of distress and sale of the offender's goods and chattels, (which warrant to be under the hand and seal of such Justice or Justices,) and for want of sufficient distress shall suffer not less than ten days nor more than thirty days imprisonment; and in case such forfeiture or the value thereof shall exceed ten pounds, the same shall be recovered in any of His Majesty's Courts of Record competent to try the same, with costs of suit.

Application of penalties.

Mode of recovery.

X. And be it further enacted, That all prosecutions by virtue of this Act shall be commenced within twelve months from and after the time such offence shall have been committed.

Prosecution to be within twelve months.

XI. And be it farther enacted, That this Act shall continue and be in force until the first day of May one thousand eight hundred and thirty five.

Limitation.

[Continued to 1st April, 1837, by 5 W. 4, C. 45.]

CAP.

CAP. XLVI.

An Act to provide for the services of the Speaker of the House of Assembly, and for defraying the expenses and travelling charges of the Members of the said House attending in General Assembly.

Passed 31st March, 1831.

[*Expired.*]

CAP. XLVII.

An Act to appropriate a part of the public Revenue to the payment of the ordinary services of the Province.

Passed 31st March, 1831.

[*Expired.*]

CAP. XLVIII.

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

Passed 31st March, 1831.

[*Expired.*]

CAP. XLIX.

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

Passed 31st March, 1831.

[*Expired.*]

CAP. L.

w An Act for the division of the County of York into two Counties, and to provide for the Government and Representation of the new County.

Passed 31st March, 1831.

Preamble.

“**W**HEREAS from the great extent of the present County of York, it “is necessary and expedient that the same be divided into two “Counties;”

County of York divided and Carleton erected, as herein described.

I. Be it therefore enacted by the President, Council and Assembly, That all that part of the said County which lies to the northward and westward of a line commencing at the Monument situate at the source of the Cheputneticook, and running

w Refer to 26 G. 3. C. 1. and the Notes thereto, and see 3 W. 4. C. 17, dividing the Parish of Kent into five Parishes; 3 W. 4. C. 38, altering names and erecting new Parishes; 4 W. 4. C. 28, altering division line between York and Carleton, and 6 W. 4. C. 45, as to Islands in front of Dumfries.

running by the true meridian a due east course till it strikes Eel River, thence following the several courses of the said Eel River to its junction with the river Saint John, thence crossing the said river Saint John, north forty five degrees east, till it strikes the division line between the County of Northumberland and the said County of York, be and the same is hereby erected into a County, separate and distinct from the said County of York, and shall be called and known by the name of the County of Carleton; and that the residue thereof which lies below the boundary line of the said County of Carleton, as is described in this Act, shall comprise the County of York.

II. And be it further enacted, That the like Courts of Justice shall be erected and established, and the like Justices and other Officers be constituted and appointed in the said new County as are now erected and established, constituted and appointed in the said County of York, and with the like powers and authorities.

Establishment of Courts of Justice, Justices and other officers in the new County.

III. And be it further enacted, That the Courts of General Sessions of the Peace, and Inferior Courts of Common Pleas, shall be holden in the Shire Town of the said new County, twice in every year at the times following, (that is to say,) on the first Tuesdays in January and June, and continue until the business shall be finished, not exceeding five days, and that two additional terms of the said Inferior Courts of Common Pleas for the said County shall be holden as follows, (that is to say,) on the first Tuesdays in March and October, and continue until the business be finished, not exceeding five days; at which additional terms no Jury shall be summoned.

x Terms of the Court of Sessions and Common Pleas.

IV. And be it further enacted, That the Town of Woodstock, in the said County of Carleton, shall be forever hereafter the Shire Town of the said County, and that a Court House and a Gaol shall be erected in the said Shire Town, in like manner, and by such and the like ways and means, as such buildings have been or may be erected in other Counties in the Province, and in such place within the said Shire Town, above the Madusnikik river, as the Governor or Commander in Chief for the time being shall direct; and that all the public offices in the said new County, shall be kept at the places so to be directed and determined upon by the Governor or Commander in Chief for the time being.

Woodstock to be the Shire Town.

Court House, Gaol and public offices to be erected there.

V. And be it further enacted, That in the said Shire Town shall be erected and established a registry of deeds, conveyances, wills, mortgages, memorials of judgment or recognizances, for the said County, to be managed and executed by a Register, to be constituted in like manner and under and subject in all respects to the like laws, rules and regulations as any other registry in any other County of the Province; and that all deeds, conveyances, wills, mortgages, memorials of judgment or recognizances, which may affect any lands, tenements or hereditaments in the said County, shall be entered and registered at full length in the said registry, provided the same deeds or other documents have not been before registered in the said County of York.

A registry of deeds, &c. established.

VI. And be it further enacted, That the several Parishes of the said County of York, in whole or in part comprised within the said new County, shall continue by their respective names to be the Parishes of the said new County until altered by the General Assembly; and that the Town or Parish officers to be hereafter annually appointed for the said new County, shall in all respects possess the same powers as the like officers in any other County: Provided always, that

Powers of Parish Officers to be the same as in other Counties.

that the powers and authorities of the present or any other officers appointed or to be appointed by the Court of General Sessions of the Peace for the said County of York, shall continue until after the first^d General Session of the Peace shall be holden in and for the said new County.

VII. [*Obsolete.*]

New County to send one Member to the General Assembly.

Freeholders registered in York to be entitled to votes in the new County.

New County not to be considered as established until the Commissions, &c. are issued, and His Majesty's approbation be declared.

VIII. And be it further enacted, That the said new County shall be entitled to send one Member to serve in the General Assembly of this Province, to be elected by the Freeholders in like manner, and subject to the like laws, rules and regulations, under which other Members are elected in any other County; and that all such Freeholders whose title deeds may have been registered in the County of York before this Act shall go into operation, shall be entitled to vote, without having their deeds registered anew in the said new County: Provided always, that no writ shall be issued for the election of such Member until there shall be a general election for the Province.

IX. And be it further enacted, That the said new County shall not be deemed to be erected and established until the commissions shall be issued for erecting the said Courts of Justice, and appointing the several Justices and other Officers for the said new County, and the same shall be notified by proclamation of the Governor or Commander in Chief for the time being: Provided always, that this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

[*This Act was confirmed and finally enacted by an order of the King in Council dated 30th May 1832, and published and declared in the Province on 19th September 1832.*]

Anno Regni, GULIELMI IV. Britanniarum Regis,
Secundo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the seventh day of February, in the year of our Lord one thousand eight hundred and thirty one, in the First Year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith; and from thence continued by several Prorogations to the nineteenth day of January, one thousand eight hundred and thirty two, being the Second Session of the Tenth General Assembly, convened in the said Province.

CAP. I.

An Act to amend an Act, intituled " An Act to repeal all the Laws in force 3 G. 4, c. 31. relating to the establishment, regulation and improvement of the Great Roads of Communication through the Province, and to make more effectual provision for the same."

Passed 27th February, 1832.

“ WHEREAS it is expedient for the convenience of the public, that alterations should be made in certain parts of the great road from Saint John to the Nova Scotia line ;” Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the road leading from the City of Saint John to Westmorland be by the following line or route, that is to say : From Saint John to the fork of the road on the great marsh, from thence following the present road towards Gondola point as far as Andrew Henigar's, from thence to the Hammond river near Ketchum's, from thence by the most practicable route to Hampton ferry, and through Sussex Vale to the bridge over the Salmon river near the Portage, from thence nearly in a north course, by a line lately explored round the Portage hill, till it meets the present road near Cogle's, and from thence to the Nova Scotia line. Line of road from the City of Saint John to Westmorland.

II. And be it further enacted, That so much of the said Act as relates to the great road from Saint John to the Nova Scotia line be and the same is hereby repealed. 3 G. 4, c. 31, in part repealed.

CAP. II.

a An Act to authorize a further extension of the Gaol Limits in the Town of Fredericton.

Passed 27th February, 1832.

The Justices of York County authorized to extend the gaol limits as herein specified.

BE it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Justices of the Peace of the County of York, at any General Sessions of the Peace or Special Sessions for that purpose to be holden, further to extend the limits of the gaol of the said County along George street northwesterly to its intersection by York street, and to comprehend and include the Church called Saint Paul's Church, situate on the corner of said George street and York street, and the whole of the said Church with the inclosure around the same: Provided always that nothing herein contained shall be construed to authorize the Justices aforesaid to include any of the dwelling houses situate on the said street, within the limits thus to be extended.

CAP. III.

An Act to continue the Acts relative to the Herring Fishery in the County of Charlotte.

Passed 27th February, 1832.

[*Expired.*]

CAP. IV.

1 W. 4, C. 45. An Act to amend an Act, intituled "An Act to repeal the Acts now in force regulating the exportation of Lumber, and to make other provisions in lieu thereof."

Passed 27th February, 1832.

in part repealed.
Limitation.

I. BE it enacted by the Lieutenant Governor, Council and Assembly, That so much of the above recited Act as requires that boards and plank should be of an equal width throughout, be and the same is hereby repealed.

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

CAP. V.

b An Act to empower the owners of the Saw Mill at the rolling dam on the River Digdeguash, in the County of Charlotte, to erect a Boom for the securing of saw logs on the said River.

Passed 27th February, 1832.

Owners of the Saw Mill empowered to erect

I. BE it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall be lawful for the owners of

a Refer to 9 & 10 G. 4, C. 26, as to Gaol Limits in Fredericton.—See 6 W. 4, C. 41, S. 21, which continues the Gaol Limits established at the time of passing that Act.

b Refer to 45 G. 3, C. 14, for the regulation of Booms in Charlotte, and to 8 G. 4, C. 15, regulating the driving of Timber and Logs in this and other rivers.

of the saw mill at the rolling dam on the river Digdeguash, in the County of Charlotte, to erect piers in the channel of the said river at the rolling dam aforesaid, and there to lay such boom or booms as may be necessary for stopping and securing such logs as may by the owners thereof be intended to be sawn at the said mill: Provided always, that the said boom and erections shall not include more than two thirds of the channel of the said river: And provided also, that there shall be left a convenient passage sufficient for the floating down past the said mill of all saw logs and timber of whatever description that may by the owners thereof be intended to be floated down the said river: And provided also, that the owners of the said saw mill shall furnish the necessary hands as nearly as may be in proportion to the quantity of saw logs which they may own in any drive of timber or saw logs, to assist in assorting, securing or sluicing the same, as the case may be, at all times when the owners of such logs and timber as may be intended to be floated down the said river may think proper to attend the sluicing and driving the same.

piers and lay booms in the channel.

Proviso.

To furnish hands to assist in assorting, securing or sluicing timber or logs in proportion to the quantity owned by them.

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

Limitation.

[Continued by 4, W. 4, C. 10, to 1st February, 1840.]

CAP. VI.

An Act to repeal an Act, intituled "An Act in addition to an Act, intituled 'An Act for the appointment of Town and Parish officers in the several Counties in this Province.'"

Passed 27th February, 1832.

“WHEREAS difficulties have arisen in procuring proper persons to fill some of the parochial offices in the several Counties in this Province, owing to the laws not allowing officers of the court to be appointed;”

Preamble.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That an Act passed in the ninth and tenth years of his late Majesty's reign, intituled "An Act in addition to an Act, intituled 'An Act for the appointment of Town and Parish officers in the several Counties in this Province,'” be and the same is hereby repealed.

9 & 10 G. 4, C. 12, repealed.

CAP. VII.

An Act to alter the Great Road of Communication from Fredericton to Saint Andrews.

Passed 27th February, 1832.

“WHEREAS by the laws now in force, the great road leading from Fredericton to Saint Andrews, is established by the following line or route, that is to say: From the Market house in Fredericton to the Rushionis by the way of Maryland, thence to Hartt's mills at the north branch of the Oromocto, thence by Fletcher's to M'Dougal's at Shia creek, thence to the Block house near the forks of Magaguadavic river, thence by the Pleasant ridge to Whittier's thence by the Digdeguash river to Connick's, thence to Gilman's, and thence to Saint Andrews: And whereas it has been found expedient to alter the greater part of the said line or route;”

Preamble.

Line of road
from Frederic-
ton to Saint
Andrews.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the following shall be the line or route of the road leading from Fredericton to Saint Andrews, that is to say : From the Market house in Fredericton to the residence of the Honorable Thomas Baillie, thence through the Hanwell settlement, thence to the river Magaguadavic near Brockway's, thence by the Flume ridge to M'Farlane's mills on the river Digdeguash, thence to Connick's, thence to Gilman's, and thence to Saint Andrews.

Two Super-
visors to be
appointed.

II. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to appoint by warrant under his hand and seal two fit and discreet persons to be Supervisors of the said great road, one to have the superintendence of that part which is between the Market house in Fredericton and the western bank of the river Magaguadavic, and the other to have the superintendence of that part which is between the said river and Saint Andrews ; such Supervisors to be subject and liable to all the provisions and regulations of the laws of this Province in similar cases made and provided.

CAP. VIII.

An Act for raising a Revenue in the Province.

Passed 9th March, 1832.

[*Expired.*]

CAP. IX.

An Act to provide for maintaining Light Houses within the Bay of Fundy.

Passed 9th March, 1832.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the tenth and eleventh years of the reign of His late Majesty King George the Fourth, intituled " An Act to repeal all the Acts now in force relating to the Light House on Partridge Island, and to make provision for the future support thereof, and of other Light Houses at the entrance of the harbour of Saint John ;" and also an Act made and passed in the same year, intituled " An Act to provide for the maintenance of the Light House established upon the Island of Campo Bello, near Head Harbour, in the County of Charlotte," be and the same are hereby repealed.

10 & 11 G. 4,
C. 14.

10 & 11 G. 4,
C. 23, repealed.

II. [*Repealed by 3 W. 4, C. 30, which establishes rates of Light Duties.*]

III. And be it further enacted, That all the light duties imposed in and by the second section of this Act, shall be paid by the Master, Owner or Consignee of each and every vessel at the time of the arrival of such vessel at any port or place within the bay of Fundy, to the Treasurer of the Province or to any Deputy Treasurer at or near the port or place where such vessel may arrive, who are hereby severally authorized and required to demand and receive the same ; and upon the neglect or refusal of any Master or person having charge, or of any Owner or Consignee of any such vessel so arriving as aforesaid, to pay the duties imposed by this Act, the same shall be recovered upon application to any one of His Majesty's Justices of the Peace at or near the place where such neglect or refusal shall take place, and levied by warrant of distress under the hand and seal of such Justice, and sale of the guns, boats, tackle, apparel and furniture of such vessel

To be paid to
the Treasurer
or Deputy at
place of arrival.

Neglect or re-
fusal.

Recovery.

vessel, and the overplus (if any) after deducting costs of such distress and sale shall be paid to the Master or person having charge of such vessel.

IV. And be it further enacted, that all vessels which are wholly employed in the bay of Fundy, on either side thereof, as far southerly as Cape Sable and including Grand Manan, whether belonging to New Brunswick or Nova Scotia, shall be deemed coasters within the meaning of this Act; and all vessels which are generally employed in fishing on any of the fishing grounds upon the coasts of the British Provinces or Newfoundland, and when not so employed shall be otherwise wholly employed within the said bay of Fundy, and the limits prescribed for coasters, shall be deemed fishing vessels within the meaning of this Act: Provided always, that all such vessels making a voyage to any port or place without the said bay and limits aforesaid shall, upon their arrival at any port or harbour in the said bay of Fundy, from or after such voyage, be liable to the same duties as vessels which are not deemed coasters or fishing vessels, and upon the payment of such duty, agreeably to the tonnage of such vessel, the Master or person having charge of such vessel may on payment of the annual duty imposed upon coasters and fishing vessels receive a new coasting receipt, which the Treasurer or Deputy Treasurer, as the case may be, is hereby required to give; which receipt shall excuse such vessel from the payment of any further light duty until the first day of January next following the date thereof, unless the said vessel shall again sail beyond the limits prescribed for coasting and fishing vessels, in which case such vessel shall upon her arrival again from without such limits be again liable to the tonnage light duty, and may again, upon payment of the annual duty, resume her character as a coaster, and so on as often as such cases may happen: Provided also, that no vessel shall be deemed or taken to be a coasting or fishing vessel until the Master or person having charge shall have paid the annual duty imposed by this Act, and received a receipt for the same.

Coasters and fishing vessels, what shall be deemed such.

Proviso as to such vessels making voyages without the Bay and limits prescribed.

V. And be it further enacted, That receipts given by the Treasurer or any Deputy Treasurer for the annual duty upon any coaster or fishing vessel, which receipt the said Treasurer or Deputy Treasurer is hereby required to give, shall exempt such vessel from the payment of any further duty (except when such vessel shall have sailed beyond the limits prescribed for coasters and fishing vessels) until the first day of January following, after which date they shall be liable, upon their first arrival at any port or place within the bay of Fundy, to the payment of the annual duty imposed in and by the second section of this Act.

Receipts for annual duty to exempt vessels from further duty until the first of January following.

VI. And be it further enacted, That the Commissioners who are or may be appointed by the Lieutenant Governor or Commander in Chief for the time being, to maintain or erect Light Houses upon any of the coasts or islands within this Province, shall make public contracts for furnishing all necessary supplies for such Light Houses, and for erecting new Light Houses, and for all necessary alterations and repairs that may be required to any Light House or keeper's house, giving at least six weeks notice for public competition, and shall in all cases accept the lowest tenders which are accompanied with the proper securities for the due performance of such contracts; and the said Commissioners so appointed, or to be hereafter appointed, shall annually, before the twenty fifth day of December, render to the Treasurer of the Province an account, in detail, duly attested, of all contracts and expenses by them incurred, to be by him transmitted to the Lieutenant Governor or Commander in Chief for the time being, for the information of the General Assembly.

Commissioners of Light Houses to make public contracts for supplies, repairs, &c.

Accounts of contracts and expenses to be rendered.

VII. And be it further enacted, That all monies which shall or may be received under and by virtue of this Act, or which have been received under any former Acts

Money received to be applied for

Acts

the support of
Light Houses
within the Bay.

Surplus to be
disposed of by
special Act.

Vacancy by
death or remo-
val of keepers of
Light Houses,
how supplied.

Acts for the purpose of erecting and supporting Light Houses, shall be applied to the support of the several Light Houses in the bay of Fundy, and such other Light Houses as may be hereafter erected in the said bay, and paid for such purposes by warrant of the Lieutenant Governor or Commander in Chief for the time being; and any surplus Light money which may remain after providing for all the above purposes, shall be kept separate from the ordinary revenues of the Province, until disposed of by a special Act to be passed for the purpose.

VIII. And be it further enacted, That in case of the death of any keeper of a Light House under the superintendence of any Commissioners for Light Houses, or in case of any neglect of duty of any keeper, and it becomes necessary to remove such keeper, full power and authority is hereby given to such Commissioners to remove such keeper for neglect, and to fill up the vacancy occasioned by such removal, or by the death of any keeper, until the same can be reported to the Lieutenant Governor or Commander in Chief for the time being; which report such Commissioners are required to make forthwith.

CAP. X.

d An Act to alter the name of the Shire Town in the County of Kent from Liverpool to Richibucto.

Passed 9th March, 1832.

Preamble.

“**WHEREAS** much inconvenience arises in consequence of the Shire Town “of the County of Kent being called Liverpool: And whereas the “name of the Shire Town would be more suitable if called after the river running “through the said Shire Town;”

Shire Town of
the County of
Kent to be call-
ed Richibucto.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the town or parish in the said County of Kent now called Liverpool, the same being the Shire Town of the County, shall be called and known by the name of Richibucto; any law to the contrary notwithstanding.

CAP. XI.

c An Act to amend the Act for the better extinguishing of Fires that may happen within the City of Saint John.

Passed 9th March, 1832.

Preamble.

“**WHEREAS** the increase of the number of Firemen in the City of Saint “John will be of great benefit in preserving the properties of the In- “habitants thereof;”

Corporation of
Saint John to
appoint forty
firemen in addi-
tion to those
appointed under
7 G. 4, C. 8.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the City of Saint John, or the major part of them in Common Council convened, and they are hereby required to elect, nominate and appoint forty strong, able, discreet, honest and sober men, being freemen or freeholders of the said City, in addition to the number of Firemen appointed or authorized to be appointed in and by an Act made and passed in the seventh

d Refer to 7 G. 4, C. 31, S. 4

e Refer to 52 G. 3, C. 16, and 5 G. 3, C. 59, as to powers of Corporation.—7 G. 4, C. 8, as to Firemen, &c.: and 2 W. 4, C. 26, S. 18, for supplying water.

seventh year of the reign of his late Majesty King George the Fourth, intituled "An Act for the better extinguishing of Fires that may happen within the City of Saint John, and to repeal all the Acts now in force relating to the same."

II. And be it further enacted, That the said Firemen so to be appointed in addition to the said Firemen appointed or authorized to be appointed in and by the said in part recited Act, shall be subject to all the provisions and entitled to all the privileges as in and by the said in part recited Act are provided and given for governing and regulating the said Firemen which by the said in part recited Act are authorized to be appointed.

Firemen so appointed to have the same privileges, &c.

[Continued to 1st April, 1840, by 5 W. 4, C. 8.]

CAP. XII.

An Act to alter and amend the Laws now in force for the establishment, regulation and improvement of the Great Roads of Communication through the Province.

Passed 9th March, 1832.

“WHEREAS in and by the second section of an Act made and passed in “the third year of the reign of His late Majesty King George the Fourth, intituled “An Act to repeal all the laws now in force relating to the establishment, regulation and improvement of the great roads of communication through the Province, and to make more effectual provision for the same,” the road leading from Fredericton to the Canada line is established in part by the following line or route, that is to say: From the Market house in Fredericton, on the west side of the river Saint John, to Tousant Goodine’s, thence across the river Saint John and to join the road at John M’Kean’s on the upper side of the Mactequack river, from thence to join the road lately opened leading to Pennington’s bridge, on the great road leading to Joseph Wolverton’s; and it is found expedient to alter the said part of the said route;”

Preamble.

3 G. 4, C. 31.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That in lieu of that part of the said route in this section described, the following shall be the line or route of the said road leading from the Market house in Fredericton to the Canada line, that is to say: From the Market house in Fredericton, on the west side of the river Saint John, to Bourgoin’s ferry, thence to cross the river Saint John to the east side of the said river, thence on the east side of the said river to Pennington’s bridge on the great road leading to Joseph Wolverton’s; and that the remainder of the said road leading from Fredericton to the Canada line shall continue as established in and by the said recited Act.

Line of road from the Market House in Fredericton to the Canada line altered in part.

CAP. XIII.

An Act to continue and amend the Acts relating to the support and relief of confined Debtors.

Passed 9th March, 1832.

[Continued to 1st April, 1836, by 4 W. 4, C. 37; repealed by 6 W. 4, C. 41.]

CAP. XIV.

f An Act to empower the Deputy Treasurer at Miramichi to recover from the Commissioners of Buoys and Beacons for the County of Northumberland the balance of monies now remaining in their hands.

Passed 9th March, 1832.

Preamble.

10 & 11 G. 4,
C. 16.

“**W**HEREAS in and by the fourth section of an Act made and passed in “the tenth year of the reign of his late 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,’” it is provided, that the Commissioners to be appointed under the said Act shall have full power and authority to call upon the Deputy Treasurer of their respective districts, and the person to be by him appointed, for such sum and sums of money as they shall from time to time respectively have collected under and by virtue of the said Act: And whereas also in and by the seventh section of the said Act, it is further provided, that the balance (if any) of the monies so to be received by them, in the hands of the said Commissioners of the harbours respectively, on the twentieth day of December in each and every year, shall be applied by the said Commissioners, or the major part of them, for the purpose of further improving the navigation of the said bays and harbours: And whereas it appears by the accounts of the Province treasurer that a large sum is now unexpended in the hands of the said Commissioners for the County of Northumberland, which will not be required for the purposes contemplated by the said Act;”

Commissioners
required to pay
over the balance
of monies in
their hands.

A separate ac-
count thereof,
and any after
surplus to be
rendered.

On neglect or
refusal Deputy
Treasurer to sue
for the same.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Commissioners of Buoys and Beacons for the County of Northumberland, and they are hereby authorized and required forthwith to pay over to the Deputy Treasurer at Miramichi the amount of balance at present remaining in their hands respectively, on account of monies received by them under the said Act; and the said Deputy Treasurer is hereby empowered to receive such balance, and to render a separate account of the same, together with any surplus that may arise hereafter; the said sum or sums to be disposed of as the Legislature may hereafter direct.

II. And be it further enacted, That in case the said Commissioners, or either of them, shall neglect or refuse to pay the same over into the hands of the Deputy Treasurer at Miramichi by the first day of June next, it shall and may be lawful for the said Deputy Treasurer, and he is hereby required to sue for and recover the same in his own name in the supreme Court of Judicature or any other Court of Record; the same when recovered to be applied as is directed in and by the first section of this Act.

CAP. XV.

An Act to enable the Province Treasurer to borrow the sum of ten thousand pounds for the public service of the Province.

Passed 9th March, 1832.

“**W**HEREAS in and by the sixteenth section of an Act of the General “Assembly of this Province made and passed in the first year of His “present

f See 3 W. 4, C. 37, S. 3, requiring Commissioners to enter into bonds to account for monies, &c.

“ present Majesty’s reign, intituled “ An Act to incorporate sundry persons by
 “ the name of the New Brunswick Fire Insurance Company,” it is enacted, that
 “ the capital or stock of the Company collected at each instalment, and at the
 “ times and in the manner therein before provided, shall be by the said Directors
 “ invested and disposed of in such public funds, or to such public or corporate
 “ bodies or associations as may be deemed advisable: And whereas the sum of
 “ ten thousand pounds, being one fifth part of the capital stock of the said Corpo-
 “ ration, hath been actually collected and paid in, pursuant to the provisions of
 “ the said Act of Incorporation: And whereas it is deemed expedient that the
 “ same should be invested in the public funds of this Province;”

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly,
 That the Treasurer of the Province be and he is hereby fully authorized and em-
 powered to borrow and receive of and from the President and Directors of the
 New Brunswick Fire Insurance Company the sum of ten thousand pounds, and to
 apply the same towards the payment of any warrants which may have been drawn
 upon the Province Treasury, and to grant to the said President and Directors a
 receipt in duplicate for the same, under his hand and seal.

Treasurer au-
 thorized to bor-
 row £10,000
 from the Presi-
 dent and Direc-
 tors of the New
 Brunswick Fire
 Insurance Com-
 pany.

II. And be it further enacted, That it shall and may be lawful for the Lieute-
 nant Governor, by and with the advice of His Majesty’s Council, to issue his
 warrant for the payment of the interest on the said loan, at and after the rate of
 six per centum per annum, in favour of the said President and Directors, to be paid
 annually from and after the first day of March one thousand eight hundred and
 thirty two, during such period as the said funds may remain so invested.

Interest to be
 paid annually by
 warrant.

CAP. XVI.

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.

Passed 9th March, 1832.

“ WHEREAS the provisions of an Act made and passed in the first year of
 “ the reign of His Majesty King William the Fourth, 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;” have been found to be injurious to the interests
 “ of the Parish Church at Saint Andrews in the County of Charlotte;”

Preamble.
 1 W. 4, C. 23.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly,
 That each pewholder in the said Parish Church at Saint Andrews, if the actual
 occupier, or if such pewholder be not the actual occupier, then the tenant or joint
 tenant in the actual occupation of the pew, shall or may be qualified to serve as
 Church Warden or Vestryman, and also to vote at the election of Church War-
 dens and Vestrymen.

Pewholders be-
 ing occupiers, or
 tenants, in occu-
 pation of pews,
 may serve as,
 and vote at the
 election of
 Church War-
 dens and Ves-
 trymen.

II. Provided always and be it further enacted, That where a pew in the said
 Church

Each pew to entitle to one vote only.

Pewholders or tenants in occupation alone to vote or hold office.

Limitation.

Church is owned or leased by more than one person, the whole of said pewholders or pew tenants shall constitute but one vote, in order that there shall be no more votes than pews ; and that none but pewholders in the actual occupation of such pew; or any tenant or joint tenant in the actual occupation thereof, shall have the power of voting, or be eligible for office.

III. And be it further enacted, That this Act shall be and continue in force in and from Easter Monday next ensuing, until the first day of May which will be in the year one thousand eight hundred and thirty five.

[Continued until 1st May, 1840, by 5 W. 4, C. 5.]

CAP. XVII.

1 W. 4, C. 40.

An Act to amend an Act passed in the first year of the reign of his present Majesty King William the Fourth, intituled " An Act to make more effectual provision for preventing the importation and spreading of infectious Distempers within the Towns and Settlements in the Counties of Charlbtte and Northumberland."

Passed 9th March, 1832.

Preamble.

66 WHEREAS the above recited Act has not been found to be sufficiently " effectual to prevent the introduction of infectious Distempers into " the said Counties of Charlotte and Northumberland ;"

1 W. 4, C. 40. extended to all vessels having passengers on board.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That all the provisions, pains and penalties of the said recited Act shall be and the same are hereby extended and applied, to all vessels having passengers on board, which shall or may at any time after the passing of this Act arrive at any port or place within the said Counties, whether such vessel or vessels shall or may have any sickness or infectious Distempers on board or not, as fully to all intents and purposes as if this Act had been embodied with and made a part of the said recited Act, so far as the same are applicable.

Limitation.

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

CAP. XVIII.

g An Act to repeal all the Laws now in force relating to Saint Andrew's Church in the City of Saint John, and for incorporating certain persons Pewholders of the said Church and of the several Churches erected or to be erected in this Province in connexion with the Church of Scotland.

Passed 9th March, 1832.

Preamble.

66 WHEREAS according to the forms and usages of the Church of Scotland " as by law established, the spiritual and temporal affairs of the said " Church are kept separate and distinct : And whereas the present Acts of In- " corporation vesting the temporal affairs of Saint Andrew's Church in the City " of Saint John, in connexion with the Church of Scotland, in the Minister and " Elders

g See 3 W. 4, C. 15, as to powers of Trustees over Pews and Lands, &c.—Refer to 1 W. 4, C. 11, incorporating Minister and Elders in Newcastle.

“ Elders of the said Church, is at variance with the forms and usages of the said Church of Scotland : And whereas it appears to be the desire of the Members of the said Church in Saint John, and of a large majority of the Churches now established in this Province in connexion with the said Church of Scotland, to be incorporated in strict conformity with the forms and usages aforesaid, and to enable them to manage their temporal affairs in accordance therewith ;”

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fifty sixth year of the reign of His late Majesty King George the Third, intituled “ An Act to enable the Minister and Elders for the time being of the Church in communion with the Kirk of Scotland lately erected in the City of Saint John to hold the same to them and their successors forever, and for other purposes therein mentioned ;” and an Act passed in the fifty eighth year of the same reign, intituled “ An Act to extend the powers of the Minister and Elders of the Kirk of Scotland in the City of Saint John,” be and the same are hereby repealed.

56 G. 3, c. 28,
and

58 G. 3, c. 13,
repealed.

II. And be it further enacted, That the present committee of management in the said Church, consisting of twelve members, namely, Thomas Walker, Robert Bankin, John Wishart, John Robertson, James Kirk, Robert Keltie, James Burns, Henry Hood, William Parks, William Walker, James Robertson, and Daniel Leavitt, elected on the fifteenth day of August last, together with the Elders of the said Church, namely, John Paul, Robert Robertson, Thomas Nisbet, William Hutchinson, Angus M'Kenzie, and John Gillies, be and they are hereby declared to be Trustees for the said Church until the election and appointment of twelve other Trustees as hereinafter mentioned ; and the above named Trustees and their successors (the said twelve Trustees to be chosen and appointed in manner as hereinafter directed, and their successors,) forever, shall be a body politic and corporate in deed and name, and shall have succession forever by the name of the Trustees of Saint Andrew's Church in the City of Saint John, and by that name shall be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places whatsoever within this Province ; and shall have full power and capacity to purchase, receive, take, hold and enjoy, for the use and benefit of the said Church, as well goods and chattels, as lands, tenements and hereditaments, and improve and use the same for the benefit of the said Church according to their best discretion, and the true intent and meaning of the donors when the same shall be given, devised or bequeathed to the use and benefit of the said Church ; any law, usage or custom to the contrary notwithstanding : Provided always, that the amount of annual rents, profits and receipts of such lands, tenements, goods, chattels and hereditaments, shall not exceed the sum of five hundred pounds.

Trustees herein named, and their successors forever, incorporated by the name of “ Trustees of Saint Andrew's Church in the City of Saint John.”

Amount of annual rents, &c. not to exceed \$500.

III. And be it further enacted, That the several lots of land forming a block on which the said Church is built, situate in Queen's ward of the said City, and fronting on Germain street, together with a lot of land situate in the Parish of Portland, whether the same are now legally vested in the present Corporation of the said Church by the title of the Minister and Elders of the Church of Scotland in the City of Saint John, or are still standing out in the original Trustees to whom they were conveyed for the use and benefit of the said Church, according to their full metes and boundaries, together with the said Church thereon erected, shall be and remain fully and absolutely vested in the said trustees of Saint Andrew's Church in the City of Saint John, and their successors forever, as a good and absolute estate in fee simple, for the use, trust and benefit aforesaid, and shall be so deemed and taken in all Courts of law and equity in this Province, any law, usage

Lands herein described, and said Church, vested in said Trustees.

Rights reserv-
ed.

usage or custom to the contrary thereof in any wise notwithstanding ; saving to all purchasers, tenants, or occupiers of the pews in the said Church, or to all tenants or occupiers of the said lots of land or any part thereof, their present legal rights therein and thereto.

Twelve Trus-
tees to be an-
nually elected
on the first
Wednesday in
June.

IV. And be it further enacted, That the owners or proprietors of the pews in the said Church shall, on the first Wednesday in June forever hereafter, yearly and every year, assemble and meet together at the said Church, and then and there by a plurality of voices of the said pewholders then present, between the hours of twelve and two o'clock in the afternoon, elect and choose any number not exceeding twelve persons, being owners or proprietors of pews in the said Church, to be the Trustees for the purposes aforesaid, who shall thereupon enter into the execution of their office, and continue in the same for one year, and until other fit persons shall be chosen in their stead : Provided always, that the ownership or proprietorship of a pew or pews shall not entitle more than one person to vote at any such election.

A pew to en-
title only one
person to vote.

V. [*Repealed by 3 W. 4, C. 15.*]

Minister, how
to be chosen.

VI. And be it further enacted, That in case of a vacancy, or the expiration of any agreement made or to be made with any Minister for the said Church, the call or nomination of any candidate or candidates for the pastoral charge of the said Church shall be in the Trustees and Elders if such candidate or candidates shall be in British America, and the choice among such candidate or candidates, or choice of rejection of such candidate, shall lie in the congregation, being pewholders or communicants, and including the said Elders and Trustees or a majority of them ; and if it shall be found necessary to call a Minister from any part of Great Britain, the arrangements for that purpose shall be solely vested in the said Trustees and Elders of the said Church : Provided always, that in either case, the Minister to be called shall be a duly ordained or licensed Preacher, by a Presbytery in connexion with the established Church of Scotland.

Ministers and
other officers to
be chosen, &c.

VII. And be it further enacted, That the Minister, Elders and Deacons, and other officers of the said Church, shall be elected, chosen and appointed, and have, hold, exercise and enjoy their respective offices, according to the usages of the said Church of Scotland, except so far as the same may be altered or abridged by this Act.

Trustees here-
by incorporated
to be liable for
previous en-
gagements for
stipend, &c.

VIII. And be it further enacted, That the said Trustees of Saint Andrew's Church, hereby incorporated, shall be held both in law and at equity bound for any engagement made by any former Trustees, or other persons belonging to the said Church, for the Minister's stipend and expenses of his coming to this Country, and the same shall be paid by the said Corporation so as to relieve the said Trustees or other persons of the burthen of such engagement ; and if the amount thereof shall happen to exceed the yearly income of the said Church, the same shall be a burthen on the said Church and Corporation as such, and shall not make the said Trustees responsible in their individual and private capacity.

Trustees of
Churches erect-
ed or to be
erected in con-
nexion with the
Church of
Scotland, in-
corporated.

IX. And be it further enacted, That the Trustees of the several and respective Churches already erected within this Province, and also of all Churches which may hereafter be erected, in connexion with the established Church of Scotland shall, when elected, chosen and appointed in manner and form as directed in and by this Act, be bodies politic and corporate in deed and name, and shall have succession forever, by the name of the Trustees of the several and respective Churches to which they respectively belong ; and this Act, and every clause, direction, authority and power in the same contained, shall extend and be in force for all such Churches, in the same manner as if the said clauses, directions and authorities

were

were particularly reenacted and applied to such Churches respectively (*save and h*
except only the eighth section of this Act); and all lands, tenements and heredita-
ments conveyed or to be conveyed to and for the use and benefit of the said
Churches, shall be vested in the said several and respective Corporations, as fully
and absolutely to all intents and purposes as the lands and Church mentioned in
the third section of this Act are hereby vested in the said Trustees of Saint An-
drew's Church in the City of Saint John.

Lands con-
veyed for the
use of said
Churches,
vested in the
several Cor-
porations.

CAP. XIX.

An Act to provide against the importation and spreading of Distempers in the
Counties of Westmorland, Gloucester and Kent.

Passed 9th March, 1832.

“ **W**HEREAS from the arrival of shipping from foreign ports to the dif-
ferent harbours of Shediac and at the head of the bay of Fundy, in
the County of Westmorland, and also in the harbours of Richibucto, Bouc-
touche and Cocagne, in the County of Kent, Restigouche, Bathurst, Carraquet
and Shippegan, in the County of Gloucester, it has become expedient to make
regulations to prevent the importation of infectious Distempers;”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly,
That no vessel having on board the small pox, yellow fever, putrid bilious fever,
or other pestilential or contagious Distemper, or coming from any place infected
with such Distempers, or at which any such Distempers at any time of her depar-
ture were known or supposed to prevail, or on board of which vessel any person
during the voyage had died or been sick of any such Distemper, or having on board
passengers, shall come or proceed or be navigated further from the sea into the
bay of Fundy towards any port or place in the County of Westmorland, or further
from the sea into the harbours of bay de Vert and Shediac, in the County of West-
morland, or further from the sea into the harbours of Restigouche, Bathurst, Car-
raquet and Shippegan, in the County of Gloucester, or further from the sea into
the harbour and rivers of Richibucto, Buctouche and Cocagne, in the County of
Kent, than such place or places as the Justices of the Peace in the Counties of
Westmorland, Gloucester and Kent, at their General Sessions of the Peace, or at
any Special Session to be for that purpose convened, shall in such Counties re-
spectively order and appoint, until such vessel shall have been duly inspected and
examined by the Physician or Physicians, or Health Officer, to be for that pur-
pose as hereinafter mentioned appointed, and shall have received a licence for that
purpose from two of His Majesty's Justices of the Peace; and in case such licence
shall be denied and it shall be judged expedient by the Justices of the Peace of
the said Counties respectively, or by any two of them, that such vessel with her
cargo and all persons on board shall ride or perform quarantine, then the Master
or Commander of such vessel for the time being, shall forthwith cause such vessel
with all the persons, goods and cargo on board thereof, to be removed to and an-
chor at such place, and for such length of time (not exceeding forty days,) as the
said Justices or any two of them in either County shall direct and appoint; and
during the time such vessel shall be performing such quarantine, the Master or
Commander thereof shall not permit any intercourse between the persons on board
such vessel and the shore or shores, or any other vessel or vessels in the said har-
bour

Vessels herein
described, not
to proceed fur-
ther into herein
specified har-
bours and
rivers in West-
morland,
Gloucester and
Kent, than
shall be ap-
pointed until
inspected and
licence ob-
tained.

Licence being
denied vessel
to be brought
to anchor at
place appointed.

During quaran-
tine no inter-
course permit-
ted except
under direction
of Physician.

Disobeying any orders, &c.

bour or harbours, except under the direction of the said Physician or Physicians; and the Master or Commander of any such vessel, and all and every such person or persons belonging to or being on board of such vessel, who shall disobey any such orders and directions as aforesaid, or shall neglect to execute and perform the same, or who shall come on shore or go on board of any other vessel within the said harbour or harbours, or shall presume to bring or put, or aid or assist in bringing and putting on shore or on board any other vessel as aforesaid, any person or any goods from any such vessel so having come to anchor, or which shall be ordered to perform quarantine as aforesaid, without the licence or permission of the said Physician or Physicians being for that purpose first obtained, shall for each and every offence severally forfeit and pay a sum not less than fifty pounds nor more than two hundred pounds current money of this Province.

Penalty.

Signal to be hoisted in the starboard main rigging of described vessels on arrival at places appointed.

II. And be it further enacted, That the Master or Commander of every vessel having on board any pestilential or contagious Distemper, or coming from any place infected with such Distemper or Distempers, or at which any such Distempers at the time of her departure were known or supposed to prevail, or on board of which vessel any person during the voyage had died or been sick of any such Distemper, shall immediately after her arrival at such place or places as shall be appointed as aforesaid by the Justices of the Peace of the said Counties respectively in General or Special Sessions convened, hoist such vessel's ensign with the union down, or if there be no ensign on board then he shall hoist such other colours as shall be on board, in the starboard main rigging, and continue the said signals so hoisted until a licence be had to remove the same from the said Justices or any two of them for the said Counties respectively, under the penalty of twenty pounds for each and every offence.

Penalty.

Branch Pilots to be furnished with instructions.

III. And be it further enacted, That the several branch pilots in the aforesaid Counties of Westmorland, Gloucester and Kent respectively, shall be furnished with printed or written instructions containing such memorandum or abstract of the provisions of this Act, and of the regulations to be made in pursuance thereof, as the said Justices of the Peace of the said Counties respectively at any General or Special Sessions may direct; and such instructions shall in all cases contain a notice to the following effect:

Contents.

That the Master or Commander of any such vessel shall not put on shore or on board of any other vessel, or suffer any other person to go or put on shore or on board of any other vessel, any person or goods out of the said vessel, until such vessel shall have been so inspected by the Physician or Physicians, Health Officer or Officers, and his or their licence for that purpose obtained, under the penalty of not less than fifty pounds nor more than two hundred pounds, and further that the said Master or Commander shall cause the said vessel's ensign or such other colours as shall be on board to be hoisted in the starboard main rigging (if the ensign, with the union down), and shall continue the same so hoisted until leave be granted by two Justices of the Peace to remove the same, under the penalty of twenty pounds.

To be read, or purport communicated to masters of vessels.

Penalties.

And it shall be the duty of the said pilots respectively on first boarding any vessel coming into any of the said harbours to read such notice to the Master or Commander of such vessel, or to communicate to him the purport and effect of such notice, and any branch pilot or person having charge of any vessel who shall neglect his duty in this respect shall for the first offence forfeit and pay the sum of ten pounds, and for the second offence, in addition to the further penalty of ten pounds, be prevented forever after from holding a branch.

IV. And be it further enacted, That the provisions of fifth; sixth, seventh; eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth; seventeenth, eighteenth and nineteenth sections of an Act made and passed in the first year of the reign of His present Majesty King William the Fourth, intituled "An Act to make more effectual provision for preventing the importation and spreading of infectious Distempers within the Towns and Settlements in the Counties of Charlotte and Northumberland," shall extend and be construed to extend to the Counties of Westmorland, Gloucester and Kent; and shall be taken and considered as part and parcel of this Act.

Part of 1 W. 4, C. 40, to be considered as part of this Act.

V. And be it further enacted, That this Act shall continue and remain in force until the first day of January one thousand eight hundred and thirty seven.

Limitation.

CAP. XX.

An Act to regulate the service of Writs of Scire Facias.

Passed 9th March, 1832.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly; That the proceeding by two Nihils returned, and also that of summoning by summoners on writs of Scire Facias, shall be abolished.

Proceeding by Nihils, &c. abolished.

II. And be it enacted, That writs of Scire Facias may be directed to the Sheriff of any County within the Province, whether or not it be the County in which the Court sits, or in which the venue is laid, and may be served in any County, although directed to the Sheriff of another County.

Direction and service of writs.

III. And be it enacted, That when the defendant or defendants in writs of Scire Facias can be found within the Province; or have a known place of abode therein, such writs shall be served by delivering a copy of the writ to each defendant, or leaving such copy at the defendant's place of abode, with the wife, or an adult member of the family, or a person having the care of the house, of such defendant; which service shall be proved by affidavit made and filed; provided that in cases where the service is not personal, it shall not be deemed good service without the order of the Court; or a Judge of the Court, from which the writ has issued, upon reading the affidavit of service.

Service when defendant can be found, or has a known abode within the Province.

Proviso.

IV. And be it enacted, That when any defendant cannot be found within the Province, and has not a known place of abode therein, writs of Scire Facias may be served by delivering a copy of the writ to any known agent of such defendant, or to any person having charge of any property, real or personal, of such defendant, or being jointly interested in any property, real or personal, of such defendant, within the Province; and such service shall be deemed good service when so ordered by the Court, or a Judge of the Court, from which the writ has issued, upon affidavit of such service, and upon its being also made to appear upon affidavit to the satisfaction of such Court or Judge that the defendant cannot be found, and has no known place of abode within the Province.

When defendant cannot be found, or has not abode within the Province.

V. And be it enacted, That good service of writs of Scire Facias according to the provisions of this Act, shall in all cases be equivalent to a return of Scire Feci by the Sheriff as heretofore practised.

Service equivalent to return of Scire Feci.

VI. And be it enacted; That when it shall be made to appear upon affidavit to the satisfaction of the Court or a Judge of the Court from which a writ of Scire Facias may have issued, that such a writ cannot be served in any of the modes herein before specified for that purpose, such Court or Judge shall, after the return

When writs cannot be served in modes before specified, a rule

turn

for appearance
to be entered
and published.

No appearance
proceedings as
in cases of de-
fault after ser-
vice.

8 G. 4. C. 4, S.
4, repealed.

Commence
ment of Act.

turn and filing of the writ, direct a rule to be entered requiring any defendant as to whom such service cannot be made to appear to such writ within twenty days after the last publication of such rule in one or more newspapers published in such parts of the Province as such Court or Judge shall direct; and a copy of such rule, certified by the Clerk of the Court, shall be published in such newspaper or newspapers for four weeks successively; and if an appearance to the Scire Facias shall not be duly entered for such defendant within the said twenty days, such proceedings may be had as in the case of default of appearance after due service of the writ; affidavit of the due publication of such rule according to the tenor thereof being first made and filed.

VII. And be it enacted, That the fourth section of an Act made and passed in the eighth year of the reign of His Majesty King George the Fourth, intituled “An Act for the more easy assessment of damages on bonds payable by instalments and other similar instruments, and for the more convenient service of writs of Scire Facias,” be and the same is hereby repealed.

VIII. And be it enacted, That this Act shall commence and take effect on the first day of May in the present year.

CAP XXI.

An Act to amend an Act passed in the fiftieth year of the reign of His Majesty King George the Third, intituled “An Act for the more easy and speedy recovery of small debts.”

Passed 9th March, 1832.

[*Repealed by 4 W. 4, C. 45.*]

CAP. XXII.

An Act to alter and amend an Act, intituled “An Act to incorporate sundry persons by the name of the New Brunswick Fire Insurance Company.”

Passed 9th March, 1832.

1 W. 4, C. 39.

Half yearly di-
vidends not to
exceed the rate
of six per cent.
on stock collect-
ed, nor two
thirds of the
gains.

I. “**W**HEREAS in and by the fifteenth section of an Act passed in the “first year of the reign of His present Majesty King William the “Fourth, intituled “An Act to incorporate sundry persons by the name of the “New Brunswick Fire Insurance Company,” the Directors of the said Corpo- “ration are required to make half yearly dividends of all the profits, rents, “premiums and interest of the said Corporation: And whereas it is expedient “that some provision should be made by the Directors of the said Company to “meet any contingencies that may happen, by creating a surplus fund out of “the profits, rents, premiums and interest of the said Corporation;” Be it there- “fore enacted by the Lieutenant Governor, Council and Assembly, that the Di- “rectors of the said Corporation shall not at any half yearly dividend of the profits, “rents, premiums and interest of the said Company divide or pay, or cause or “permit to be divided or paid, any greater or larger dividend than will amount to “the rate of six pounds per centum on the total amount of capital stock collected “and actually invested and disposed of as is provided in and by the said Act of “Incorporation, and of such surplus fund as may be created; and also that the
sum

sum at any time divided and paid shall not exceed two thirds of the net amount of the actual gains and earnings of the said Company, gained or earned since the making of the then last dividend: Provided always, that whenever the capital stock collected and actually invested as by the said Act of Incorporation is required, and the surplus fund, shall together amount to the sum of twenty-five thousand pounds, then the Directors of the said Company may, if they shall think the same advisable, divide and pay the whole of the net amount of the gains and earnings of the said Company at each half yearly dividend; any thing herein before contained to the contrary thereof in any wise notwithstanding.

II. " And whereas the said Company or Corporation in and by the sixteenth section of the said Act of Incorporation are restrained from directly or indirectly dealing in the lending of money, or in bills of exchange or other negotiable instruments, by way of discount or otherwise; and also in and by the seventeenth section of the same Act are prevented from lending money upon mortgage on lands or other real property, or from holding lands or real property in security for the payment of money, unless by way of additional security for debts contracted with the said Company in the course of its lawful dealings: And whereas in and by the first section of this Act it is provided, that a surplus fund shall be created out of the profits, rents, premiums and interest of the said Company: And whereas it would be highly injurious as well to the stockholders in the said company as to the public in general, to compel the said Company to keep out of circulation the amount of its gains and earnings;" Be it therefore enacted, That it shall and may be lawful to and for the Directors of the said Corporation to use, apply and dispose of the monies arising in the course of the dealings of the said Corporation, and all the profits, rents, premiums and interest thereof, by letting the same out at interest, either upon the security of lands or other property or otherwise as the Directors thereof may think fit; any thing in the said Act of Incorporation contained to the contrary thereof in any wise notwithstanding: Provided always, nevertheless that no monies of the said Corporation shall be put out at interest, nor any security taken for the same either by mortgage, bond, bill, note or otherwise, for a shorter period than one year.

Proviso.

Monies arising from the dealings of the Corporation may be lent out at interest on landed security or otherwise.

Proviso.

CAP. XXIII.

An Act to improve the Law relating to Mortgages.

Passed 9th March, 1882.

" WHEREAS the existing law relating to mortgages needs amendment in certain respects;"

Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, any mortgage already registered, or which may hereafter be registered under the provisions of the Acts in force for the public registering of deeds and conveyances, may be discharged by a certificate under the hand and seal of the mortgagee, his executors, administrators or assigns, declaring that all the monies due upon the mortgage have been paid, or that the mortgage has been otherwise satisfied and discharged; which certificate shall be duly acknowledged or proved in like manner as a deed or conveyance under

i Mortgages may be discharged by certificate of mortgagee, &c.

Acknowledgment, or proof and registry of certificate.

under the provisions of the said registry Acts, and shall be registered at full length, with the acknowledgment or proof thereof in the registry book in the office where the mortgage is registered; and the Register shall make an entry in the margin of the registry of the mortgage, that such mortgage is satisfied and discharged, which entry shall refer to the book and page where such certificate is registered; and such certificate shall also be filed in the registry office.

Discharge of mortgage according to 26 G. 3, C. 3, S. 17, or this Act, to discharge the mortgage and re-vest the estate in the mortgagor, &c. without reconveyance.

II. And be it declared and enacted, That every discharge of mortgage duly made and entered in the registry book according to the provisions of the seventeenth section of an Act made and passed in the twenty sixth year of the reign of King George the Third, intituled "An Act for the public registering of all deeds, conveyances and wills, and other incumbrances which shall be made of or that may affect any lands, tenements or hereditaments within this Province," or according to the provisions of this Act, shall be valid and effectual to discharge and release the mortgage to all intents and purposes, as well at law as in equity, from the time when such entry is made, and to re-vest the legal estate in the mortgagor, his heirs, executors, administrators or assigns, without any reconveyance thereof.

In actions for money secured by a mortgage, &c. if the person having right to redeem the premises, pay to mortgagee, or in case of refusal, bring into Court the principal, &c. the same to be deemed satisfaction and discharge of mortgage.

III. And be it enacted, That where any action shall be brought on any contract or obligation for payment of the money secured by a mortgage, or upon any covenant in the mortgage deed, for payment of such money, or where any action of ejectment shall be brought for the recovery of any mortgaged lands, tenements or hereditaments, and no suit shall be then depending in the Court of Chancery of this Province for or touching the foreclosing or redeeming of such mortgaged lands, tenements or hereditaments, if the person or persons having right to redeem such mortgaged lands, tenements or hereditaments, and who shall appear and become defendant or defendants in such action, shall at any time pending such action pay unto such mortgagee or mortgagees, or in case of his, her or their refusal, shall bring into the Court where such action shall be depending, all the principal monies and interest due on such mortgage, and also all such costs as have been expended in any suit or suits at law or in equity upon such mortgage (such money for principal, interests and costs to be ascertained and computed by the Court where such action is or shall be depending, or by the proper officer by such Court to be appointed for that purpose), the monies so paid to such mortgagee or mortgagees, or brought into such Court, shall be deemed and taken to be in full satisfaction and discharge of such mortgage; and the Court shall and may discharge every such mortgagor or defendant of and from the same accordingly, and shall and may by rule or rules of the same Court compel such mortgagee or mortgagees, at the costs and charges of such mortgagor or mortgagors, either to discharge the mortgage in the manner and form provided by Act of Assembly for that purpose, or else (at the option of such mortgagor or mortgagors,) to assign, surrender or reconvey such mortgaged lands, tenements and hereditaments, and such estate and interest as such mortgagee or mortgagees have or hath therein, and also in either case to deliver up all deeds, evidences and writings in his, her or their custody, relating to the title of such mortgaged lands, tenements and hereditaments, unto such mortgagor or mortgagors who shall have paid or brought such monies into the Court, his, her or their heirs, executors or administrators, or to such other person or persons as he, she or they shall for that purpose nominate or appoint.

Court, by rule, to compel mortgagee to discharge the mortgage and deliver all deeds, &c.

In actions of ejectment by a mortgagor no defendant other than mortgagee

IV. And be it enacted, That hereafter in any action of ejectment brought by a mortgagor or mortgagors, his, her or their heirs, executors, administrators or assigns, to recover possession of any lands, tenements or hereditaments under mortgage,

mortgage, no defendant other than the mortgagee or mortgagees, his, her or their heirs, executors, administrators or assigns, shall be permitted to set up the mortgage to bar the right of recovery, or to defeat the title of such mortgagor or mortgagors, his, her or their heirs, executors, administrators or assigns; any law or usage to the contrary notwithstanding.

to set up the mortgage to bar right of recovery, or defeat title of mortgagor.

CAP. XXIV.

An Act further to amend the Laws regulating the qualifications of Church Wardens and Vestrymen in this Province.

Passed 9th March, 1832.

“**W**HEREAS by an Act passed in the first year of His present Majesty’s reign, 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 elections, and to make other and more effectual enactments in lieu thereof,’” owners or proprietors of pews are eligible to the offices of Church Wardens and Vestrymen of the Church in the Parish only in which they actually reside: And whereas it is desirable and proper that owners or proprietors of pews, although residing in an adjoining Parish, shall be qualified to be elected to the said offices;”

Preamble.
I W. 4, C. 23.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the inhabitants of the several and respective Parishes in this Province who shall be owners or proprietors of pews in any Church, or Chapel of Ease thereto belonging, situate in the Parish adjoining that in which they reside, shall and may be qualified and capable to be elected and appointed, and to have and hold the offices or places of Church Wardens and Vestrymen in such Church; any thing in the said in part recited Act to the contrary in any wise notwithstanding.

Owners of pews in a Church in the Parish adjoining that in which they reside may be Church Wardens and Vestrymen.

CAP. XXV.

An Act to establish and regulate a Ferry and public landing at Indian Town in the County of Saint John.

Passed 9th March, 1832.

BE it enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the General Sessions of the Peace for the City and County of Saint John, be and they are hereby authorized and empowered to make regulations for the public landing at Indian Town in the Parish of Portland, and to establish a Ferry from that place to the opposite shore near to Lovet’s Point, and to fix the rates and fares to be taken at such Ferry, and to make and ordain rules and regulations for keeping the landings upon each shore clear from rafts and other obstructions of every nature and kind whatsoever, and to fix penalties for the breach of such rules and regulations, not exceeding five pounds for any one offence, to be recovered on the oath of one or more credible witness or witnesses before any one of the Justices of the Peace for the City and County of Saint John;

Justices of the City and County of Saint John may make regulations for the landing at Indian Town, &c.

Penalties.

Recovery.

Application. John, and levied by distress and sale of the offender's goods and chattels; one half of which penalties so recovered to be paid to the party complaining, and the other half to the Overseers of the poor for the said Parish of Portland, for the use of the poor thereof.

CAP. XXVI.

k An Act to incorporate sundry persons by the name of the Saint John Water Company.

Passed 9th March, 1832.

Preamble. "WHEREAS it is thought the establishment of a Water Company in " the City of Saint John would promote the interest and convenience " of the Inhabitants of the City of Saint John, by increasing and facilitating " the means of procuring water therein ;"

Persons herein named, their associates, &c. incorporated by the name of " The Saint John Water Company." I. Bē it enacted by the Lieutenant Governor, Council and Assembly, That the Honorable William Black, Nehemiah Meritt, James White, John Ward, George D. Robinson, Thomas Barlow, Hugh Johnston, John M. Wilmot, James Hendrick, Thomas Millidge, Robert W. Crookshank, Zalmon Wheeler, Robert Parker, William B. Kinnear, Richard Sands, Lauchlan Donaldson, Charles Simonds, James T. Hanford, William Leavitt, and Noah Disbrow, their associates, successors and assigns, be and they are hereby declared to be a body corporate by the name of the Saint John Water Company; and that they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments and rents, in fee simple or otherwise, and also goods and chattels, and all other things, real, personal or mixed, and also to give, grant, let or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation; and also that they be persons able, in law capable, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of law or equity, or other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto; and also that they shall have one common seal to serve for the ensembling of all and singular their grants; deeds, conveyances, contracts, bonds, articles of agreements, assignments, powers, warrants of attorney, and all and singular their affairs and things, touching and concerning the said Corporation; and also that the said Company or the major part of them shall from time to time and at all times have full power, authority and licence to constitute, ordain, make and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation; provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland, called England, or repugnant or contrary to the laws and statutes of this Province.

May hold real and personal property.

Sue and be sued.

Have a common seal, and

Make bye laws.

£20,000 to be the capital. II. And be it further enacted; That the capital or stock of the said Corporation shall consist of current gold and silver coins of the Province to the amount of

k See 4 W. 4, C. 40, reviving this Act, and enlarging time of payment of the first instalment of the Capital Stock, and prohibiting banking operations by this Corporation.

of twenty thousand pounds; five per cent. of which to be paid in current gold and silver coins of the Province within twelve months after the passing of this Act, and the residue thereof as may be required by the President and Directors of the said Company for the service thereof, a month's notice being by them previously given in two of the public newspapers of the said City of Saint John that the residue or any part thereof will be required; the whole amount of the said stock to be divided into Shares of five pounds each, making in the whole four thousand shares.

Five per cent. to be paid in twelve months and residue when required.

Stock to be divided into shares of £5 each.

III. And be it farther enacted, That whenever one thousand shares have been subscribed, a general meeting of Members and Stockholders, or the major part of them, shall take place, by notice in one or more public newspapers of the City of Saint John thirty days previous to such meeting, for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good management of the affairs of the Corporation as they shall deem necessary, and for the purpose of choosing thirteen Directors, being Stockholders and Members of the Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations of the said Company, subject nevertheless to the rules and regulations hereinafter made and provided.

When one thousand shares have been subscribed, a general meeting to be called for making bye laws and choosing Directors.

IV. And be it further enacted, That there shall be a general meeting of the Stockholders and Members of the said Corporation to be annually holden on the second Tuesday in May in each and every year, at the City of Saint John; at which annual meeting there shall be chosen by a majority thereof thirteen Directors, who shall continue in office for one year, or until others are chosen in their room; in the choice of which the Stockholders and Members of the said Corporation shall vote according to the rules hereinafter mentioned; and the Directors when chosen shall at their first meeting after their election choose out of their number a President: Provided always, that seven 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.

At the annual meeting thirteen Directors to be chosen.

Directors to choose a President.

Proviso.

V. And be it further enacted, That the Directors for the time being shall have power to appoint such Officers, Clerks and Servants as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper; all which, together with the expenses for building reservoirs, conductors, pipes, and all other contingencies, shall be defrayed out of the funds of the Corporation; and the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation as shall be prescribed by the bye laws and regulations of the same.

Directors to appoint officers, &c.

All expenses to be paid out of the corporate funds.

VI. And be it further enacted, That not less than seven Directors shall constitute a board for the transaction of business, of which the President shall always be one, excepting in cases of sickness or necessary absence, in which case the Directors present may choose one of their board as Chairman in his stead; that the President shall vote at the board as a Director, and in case of there being an equal number of votes for and against any question before them, the President or Chairman shall have a casting vote.

Seven Directors to form a board, of which the President to be one.

Exception. President or Chairman to have a casting vote.

VII. And be it further enacted, That no Director shall be entitled to any salary or emolument for his services; but that the Stockholders and Members of

No Director to have a salary.

of

Compensation
to President.

of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

Qualification of
Directors.

VIII. And be it further enacted, That no person shall be eligible as a Director unless such person is a Stockholder, and holding not less than twenty shares of the capital or stock of the said Corporation.

Votes to be re-
gulated by the
number of
shares.

IX. And be it further enacted That the number of votes to which each proprietor of shares in the said Corporation holding one or more shares in the said Company shall be entitled on every occasion when in conformity with the provisions of this Act the votes of the members of the said Corporation shall be given, shall be in the proportion following; (that is to say), For one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; for every ten shares above one hundred shares and not exceeding one hundred and fifty, one vote, making twenty five votes for one hundred and fifty shares; but no person or persons, copartnership, body politic or corporate, being a member or members of the said Company, shall be entitled to a greater number than twenty-five votes.

Scale.

Stockholders
may vote by
proxy.

X. And be it further enacted, That all Stockholders resident within this Province or elsewhere may vote by proxy, provided such proxy be a Stockholder, and do produce sufficient authority from his constituent or constituents so to act.

No person for
the first 12
months to hold
more than fifty
shares.
Exception.

XI. And be it further enacted, That no member or corporate body during the first twelve months, to be accounted from and after the passing of this Act, shall be entitled to hold or subscribe for more than fifty shares of the said capital or stock, except the Corporation of the City of Saint John, who shall be allowed to take up the whole or any part thereof, if demanded within one calendar month after the passing of this Act; and no person or persons, body politic or corporate, shall, until the expiration of one calendar month from the passing of this Act, be allowed to take or subscribe for any shares of the said capital or stock, unless the said Corporation of the said City of St. John shall have sooner taken up the number of shares intended to be taken by the same Corporation, or declared its option not to take any.

Vacancies in
board of Direc-
tors by death.
&c. how filled
up.

XII. And be it further enacted, That the Directors be and they are hereby authorized to fill up any vacancy that shall be occasioned in the board by the death, resignation, or absence from the Province for three months, of any of its members; but that in the case of the removal of a Director by the Stockholders for misconduct or maladministration, his place shall be filled up by the said Stockholders; and the person so chosen by the Directors or Stockholders shall serve until the next succeeding annual meeting of the Stockholders.

Shares to be as-
signable.

XIII. And be it further enacted, That the shares of the capital or stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf; but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, nor until such person or persons so making the same shall previously discharge all debts actually due and payable by him to the said Corporation; that in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable; that whenever any stockholder shall transfer in manner aforesaid

Part of a share
not to be as-
signed.

all his stock or shares in the said Company to any other person or persons whatever, such Stockholder shall cease to be a member of the said Corporation.

XIV. And be it further enacted, That the Directors shall make half yearly or yearly dividends, as may to them appear most proper, of all the profits, rents, premiums and interest of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days' previous notice in two of the newspapers published in the City of Saint John.

XV. And be it further enacted, That the said Corporation shall have full power and authority to draw water from, erect reservoirs on, and to carry pipes or conductors through, when such shall be deemed absolutely necessary for the conveyance of water to the City by the said Corporation,) the private property of individuals whose lands may lie at the source, or in the line, the said Corporation shall think it expedient to convey the water from, or through which it may be necessary to carry such pipes or conductors, or erect such reservoirs; Provided always, that no such water be drawn, reservoirs erected, or pipes or conductors carried from, upon or through the private property of any person without a reasonable and proper compensation being allowed and paid for the use and convenience of the same, and for any damage sustained by the operations of the said Corporations, to be agreed upon by the said Corporation and the respective owners of such private property; and in case of disagreement between the said Corporation and the said owners or any of them, then such compensation shall be determined by three arbitrators, one to be chosen by the said Corporation and one by the owner or owners of the private property in question, which two arbitrators so chosen shall choose the third arbitrator, and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, upon application of the said Corporation, to appoint the third arbitrator, and the award of the said arbitrators or any two of them shall be final and conclusive in the matters referred to them; and in case any of the said owners of such private property shall decline making any such agreement or appointing such arbitrator, then and in every such case the said Corporation may make application to the Supreme Court of this Province (stating the grounds of such application), and such Court is hereby empowered and required from time to time upon such application to issue a writ or warrant directed to the Sheriff of the City and County of Saint John, or in case of his being a party interested, then to the Coroner of the said City and County, and in case of the said Sheriff and Coroner being both interested, then to some person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons, as the case may be, to summon and empanel a Jury of twelve freeholders within the said City and County who may be altogether disinterested, which Jury upon their oaths (all which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence, the officer or person or persons summoning such Jury is hereby empowered to administer) inquire of, assess and ascertain the distinct sum or sums of money, or annual rent, to be paid for the use and convenience of such private property, or the indemnification to be made for the damage that may or shall be sustained as aforesaid; and the inquisition, award or verdict of such Jury shall be returned and filed in the office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties; and the costs and expenses of these proceedings, to be taxed and allowed by the said Supreme Court, shall be borne by the said Corporation.

Directors to make yearly or half yearly dividends of the profits.

Corporation may draw water from, or conduct it through private property.

Compensation to be made.

Compensation to be determined by arbitrators in case of disagreement.

If the owner of property do not agree, or appoint an arbitrator, Supreme Court to grant a writ to summon a Jury.

Jury on Oath to assess the sum or annual rent to be paid.

Inquisition to be returned to the Clerk, and to be final.

Pipes and conduits may be laid under the roads and streets.

XVI. And be it further enacted, That it shall and may be lawful for the said Company, at a proper and convenient depth under the surface of each and every of the roads and streets leading into and through the said City and its vicinity, to lay down, set and place such and so many pipes, leaders and conduits for the said water as they shall find to be necessary for conveying it to any or every dwelling house in the said City or its vicinity, and from time to time as often as the said Company shall think proper to lay down such pipes, leaders and conduits, or shall have occasion to alter, amend or repair the same, it shall also be lawful for the said Company to break up and open any part whatsoever of the said roads and streets, or of the covering, pavement or side walks thereof, and the same to keep open and uncovered during the time necessary for the said purposes: Provided always, that before the said Company shall break up or open any such road or street, they shall give previous notice of their intention so to do to the Mayor, Aldermen and Commonalty of the said City, and shall receive their permission in writing therefor, and not otherwise: And provided also, that the said Company shall and do at their own proper costs and charges, and to the satisfaction of the said Mayor, Aldermen and Commonalty, and without unnecessary delay, repair and amend the said roads and streets in every part where they shall be so broken up and opened as aforesaid, and restore the covering, pavement and side walks thereof respectively, to the condition in which they were before breaking up or opening the same.

Notice of intention to break up any road or street to be given.

Company to restore such roads and streets to former condition.

On failure the Mayor, &c. may cause them to be repaired and sue the company for the expense.

XVII. And be it further enacted, That if the said Company shall not repair the said roads or streets or any of them, so broken up, to the satisfaction of the said Mayor, Aldermen and Commonalty, it shall be lawful for the said Mayor, Aldermen and Commonalty to cause the same to be repaired, and to sue for and recover the expense incurred therein from the said Company in the Supreme Court of the Province, or in case the sum demanded shall not exceed five pounds then before any Justice of the Peace for the said City and County not being an Alderman of the said City; such Justice to proceed in the manner directed in the Act for the more easy and speedy recovery of small debts.

Vents and openings to be made by the company, for supplying water in case of fire.

XVIII. And be it further enacted, That the said Company do and shall, in every street or road through which the said pipes shall be laid, make and provide proper vents and openings for supplying water whenever fires shall happen in the said City or the vicinity thereof, and do and shall make such vents and openings in such places, and at such distances from each other, as the Mayor, Aldermen and Commonalty of the said City in Common Council convened shall from time to time direct and appoint, under penalty of forfeiting the privileges and immunities granted in and by this Act: Provided always, that the said Mayor, Aldermen and Commonalty shall pay any additional expense that may be incurred by the making and maintaining of such vents and openings for supplying water in cases of fire.

Penalty. Expense to be defrayed by the Mayor, &c.

If the Mayor, &c. take up the whole stock within one month, the corporation not to take effect.

XIX. And be it further enacted, That in case the Mayor, Aldermen and Commonalty of the said City of Saint John shall take up and subscribe for the whole of the said capital or Stock within one calendar month after the passing of this Act, as provided for in the eleventh section of this Act, then and in such case the establishment of the said Corporation by the name of the Saint John Water Company shall not take effect, and all the provisions herein before contained relating to the establishment, constitution and regulation of the said Company shall be void and of no effect; and then and in such case also 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

visions in the fifteenth, sixteenth, seventeenth and eighteenth sections of this Act mentioned and contained, so far as the same may be applicable to the said Mayor, Aldermen and Commonalty; and then and in such case also it shall be the duty of the said Mayor, Aldermen and Commonalty, and they are hereby required forthwith to proceed to carry into effect the intention of this Act, by supplying the said City and its vicinity with water in the manner herein contemplated.

The Mayor, &c. then forthwith to carry into effect the intention of this Act.]

CAP. XXVII.

An Act further to amend the Act relative to the importation and spreading of infectious Distempers in the City of Saint John, and to extend the provisions thereof. 10 & 11 G. 4, C. 27.

Passed 9th March, 1832.

[*Repealed by 3 W. 4, C. 21.*]

CAP. XXVIII.

An Act further to continue an Act, intituled "An Act more effectually to provide for the support of a nightly watch in the City of Saint John." 56 G. 3, C. 17.

Passed 9th March, 1832.

[*Expired.*]

CAP. XXIX.

An Act to amend an Act, intituled "An Act to repeal all the Laws now in force for regulating and repairing the 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." 1 W. 4, C. 33.

Passed 9th March, 1832.

[*Repealed by 5 W. 4, C. 2.*]

CAP. XXX.

An Act to authorize the issue of Treasury Debentures to the amount of five thousand pounds.

Passed 9th March, 1832.

[*Expired.*]

CAP. XXXI.

50 G. 3, C. 16, &c. An Act further to continue the Acts relative to Streets and Highways in the City and County of Saint John.

Passed 9th March, 1832.

[*Repealed by 3 W. 4, C. 19.*]

CAP. XXXII.

‡ An Act further to amend the Acts relating to the Great Roads of communication through the Province.

Passed 9th March, 1832.

Preamble.

“ WHEREAS the Acts relating to the great roads of communication “ through the Province require amendment in the manner herein- “ after mentioned ;”

Supervisors of parts of great roads vested with powers, &c. of Acts relating to great roads.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That any Supervisor already appointed, or who may hereafter be appointed, for any part or district of any one of the said great roads, shall with regard to such part or district for which he may be so appointed be singly and solely vested with all the powers, and be subject to all the provisions, of the several Acts of Assembly relating to the establishment, improvement and regulation of the said great roads.

Proprietors of lands under mortgage, &c. to be deemed the owners to whom value and damages are to be paid under 3 G. 4, C. 31, S. 16.

II. And be it enacted, That the proprietor or proprietors in the possession, either by themselves or by tenants, holding under them, of improved lands through which any Supervisor may wish to lay out a public road, shall be deemed to be the owner or owners of such improved lands to whom the value thereof and the damages sustained are to be paid under the provisions of the sixteenth section of an Act made and passed in the third year of the reign of King George the Fourth, intituled “ An Act to repeal all the laws now in force relating to the establishment, regulation and improvement of the great roads of communication through the Province, and to make more effectual provision for the same,” notwithstanding such lands may be under mortgage or other incumbrance ; and that the Freeholders appointed to set and appraise such value and damages shall also inquire and return in their verdict who are such owner or owners to whom such value and damages are to be paid ; and upon payment of such value and damages to the person or persons whom the said Freeholders may so return in their verdict to be the owner or owners of such lands, or upon tender and refusal thereof, such Supervisor shall be fully authorized and empowered to lay out such public road through such improved lands.

Freeholders to inquire and return who are the owners.

CAP. XXXIII.

An Act to appropriate a part of the public Revenue to the payment of the ordinary services of the Province.

[Passed 9th March, 1832.

[*Expired.*]

‡ Refer to 3 G. 4, C. 31.

CAP.

CAP. XXXIV.

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

Passed 9th March, 1832.

[Expired.]

CAP. XXXV.

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

Passed 9th March, 1832.

[Expired.]

CAP. XXXVI.

An Act, to regulate Vessels arriving from the United Kingdom with Passengers and Emigrants.

Passed 27th February, 1832.

“ **W**HEREAS the practice of landing passengers and emigrants from the United Kingdom, who are in a destitute and diseased condition, has become extremely burthensome, and sometimes dangerous to the health of the Inhabitants of this Province: And whereas such disease and distress are often occasioned by the practice of taking on board ships in the ports of the United Kingdom more passengers and emigrants than can be comfortably accommodated: And whereas it is just and expedient that the Inhabitants of this Province should be relieved from some of the heavy burthens thus imposed upon them;”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Master or person having charge of any ship or vessel which may arrive at any port or place in this Province from any port or place in the United Kingdom with passengers and emigrants, shall at the time of reporting such ship or vessel pay to the Treasurer of the Province or any Deputy Treasurer at the port or place where such ship or vessel may arrive, the sum of five shillings for each and every such passenger and emigrant, when the master or person having charge as aforesaid shall make it appear by a certificate from the Officers of the Customs at the port of clearance in the United Kingdom, that such ship or vessel had the sanction of His Majesty's Government to take out passengers and emigrants to the North American Colonies; and when no such certificate is produced to the said Treasurer or Deputy Treasurer, as the case may be, then and in such case the Master or person having charge of such ship or vessel as aforesaid, shall pay to the said Treasurer or Deputy Treasurer the sum of ten shillings for each and every passenger and emigrant on board such ship or vessel; all which sum or sums the said Treasurer and Deputy Treasurers respectively are hereby authorized and required to demand and receive: Provided always, that two children each being under the age of fourteen years, or three children each being under the age of seven years, or one child being under the age of twelve

Masters of vessels arriving from the United Kingdom to pay 5s. for each passenger when the vessel is sanctioned by His Majesty's Government to take emigrants to the North American Colonies, and 10s. when not so sanctioned.

Proviso as to children.

twelve months with the mother of such child, shall in all such cases be computed as one person for the purpose of this Act.

Separate ac-
counts to be
kept of the mo-
ney arising un-
der this Act.

Application of
money.

Mode of reco-
vering the duty
in case of ne-
glect or refusal
to pay.

Act suspended
until his Ma-
jesty's approba-
tion be declared.

II. And be it further enacted, That the Treasurer of the Province and Deputy Treasurers respectively, shall keep a separate account of all monies received under and by virtue of this Act; which sums so received shall be applied from time to time, by grants of the Legislature, towards relieving destitute and diseased passengers and emigrants, and in assisting them to reach their several places of destination within the Province, and paid by warrant of His Excellency the Lieutenant Governor or Commander in Chief for the time being.

III. And be it further enacted, That upon the refusal or neglect of the Master or person having charge of any ship or vessel arriving with passengers and emigrants as aforesaid to pay the sum or sums for each and every passenger and emigrant as aforesaid, it shall and may be lawful to and for the Treasurer or Deputy Treasurer, as the case may be, to sue for and prosecute the same before any two of the Magistrates of the County where the vessel may be, and on conviction the said Magistrates shall and may levy the same by warrant of distress under their hands and seals, directed to any Sheriff, Marshal or Constable at or near the place where the said vessel may be, and by sale under the said warrant of the guns, boats, tackle, apparel and furniture of such ship or vessel, and the overplus (if any) of such distress and sale, after deducting the costs, shall be paid to the Master or person having charge of such ship or vessel.

IV. And be it further enacted, That this Act shall not be in force or come into operation until His Majesty's Royal assent be first thereunto had and declared.

[*This Act was confirmed and finally enacted by an order of the King in Council dated 30th May 1832, and published and declared in the Province on 19th September 1832.*]

Anno Regni, GULIELMI IV. Britanniarum Regis,
Secundo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the seventh day of February, in the year of our Lord one thousand eight hundred and thirty one, in the First Year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith; and from thence continued by several Prorogations to the third day of May, one thousand eight hundred and thirty two, being the Third Session of the Tenth General Assembly, convened in the said Province.

CAP. I.

An Act to alter and amend an Act, intituled "An Act for raising a Revenue ^{2 W. 4, C. 8.}
in the Province."

Passed 7th May, 1832.

[*Expired.*]

CAP. II.

An Act to repeal an Act to incorporate the Minister and Elders of the Kirk of
Scotland in the Town of Saint Andrews.

Passed 7th May, 1832.

“**W**HEREAS in and by an Act made and passed in the present year of ^{Preamble.}
“His Majesty’s reign, intituled “An Act to repeal all the laws now ^{2 W. 4, C. 18.}
“in force relating to Saint Andrew’s Church in the City of Saint John, and for
“incorporating certain persons pewholders of the said Church and of the
“several Churches erected or to be erected in the Province in connexion with
“the Church of Scotland,” the constitution of the Kirk of Scotland in the
“Town of Saint Andrews is materially altered and improved; and in conse-
“quence it is necessary that the former Act of Incorporation of the Minister
“and Elders of the said Kirk should be repealed;”

Be it therefore enacted by the Lieutenant Governor, Council and Assembly,
That an Act made and passed in the seventh year of the reign of His late Ma-
jesty

G. 4, C. 17,
repealed.

jesty King George the Fourth, intituled “An Act to incorporate the Minister and Elders of the Kirk of Scotland in the Town of Saint Andrews,” be and the same is hereby repealed.

CAP. III.

An Act to amend the Law relative to Statute Labour, so far as the same relates to the Parish of Fredericton, in the County of York.

Passed 7th May, 1832.

[*Repealed by 5 W. 4, C. 2.*]

CAP. IV.

An Act to authorize and empower the Magistrates of the County of Charlotte to sell a certain piece of Land in the Town of Saint Andrews, and to vest the proceeds in purchasing another piece of Land for the purpose of erecting a County Gaol thereon in said Town.

Passed 7th May, 1832.

Preamble.

“**W**HEREAS the Magistrates of Charlotte County have purchased a “piece of land in the Town Plat of Saint Andrews, known as block letter M, Bulkeley’s Division, for the purpose of erecting the County gaol thereon : And whereas it is deemed inexpedient to build the gaol thereon : And “whereas another piece of land in the Town Plat of Saint Andrews more convenient and suitable for that purpose can be purchased by said Magistrates ;”

Magistrates of Charlotte authorized to sell the herein described piece of land and purchase another piece, on which to erect the County Gaol.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Magistrates of the County of Charlotte be and they are hereby authorized and empowered in any General or Special Sessions to be holden for that purpose, to sell that piece or parcel of land known (as by reference to the plan of the Town of Saint Andrews will more fully appear) as block letter M in Bulkeley’s division in the Town Plat of Saint Andrews, and to appropriate the monies derived from such sale towards the purchase of another piece of land in the Town Plat of Saint Andrews, on which to erect said County gaol and towards the expense of erecting the same.

CAP. V.

An Act to prevent the spreading of infectious or pestilential Distempers.

Passed 7th May, 1832.

[*Repealed by 3 W. 4, C. 28.*]

**Anno Regni, GULIELMI IV. Britanniarum Regis,
Tertio.**

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the seventh day of February, in the year of our Lord one thousand eight hundred and thirty one, in the First Year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith; and from thence continued by several Prorogations to the twenty ninth day of January, one thousand eight hundred and thirty three, being the Fourth Session of the Tenth General Assembly, convened in the said Province.

CAP. I.

An Act for raising a Revenue,

Passed 19th March, 1833.

[Amended and continued by 4 W. 4, C. 1, and 5 W. 4, C. 1, to 1st April, 1836, and then expired.]

CAP. II.

An Act to appropriate a part of the public Revenue to the payment of the ordinary services of the Province.

[Passed 19th March, 1833.]

[Expired.]

CAP. III.

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

Passed 19th March, 1833.

[Expired.]

CAP.

CAP. IV.

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

Passed 19th March, 1833.

[*Expired.*]

CAP. V.

An Act to continue an Act, intituled “ An Act for the better and more effectual securing the navigation of the River Saint Croix in the County of Charlotte.”

Passed 19th March, 1833.

10 & 11 G. 4,
C. 12, con-
tinued.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the tenth and eleventh years of the reign of His late Majesty George the Fourth, intituled “ An Act for the better and more effectual securing the navigation of the River Saint Croix in the County of Charlotte,” be and the same is hereby continued for the term of four years.

CAP. VI.

An Act to continue an Act, intituled “ An Act to empower the Justices of the County of Charlotte to make regulations for driving Timber and Logs down the Rivers Saint Croix, Magaguadavic, Digdeguash, and their Branches.”

Passed 19th March, 1833.

3 G. 4, C. 15,
continued.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the eighth year of the reign of His late Majesty King George the Fourth, intituled “ An Act to empower the Justices of the County of Charlotte to make regulations for driving Timber and Logs down the rivers Saint Croix, Magaguadavic, Digdeguash, and their branches,” be and the same is hereby continued for the term of four years.

CAP. VII.

^a An Act to alter and amend an Act passed in the third year of His late Majesty's reign, intituled “ An Act for the better securing of the navigation of the inner bay of Passamaquoddy, and to indemnify the Deputy Province Treasurer at Saint Andrews against any demands for monies collected for tonnage duties since the former Acts for this purpose expired.”

3 G. 4, C. 14.

Passed 19th March, 1833.

“ **W**HEREAS doubts have arisen regarding the construction of the second section of the said recited Act, as to the powers granted to the Commissioners for improving the harbour of Saint Andrews; and to construe the said section as it is intended,” I.

^a The Act 3 G. 4, C. 14, expired on the 1st April 1835.—See 5 W. 4, C. 41, on the same subject.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That after the passing of this Act, the Commissioners appointed or to be appointed under the provisions of the said recited Act, are hereby authorized and empowered to maintain from the funds arising from the duty imposed under and by virtue of the said recited Act, a Beacon light at the entrance of the harbour of Saint Andrews.

A beacon light off Saint Andrews harbour to be maintained from the funds collected under 3 G. 4, C. 14.

II. And be it further enacted, That for the support of the said Beacon light, there shall be levied upon every coaster coming into the said port of Saint Andrews within the inner bay of Passamaquoddy, under the burthen of one hundred tons, the sum of one penny per ton for each and every year, to be collected in the same manner as in and by an Act, intituled "An Act for the better securing of the navigation of the inner bay of Passamaquoddy," is directed; which sums, when collected, shall be applied towards the support of the Beacon light aforesaid.

Additional duty imposed for the support of the beacon light.

CAP. VIII.

An Act to amend the Act for the appointment of Town or Parish Officers in the several Counties in this Province.

Passed 19th March, 1833.

“WHEREAS the punishment provided in the Act made and passed in the “twenty sixth year of the reign of King George the Third, intituled “An Act for the appointment of Town or Parish officers in the several Counties “in this Province,” has not been found sufficient to prevent constables from “misbehaviour and neglect of duty in the execution of their offices;”

26 G. 3, C. 28.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That in addition to the penalty in the said Act prescribed for misbehaviour or neglect of duty of any constable appointed or hereafter to be appointed under and by virtue of the said Act, in any Parish or Town of any County in this Province, it shall and may be lawful for the Justices of the Peace for the several Counties of this Province, at any of their General or Special Sessions, to dismiss any constable theretofore appointed by them from his office, for any misbehaviour or neglect of duty therein, and appoint any other person whom they may think proper, in the room and stead of such offending constable.

Justices in Sessions may dismiss Constables and appoint others in their stead.

CAP. IX.

An Act to authorize the Justices of the Peace of the County of Gloucester to assess the said County for the erection of lock-up houses at Campbelltown and Dalhousie in the said County.

Passed 19th March, 1833.

“WHEREAS by reason of the great extent of the County of Gloucester, “the removal to the County gaol of persons committed for breaches “of the Peace and other offences is oftentimes very expensive and inconvenient; “for remedy whereof,”

I.

^b Refer to 7 G. 4, C. 31, S. 6.

Justices may contract for building two lock-up houses,

Assess not exceeding £60,

And make rules for the management of the houses.

Persons arrested near the river Ristigouche may be committed to either house

Proviso.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace of the said County or the major part of them, at any General Sessions of the Peace hereafter to be holden, be and they are hereby authorized and empowered to contract and agree with able and sufficient workmen for building and finishing a lock-up house or house of correction at Campbelltown, on the river Ristigouche in the said County, and another lock-up house or house of correction at Dalhousie, in the said County, and to agree for such sum or sums of money as to them may seem meet, in order to carry this object into effect; and the said Justices or the major part of them at their General Sessions as aforesaid, are hereby authorized and empowered to make a rate and assessment on the said County, for a sum not exceeding sixty pounds, for defraying the expense of the erection and finishing of the said lock-up houses or houses of correction, and to make such rules and regulations for the management of the said lock-up houses or houses of correction as to them may seem meet.

II. And be it further enacted, That it shall and may be lawful for the High Sheriff of the said County or for any other officer having legal custody of any person or persons who shall or may be arrested at or near the said river Ristigouche, in all cases in which the said Sheriff or other officer could legally lodge the said person or persons in the common gaol of the said County, to commit the said person or persons to either of the said lock-up houses or houses of correction, until the said person or persons can be removed to the said County gaol: Provided always nevertheless, that no person under civil arrest shall be detained in the said lock-up houses or houses of correction or either of them for any space of time exceeding forty eight hours.

III. [*Obsolete.*]

CAP. X.

c An Act for altering the time of holding one of the additional terms of the Inferior Court of Common Pleas of the County of Gloucester.

Passed 19th March, 1833.

“WHEREAS the time appointed for holding the April term of the Inferior Court of Common Pleas of the County of Gloucester has been found inconvenient; for remedy whereof,”

April Term to be held on the first Tuesday.

No process to abate.

Be it enacted by the Lieutenant Governor, Council and Assembly, That the said April term of the said Inferior Court of Common Pleas appointed to be held on the second Tuesday in April in each and every year, shall hereafter be held on the first Tuesday in April in each and every year, any law to the contrary thereof notwithstanding: Provided always, that no process shall abate or be discontinued by reason of the alteration of the said term, but shall and may be proceeded upon, heard and determined at the time herein appointed, in the same manner as they might have been proceeded upon had no alteration been made.

c Refer to 7 G. 4, C. 31, S. 5, and see Table of Courts, Appendix, No. 1.

CAP. XI.

An Act to alter and amend the Charter of the City of Saint John. d

Passed 19th March, 1833.

“ **WHEREAS** in and by the Charter of the City of Saint John the appointment of Chamberlain of the said City is to take place in manner following; that is to say, the Mayor, Recorder and three or more Aldermen and three or more of the Assistants of the said City for the time being, on the said first Tuesday in April in every year forever hereafter, shall and may in Common Council name and appoint one fit person, being a Freeholder or Freeman and an Inhabitant of the said City, to be Treasurer or Chamberlain of the said City for the year ensuing: And whereas the Mayor, Aldermen and Commonalty of the said City, in Common Council convened, have by their petition represented that the word *or* has by mistake been omitted in the said Charter, whereby in case of the absence either of the Mayor or Recorder, at any time when the annual appointment of Chamberlain should take place, the same Chamberlain must continue in office for another year, although in all other cases the presence of the Mayor or Recorder in Common Council is by the said Charter declared to be sufficient;”

Preamble.

Be it therefore further enacted by the Lieutenant Governor, Council and Assembly, That in all future appointments of a Chamberlain for the City of Saint John, under and by virtue of the said Charter, it shall not be necessary for both the Mayor and Recorder of the said City to be present, but the same shall be made by the Mayor or Recorder and three or more Aldermen, and three or more Assistant Aldermen of the said City, in Common Council, according to the terms of the said Charter, except where the same is herein and hereby altered.

Chamberlain may be appointed by the Mayor or Recorder, and three Aldermen and three Assistant Aldermen.

CAP. XII.

An Act for the incorporation of the New Brunswick Mining Company.

Passed 19th March, 1833.

“ **WHEREAS** a petition has been presented to the General Assembly by and on behalf of the several persons whose names are hereinafter set forth, stating among other matters, that they had united together for the purpose of working the mines of coal and other mines and minerals within the Province, whereof they might obtain grants or leases from His Majesty; and that it was deemed essential to their proceeding with such an undertaking that they should be incorporated by Act of Assembly, and praying that an Act may pass for that purpose: And whereas it is considered that the opening and working such mines and minerals will be of great public advantage to the Inhabitants of this Province, and that all reasonable encouragement ought to be given to such adventure;”

Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the Honorable John Saunders and George Shore, Robert Parker, Hugh Johnston, Elisha D. W. Ratchford, Zalmon Wheeler, Thomas L. Nicholson, John A. Beckwith, John Wilson, Henry Chubb, Moses H. Perley, Thomas Robson, William Bookwood, James Harris, Thomas Allen, William Emsley, Thomas Griffith, John Woodley, Henry G. Clopper, Justin Spahn, George E. Ketchum, **William**

Persons herein named and their successors incorporated by the name of “The New Brunswick Mining Company.”

William Sprague, E. N. Kendal, John Tank, James Ratchford, Thomas Jones, Henry Cook, Townsend Coffin, Nehemiah Merritt, Henry Gilbert, James Hay, John Boyd, H. Bowyer Smith, Ralph M. Jarvis, James Fraser Junior, Neville Parker, Charles Hazen, John Ward Junior, James Kirk, William Leavitt, George G. Gilbert, Thomas M. Hazen, Stephen Wiggins, James Whitney, Thomas L. Langen, Herry Blaksley, Thomas Leavitt, Robert L. Hazen, Samuel Stephen, George A. Nagel, Thomas Barlow, Robert W. Crookshank, George Merritt, Ewen Cameron, Joseph Whitburn, Robert F. Hazen, Beverley Robinson, George D. Robinson, Isaac Woodward, Junior, John G. Woodward, Isaac Ketchum, Benjamin Gale, Hiram Smith, John R. Partelow, Thomas Sandall, Frederick A. Wiggins, Lionel Anderson, John Kerr, Edward L. Jarvis, William H. Robinson, John M. Robinson, Thomas Cox, Isaac L. Bedell, Charles R. Jarvis, Charles Merritt, William Flaherty, Robert Ray, John Robertson, Ezekiel Barlow, Junior, The Honorable William Black, Charles H. Grocock, Edward Lowe, John Johnston, Alexander Wedderburn, William Scammell, Henry John Chubb, Thomas Chubb, George James Chubb, William J. Gilbert, Ann Gilbert, Stannus Jones, Thomas Nisbet, John Hooper, William Hammond, John Hammoud, Charles D. Everitt, James Hendricks, John V. Thurgar, John Wishart, Daniel Scovil, Samuel Scovil, Henry J. Jarvis, George A. Lockhart, William Mackay, Daniel Moore, John W. M. Irish, Daniel J. M'Lauchlan, William H. Bowyer, Thomas S. Estey, George E. Frink, John Walker, Richard Sands, William S. Sands, John M. Wilmot, George Thompson, John Moyes, John Ferguson, Moses Vernon, Brook Wheeler, Lewis Bliss, and William Wiley, 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, executors, administrators and assigns, shall be and they are hereby erected into a Company, and declared to be a body politic and corporate, by the name of the New Brunswick Mining Company, and by that name shall have succession and a common seal, and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of law or equity or other places whatsoever, and be able and capable in law to have, hold, purchase, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments, mines, minerals and rents, in fee simple, leasehold, or otherwise, and also goods and chattels and all other things, real, personal and mixed, and also to give, grant, sell, let, assign or convey the same or any part thereof, and to do and execute all other things in and about the same, as shall and may be thought necessary or proper for the benefit and advantage of the said Company; and also that the said Company or the major part of them, shall from time to time and at all times have full power, authority and licence to constitute, ordain, make and establish such bye laws and ordinances as may be thought necessary for the good rule and government of the said Corporation; provided such bye laws and ordinances be not contradictory or repugnant to the laws and statutes of the Province, and those in force within the same.

By that name may sue and be sued, and hold real and personal estate.

Bye Laws for the government of Company to be made.

£10,000 in shares of £10 each to be the capital at the commencement.

Ten per cent. to be paid in twelve months, and residue when required.

II. And be it further enacted, That the capital or joint stock of the said Corporation shall consist of current money of the Province, to the amount, in the first instance and at the commencement of the said Corporation, of ten thousand pounds, which shall be divided into one thousand shares of ten pounds each, to be vested in and belong to the several persons before named, according to the proportion set out in the schedule to this Act; and that ten per cent. of the said capital stock shall be paid in within twelve calendar months after the passing of this Act, at such time and place as the President and Directors of the said Company

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pany may appoint, and the residue in such parts or instalments as may be required by the said President and Directors for the service of the Company, at such times and places as they may appoint, at least one month's notice being by them previously given for all such payments in the Royal Gazette, and two of the newspapers published in the City of Saint John.

III. And be it further enacted, That a general meeting of the Members or Stockholders of the said Company, or the major part of them, shall take place on the last Tuesday in April next, or some day between that day and the first day of June next, at the City of Saint John,) twenty one days previous notice of such meeting being published in the manner above mentioned,) for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good order and management of the affairs of the Corporation as they shall deem necessary, and for the purpose of choosing thirteen Directors, being Stockholders and Members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen shall serve until the first annual meeting for the choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations of the said Company, subject nevertheless to the rules and regulations hereinafter made and provided.

IV. And be it further enacted, That there shall be a general meeting of the Stockholders and Members of the said Corporation to be annually holden at the City of Saint John, on the last Tuesday in April in each and every year, or on some day between that day and the first day of June in each year, of which meeting there shall be given at least twenty one days previous notice published in manner above mentioned; at which meeting there shall be chosen, by a majority thereof, thirteen Directors who shall continue in office for one year, or until others are chosen in their room; in the choice of which the Stockholders and Members of the said Corporation shall vote according to the rules hereinafter mentioned; and the Directors, when chosen, shall at their first meeting after their election choose out of their number a President: Provided always, that seven of the Directors in office, shall be reelected at such meeting for the next ensuing year, of which the President shall always be one.

V. And be it further enacted, That the Directors for the time being shall have power to engage and appoint such Surveyor or Surveyors, Overseer or Overseers, Agent or Agents, Clerks, Miners, Labourers and Servants, as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper; all which, together with the expenses for exploring, sinking shafts and pits, mining, draining, and other contingencies, shall be defrayed out of the funds of the Corporation; and the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation as shall be prescribed by the bye laws and regulations of the same.

VI. And be it further enacted, That not less than seven Directors 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 their members as Chairman in his stead; that the President shall vote at the board as a Director, and in case of an equal number of votes being for and against any question before them, the President or Chairman shall have a casting vote.

VII. And be it further enacted, That no person shall be eligible as a Director, unless such person is a Stockholder, and holding not less than ten shares of the capital

A general meeting to be held at Saint John for making Bye Laws and choosing Directors.

Annual meeting for choice of Directors.

Directors to choose a President.

Directors to appoint officers and servants.

All expenses to be paid from the corporate funds.

Seven Directors to form a board for business.

President to have a casting vote.

Qualification of Directors.

capital or stock of the said Corporation, and is of the full age of twenty one years.

Each share under fifty to entitle to a vote.

Provisoes,

Stockholders may vote by proxy.

VIII. And be it further enacted, That the number of votes to which each Stockholder shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the Stockholders are to be given, shall be in proportion of one to each share; provided that no person shall be entitled to a greater number than fifty votes; and provided also, that no person under the age of twenty one years shall be entitled to vote at any meeting of the Stockholders.

IX. And be it further enacted, That all Stockholders qualified to vote, resident within the Province or elsewhere, may vote by proxy, provided such proxy be a Stockholder, and do produce sufficient authority from his constituent or constituents; and that such authority shall be in writing signed by the constituent or constituents in the presence of one or more credible witness or witnesses, and shall be according to the form in the schedule, or in words of the like effect: Provided also, that if the constituent or constituents reside without the limits of the Province, the execution of the appointment shall be attested by a notary public.

Vacancies in Board of Directors to be filled up.

X. And be it further enacted, That the Directors be and they are hereby authorized to fill up any vacancy that shall be occasioned in the board, by the death, resignation, transfer of stock, or absence from the Province for three months of any of its members, but that in case of the removal of a Director by the Stockholders for misconduct or maladministration, his place shall be filled up by the said Stockholders; and the person so chosen by the Directors or Stockholders shall serve until the next succeeding annual meeting of the Stockholders.

Shares to be assignable.

XI. And be it further enacted, That the shares in the said stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf, but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, nor until such person or persons so making the same, shall previously discharge all debts actually due or payable by him or them to the said Corporation; that in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable; that whenever any Stockholders shall transfer in manner aforesaid all his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

Dividends of profits to be made.

XII. And be it further enacted, That the Director shall make half yearly or yearly dividends, as to them may appear most proper, of all the profits arising from the sales of coal, or other metals or minerals, or otherwise, deducting from the produce of coals, metals or minerals, or other profits, the charges of freight, carriage and sale, charges of management, and all such other charges and current expenses as may appear to them properly chargeable against the income of the Company.

Shares and interest in the corporate funds to be deemed personal property.

XIII. And be it further enacted, That notwithstanding any real estate which the Corporation may at any time own or possess, the shares and interest of the Stockholders of and in the stock, funds, property and estate of the said Corporation shall be, and shall be held, deemed and taken to be personal property to all intents and purposes whatsoever.

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

XIV. And be it further enacted, That the books, papers, correspondence, and all other matters and things belonging to the said Corporation, shall at all times be subject to the inspection of the Directors or any of them; but no Stockholder, not a Director, shall inspect the account of any individual or corporate body with the said Company.

XV. And be it further enacted, That the Directors shall at the general meeting
to

to be holden in every year, lay before the Stockholders for their information, an exact and particular statement of the then state of the affairs and business of the said Company, agreeably to the several regulations and rules made therefor, so as the same do contain a true account of the whole of the affairs of the said Company; which statement shall be signed by the Directors and attested by the Secretary; and a duplicate thereof in like manner signed and attested shall be transmitted to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Legislature of the Province: Provided always, that the rendering of such statement shall not extend to give any right to the Stockholders, not being Directors, to inspect the account of any individual or individuals with the said Corporation.

A statement of the affairs of the Corporation to be submitted at the annual meeting.

Duplicate for the Governor and Legislature.

XVI. And be it further enacted, That any joint committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall, either during the Session or prorogation of the General Assembly, have free access to all the books and accounts of the same.

Committee of Legislature to have access to the books, &c.

XVII. And be it further enacted, That any number of Stockholders, not less than twenty, who together shall be proprietors of two hundred and fifty shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the Stockholders, for purposes relating to the business of the said Corporation, giving at least thirty days previous notice in the Royal Gazette, and at least two newspapers published in the City of Saint John, and specifying in such notice the time and place of such meeting, with the objects thereof; and the Directors or any seven of them shall have the like power at any time, upon observing the like formalities, to call a general meeting as aforesaid.

A general meeting may be called by the Stockholders or Directors, at any time, on due notice.

XVIII. And be it further enacted, That the joint stock or property of the said Corporation shall be alone responsible for the debts and engagements of the said Corporation, and that no person or persons who shall or may have dealings with the said Corporation shall, on any pretence whatsoever, have recourse against the separate property of any present or future member or members of the said Corporation, or against their person or persons, further than may be necessary to secure the faithful application of the funds of this Corporation.

Joint Stock alone responsible for the Corporation debts.

XIX: " And whereas previous to the uniting together of the subscribers to this Company, an association had been formed at Fredericton for the purpose of exploring the country, with a view to ascertain the extent and nature of districts in which coal might be found, and sundry excavations were made and works carried on by such association; and it was agreed that the subscribers to the stock of the present Company should become vested with the rights and property and subject to the liabilities of the said association; and that any of the members of the association might unite themselves to this Company, and should in that case have credit in the stock of this Corporation for so much as they might have paid and advanced to the former association, with interest; and that the present Company should pay to such members of the former association as were desirous of withdrawing from the adventure the sum advanced by them, with interest: And whereas the Honorable Thomas Baillie, William F. Odell, Esquire, and John T. Smith, have signified their desire to withdraw from the adventure;" Be it enacted, That there shall be paid to the said Honorable Thomas Baillie, William F. Odell, and John T. Smith, out of the funds of the Corporation, the sum of twenty five pounds each together with interest from the time of their advancing such monies up to the time of payment, and that on such payment being made, they shall cease to have any interest in the property or rights of the said association;

Members of former Mining Association to be repaid their advances or have credit in this Corporation, as herein specified.

tion ; and that the other members of the said association, (to wit,) The Honorable John Saunders and George Shore, Robert Parker, Hugh Johnston, Elisha D. W. Ratchford, Zalmon Wheeler, Thomas L. Nicholson, John A. Beckwith, John Wilson, Henry Chubb, William Sprague, Moses H. Perley, Thomas Robson, William Bookwood, James Harris, Thomas Allen, William Emsley, Thomas Griffith, John Woodley, Henry G. Clopper, Justin Spahn, George E. Ketchum, E. N. Kendal and John Tank, shall have credit for the monies respectively advanced by them to such association, with interest, in payment of the first instalment of the said stock of the said Corporation, and if the amount for which they are so entitled to have credit shall exceed the said instalment, the balance or overplus shall be paid to them out of the funds of the Corporation.

On default of payment of shares, directors to sell the same.

XX. And be it further enacted, That if any of the Shareholders hereiu named shall neglect or refuse to pay all or any part of the share or shares subscribed by him, and payable as herein directed, it shall and may be lawful for the Directors of the said Company for the time being, forthwith after such neglect or refusal, to sell and dispose of the share or shares in the payment of which such default shall be made, to the best advantage ; and the said Directors shall thereupon, out of the monies arising from the sale thereof, pay over to such Shareholder the amount actually paid in by him (if any) on such share or shares, deducting first therefrom ten per cent. on the amount of his said share or shares, to be retained by the Company in lieu of all other expenses incurred by such default : Provided always, that if any loss shall arise on the sale of such share or shares, no greater sum shall be paid to the said Shareholder than that at which such share or shares shall be so sold, deducting therefrom ten per cent. as aforesaid.

Capital may be increased to £30,000.

XXI. And be it further enacted, That it shall and may be lawful for the said Shareholders at any general meeting or any special meeting for that purpose to be called, and of which due notice of not less than thirty days shall be first given in the Royal Gazette, and at least two newspapers published in the City of Saint John, to increase the said capital or joint stock of the said Company, by any sum not less than five thousand pounds at any one time, until the said capital or joint stock shall amount to thirty thousand pounds ; which last mentioned sum the said capital or joint stock in the whole shall never exceed ; and all which said additional capital or joint stock shall also be divided into shares of ten pounds each, and paid in lawful current money at such time or times either in full or by such instalments as the said Stockholders or the Directors of the Company for the time being may appoint.

Additional Shares to be sold by public auction.

XXII. And be it further enacted, That all the said additional shares to be so made and added to the said capital or joint stock of the said Company, shall be sold and disposed of at public auction to the highest bidder or bidders, at such time or times, place or places, and on such terms as the Directors for the time being shall appoint and direct ; and of which said sale or sales, and of the said time and place thereof, public notice shall be first given in the Royal Gazette, two or more newspapers published in the City of Saint John, and one paper at least (if any) published at Saint Andrews in the County of Charlotte, and in the County of Northumberland, respectively, for at least thirty days previous to such sale ; and that the said shares shall not be sold in lots of more than five shares each.

Premium on additional shares to be added to the capital.

XXIII. And be it further enacted, That any advance, or premium at which the said shares may be sold, first deducting thereout the charge of such sale, shall be considered as added to the capital of the Company, and applied to the use of such Company in the same manner as the original or increase capital ; and the
new

new Shareholders shall have an equal proportionable interest in this addition with the old Shareholders.

XXIV. And be it further enacted, That in case of default of payment of any of the said shares, and the advance or premium at which they may have been sold within the time fixed for the payment thereof, it shall and may be lawful for the Directors of the said Company for the time being forthwith to sell and dispose of the said shares in the payment of which default shall be so made, at their discretion, to the best advantage, and any advance or premium thereon shall be applied as above mentioned to the increase of the capital, and not divided as part of the profits of the said Company.

On default of payment shares to be resold.

XXV. " And whereas it may be found expedient to increase the said capital "stock during the current year and before any profits can be derived from the "operation of the the Company ;" Be it further enacted, That the sale of any increased stock not exceeding ten thousand pounds, made in pursuance of the foregoing provision, on or before the first day of January which will be in the year of our Lord one thousand eight hundred and thirty-four, shall be exempt from the duty imposed by the law of the Province on sales by auction.

Increased stock, not exceeding £10,000, sold before January, 1834, exempted from duty.

XXVI. And be it further enacted, That this Act shall be accepted and taken and reputed to be a public Act, of which all and every the Judges and Justices of this Province, in all Courts, and all other persons, shall take notice on all occasions whatsoever, as if it were a public Act of Assembly relating to the whole Province; any thing herein contained to the contrary thereof in any wise notwithstanding.

Act to be deemed public.

XXVII. And be it further enacted, That this Act shall continue and be and remain in force for and during the term of thirty years, from the first day of April which will be in the year of our Lord one thousand eight hundred and thirty three.

Limitation.

FORM OF PROXY.

I, A. B. of [place of residence and profession or occupation of the Stockholder,] holder of shares in the capital or joint stock of the New Brunswick Mining Company, do hereby nominate, constitute and appoint C. D. of , also a Stockholder in the said Company, in my name, and in my absence, to vote or give my assent or dissent to any business, matter or thing relating thereto, which shall be proposed at any general or special meeting of the Stockholders of the said Company or any adjournment thereof, at all times hereafter, until I shall revoke this appointment by notice in writing under my hand to the Secretary or Clerk of the said Company. In witness whereof I have hereunto set my hand the day of in the year of our Lord one thousand eight hundred and

Form of proxy.

Signed in presence of

A. B.

E. F.
G. H.

Schedule of Subscribers to the New Brunswick Mining Company, with number of Shares subscribed by each.

Names of Subscribers.	Number of Shares.	No.	Names of Subscribers.	Number of Shares.	No.	Subscribers' names and number of shares.
John Saunders,	Thirteen	13	John A. Beckwith,	Ten	10	
George Shore,	Five	5	John Wilson,	Five	5	
Robert Parker,	Ten	10	Henry Chubb,	Ten	10	
Hugh Johnston,	Ten	10	Moses H. Perley,	Ten	10	
Elisha D. W. Ratchford,	Ten	10	Thomas Robson,	Five	5	
Zalmon Wheeler,	Ten	10	William Bookwood,	Three	3	
Thomas L. Nicholson,	Ten	10	James Harris,	One	1	

Subscribers' names and number of shares continued.

Names of Subscribers.	Number of Shares.	No.	Names of Subscribers.	Number of Shares.	No.
Thomas Allen,	One	1	Frederick A. Wiggins,	Ten	10
William Emsley,	One	1	Lionel Anderson,	Ten	10
Thomas Griffith,	One	1	John Kerr,	Ten	10
John Woodley,	One	1	Edward L. Jarvis,	Ten	10
Henry G. Clopper,	Five	5	William H. Robinson,	Ten	10
Justin Spahn,	Ten	10	John M. Robinson,	Ten	10
George E. Ketchum,	Five	5	Thomas Cox,	Three	3
William Sprague,	Two	2	Isaac L. Bedell,	Ten	10
E. N. Kendal,	Five	5	Charles R. Jarvis,	Ten	10
John Tank,	Two	2	Charles Merritt,	Ten	10
James Ratchford,	Ten	10	William Flaherty,	Ten	10
Thomas Jones,	Ten	10	Robert Ray,	Five	5
Henry Cook,	Ten	10	John Robertson,	Ten	10
Townsend Coffin,	Five	5	Ezekiel Barlow, Junior,	Ten	10
Nehemiah Merritt,	Ten	10	William Black,	Ten	10
Henry Gilbert,	Ten	10	Charles H. Grocock,	Ten	10
James Hay,	Ten	10	Edward Lowe,	Ten	10
John Boyd,	Ten	10	John Johnston,	Ten	10
H. Boyer Smith,	Ten	10	Alexander Wedderburn,	Ten	10
Ralph M. Jarvis,	Ten	10	William Scammell,	Ten	10
James Fraser, Junior,	Ten	10	Henry John Chubb,	Five	5
Neville Parker,	Ten	10	Thomas Chubb,	Five	5
Charles Hazen,	Ten	10	George James Chubb,	Five	5
John Ward, Junior,	Ten	10	William J. Gilbert,	Ten	10
James Kirk,	Ten	10	Ann Gilbert,	Ten	10
William Leavitt,	Ten	10	Stannus Jones,	Five	5
George G. Gilbert,	Ten	10	Thomas Nisbet,	Five	5
Thomas M. Hazen,	Ten	10	John Hooper,	Five	5
Stephen Wiggins,	Ten	10	William Hammond,	Ten	10
James Whitney,	Ten	10	John Hammond,	Ten	10
Thomas L. Langen,	Ten	10	Charles D. Everitt,	Five	5
Henry Blakslee,	Ten	10	James Hendricks,	Ten	10
Thomas Leavitt,	Ten	10	John V. Thurgar,	Ten	10
Robert L. Hazen,	Ten	10	John Wishart,	Ten	10
Beverly Robinson,	Ten	10	Daniel Scovil,	Ten	10
George D. Robinson,	Ten	10	Samuel Scovil,	Five	5
Isaac Woodward, Junior,	Ten	10	Henry J. Jarvis,	Five	5
John G. Woodward,	Ten	10	George A. Lockhart,	Ten	10
Isaac Ketchum,	Ten	10	William Mackay,	Ten	10
Robert F. Hazen,	Ten	10	Daniel Moore,	Ten	10
Samuel Stephen,	Five	5	John W. M. Irish,	Ten	10
George A. Nagel,	Ten	10	Daniel J. M'Lauchlin,	Ten	10
Thomas Barlow,	Ten	10	William H. Boyer,	Five	5
Robert W. Crookshank,	Ten	10	Thomas S. Estey,	Ten	10
George Merritt,	Ten	10	George E. Frink,	Ten	10
Ewen Cameron,	Ten	10	John Walker,	Ten	10
Joseph Whitburn,	Five	5	Richard Sands,	Ten	10
Benjamin Gale,	Five	5	William S. Sands,	Ten	10
Hiram Smith,	Ten	10	John M. Wilmot,	Ten	10
John R. Partelow,	Ten	10	George Thomson,	Five	5
Thomas Sandal,	Ten	10	John Moyes,	Five	5

Names of Subscribers.	Number of Shares.	No.	Names of Subscribers.	Number of Shares.	No.	Subscribers' names and number of shares continued.	
John Ferguson,	Five	5	Lewis Bliss,	Five	5		
Moses Vernon,	Five	5	William Wiley,	Seven	7		
Brock Wheeler,	Five	5					
One thousand Shares of ten pounds each,					1000		

CAP. XIII.

An Act to provide for more effectually repairing the Streets and Bridges in the City of Saint John. e

Passed 13th March, 1833.

“ **W**HEREAS the Mayor, Aldermen and Commonalty of the City of Saint John, by the Charter of the said City ratified by an Act of the General Assembly, are authorized and empowered to make, lay out, alter, amend and repair the streets, highways and bridges in and throughout the said City and the vicinity thereof, and also beyond the limits of the said City on either side thereof throughout the County of Saint John: And whereas in accordance with the petition of the Mayor, Aldermen and Commonalty of the said City of Saint John, it is expedient that the powers of the said Mayor, Aldermen and Commonalty of the said City respecting the streets, highways, and bridges as aforesaid, should not extend beyond the limits of the said City: And whereas it is just and equitable that the Freemen and Inhabitants of the said City should do and perform days' work as the other Inhabitants of the Province for the purpose of completing and amending the public roads and bridges of the said City;”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the second year of the reign of His present Majesty, intituled “ An Act further to continue the Acts relative to streets and highways in the City and County of Saint John,” be and the same is hereby repealed.

2 W. 4, C. 31, repealed.

II. And be it enacted, That the powers given in and by the Charter of the City of Saint John relative to the streets, highways and bridges of the City and County of Saint John, shall not extend or be construed to extend to give the Mayor, Aldermen and Commonalty of the said City authority to make, lay out, alter, amend and repair the said streets, highways and bridges, in and throughout any part of the said County of Saint John; provided that nothing herein contained shall extend to alter or abridge the powers of the said Mayor, Aldermen and Commonalty of the said City to make, lay out, alter, amend and repair the said streets, highways and bridges in and throughout the limits of the said City of Saint John, according to the provisions of the Charter; and provided also, that all roads, streets and highways heretofore laid out, and which are now used as such, and also all public bridges heretofore built and now used as such, shall be and the same are hereby deemed and established to be the public roads, streets, highways and bridges of the said City and County, and shall continue so to be until the same shall be altered by the proper authorities.

Power of the Corporation of the City as to streets, &c. restricted to those within the City.

III. And be it enacted, That all Freemen and other Male Inhabitants of the said City, of the age of sixteen years and upwards, shall perform labour on the streets and highways of the said City, at and after the following rates, (that is to say,)

Males of sixteen years and upwards to work on the streets of the City.

Scale.

say,) hired servants, common labourers, licensed school masters, apprentices, and other persons under the age of twenty one years, two days; journeymen mechanics and other persons not coming within the description of persons before designated, whose whole property, real and personal, may not exceed one hundred pounds, three days; all persons whose real and personal property may exceed one hundred pounds and not exceed two hundred and fifty pounds, four days; exceeding two hundred and fifty pounds and not exceeding four hundred pounds, five days; exceeding four hundred pounds and not exceeding seven hundred and fifty pounds, six days; exceeding seven hundred and fifty pounds and not exceeding one thousand pounds, seven days; exceeding one thousand pounds, eight days; exceeding two thousand pounds and not exceeding five thousand pounds, or whose yearly income, from whatever source arising, exceeds three hundred pounds, twelve days; exceeding five thousand pounds, or whose yearly income exceeds five hundred pounds, sixteen days; and all other male Inhabitants of the age of twenty one years who may not be included in any of the foregoing description of persons, four days: Provided always, that upon application to the Mayor, Recorder and Aldermen of the said City, or any two of them, they shall and may, at their discretion, lessen the number of days work to be performed by any poor or indigent person.

Corporation may lessen the work of poor persons.

Assessors of rates to assess the labour, if required.

Corporation may appoint Assessors.

Persons aggrieved by assessments may appeal to the Common Council.

IV. And be it enacted, That it shall be the duty of the assessors of rates for the City of Saint John, on or before the tenth day of May in each year, to make the assessment of statute labour on the Freemen and Inhabitants of the said City, according to the scale herein before mentioned, if required so to do by the said Mayor, Aldermen and Commonalty; or the said Mayor, Aldermen and Commonalty may, if they think fit, nominate and appoint three or more fit persons to be assessors for that purpose, who shall be duly sworn to the discharge of their duty, and liable to like penalties for refusal to act, or neglect of duty, as other assessors in the said City.

V. And be it enacted, That in case any person in the City of Saint John shall deem himself aggrieved by any assessment made under this Act, it shall and may be lawful for him to appeal to the Common Council of the said City, who shall examine into the merits of the said appeal, and whose decision shall be final; provided that a memorandum of every such appeal shall be entered in the common Clerk's office, within fifteen days after the appellant shall have received notice of the said assessment, with an affidavit annexed, in the form following or to that effect:

I _____, resident in _____, do make oath that all the property, real and personal, owned by me, or by any other person in trust for me, or for my use, whatsoever and wheresoever, does not exceed _____ in value, and that my yearly income does not exceed _____ [or, in case of the person appealing being among the first class of persons who are to pay but two days, the affidavit shall be that he is a hired servant, common labourer, licensed school master, apprentice, or person under the age of twenty one years]. Sworn the _____ day of _____ 188 _____, before _____, Justice of the Peace.

And in case the appeal be allowed, the rate shall be amended accordingly, and the Common Council may in their discretion direct the collector or collectors to repay, out of the monies collected by him the amount overcharged, or to make allowance therefor in the labour of the next year in case the appellant should have performed the whole labour assessed prior to hearing the appeal.

VI. And be it enacted, That if any person assessed for statute labour shall prefer

prefer paying money to doing such labour, it shall and may be lawful for the collector or collectors to be appointed by the Mayor, Aldermen and Commonalty, within the City of Saint John, to take and receive the same at and after the rate of two shillings and sixpence per day for each day's labour required to be done by such person; and no person whosoever shall be permitted to work by substitute.

Collectors may receive money in lieu of labour.

No substitutes allowed.

VII. And be it enacted, That the Mayor, Aldermen and Commonalty of the said City in Common Council convened, are hereby authorized and required, on the third Tuesday in March, or within the next four successive days, in each and every year, to appoint, by warrant or warrants under the common seal of the said City, one or more fit person or persons to be a surveyor or surveyors of the highways for the said City, assigning to him or them in such warrants the limits of the district within and over which he or they shall exercise the duties and powers incident to his or their office, both with respect to the times and places where the work is to be performed, and the persons to be summoned to perform such work; and in case of the refusal of any such person or persons to accept of such office, or in case of any vacancy by death or removal, or other incapacity of such surveyor or surveyors to perform the duties of his or their office, the said Mayor, Aldermen and Commonalty are authorized and required in like manner to appoint another or others in his or their place.

Corporation to appoint Surveyors.

VIII. And be it enacted, That it shall be the duty of the common Clerk of the said City, immediately after the making of any appointment as aforesaid, to deliver or transmit to the said surveyor or surveyors so appointed, his or their warrant or warrants of appointment; and that each and every person so appointed shall, within fourteen days after receiving the same warrant, be duly sworn to the faithful performance of the duties of his or their office, before the Mayor, Recorder or either of the Aldermen of the said City, which oath they are hereby severally authorized and required to administer, and to endorse a certificate thereof upon each of the said warrants of appointment.

Common Clerk to deliver the warrant of appointment.

Surveyors to be sworn.

IX. And be it enacted, That each and every person so to be appointed who shall neglect and refuse to accept of the office of surveyor as aforesaid, and to take the oath herein before required within the time limited as aforesaid, or shall neglect or refuse to do and perform any of the duties herein required of him, shall for each and every offence forfeit and pay the sum of three pounds, to be recovered before any one of His Majesty's Justices of the Peace, by and in the name of the Chamberlain of the said City, on the oath of one or more credible witness or witnesses, or on confession, and levied with costs of prosecution by warrant of distress and sale of the goods and chattels of the offender, and to be laid out on the highways, streets and bridges of the said City.

Neglect or refusal to accept the office and take the oaths of Surveyors.

Penalty.

X. And be it enacted, That it shall be the duty of the several surveyors of highways within the said City, appointed by the Mayor, Aldermen and Commonalty as aforesaid, on or before the fifteenth day of May in each and every year, to make out and transmit to the Chamberlain of the said City, lists of all persons within their respective districts who are by law liable to work upon the highways, streets and bridges, and after the assessment list is handed to them, to summon the said persons to work and superintend them, and from time to time in each and every year, to render to the collector or collectors of taxes for the said City, lists of all persons who may be defaulters, and the said collector or collectors shall forthwith proceed to recover the sums due from such defaulters, and the said surveyor or surveyors, and collector or collectors, shall render to the Chamberlain of the said City all their lists and accounts in complete order, on or before the

Duty of Surveyors.

Surveyors and collectors to account to the Chamberlain.

first

first day of December in each and every year, under the penalty, for every default, of ten pounds.

Corporation may direct Surveyors to work at any particular place.

XI. Provided always and be it enacted, That whenever the said Mayor, Aldermen and Commonalty shall direct any surveyor to work in a particular part of, or any particular place or bridge within his district, or to take any number of persons belonging to his district out of such district into the next adjacent district, it shall be the duty of the said surveyor to attend to the same, and perform such duty so required of him.

Chamberlain to keep separate accounts of monies under this Act to be laid before the Common Council.

XII. And be it enacted, That the said Chamberlain of the said City shall keep an account of monies received by him by virtue of this Act, separate and distinct from the accounts of other funds in his hands, and obey all orders of the Common Council of the said City for the expenditure thereof; and on or before the first day of April in each year, shall make out an account, with vouchers, of all monies received and paid by him as aforesaid, and lodge the same with the Clerk of the said Common Council, together with the lists and accounts which he may have received from the said surveyors and collectors, to be laid before the said Common Council.

Lists of persons liable to work on the roads to be furnished when called for by Surveyors.

XII. And be it enacted, That every person when called upon by the surveyor of any district within the said City, shall within twenty four hours give and render to the said surveyor a particular account and statement, in writing, containing the names of all persons who may be in his, her or their employ, or who may be resident in the house kept or occupied by such person or persons, and who may be liable to perform labour on the highways; such statement to contain not only the names of persons belonging to his, her or their family, but also the names of any boarders, lodgers and domestic servants who may be liable as aforesaid; and if any such person or persons shall neglect or refuse to render such account, when so called upon, or shall give or render a false or incorrect account or statement, he or she shall forfeit and pay the sum of five pounds, to be sued for and recovered, by and in the name of the Chamberlain of the said City, in the City Court of the City of Saint John, or before any one Justice of the Peace in and for the City and County of Saint John, for the use of the said Mayor, Aldermen and Commonalty, to be by them specially applied in making, altering and repairing the roads within the said City.

Penalty.

Persons summoned and not appearing to pay two shillings and six pence per day

XIV. And be it enacted, That if any person or persons when so summoned to labour as aforesaid by the surveyors of their respective districts, shall neglect or refuse to appear agreeably to such summons, he or they shall be taken to have made their election to pay at and after the rate of two shillings and six pence per day, according to the number of days they may be assessed, and if he or they shall neglect or refuse to pay the same when required by the collectors within the City, the same may be recovered by and in the name of the Chamberlain of the said City for the time being, before the City Court, or before any one Justice of the said City and County, and when recovered applied to the use of the said Mayor, Aldermen and Commonalty, for the making, altering and repairing the roads within the said City; and if any person who shall appear agreeably to such summons, and being under the directions of such surveyor, shall refuse or neglect to work, or shall not work in such manner as to satisfy such surveyor, he is hereby empowered to dismiss such person from the work, and the Chamberlain shall proceed against him in the same manner as herein before directed to be done against persons neglecting to appear and labour after being duly summoned, to be recovered, used and applied as in the case last aforesaid.

Recovery.

Persons not working satisfactorily to be dismissed and proceeded against.

CAP. XIV.

An Act to authorize the Justices of the Peace for the County of Carleton to assess the said County for erecting a Court House and Gaol therein.

Passed 19th March, 1833.

[Expired.]

CAP. XV.

An Act to amend the Act relating to the several Churches in this Province in connexion with the Church of Scotland.

Passed 19th March, 1833.

“**W**HEREAS the fifth section of an Act passed in the second year of the reign of His present Majesty King William the Fourth, intituled “An Act to repeal all the laws now in force relating to Saint Andrew’s Church in the City of Saint John, and for incorporating certain persons pewholders of the said Church, and of the several Churches erected or to be erected in this Province in connexion with the Church of Scotland,” is found to be defective and in need of amendment;”

Preamble.

2 W. 4, C. 18.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the said fifth section of the said recited Act be and the same is hereby repealed.

2 W. 4, C. 18, S. 5, repealed.

II. And be it enacted, That the said Trustees of Saint Andrew’s Church, and of the several and respective Churches already erected, and also of all other Churches which may hereafter be erected within this Province, in connexion with the Church of Scotland, chosen and appointed in manner and form provided by the said Act, or the major part of them, assembled upon due notice publicly given, shall have full power and authority to sell, let or hire the pews of the said Churches respectively, and let or hire for a term not exceeding twenty one years the lands, tenements and hereditaments mentioned in the said recited Act, or any other lands, tenements or hereditaments which shall or may come into their possession for the use and benefit of the said Churches respectively, and to take and use all such other lawful ways and means as they in their discretion shall think best adapted for the benefit and advantage of the said Churches respectively: Provided always, that nothing herein contained shall be construed to permit the said Trustees of the said Churches respectively to sell or dispose of the said lands, tenements and hereditaments, or any part thereof, absolutely, or for any greater estate than the term of twenty one years as aforesaid.

Trustees may sell or hire the pews, and let for a term of years, the lands &c. belonging to the several Churches.

CAP. XVI.

An Act to authorize the Justices of the Peace for the County of Northumberland to make rules and regulations respecting the Bass Fishery in that County.

Passed 19th March, 1833.

“**W**HEREAS it is necessary that an Act should be made and passed, authorizing the Justices of the Peace in the County of Northumberland

Preamble.

land

f The provisions of this Act extended to the Shad and Gaspereaux Fisheries in Northumberland by 5 W. 4, C. 24. — Refer to 33 G. 3, C. 9, and 39 G. 3, C. 5; and see 4 W. 4, C. 9, for protecting the Gaspereaux Fishery in the River Miramichi.

“land to make rules and regulations respecting the manner in which bass shall be taken in the rivers in that County, and to impose such fines and penalties as they may deem proper to enforce the performance of such rules and regulations;”

Justices in Sessions may make regulations for the bass fisheries, and enforce them by fines not exceeding £3.

Recovery.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Justices of the Peace in the County of Northumberland, in their General Sessions, to make such rules and regulations as they may deem proper respecting the bass fishery in any of the rivers of said County, and also to enforce the rules and regulations so to be made, by such fines and penalties as may be imposed, not exceeding for any one offence the sum of three pounds, to be recovered before any one of His Majesty's Justices of the Peace for the said County, to be levied by warrant of distress and sale of the offender's goods and chattels, and for want thereof to commit such offender to the common gaol of the County for a term not exceeding twelve days, unless the fine, costs and charges be sooner paid: Provided always, that such regulations are not contrary to and do not interfere with the regulations and restrictions contained in any Act of Assembly.

Limitation.

II. 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 thirty five.

[Continued by 5 W. 4, C. 24, to 1st April, 1838.]

CAP. XVII.

§ An Act to divide the Parish of Kent in the County of Carleton into five Towns or Parishes.

Passed 19th March, 1833.

Preamble.

“WHEREAS the Parish of Kent, in the County of Carleton is so extensive and populous as to render the performance of the duties of the Parish officers therein inconvenient and burthensome;”

Parish of Kent divided into five Parishes.

Be it enacted by the Lieutenant Governor, Council and Assembly, That the said Parish of Kent shall be and the same is hereby divided into five Towns or Parishes; which Towns or Parishes shall be and hereby are named and bounded in the manner hereinafter mentioned and described, any law to the contrary notwithstanding.

Boundaries of Kent.

The first Town or Parish to be called, known and distinguished by the name of Kent, and to be abutted and bounded as follows: Southerly by the northern boundary line of the Parish of Brighton; westerly by the river Saint John; northerly by a line running due east from the said river Saint John, at the division line between the lots numbers forty and forty one, granted to John Marro, nearly opposite to the mouth of the river de Chute; and easterly by the boundary line of the said County of Carleton.

Wicklow.

The second Town or Parish to be called, known and distinguished by the name of Wicklow, and to be abutted and bounded as follows: Southerly by the northern boundary line of the Parish of Wakefield; easterly by the River Saint John; northerly by the river de Chute, following the course of the said river to the boundary line of the said County; and westerly by the boundary line of the said County of Carleton.

The

The third Town or Parish to be called, known and distinguished by the name of Perth, and to be abutted and bounded as follows: Southerly by the northern boundary line of the said Parish of Kent; westerly by the river Saint John; northerly by a line running due east from the mouth of Little River, where it empties into the river Saint John; and easterly by the boundary line of the said County of Carleton. Perth,

The fourth Town or Parish to be called, known and distinguished by the name of Andover, and to be abutted and bounded as follows: Southerly by the river de Chute aforesaid; easterly by the river Saint John; northerly by a line running due west from the point which divides the grant to Alexander Stewart and the military reserve on the river Saint John; and westerly by the boundary line of the said County of Carleton. Andover,

The fifth Town or Parish to embrace all that part of the said County of Carleton which lies to the northward of the said two last described Towns or Parishes, on both sides of the river Saint John, and to be called, known and distinguished by the name of Madawaska. Madawaska.

CAP. XVIII.

An Act further to amend the Act relating to the support and relief of confined Debtors.

Passed 19th March, 1833.

[Continued to 1st April, 1836, by 4 W. 4, C. 37; repealed by 6 W. 4, C. 41.]

CAP. XIX.]

An Act in addition to "An Act for making Process in Courts of Equity effectual against persons who reside out of this Province, and cannot be served therewith." 48 G. 3, C. 2.

Passed 19th March, 1833.

“WHEREAS it frequently happens that persons resident without the limits of the Province, are necessary parties, defendants, in suits in the Court of Chancery, brought for the foreclosure or redemption of Mortgages on lands situate in the Province, and for other matters: And whereas doubts have arisen whether the provisions of an Act passed in the forty eighth year of the reign of His late Majesty King George the Third, intituled "An Act for making process in Courts of Equity effectual against persons who reside out of this Province, and cannot be served therewith," extend to persons who have never been resident within the Province; and it is deemed expedient to make further and other regulations relative to non-residents;" Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That if in any suit which hath been or hereafter shall be commenced in the said Court of Chancery, any defendant or defendants against whom any subpoena or other process shall issue; shall not cause his, her or their appearance to be entered upon such process, within such time and in such manner as according to the rules of the Court the same ought to have been entered, in case such process had been duly served, and it shall be made to appear, on affidavit to the satisfaction of the said Court, that such defendant or defendants do not reside within 48 G. 3, C. 2.

Defendant in Chancery, resident without the Province, failing to enter appearance according to rule, Court may order appearance at a certain day.

Copy of order
to be published
and served on
defendant.

If defendant do
not appear,
plaintiff's bill
to be taken pro
confesso.

Proviso as to
service.

Proof of service
to be made by
affidavits taken
as herein di-
rected.

the Province, but have a known place of residence elsewhere, which shall be stated in such affidavit, then and in such case the said Court may make an order directing and appointing such defendant or defendants to appear at a certain day therein to be named; and a copy of such order shall, within fourteen days after such order made, be inserted in the Royal Gazette, published by the King's Printer in this Province, and shall continue to be inserted in the same Gazette for so long a time as the Court shall direct, not less than three months; and a Copy of such order shall, within one year next after the making of the same, be served on the defendant or defendants, either personally or by leaving the same at the residence of the said defendant or defendants with some person belonging to the family or living in the house of the said defendant or defendants; and if such defendant or defendants do not appear within the time limited by such order, or within such further time as the Court shall appoint, then, on proof made of such publication and service of such order, as aforesaid, the Court being satisfied of the truth thereof may order the plaintiff's bill to be taken pro confesso, and make such decree thereon as shall be thought just and proper, and may thereupon issue process to compel the performance of such decree as is in and by the said recited Act provided: Provided always, that if the defendant or defendants reside in the United Kingdom or any other part of Europe, or in the West Indies, such service shall be made at least three calendar months before the day therein named for appearance; and if the defendant or defendants reside in any part of the United States of America, or in any of the British North American Colonies, such service shall be made at least two calendar months before the day of appearance; and if the defendant or defendants reside in any other part of the world, such service shall be made at least six calendar months before the day of appearance.

II. And be it enacted, That proof of such service may be made by affidavit or affidavits to be taken and subscribed before any Judge of the Court of King's Bench, Common Pleas, or Exchequer, or before the Lord Chancellor, Master of the Rolls, or Vice Chancellor, or any Master of the High Court of Chancery, or Mayor of any City, Borough, or Town corporate in England or Ireland; before any Lord of Session or other Superior Judge, or any Provost or other Chief Magistrate of any City, Borough, or corporate Town in Scotland; before any Judge of the Supreme or Superior Court or Master of the Rolls in any British Colony; or before any Superior Court, or any Judge thereof, in the United States of America, or any other Foreign Country: Provided always, that such affidavit or affidavits, if taken in any Foreign Country, be authenticated by a certificate under the hand and seal of the British Ambassador, Envoy, Minister, Consul, or Vice Consul, and, if taken within any part of the British Dominions, by a certificate under the hand and seal of some Public Notary, to the satisfaction of the said Court of Chancery.

CAP. XX.

An Act to continue and amend the Acts relating to Statute Labour on Roads.

Passed 19th March, 1833.

[*Repealed by 5 W. 4, C. 2.*]

CAP. XXI.

An Act to prevent the importation and spreading of infectious Distempers in *h*
the City of Saint John.

Passed 19th March, 1833.

“ **W**HEREAS the several Acts relative to the importation and spreading
“ of infectious Distempers in the City of Saint John, have by experi- Preamble.
“ ence been found inadequate;”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That
an Act made and passed in the tenth and eleventh years of the reign of His late 10 & 11 G. 4,
Majesty King George the Fourth, intituled “ An Act to repeal all the Acts C. 27,
now in force relative to the importation and spreading of infectious Distempers
in the City of Saint John, and to make more effectual provision for preventing
the same;” and also an Act made and passed in the first year of the reign of
His present Majesty, intituled “ An Act to amend an Act, intituled ‘ An Act to
repeal all the Acts now in force relative to the importation and spreading of in- 1 W. 4, C. 35,
fectious Distempers in the City of Saint John, and to make more effectual pro- and
visions for preventing the same;’ ” and also an Act made and passed in the second
year of the reign of His present Majesty, intituled “ An Act further to amend
the Act relative to the importation and spreading of infectious Distempers in 2 W. 4, C. 27,
the City of Saint John, and to extend the provisions thereof,” be and the same repealed.

II. And be it enacted, That no vessel arriving in or near the harbour of Saint
John, having on board the small pox, yellow fever, or other pestilential or con- Vessels herein
tagious Distemper, or coming from any port or place infected with any such described not
Distempers, or at or near which any such Distempers at the time of her depar- to proceed fur-
ture were known or supposed to prevail, or from any port or place in the West ther into the
Indies, South America, the United States of America, from Boston and the harbour of
southward of Boston, Bermuda, Africa, or the Mediterranean, or having pas- Saint John
sengers on board from any port or place in the world (save and except in this than specified
Province, Canada, Nova Scotia, Prince Edward Island, Newfoundland, and lines, until
the United States of America to the northward of Boston,) between the first inspected and
day of May and the first day of November in any year, or on board of which permitted by
said vessel any person during the voyage had been sick or had died of any such an appointed
Distemper, shall come, proceed, or be navigated or conducted further or higher Physician.
up into the harbour of Saint John than a line running from the west point of
Partridge Island westerly until it meets Negro Town point, and east from the
eastern point of Partridge island extending till it reaches the shore to the
northward of Black point, or, in case the Mayor, Aldermen and Commonalty
of the City of Saint John in Common Council convened shall by their order or
notice in writing grant permission, further or higher up than a line to run
from the Breakwater to Sand point in Carleton, until such vessel shall have
been duly inspected and examined by the Physician or Physicians to be for that
purpose appointed as herein after mentioned, nor until the said Physician or
Physicians shall signify his or their consent and permission, in writing, that
such vessel may proceed without danger to the Inhabitants of the said City;
and if on such inspection and examination as aforesaid, the said Physician or
Physicians shall consider that danger is likely to result to the Inhabitants of
the said City, from permitting the said vessel to proceed further than the said
outer

Physician
may order
vessel to be
brought to
anchor for a
time not ex-
ceeding

ing three days, to be fixed by the Common Council, unless the vessel shall be ordered to perform quarantine.

No intercourse allowed with such vessels except under the direction of the Physician.

Proceeding further into the harbour than specified lines, disobeying orders or holding intercourse.

Penalty.

Described vessels to hoist a signal on coming abreast of Partridge Island.

outer line, or inner line if so ordered by the said Common Council, or if the said Physician or Physicians shall be directed by the said Common Council so to do, he or they shall order the said vessel to be brought to anchor without the outer line aforesaid, or the said inner line if so established for that purpose by the said Common Council, and remain there for such space of time, not exceeding three days, to be fixed by the said Common Council, unless the said Common Council of the said City shall ordain and direct that the said vessel shall perform quarantine; in which case the Master or Commander of such vessel shall either cause the same to remain in the place where she was first brought to anchor under the orders of the visiting Physician or Physicians as aforesaid, or shall forthwith cause the said vessel with all the persons, goods, and cargo on board thereof, to be removed to, and to anchor at such place and for such length of time, not exceeding forty days, as the said Common Council may think proper to direct and appoint; and the same vessel, with the persons, goods or cargo, or either of them, a committee of the said Common Council, consisting of the Mayor or Recorder and not less than two of the Aldermen of the said City, may at any time discharge from the said quarantine; and during the time such vessel shall be detained by the said Physician or Physicians as aforesaid, or shall be performing such quarantine, the Master or Commander thereof shall not permit or suffer any intercourse between the persons on board the said vessel and the shores on either side of the said harbour, or within the County of Saint John, or between the said vessel and any other vessel or vessels in or near the said harbour, except under the direction of the said Physician or Physicians; and the Master or Commander of any such vessel who shall bring such vessel further up than either of the lines aforesaid without the permission in writing of the Physician or Physicians aforesaid, and if the inner line, without the permission of the said Common Council in addition thereto, and the Master or Commander of any such vessel, and all and every other person or persons belonging to and being on board such vessel, who shall disobey any such orders and directions as aforesaid, or shall neglect to execute and perform the same, or who shall come on shore, or go on board of any other vessel or vessels within or near to the said harbour, or shall presume to bring or put, or aid or assist in bringing or putting on shore or on board any other vessel or vessels as aforesaid, any person or any goods from any such vessel so detained by such Physician or Physicians as aforesaid, or which shall be ordered to perform quarantine as aforesaid, without the licence and permission of the said Physician or Physicians being for that purpose first obtained, and the permission of the said Common Council, shall for each and every offence forfeit and pay the sum of two hundred pounds of current money of the Province of New Brunswick, or to be imprisoned for a time not exceeding twelve months, in case the same shall not be paid.

III. And be it enacted, That the Master or Commander of every vessel having on board the small pox, yellow fever, or other pestilential or contagious Distemper, or coming from any port or place infected with such Distempers, or at or near which any such Distempers at the time of her departure were known or supposed to prevail, or from any port or place in the West Indies, South America, the United States of America, from Boston and the southward of Boston, Bermuda, Africa, or the Mediterranean, or having passengers on board from any port or place in the world (save and except in this Province, Canada, Nova Scotia, Prince Edward Island, Newfoundland, and the United States of America to the northward of Boston), between the first day of May and the first day of November in any year, or on board of which said vessel any person during the

the voyage had been sick, or had died of any such Distemper, before coming abreast of Partridge island, at the entrance of the harbour of Saint John, shall cause the said vessel's ensign or such other colour as shall be on board, to be hoisted in the larboard main rigging, and shall continue the said signal so hoisted until the said vessel shall have been inspected and examined by the said Physician or Physicians, and a licence be had from him or them to remove the same, and if detained by the said Physician, or ordered into quarantine, shall hoist such other signal as the said visiting Physician shall give to the Master or Commander for that purpose, or any signal which may be on board, and continue the same hoisted during the day time in such part of the vessel as may be directed, so long as detained, in order to give notice of the detention of the said vessel under this Act, under the penalty of twenty pounds for each and every offence.

If detained or ordered into quarantine, another signal to be hoisted.

IV. And be it enacted, That no Master or Commander of any Vessel arriving in the bay of Fundy, and having on board any pestilential or contagious Distemper, or in any particular circumstanced as in the second and third sections of this Act specified, shall land, or suffer or permit to be landed, any person or persons whomsoever, or himself land from the said vessel, on any part or place whatever within the City and County of Saint John, until he shall bring the said vessel into the harbour of Saint John, in order that he may comply with the several requisitions of this Act, under the penalty of two hundred pounds.

Penalty.
Landing within the City and County of Saint John from vessels before coming into harbour.

V. And be it enacted, That the several branch pilots belonging to the City of Saint John, shall be furnished with printed instructions, containing a notice to the following effect, viz :

Penalty.
Instructions to be furnished to the branch Pilots.

That no vessel having the small pox, yellow fever, or other pestilential or contagious Distemper on board, or having come from any place infected with any such Distempers, or at or near which any such Distempers were known or supposed to prevail at the time of her departure, or from any port or place in the West Indies, South America, the United States of America, from Boston and the southward of Boston, Bermuda, Africa, or the Mediterranean, or having passengers on board from any port or place in the world (save and except in this Province, Canada, Nova Scotia, Prince Edward Island, Newfoundland, and the United States of America to the northward of Boston), between the first day of May and the first day of November in any year, or on board of which any person had been sick or had died of any such Distempers during the voyage, shall proceed or be navigated further or higher up into the harbour than a line running westerly from the western point of Partridge island till it meets Negro Town point, and east from the eastern point of Partridge island, and extending till it reaches the shore to the northward of Black point, or to the northward of a line running westwardly from the Breakwater to Sand point in Carleton, in case the said inner line shall be permitted by the said Common Council ; and that the Master or Commander of any such vessel shall not go or put on shore or on board of any other vessel, or suffer any other person to go or put on shore or on board any other vessel, any person or goods out of the said vessel, until such vessel shall have been inspected and examined by the Physician or Physicians, and his or their licence for that purpose obtained, under the penalty of two hundred pounds ; and further, that the said Master or Commander shall cause the said vessel's ensign, or such other colour as shall be on board, to be hoisted in the larboard main rigging, before the said vessel shall come abreast of Partridge island, and shall continue the same so hoisted until leave be granted by the said Physician or Physicians to remove the same, under the penalty of twenty pounds ; and further, that no Master or Commander of any vessel arriving in

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in the bay of Fundy, and having on board any pestilential or contagious Distemper, or in any particular circumstanced as herein before in the said notice mentioned, shall land or suffer or permit to be landed, any person or persons whomsoever, or himself land, from the said vessel, or on any part or place whatever within the City and County of Saint John, until he shall bring the said vessel into the harbour of Saint John, in order that he may comply with the several requisitions of this Act, under the penalty of two hundred pounds for such offence.

Instructions to be read or purport communicated to Masters of Vessels.

Penalty.

Persons landing except by directions of the Physician may be carried to the vessel or other appointed place.

Penalty if a Pilot.

Physicians to be annually appointed to inspect vessels.

Their duty.

Power.

Master refusing to give a report, or giving a false report of health of persons on board.

And it shall be the duty of the said pilots on first boarding every vessel coming or intending to come into the harbour of Saint John, to read such notice to the Master or Commander of such vessel, or communicate to him the purport and effect of such notice; and any branch pilot who shall neglect his duty in this respect, shall for the first offence forfeit and pay the sum of ten pounds, and for the second offence, in addition to the penalty of ten pounds, be prevented for ever after from holding a branch: and if any person or persons, whether pilots or others, shall come or be put on shore from any such vessel, unless by the direction of the said Physician or Physicians, it shall and may be lawful for the Mayor or any one of the Aldermen of the said City, or of the Justices of the Peace for the City and County of Saint John, to cause such person or persons to be apprehended and carried back to such vessel, or to such other place as may be appointed for the reception of persons under such circumstances, so as to prevent the spread of infection; and if any such person should be a pilot, he shall forfeit and pay the sum of twenty pounds.

VI. And be it enacted, that the Mayor, Aldermen and Commonalty of the said City in Common Council convened, be and they are hereby authorized and required, at the usual time of appointing Charter officers in every year, and oftener if need be, to nominate and appoint one or more Physician or Physicians, who shall have power and authority, and whose duty it shall be to go on board, visit, inspect and examine all vessels arriving in the harbour of Saint John, and on board of which such signal shall have been so hoisted in the larboard main rigging as aforesaid, or on board of any other vessel which may be suspected of having on board the small pox, yellow fever, or other pestilential or contagious Distemper, and to make full inquiry and examination into the state of the health of all persons on board any such vessels, or who have been on board during any part of the voyage, and whether the said vessel came from or near or touched at any place infected with any of the Distempers aforesaid, or at or near which at the time of her departure any such distempers were known or supposed to prevail; and if the said Physician or Physicians, on such inspection and examination, shall consider that no danger is likely to result to the Inhabitants of the said City, from suffering such vessel to proceed into the harbour, and he or they have no order to the contrary from the Common Council of the said City, he or they shall give a licence in writing to the Master or Commander of such vessel for that purpose and thereupon such vessel may proceed; but if the said Physician or Physicians should entertain any doubts as to such danger, then he or they shall immediately require the Master or Commander of such vessel to bring the said vessel to anchor without the outer line aforesaid, or the said inner line if appointed by the Common Council aforesaid; and the said Physician or Physicians shall thereupon forthwith make a report thereof in writing to the Mayor, or in his absence, the Recorder of the said City, with his or their opinion or advice relative thereto; and any Master or Commander of any such vessel who shall refuse to give, or who shall not give to such Physician or Physicians, a full, true and accurate statement and report of the state of health of all persons on board the said vessel, or who

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have been on board thereof during any part of the voyage, and of all and every the particulars aforesaid, shall forfeit and pay the sum of two hundred pounds; and the said Physician or Physicians who shall be guilty of any unnecessary delay in going on board, inspecting and examining any such vessel as aforesaid, or any other breach of his or their duty specified in this Act, shall be by them displaced from office, which may also be done by the said Common Council in their discretion, in any case where they shall conceive the public good requires it; and such Physician or Physicians who shall go on board, visit, inspect and examine any such vessels as aforesaid, shall for each and every such visit, inspection and examination, be entitled to demand and receive from the Master, Owner, or Consignee of such vessel so visited, inspected and examined, according to the following scale, (to wit):

Penalty.

Physicians guilty of a breach of duty to be displaced from office.

For vessels under one hundred tons burthen, the sum of seventeen shillings and six pence;

Fees.

For ditto of one hundred tons and under two hundred tons, twenty shillings;
For ditto of two hundred tons and under three hundred tons, twenty-five shillings;
For ditto of three hundred and more than three hundred tons, thirty shillings.

The said sums to be sued for and recovered in any Court competent to take cognizance of the same: Provided always, that in case it shall be found necessary for the said Physician or Physicians to make more than one visit on board any such vessel or vessels, he or they shall be entitled to receive one third only of the aforementioned rates for every additional visit so made according to the size of the vessel.

VII. And be it enacted, That no person or persons whosoever, other than the Physician or Physicians appointed as aforesaid, shall go on board any vessel so arriving as aforesaid, which shall have such signal so hoisted in the larboard main rigging as aforesaid, or which having come to anchor shall continue to have such signal so hoisted as aforesaid, or which shall be lying at anchor before being licensed to come up the harbour, or before or after being ordered into quarantine as aforesaid, under the penalty of twenty pounds for each and every offence; and if any person or persons other than the Physician or Physicians aforesaid, shall go on board any such vessel, then and in such case the Master or Commander, or any person in charge of such vessel for the time being, is hereby authorized and required to keep and detain such person or persons on board the said vessel until such licence as aforesaid be given for the said vessel to proceed, or until the expiration of such time as she shall be detained by the said Physician or Physicians, or be lying in quarantine, or an order from the said Common Council or a committee thereof as aforesaid, for that purpose to be obtained on report of the said Physician or Physicians: and if any person or persons so having unlawfully gone on board any such vessel as aforesaid, shall go on shore or depart from said vessel before such licence as aforesaid, or before the expiration of the said time the said vessel shall be so detained by the said Physician, or the time appointed for the said vessel to perform quarantine, or permission be given for him or them to depart as aforesaid, then and in such case every such person or persons so offending as aforesaid, and the Master or Commander of any such vessel so permitting such person or persons to go on shore or to depart from the said vessel, and every other person aiding and assisting therein, shall for each and every offence severally forfeit and pay the sum of fifty pounds; and it shall and may be lawful for the Mayor or Deputy Mayor, or any one of the Aldermen of the said City, or one of the Justices of the Peace for the said City and County, to cause such person or persons to be carried back to such vessel, or to such other place as may be appointed

Going on board of vessels having signal hoisted, or before being licensed to proceed.

Penalty.

Such persons to be detained.

Departing from the vessel after having unlawfully gone on board.

Penalty.

Such persons may be carried back to vessel or other appointed place.

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by the Mayor, Aldermen and Commonalty of the City of Saint John in Common Council convened, for the reception of persons under such circumstances, so as to prevent the spread of the infection.

Persons may be landed from vessels before or during the performance of quarantine.

VIII. And be it enacted, That before and during the time any such vessel shall be ordered to perform quarantine as aforesaid, it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John in Common Council convened, if on the report of the Physician or Physicians aforesaid it shall be judged expedient, to order and direct that the persons on board such vessel, whether passengers or otherwise, may be landed therefrom and conveyed to Partridge island, or such other place or places as may be appointed for the reception of persons under such circumstances, in order to facilitate the recovery of those who are infected, to prevent the spreading of disease among such persons so on board such vessel, or any other such purpose, and have the vessel cleansed and fumigated; and the persons so landed as aforesaid shall remain at such place or places so appointed as aforesaid until they are restored to health and their clothes thoroughly cleansed, if diseased, under the direction of the Physician or Physicians aforesaid, and his or their certificate be obtained that they may safely proceed to the City without danger to the inhabitants thereof, to be laid before the said committee of the said Common Council of the said City, and their order had for liberty to leave such place or places as aforesaid; and the said vessel from which the said persons shall be so landed shall be thoroughly cleansed and purified as far as convenient under the direction of the said Physician or Physicians, and when so cleansed and purified, the said Physician or Physicians shall report the same to the Mayor or Deputy Mayor, or in case of his absence, the Recorder, who shall lay the same before the said committee of the said Common Council of the said City, who may in their discretion grant a licence or order for the liberation of the said vessel from quarantine as aforesaid; and in case any person or persons shall depart from the place or places to which they may have been conveyed from the said vessel, without the order of the said committee of the said Common Council for that purpose had as aforesaid, it shall and may be lawful for the Mayor, Recorder, or any one of the Aldermen of the said City, or one of the Justices of the Peace for the City and County of Saint John, to cause such person or persons to be apprehended and carried back to the place or places whence he or they may have so departed, or to be otherwise disposed of so as to prevent the spread of the infection.

Vessel to be purified, and discharged by an order of Common Council.

Persons departing without permission, from place to which they may have been conveyed, may be carried back, &c.

Corporation may appoint special Constables to prevent intercourse.

IX. And be it enacted, That if any persons from any ship or vessel, before or whilst the said vessel is performing quarantine as aforesaid, shall be landed by the order of the said Mayor, Aldermen and Commonalty in Common Council convened, either at Partridge island or any other place or places to which by the authority of this Act they may be conveyed, it shall and may be lawful for the said Mayor, Aldermen and Commonalty so convened, to appoint such and so many special constables, and so often as may be found expedient, to prevent intercourse with the said person so landed, and the said constables or any of them, at any time when the said Mayor, Aldermen and Commonalty so convened shall think proper, to displace and discharge, and another or others, if need be, to put in their room; and the said constables are hereby authorized and empowered to prevent all intercourse between the persons so landed and persons from the shores on either side of the harbour, or from any part of the City and County of Saint John, and those which may remain on board the vessel, or between the said persons so landed and any vessel in the said harbour, except under the direction and by the order of the said Common Council of the said City; and no person or persons other than

than the Physician or Physicians appointed as aforesaid, or some person or persons by the said Common Council authorized for that purpose, shall be permitted to have any intercourse with the persons so landed as aforesaid, under the penalty of twenty pounds for each and every offence; and if any person or persons other than the said Physician or Physicians, or any person or persons so by the said Common Council authorized for that purpose, shall have any intercourse with the persons so landed, then and in such case the constable or constables appointed as aforesaid are hereby authorized and required to keep and detain such person or persons at the place or any one of the places appointed as aforesaid for the said persons as aforesaid to be kept, until permission be had from the said Common Council for him, her or them to depart; and if any such person or persons so having unlawfully had intercourse with the said persons so landed as aforesaid, shall depart from the place so appointed as aforesaid, before such permission as aforesaid shall have been given for him, her or them to depart, every person so offending shall forfeit and pay the sum of fifty pounds; and it shall and may be lawful for the Mayor of the said City, or Recorder, or any one of the Aldermen thereof, or one of the Justices of the Peace for the said City and County, to cause such person or persons to be apprehended and carried back to the place, whence he, she or they may have so departed, or to be otherwise disposed of so as to prevent the spread or danger of infection.

Persons unlawfully holding intercourse made liable to a penalty, and to be detained.

X. And be it enacted, That if any disease of an infectious, contagious or pestilential nature should break out among any persons landed or coming into any part of the City and County of Saint John, whether contrary to the provisions of this Act or otherwise, or on board of any vessel which shall be in the harbour or at any of the wharves of the said City, either with or without permission of the visiting Physician or Physicians, or other proper authority under this Act, it shall and may be lawful for the said committee of the said Common Council, to order and direct the removal of the said person or persons so diseased, and any other person or persons by or among whom it may be feared the infection may spread, to some proper place as far as conveniently may be, to prevent communicating the infection to others, and also to remove the said vessel so having the said infection on board to the quarantine ground.

Infectious diseases breaking out among persons landed, or on board of any vessel in the harbour.

Persons and vessels to be removed.

XI. And be it enacted, That all the penalties and forfeitures herein before mentioned may be prosecuted, sued for and recovered in the supreme Court, or in the Inferior Court of Common Pleas for the said City and County of Saint John, by action of debt, bill, plaint or information, by any one who shall prosecute for the same within forty five days after the commission of the offence, and when recovered shall be paid, one moiety to the person so suing and prosecuting, and the other moiety to be paid into the Treasury of the Province for the use and support of the Government thereof; and if no person shall so sue and prosecute within forty five days, that then the said penalties and forfeitures shall be sued for and recovered by information of His Majesty's Attorney General in the said Supreme Court, and when recovered to be paid after deducting the costs and charges of prosecution into the said Treasury for the use aforesaid; and all and every person or persons guilty of a breach of any one or more of the provisions of this Act before specified, shall and may be arrested and held to bail according to the practice of the said Courts, for the penalty or penalties accruing by reason of such breach or breaches thereof, at the suit of the person herein before entitled to sue for the same, by virtue of an order for that purpose to be obtained under the hand of any Judge of either of the said Courts, on proper affidavits being laid before him, satisfactorily establishing the breach of all or any of the provisions aforesaid,

Mode of Recovering penalties and forfeitures.

aforesaid, which order any one of the Judges of the said Courts is hereby authorized to grant; and in default of giving such bail, such person or persons so as aforesaid ordered to be held to bail shall be committed to prison, or to such other place within the said City and County, in case he or they should be infected with any such infectious, contagious or pestilential Distemper aforesaid, as the said Mayor, Aldermen and Commonalty of the said City shall order, to prevent the spreading of such Distemper, to await his or her trial.

CAP. XXII.

An Act to continue the Act to provide for the expenses of the Judges holding the Circuit Courts and Courts of Oyer and Terminer in this Province, and of the Clerk in those Courts.

Passed 19th March, 1833.

[*Expired.*]

CAP. XXIII.

An Act to authorize the Justices of the Peace in the County of Northumberland to levy an Assessment upon the Inhabitants of the said County to discharge the debts due from the said County.

Passed 19th March, 1833.

[*Expired.*]

CAP. XXIV.

i An Act for the further amendment of the Acts relative to the Great Roads of Communication.

Passed 19th March, 1833.

Preamble.

3 G. 4, C. 31.

“ **W**HEREAS doubts have arisen upon the construction of the sixteenth section of an Act passed in the third year of the reign of His late Majesty King George the Fourth, intituled “ An Act to repeal all the laws now in force relating to the establishment, regulation and improvement of the great roads of communication through the Province, and to make more effectual provision for the same,” which directs that the five freeholders who are to set and appraise the value of any improved lands through which any alteration of a great road may be required, shall be nominated and appointed by the nearest Justice of the Peace;”

Freeholders to appraise damages for alterations of roads may be nominated by any neighbouring disinterested Justice in the County.

I: Be it declared and enacted by the Lieutenant Governor, Council and Assembly, That when any alteration in any of the great roads is required to be carried through any improved lands, and the Supervisor or Supervisors cannot agree with the owner as to the amount of the value and damages to be paid therefor, the five disinterested freeholders to set and appraise such value and damages, may be nominated and appointed by any neighbouring disinterested Justice of the Peace

Peace of the County in which such alteration lies, to whom application may be made by the Supervisor for that purpose; and that in case the alteration lies on the border of two adjacent Counties, so as to extend into both, or to render it doubtful as to which of the two Counties the said alteration may be situate in, the Justice of the Peace and the said freeholders may belong to either County, and the proceedings had by them shall be as valid and effectual as any proceedings which may now be had, under and by virtue of said recited Act, before freeholders duly appointed by the nearest Justice.

Justices and Freeholders may belong to either County where alteration is on the borders of two Counties.

II. "And whereas no provision is made in the existing Acts for the government of the Supervisor in the disposal of the money in case of tender and refusal of the appraised value and damages occasioned by the alteration in any great road going through improved lands;" Be it further enacted, That if the person or persons who may be found entitled thereto, and to whom such tender may have been made, shall not apply for the same within the space of six calendar months after such tender, the Supervisor or Supervisors shall pay the same into the Province Treasury, to be disposed of under the direction of the Legislature; and that the Treasurer or Deputy Treasurer, to whom such payment shall be made shall be accountable for the same, and shall give to such Supervisor or Supervisors a receipt for the amount so paid, which shall be a sufficient discharge to such Supervisor or Supervisors for the same.

Supervisors to pay into the Province Treasury, damages tendered and not applied for.

III. Provided always and be it further enacted, That this Act shall not have any retrospective operation.

No retrospective operation.

CAP. XXV.

An Act to authorize the Justices of the Peace for the County of Sunbury to levy an Assessment to enable them to erect a Court House in said County.

Passed 19th March, 1833.

[Expired.]

CAP. XXVI.

An Act to continue and amend the Act for regulating Assessments in this Province.

Passed 19th March, 1833.

[Expired.]

CAP. XXVII.

An Act for regulating the Salmon Fisheries in the County of Gloucester.

Passed 19th March, 1833.

“WHEREAS the laws now in force for regulating fisheries have been found “insufficient for the protection of the fisheries in the County of Gloucester; for remedy whereof,”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the thirty third year of the reign of His late Majesty King George the Third, intituled “An Act for regulating the fisheries in the

33 G. 3, C. 9.

the different rivers, coves and creeks of this Province," and also another Act made and passed in the thirty fourth year of the same reign, intituled "An Act to explain and amend an Act, intituled 'An Act for regulating the fisheries in the different rivers, coves and creeks of this Province,'" and also another Act made and passed in the thirty ninth year of the same reign, intituled "An Act for regulating the fisheries in the County of Northumberland," and also an Act made and passed in the fiftieth year of the same reign, intituled "An Act for the further regulation of the fisheries, and for preventing their decay," and also another Act made and passed in the sixtieth year of the same reign, intituled "An Act to prevent the taking of fish in the different harbours and rivers of this Province with drift nets," so far as the said several Acts relate to that part of this Province now known as the County of Gloucester, and also an Act made and passed in the first year of His present Majesty's reign, intituled "An Act to authorize the Justices of the Peace of the County of Gloucester to make rules and regulations respecting the taking of fish in the different harbours, rivers and creeks in the said County," be and the same are hereby repealed.

Erecting hedges, wears, &c. contrary to this Act, or placing seines, &c. so as to obstruct the course of Salmon.

Penalties and recovery.

Application.

No drift nets or seines to be used.

Penalty.

II. And be it further enacted, That from and after the passing of this Act, if any person or persons shall presume to erect or set up any hedge, wear, fish garth, net or other incumbrance in any of the rivers, coves or creeks of the said County of Gloucester, contrary to the provisions of this Act, or of any rules and regulations to be made under the authority herein after given, or shall place any seine or seines, net, or nets, or other device, across any river, cove or creek in the said County, in such manner as to obstruct or injure the natural course of Salmon in any river or place where they usually go, such person or persons shall forfeit and pay the sum of ten pounds, upon due conviction thereof, by the oath of one or more credible witness or witnesses before any two of His Majesty's Justices of the Peace of the said County, to be levied with costs by warrant of distress and sale of the offender's goods and chattels, rendering the overplus (if any) to such offender, and twenty pounds for the second offence, to be recovered with costs by action of debt, bill, plaint or information in any Court of Record in this Province, and fifty pounds for the third and every subsequent offence, to be recovered with costs in the manner last mentioned; which penalties on conviction shall be paid, one half to the County Treasurer for the use of the said County, and the other half to the informer.

III. And be it further enacted, That from and after the passing of this Act, no person or persons shall use any drift net or nets, seine or seines, for the taking of any fish by drifting, or sweeping in any of the harbours, creeks, coves, or rivers of the said County of Gloucester, or at the entrance of any of the said harbours, creeks, coves or rivers; and any person so using, or being directly or indirectly concerned in using, any such drift net or nets, seine or seines, for the purposes aforesaid, shall for each and every offence forfeit and pay the sum of ten pounds, upon due conviction thereof by the oath of one or more credible witness or witnesses before any two of His Majesty's Justices of the Peace of the said County, to be levied with costs by warrant of distress and sale of the offender or offenders goods and chattels, rendering the overplus, (if any) to such offender or offenders; and if on the trial of the said offence it shall be proved to the satisfaction of the said two Justices, that the said offender or offenders is or are not possessed of sufficient goods and chattels whereon to levy the said penalty, and if the said offender or offenders on conviction shall not forthwith pay the same to the satisfaction of the said two Justices, then and in such case it shall and may be lawful for the said two Justices, and they are hereby directed and empowered, by mittimus under their

their hands and seals, to commit the said offender or offenders to close confinement in the common gaol of the said County, or some lawfully established lock-up house in the said County, there to remain without bail or mainprize for a period not less than ten days nor more than forty days, unless the said penalty and costs shall be sooner paid; which penalty when received shall be paid, one half to the County Treasurer for the use of the said County, and the other half to the informer.

Application.

IV. And be it further enacted, That no fishing stand between Bonne Amie rocks and the first island above old Church point, in the Ristigouche river, shall exceed one hundred and fifty fathoms of bar net, or twenty fathoms of swing net, and that fifty fathoms of channel shall be left open and unincumbered; and that at and above the said first island, one third of the said river shall be left open and unincumbered; which open or unincumbered spaces shall in all cases include the main channel; and that no fishing stand in Eel river, in the said County, shall exceed two hundred fathoms of bar net or twenty fathoms of swing net; and if any net or the pickets for the same shall be set or put up to extend into either of the said rivers farther than is hereby directed, the owner or owners thereof shall forfeit and pay the sum of five pounds for every day the same may remain so set up; which fine shall be sued for, levied and appropriated in like manner as is provided for in the second section of this Act.

Length of nets and breadth of unincumbered channel in the Ristigouche and Eel Rivers.

Penalty.

V. And be it further enacted, That no net shall be allowed to remain set in any of the rivers, coves, creeks or harbours of the said County, after the twentieth day of July in each and every year, under a penalty on the owner or owners of such nets of ten pounds for each day the same be allowed to remain set after that time; which penalty shall be sued for, recovered and applied as is directed in and by the second section of this Act.

No net to remain in any of the rivers, coves &c. after 20th July.

Penalty.

VI. And be it further enacted, That no person or persons whosoever shall spear or kill salmon in the river Ristigouche, or any of its branches, or in Eel river, by any device or under any pretence, after the fifteenth day of August in each and every year, under a penalty of five pounds for each and every salmon so taken; which penalty shall be recovered with costs, by the oath of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace of the said County, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus (if any) to such offender or offenders; and if on the trial of such complaint, it shall appear to the satisfaction of such Justice, that the person or persons convicted of the said offence is or are unable to pay the said penalty, it shall and may be lawful for the said Justice to commit the said person or persons to close confinement in the common gaol of the said County or some legally authorized lock-up house, there to remain for a space of time not less than five days nor more than twenty days, unless the said penalty shall be sooner paid; and the said penalty when received shall be paid over, one half to the informer or informers, and the other half to the County Treasurer for the use of the County.

No salmon to be killed in the Ristigouche. &c. after 15th August.

Penalty.

Application.

VII. And be it further enacted, That no fishing stand in any of the rivers, coves, creeks or harbours within the said County, shall be fished at any time between sunset on Saturdays and sunrise on Mondays, under a penalty of five pounds; and all salmon pickets shall be drawn or removed previous to the first day of August in each and every year, under the like penalty of five pounds; which penalty shall be recovered, levied and appropriated in like manner as is provided in and by the second section of this Act.

No fishing between sunset on Saturdays and sunrise on Mondays.

VIII. And be it further enacted, That His Majesty's Justices of the Peace of the said County of Gloucester, at their General Sessions, shall and may make such

rules

Justices in Sessions to make further rules for the protection of the fisheries.

rules and regulations for the further protection of the fisheries, as well of salmon as of other fish, in all rivers, coves, creeks and harbours in the said County, and shall direct and establish places in the several rivers, coves, creeks and harbours in the said County at which nets for the taking of salmon shall and may be set up, and also shall regulate the length of such nets; and they are hereby authorized and empowered to enforce due obedience to such rules and regulations by the imposition of such fine, not to exceed ten pounds for each offence, or such imprisonment not exceeding twenty days, as they in their discretion may see fit; provided that the said rules and regulations so to be made be not contrary to or inconsistent with the provisions of this Act.

Overseers of the fisheries to be appointed and sworn.

IX. And be it further enacted, That the said Justices of the Peace of the said County in their General Sessions may, and they are hereby authorized and required to appoint one or more fit and proper person or persons to be overseers of the fisheries for each Town, Parish or District in the said County; and such overseer or overseers, within ten days after his or their appointment shall go before the nearest Magistrate and be sworn faithfully to perform the several duties of the said office.

Duty of overseers.

X. And be it further enacted, That it shall be the duty of the said overseers respectively to furnish themselves with copies of this Act, and of the rules and regulations of the said Justices to be made under the authority hereof, and immediately on the commencement of the fishing season in each and every year, and as often as they or any of them shall deem necessary, or upon information to be to them or any of them given, to examine the several rivers, coves and creeks in their respective Towns, Parishes or Districts, and if they or any of them shall discover that any of the provisions of this Act, or any of the rules and regulations to be made by authority hereof, has been in any wise contravened, it shall and may be lawful for the said overseer or overseers and they are hereby required to take such measures for immediately preventing the same, and prosecuting the offender and offenders to conviction, as the said overseer or overseers shall deem necessary.

Refusing to serve as, or neglecting to perform the duty of overseer.

XI. And be it further enacted, That if any person or persons hereafter nominated overseer or overseers of the fisheries in the said County, shall refuse to serve, or having taken upon himself or themselves the said office of overseer or overseers of the fisheries, shall wilfully or knowingly delay, neglect or refuse to perform the duty by this Act, or by any rules and regulations to be made under the authority hereof, enjoined and required, he or they shall forfeit and pay the sum of ten pounds, to be sued for, recovered and applied in the same manner as is provided for in and by the second section of this Act.

Penalty.

Appointment of overseers pro tempore in case of vacancy.

XII. And be it further enacted, That if any person or persons so to be appointed shall refuse to act, or shall die, or leave the said County, it shall and may be lawful for the said Justices or any two of them to appoint any other persons pro tempore, to be entitled to the same immunities, and subject to the same liabilities, and to act in all respects as overseer or overseers of the fisheries until the next General Session of the Peace of the said County, at which the Justices shall take the said appointment or appointments into consideration, and confirm or annul the same as they or a majority of them shall see fit.

Overseers to render accounts of costs and charges in performance of their duty to

XIII. And be it further enacted, That the said overseers of the fisheries, at every General Session of the Peace to be holden for the said County, shall exhibit to the Court their respective accounts of costs and charges by them or any of them incurred in the performance of the several duties hereby imposed upon them, and shall give credit for such monies as they or any of them shall have received

received on the conviction of any offender or offenders under the provisions of this Act; and if it shall appear to the satisfaction of the said Justices, or of a majority of them, that such overseer or overseers is or are entitled to any further remuneration, it shall and may be lawful for the said Justices or a majority of them to order the same to be paid out of the County Treasury.

the Sessions; who may order further remuneration.

XIV. And be it further enacted, That all rules and regulations respecting fisheries in the several creeks, coves, rivers and harbours of the said County, made by the said Justices, and now in operation, by virtue of any law of this Province, shall be and remain in full force and effect until further and other rules and regulations shall be made by the said Justices or a majority of them under the authority to them given by this Act, any thing in this Act to the contrary thereof notwithstanding.

Present regulations respecting fisheries to be in force until others are made under this Act.

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

Limitation.

[Continued until 1st May, 1840, by 5 W. 4, C. 40.]

CAP. XXVIII.

An Act for the establishment and regulation of Boards of Health in the several Counties of this Province.

Passed 19th March, 1833.

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed at the last Session of the General Assembly, "intituled "An Act to prevent the spreading of infectious or pestilential distempers," be and the same is hereby repealed.

2 W. 4, C. 5, (2d Session,) repealed.

II. And be it enacted, That the Lieutenant Governor or Commander in Chief of this Province, by and with the advice of His Majesty's Council, shall have full power and authority in all times of public alarm from, or dread of the approach of that awful disease, the cholera, or of any other infectious or pestilential distemper, or of the actual appearance or prevalence of any of the said diseases within this Province, to make, constitute and establish such and so many Boards of Health for the several Counties in this Province, or for particular districts in the said Counties; to consist of such and so many persons, being residents of the said Counties or districts wherein the said Boards of Health shall be constituted, as the said Lieutenant Governor or Commander in Chief by and with the advice aforesaid may think proper and suitable, and the said Boards, or any of them, at any time or times to dissolve, and new ones to constitute in their room, and to add to the numbers of those established, or displace therefrom such and so many of the members thereof as he may deem to be necessary.

Governor, with advice of Council, may appoint Boards of health, and alter the same when necessary.

III. And be it enacted, That the Mayor and Recorder shall always form two of the members of the Board of Health for the City of Saint John, or such district in the County of Saint John as shall include the said City of Saint John, and the said Mayor, or in his absence the Recorder, or in the absence of both, such person as shall be nominated for that purpose in the commission constituting the Board, shall be Chairman thereof; and for the other Counties or districts in the Province, in the commissions constituting the said Boards of Health, the Chairman shall be nominated in like manner; and immediately

Mayor and Recorder members of board for district including City of St. John.

Chairman to be nominated in the Commissions.

Members to be sworn.

Boards to meet and manage all business touching the public health.

Boards to appoint Clerks.

Orders signed by Chairman and Clerk to enforce authority.

Quarantine laws to be enforced by the boards of health during their continuance.

Physicians, Pilots and Constables to execute their duties.

Boards empowered to make regulations for the preservation of the public health.

Boards, or persons acting under them, may enter houses, &c. and remove any thing likely to injure the public health.

Boards may fence up any street and prevent intercourse.

immediately after the appointment thereof the several members shall be sworn to the faithful discharge of their duty, by and before the several Clerks of the Peace for the said Counties respectively, and shall thereupon sign their names on the rolls to be for that purpose kept in their several offices; and the said Boards of health thus constituted and sworn shall respectively meet from time to time, and at all times when necessary, for the performance of the duties required by this Act, at the several Court Houses of the said Counties respectively, or at such other places as they may judge most advisable, and then and there, by a majority of votes of those present at any appointed meeting, decide all questions and manage all business touching the public health; and any five of the said Board, the whole being duly notified, or in any urgent case, without notification, shall be a sufficient number of members to proceed to business; and the said Boards may nominate a Clerk for each of them respectively; and any orders made by the said Boards respectively, and signed by their Chairman, and countersigned by their Clerks, shall be sufficient to enforce the power and authority of the said Boards.

IV. And be it enacted, That during the continuance of the said Boards, and until they are respectively dissolved, all the quarantine laws heretofore made from time to time, or hereafter to be made by the General Assembly, for the City of Saint John, or any other parts or places within the Province, shall be enforced by the said respective Boards of Health for the several districts, and not by any person or persons in the said several and respective quarantine laws in that behalf mentioned, save and except Physicians, Pilots and Constables therein specified, who shall execute their duties under the said Boards respectively, and under the like pains and penalties as therein prescribed in case of disobedience, any thing in the said respective quarantine laws to the contrary notwithstanding.

V. And be it enacted, That the said Boards respectively shall and may have full power and authority, at any and at all times, to make such rules and regulations for the preservation of the public health, and the prevention of infectious, contagious, pestilential and malignant distempers, with such penalties and forfeitures in case of any breach or breaches thereof, as they may deem necessary for that purpose; but such penalties and forfeitures shall not in any one case exceed the sum of one hundred pounds.

VI. And be it enacted, that the said Boards respectively shall and may have full power and authority either by themselves or their committees, or other persons appointed by the said Boards, and any constable or constables and person or persons acting in their aid, to enter into and upon all houses, buildings, yards, inclosures, or lands not inclosed, within the bounds of their several and respective jurisdictions, and remove or cause to be removed therefrom every thing which may by the said Boards or their committees, or persons appointed by them as aforesaid, be considered offensive, noxious, or likely to cause the spread of any such diseases or distempers, or injure the public health; and the houses, buildings, goods, and inclosures, or lands uninclosed, of the poor or of persons who will not immediately attend to their directions, to fumigate, cleanse, and use such other means for purifying as they shall deem necessary, to preserve the health of the inhabitants; and the said Boards of Health respectively may cause any avenue, street, alley, or other passage whatever, to be fenced up, or otherwise inclosed, if they shall think the public safety requires it, and adopt suitable measures for preventing all persons whomsoever from going to any part of the City, Town, Parish or district so inclosed.

VII. And be it enacted, That the said Boards of Health respectively may in their

their discretion, prohibit or regulate the internal intercourse by land or water between the Counties or Districts for which they are respectively appointed, and any other part or place within the Province, and may direct that all persons who shall come into the said Counties or Districts contrary to their prohibitions or regulations shall be apprehended and conveyed to the vessel or place whence they last came, or beyond the confines of their respective districts, or if sick, that they be conveyed to such hospital or other place as the several Boards may appoint; and may adopt prompt measures to prevent the spread of any contagious or pestilential disease, when it shall appear to their satisfaction that any person within their districts is afflicted with a disease of that character; and may forbid and prevent all communication with the house or family so infected, except by means of Ministers of the Gospel, Physicians, Nurses, or Messengers to carry the necessary advice, medicines and provisions to the afflicted, and to exercise all such powers whenever a contagious or pestilential disease shall appear in their said several districts, as in their judgment the circumstances of the case and the public good shall require.

Boards may regulate intercourse by land or water, and adopt measures to prevent the spread of disease.

VIII. And be it enacted, That the said Boards of Health respectively, whenever in their judgment the public health shall require it, may order any vessel or boat at the wharves of any of the seaport Towns in their districts, or in any part of the waters of such districts, to the quarantine ground, or other place of safety, and may require all persons, articles or things landed or introduced into any of such respective districts from such vessel, to be seized and returned on board, or removed to the quarantine ground, or other place of safe deposit; and in case the master, owner or consignee of the vessel cannot be found, or shall refuse or neglect to obey the order of removal, the said Boards of Health respectively shall have power to remove the vessel at the expense of such master, owner or consignee; and no vessel or person, or any goods or articles so ordered or sent out, shall return or be brought back to or within any part of the district from which they were sent, without a written permit from the said respective Boards of Health; and if any cargo, or part of a cargo, or matter or thing, within any of the said districts respectively, shall be found putrid or dangerous to the public health, the same may be destroyed or removed; such removal when ordered shall be to the said quarantine ground, or to such other place as the said Boards for the respective districts may order.

Vessels or boats at wharves may be ordered to the quarantine ground, and persons or articles landed therefrom may be seized and removed.

Any cargo dangerous to the public health may be destroyed or removed.

IX. And be it enacted, That the said several Boards of Health shall have full power and authority to hire or build one or more suitable house or houses in their respective districts for which they may be appointed, for a public hospital or hospitals for the reception of such diseased persons as it may be found necessary to send thereto, and to furnish the same with all things necessary for the cure, comfort and convenience of such persons, and to provide a Physician or Physicians, Nurse or Nurses, and other persons to attend the sick and diseased therein, and conveyances or means to carry such diseased persons to and from the said hospital or hospitals, and medicines and all other necessary things for the purposes aforesaid, and also to provide all proper means for the interment of the dead, under such regulations as the public safety may require; and it shall and may be lawful for the said Boards of Health respectively to appoint committees of any three members of each Board, whose particular duty it shall be to carry into execution all the orders of the Board respecting the matters contained in this section, and who shall and may sue and be sued jointly, or the survivors or survivor of them, for any contract or engagement entered into by them in fulfilment of their duties herein before in this section specified; and in order to defray the expenses incurred by the said several Boards of Health respectively or their said committees

Boards may hire or build houses for Hospitals, furnish the same and provide Physicians, Nurses, &c.

Committee to execute orders of the boards.

Governor in Council may grant a warrant on the Treasury for expenses not exceeding £500 to one board in one year.

in and about the execution of this section or of any part of this Act, the Lieutenant Governor or Commander in Chief of the Province is hereby authorized and empowered, by and with the advice of his Majesty's Council, to grant a warrant on the Treasurer of the Province for the payment thereof, so soon as the same shall be ascertained by the said committees or Boards respectively and certified by the said Boards to be correct: Provided always, that the said Lieutenant Governor or Commander in Chief shall in no case grant a warrant or warrants for a larger sum or sums in the whole, in any one year, in favour of any one Board, than the sum of five hundred pounds.

Diseased persons not able to provide necessary advice, medicines, &c. may be removed to public hospital.

X. And be it enacted, That the said Boards of Health shall have full power and authority to remove to the said public hospital or hospitals all persons found within the districts for which they shall severally be appointed, who shall be afflicted with any such contagious or pestilential diseases as aforesaid, and who shall not be of sufficient ability to provide for themselves, or cannot be provided with such necessary advice, medicines, attendance, food, lodging or clothing as such diseases may require, and the same persons to keep there until they are cured, cleansed and purified, and may be safely discharged.

Violating, refusing or neglecting to obey, or opposing orders of boards.

XI. And be it enacted, That whosoever shall violate the orders or directions of the said Boards of Health, or either of them, or who shall or may refuse, or wilfully neglect or omit to act in obedience to or in conformity with such orders or directions, or shall resist, oppose or obstruct the lawful execution of any such orders or directions as aforesaid, or the members of the said Boards of Health, their committees or persons appointed by them, or any constable or constables, or other person or persons acting in their aid in the execution of their duty, shall for every offence be deemed guilty of and punishable as for a misdemeanor, and shall incur and become liable to a penalty not exceeding one hundred pounds and not less than five pounds for every such offence.

Penalty.

Recovery of fines and forfeitures.

XII. And be it enacted, That all the penalties and forfeitures herein before mentioned, or authorized to be ordained and imposed, may be prosecuted, sued for and recovered in the Supreme Court, or in any of the Inferior Courts of Common Pleas, or in case of any penalty being for five pounds or under, before any two Justices of the Peace for the said Counties respectively, in this Province, by action of debt, bill, plaint or information, by any three members of the said Boards of Health respectively to be appointed by the said Boards for that purpose, who shall prosecute for the same within forty five days after the commission of the offence, and when recovered shall be paid, after deducting the costs and charges of prosecution, into the Treasury of the Province for the use and support of the Government thereof; and if no person shall so sue and prosecute within the said forty five days, that then the said penalties and forfeitures shall be sued for and recovered by information of His Majesty's Attorney General in the said Supreme Court, and when recovered, to be paid, after deducting the costs and charges of prosecution, into the said Treasury for the use aforesaid; and all and every person and persons who may become liable to pay any such penalty or penalties, forfeiture or forfeitures, shall and may be arrested and held to bail, according to the practice of the said Courts respectively, for such penalty or penalties, forfeiture or forfeitures, at the suit of the persons herein before mentioned and entitled to sue for the same, by virtue of an order for that purpose to be obtained under the hand of any Judge of either of the said Courts, on proper affidavits being laid before him, satisfactorily establishing the liability to pay the penalty or penalties, forfeiture or forfeitures aforesaid, which order any one of the Judges of the said Courts is hereby authorized to grant; and in default of giving such bail, such person or persons

so as aforesaid ordered to be held to bail, shall be committed to prison, or to such other place as any of the said Boards of Health respectively for any district where the offender may be taken, may order for the public safety.

XIII. And be it further enacted, That this Act shall continue and be in force until the first day of April in the year of our Lord one thousand eight hundred and thirty five and no longer.

Limitation.

[Continued to 1st April, 1837, by 5 W. 4, C. 47.]

CAP. XXIX.

An Act to amend the Law relative to the sale of spirituous Liquors by Tavern keepers and Retailers within the County of Saint John, and for the more effectual prevention and punishment of drunkenness.

Passed 19th March, 1833.

“**W**HEREAS in and by an Act of Assembly made and passed in the first “ year of the reign of His present Majesty, intituled “ An Act to regulate inns, taverns, and houses for selling strong or spirituous liquors, and “ to repeal all the laws now in force relating to the same,” the Justices of the “ Peace for the City and County of Saint John are authorized and empowered “ to grant licences to such and so many persons as they in their discretion shall “ think fit, to keep a tavern or inn within the County of Saint John, and to receive for each licence so granted a sum not exceeding ten pounds: And “ whereas it is deemed expedient that the number of tavern licences within the “ said County of Saint John should be regulated and limited by law;”

Preamble.

1 W. 4, C. 24.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the number of licences to be granted by the Justices of the Peace of the said City and County of Saint John, to keep a tavern or inn within the said County of Saint John, without the bounds of the said City, shall not in the whole exceed thirty five, to be divided and apportioned as follows; (that is to say,) a number not exceeding twenty five within the Parish of Portland; a number not exceeding seven within the Parish of Lancaster; and a number not exceeding three within the Parish of Saint Martins.

Number of licences to keep Tavern in the County of Saint John limited to thirty-five.

II. And be it further enacted, That no tavernkeeper or innkeeper within the said County of Saint John, shall suffer or allow any person not being a member of the family of such tavernkeeper or innkeeper, or living or boarding in the house, to drink any wine, strong beer, ale, brandy, rum, or other spirituous liquor, mixed or unmixed, within the said tavern or inn on the Lord’s day, commonly called Sunday, under the penalty of two pounds for each and every offence, to be recovered, levied and applied as directed in and by the said last mentioned Act.

No tavern-keeper to allow any person, not a member of the family, &c. to drink wine, &c. in such Tavern on the Sabbath.

III. And be it further enacted, That the penalty for selling any wine, brandy, rum, beer, ale, or any strong liquors whatsoever, in any quantity less than five gallons, within the County of Saint John, without licence, shall be ten pounds for each and every offence, to be recovered, levied and applied as directed in and by the said Act.

Penalty. Selling wine, brandy, &c. in quantities less than five gallons.

IV. “ And whereas in and by a certain other Act passed in the said first year “ of His Majesty’s reign, intituled “ An Act to repeal the Act now in force “ against the profanation of the Lord’s day, commonly called Sunday, and for “ the

1 W. 4, C. 38.

Persons in a state of drunkenness may be committed to the custody of a constable, detained until sober, and then taken before a Justice.

No person to be detained longer than forty-eight hours. Limitation.

“ the suppression of immorality, and to make other provisions in lieu thereof,”
 “ every person convicted of drunkenness is liable to forfeit and pay a sum not
 “ less than five shillings nor more than twenty shillings, at the discretion of the
 “ Justice before whom the said conviction shall take place: And whereas it
 “ sometimes happens that persons are found in such a state of intoxication as to
 “ render them incapable of immediately appearing before a Justice, in order to
 “ their being convicted of the said offence, and more efficient regulations are
 “ necessary for the prevention of the said offence within the County of Saint
 “ John ;” Be it therefore further enacted, That any Justice of the Peace of the
 City and County of Saint John shall have power and authority to commit any
 person who may be found in a state of drunkenness in any part of the County of
 Saint John, to the custody of any constable of the Parish wherein the offender
 may be found ; and that it shall be the duty of such constable thereupon to take
 and detain such drunken person in his keeping, in some convenient place, until
 he becomes sober, and then to take him before the said or some other Justice,
 who shall thereupon have full power to examine into such offence, and to pro-
 ceed to the conviction and punishment of the said offender in the manner directed
 by the said Act, without any summons for that purpose being first served on the
 said offender ; and if the place where any offender shall be so found in a state of
 drunkenness be in or within five miles of the City of Saint John, the constable
 to whose custody he shall have been so committed may carry him to the common
 gaol or house of correction within the said City of Saint John, in order that he
 may be there detained until he is in a proper state to be carried before the Jus-
 tice; but no person shall be detained under this section for any longer space of
 time than forty eight hours before he is carried before a Justice of the Peace as
 hereby directed.

V. And be it enacted, That this Act shall continue and be in force for three
 years from the first day of April next.

[Continued for three years by 6 W. 4, C. 7.]

CAP. XXX.

2 W. 4, C. 9. An Act to amend “ An Act to provide for maintaining Light Houses within
 the Bay of Fundy.”

Passed 19th March, 1833.

2 W. 4, C. 9,
 S. 2, repealed.

Duty imposed
 on vessels ar-
 riving at any
 port within
 the Bay of
 Fundy.
 Scale.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That
 the second section of an Act made and passed in the second year of His
 Majesty’s reign, intituled “ An Act to provide for maintaining Light Houses
 within the bay of Fundy,” be and the same is hereby repealed.

II. And be it enacted, That there be and are hereby granted to the King’s
 most Excellent Majesty, his Heirs and Successors, for the support of the se-
 veral Light Houses already erected or which may hereafter be erected upon any
 of the coasts of the bay of Fundy, or upon any of the islands or rocks in or ad-
 jacent thereto, a duty of four pence per ton for each and every ton which each
 and every vessel shall admeasure agreeably to their registers, which shall arrive
 at any port or place within the bay of Fundy, excepting coasters and fishing
 vessels and new vessels not registered ; and for registered coasters and fishing
 vessels as defined and described in and by the Act to which this Act is an
 amendment, when under thirty five tons, twelve shillings per annum ; from thirty
 five

five to fifty tons, twenty five shillings per annum ; from fifty to seventy five tons, thirty shillings per annum ; and for all such vessels over seventy five tons, thirty five shillings per annum : Provided always, that vessels arriving from any port or place without the bay of Fundy shall not be liable to pay the duties herein imposed more than once, notwithstanding they may in order to complete their voyages have occasion to visit several ports or places within the said bay ; and provided also, that no ship or vessel shall be liable to pay the light duties herein imposed more than six times in any one year.

III. And be it enacted, That the several rates and duties imposed by this Act shall be levied, collected, paid, received, recovered and applied as directed in and by the provisions of the Act to which this Act is an amendment.

Duties to be collected and applied as in 2 W. 4, C. 9.

CAP. XXXI.

An Act relating to Parish Schools.

Passed 19th March, 1833.

“ **WHEREAS** the laws now in force for the encouragement of Parish Schools in this Province require amendment ;”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the General Sessions of the Peace for the several and respective Counties in this Province, shall and may at the time of making the annual appointment of Town or Parish officers nominate and appoint three fit persons to be Trustees of Schools for the several Towns and Parishes within their respective Counties, who shall be sworn to the faithful discharge of their duty, and be in every respect subject to the same rules, regulations, penalties and forfeitures as any other Town or Parish officers are subject to by virtue of an Act made and passed in the twenty sixth year of the reign of His Majesty King George the Third, intituled “ An Act for the appointment of Town or Parish officers in the several Counties of this Province,” and of another Act made and passed in the third year of the reign of His late Majesty King George the Fourth, intituled “ An Act in addition to an Act, intituled ‘ An Act for the appointment of Town or Parish officers in the several Counties in this Province.’ ”

Three Trustees of Schools for each Parish to be annually appointed.

To be sworn, and subject to the same rules, &c. as other Parish officers.

II. And be it enacted, That it shall be the duty of the said Trustees to divide their respective Parishes into as many School districts as may from time to time be found convenient or necessary ; and when the inhabitants of any such district shall provide or build a proper school house for the use and purpose of a School, and do, by and with the consent and approbation of said Trustees, agree with a person or persons duly licensed as by His Majesty’s Royal instructions is directed, to teach in the same six months or one year, such Trustees are hereby required to visit and inspect such School at least twice during the said period, and to inquire into the order, and direct the discipline and regulation of such School ; and in case such teacher should refuse or neglect to comply with such rules and regulations, or may otherwise be guilty of misconduct, the said Trustees may in their discretion discharge and displace any such teacher : Provided always, that whenever such Trustees may displace any such teacher, they shall make report thereof with the cause of such dismissal to the Justices in their next General Sessions, in order that a statement thereof may be transmitted by such Justices to the Secretary’s office for the information of the Lieutenant Governor or Commander in Chief of this Province, provided the said Justices shall be of opinion that there was sufficient cause for such dismissal.

Trustees to divide their Parishes into districts, and visit and direct the discipline of Schools ;

May displace Teachers for misconduct, and report to the Sessions.

III.

Trustees may admit free scholars.

III. And be it enacted, That the said Trustees may and they are hereby authorized to admit into any such School such number of free scholars, being children of indigent persons, as they may think proper.

Trustees to certify Schools to Sessions when kept as herein specified.

IV. And be it enacted, That when any School may have been kept pursuant to agreement, by a person duly licensed and employed as aforesaid, for the space of six months or one year, to the satisfaction of such Trustees, in a school house built or provided for that purpose, and the inhabitants of the district have subscribed and paid towards the support of said school, if kept by agreement as aforesaid for six months, ten pounds, or if kept twelve months, twenty pounds, or have furnished the said teacher with washing, boarding and lodging during such period in lieu of such subscription, or in case of a female teacher that five pounds for a School taught six months, or ten pounds for a School taught twelve months, have in like manner been subscribed and paid, or board, washing and lodging found and provided for the teacher in lieu thereof as aforesaid, that then it shall and may be lawful for such Trustees to make a certificate thereof in the form following, viz. :

Form of Certificate.

We the Trustees of Schools in and for the Parish of _____, in the County of _____, do hereby certify to the Court of the General Sessions of the Peace in and for the said County, that in and for the said Parish of _____, the following Schools have been established and kept ; (that is to say,)

In district number one a school house has been built or provided for the use and purpose of a School, that A. B. a male [*or female*], duly licensed, as by His Majesty's Royal instructions is directed, has been employed as a teacher in the same, and has actually taught therein for the period of _____ months, from the _____ day of _____ to _____ one thousand eight hundred and thirty to our satisfaction, and that the inhabitants of such district have subscribed and paid the sum of _____ [*or have furnished the said teacher during the said period with board, washing and lodging in lieu thereof,*] towards the support of the said School.

C. D. } Trustees.
E. F. }

Justices in Sessions to certify once a year to the Lieutenant Governor the number of Schools. &c.

V. And be it enacted, That the said Justices at their General Sessions shall and they are hereby required once in each and every year to certify to His Excellency the Lieutenant Governor or Commander in Chief for the time being, the number of Schools kept in the several Parishes of their respective Counties, the names of the teachers employed, and the number of scholars whether male or female taught therein, and the amount subscribed as aforesaid, agreeably to the form herein after prescribed ; upon which certificate there shall be allowed and paid towards the support of such School, a sum of money at and after the rate of twenty pounds per annum for each School taught by a schoolmaster named in such certificate, (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, and for each School taught by a schoolmistress for the term of one year ten pounds, and for six months pursuant to agreement as aforesaid five 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 favour of the Trustees of Schools of the respective Parishes mentioned in such certificates, to be applied toward the support of said school according to the true intent and meaning of this Act : Provided nevertheless that no larger sum than one hundred and sixty pounds shall be paid out of the Treasury of this Province for Schools kept in any Parish in any one year ; and provided, that

Allowances herein specified to be drawn from the Province Treasury for each School.

No larger sum than £160 to any Parish in one year.

no County in the Province shall be entitled to receive a larger sum from the Province Treasury in any one year than would arise from an average of one hundred and twenty pounds for each and every Parish in such County; and provided also, that no more than two female Schools shall be included in such certificate for any one Parish in one year; and provided also, that when the whole sum allowed for any one Parish pursuant to this Act is not sufficient to afford each School the above allowance, by reason of the great number of Schools in the Parish, that the Trustees be and are hereby authorized to apportion the whole sum among all the Schools in the Parish, according to the nature of their respective claims, whether male or female, yearly or half yearly Schools.

No County to average above £120 for each Parish.
 Female School^{rs} limited to two in a Parish.
 Trustees to apportion money when the sum allowed for the Parish is not sufficient to give each School the amount before specified.

VI. And be it enacted, That the certificate mentioned in the next preceding section shall be in the form following; (that is to say,)

At a Court of General Sessions of the Peace held at _____, in and for the County of _____, on the _____ Tuesday in _____ one thousand eight hundred and Thirty _____.

Form of Certificate of Sessions.

Present.

A. B.)
 C. D. } Esquires, Justices.
 E. F. }

The said Court of General Sessions of the Peace do hereby certify to His Excellency the Lieutenant Governor [*or Commander in Chief for the time being*], that in the Parish of _____ in the said County, the following Schools have been reported by the Trustees of Schools in said Parish, viz :

In district number one a school house has been built or provided for the use and purpose of a School, that A. B. master [*or mistress*], a competent person duly licensed as by His Majesty's Royal instructions is directed, has been employed as a teacher in the same for the period of _____ months, from the day of _____ one thousand eight hundred and _____, and that the sum of _____ pounds has been subscribed and paid, or the teacher furnished with board, washing and lodging by the inhabitants of said district in lieu of such subscription, toward the support of said School during said period.

In district number two [*here proceed in the same form, and so on for all other Schools in the Parish*].

A. B. Clerk.

VII. And be it enacted, That the said Trustees so as aforesaid to be appointed in the several Towns or Parishes, shall annually account to and with the Court of General Sessions of the Peace in their respective Counties for all monies by them received, disbursed and distributed for their respective Schools, and shall be subject to such rules and orders as the said Courts shall from time to time make, touching the funds of the said Schools or the application thereof.

Trustees to account annually with the Sessions for monies received and disbursed by them.

VIII. And be it enacted, That all teachers of Schools in this Province, once every six months during the period they may be employed to teach School, shall render to the Clerks of the Peace in the several and respective Counties, to be laid before the General Sessions, a true and correct account of the number of male and female scholars taught by them respectively, with their names and ages; and in case of the neglect or refusal of any teacher so to do, he shall forfeit all claim to the Provincial bounty.

Teachers to render to the Clerks of the Peace semi annual statements.

IX. And be it enacted, That the Justices of the Peace for the several Counties in this Province, shall once in each and every year make return to His Excellency

Justices to make return to be laid before the Legislature.

cellency the Lieutenant Governor, or Commander in Chief for the time being, of the names of the teachers employed in their respective Counties, the number of children male and female taught in the respective Schools, for the purpose of being laid before the Legislature.

Justices and Trustees to endeavour to cause School Houses to be built on public ground.

X. "And whereas difficulties have frequently arisen from the school house "being the property of private individuals, as built on their land;" Be it further enacted, That the Justices of the Peace in their respective Counties, and also the Trustees of Schools in their several Parishes, shall as much as in them lie endeavour to cause the school houses to be built on the public ground of any County, or on property conveyed to the Justices of the Peace for that purpose, who are hereby empowered to receive conveyances of the same, and to hold the same for the use of such Schools; and that no school house shall be removed from one part of a Parish to another part without the order of the Justices in their General Sessions, to be made, if they should so think fit, upon the application and with the consent of the Trustees and Proprietors.

Removal of Schools.

4 G. 4, C. 25,

9 & 10 G. 4, C. 22, and

1 W. 4, C. 30, repealed.

Reservation for Schools not certified, and Trustees now in office.

XI. And be it enacted, That an Act made and passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled "An Act for the encouragement of Parish Schools in this Province;" also an Act made and passed in the ninth and tenth years of the said reign, intituled "An Act in amendment to the Act for establishing Parish Schools;" also an Act passed in the first year of His present Majesty's reign, intituled "An Act to continue the Acts for the encouragement of Parish Schools in the Province," be and the same are hereby repealed; saving nevertheless, that all Schools established and in operation at the time of passing this Act, which may not be finished nor certified agreeably to the provisions of the said Acts, shall be kept until the expiration of the year contracted or agreed for, and be subject and entitled in all respects to the same regulations, certificate and encouragement, as if the said Acts had not been repealed; and all Trustees appointed by virtue of said Acts shall continue in their said offices, and shall have in all respects the like powers, duties and authority so far as respects the said schools so in operation as aforesaid, until the same shall be finished and certified respectively; and also that the Trustees now in office, under and by virtue of the provisions of the Acts now in force, shall be to all intents and purposes Trustees to carry into effect the provisions of this Act, until the making of the annual appointment of Town or Parish officers.

Limitation.

XII. And be it further enacted, That this Act shall continue and be in force until the first day of April in the year one thousand eight hundred and thirty six.

[Continued until 1st April, 1838, by 6 W. 4, C. 24.]

CAP. XXXII.

An Act to prevent Nuisances within the City of Saint John and Parish of Portland in the County of Saint John.

Passed 19th March, 1833.

No hogs, swine, &c. to go at large within such bounds as the Justices in Sessions may appoint.

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, if any hog or hogs, swine, horse or horses, ox or oxen, sheep, goat or goats, dog or dogs, shall be found going at large, except under unavoidable circumstances, within the said City of Saint John or Parish of Portland, within such bounds as the Justices of the Peace for

for

for the City and County of Saint John in their General or Special Sessions may from time to time appoint, on any of the roads, highways, streets, squares or alleys thereof, the owner or owners thereof shall forfeit and pay the sum of ten shillings for each and every hog or other animal as aforesaid so found going at large, one half to the overseers of the poor for the said City in case the offence shall happen there, or to the overseers of the poor for the said Parish in case the offence shall happen there, and one half to the informer, to be recovered together with costs of prosecution upon conviction before any one of His Majesty's Justices of the Peace for the said City and County of Saint John, and to be levied of the goods and chattels of the owner or owners of such hog or hogs, or other animal or animals as aforesaid; and in case the owner or owners of such hog or hogs or other animal or animals aforesaid shall not be known, then it shall be the duty of any hog reeve or hog reeves of the said City or Parish to impound such hog or hogs or other animals as shall be found so going at large; and it shall be the duty of the pound keeper or pound keepers of the said City and Parish respectively, upon any hog or hogs or other animals as aforesaid being so impounded, to advertise the same in three public places in the said City and Parish respectively; and in case the owner or owners of such hog or hogs, or other animal or animals, shall not within six days after such advertisement being put up as aforesaid pay the said fine for each animal so impounded together with the accustomed fees and charges for keeping the same, it shall and may be lawful for the said pound keeper to sell such hog or hogs or other animal or animals as aforesaid at public auction, and apply the money arising therefrom towards payment of the said fine and charges, and all other expenses, and to pay the overplus (if any) to the owner or owners thereof whenever such owner or owners shall appear and demand the same; and in case such owner or owners shall not appear and demand the same within six months after such hog or hogs or other animal or animals shall have been so impounded, then the said overplus shall be paid to the said overseers of the poor for the use of the poor of the said City or Parish, according to the place where the offence shall be committed.

Penalty.

Application.

Recovery.

When owner is not known Hog Reeve to impound and advertise, and when not claimed to sell.

II. And be it further enacted, That from and after the passing of this Act, no person or persons whatsoever shall be permitted to coast or ride down any of the hilly parts of the said City of Saint John or such parts of the Parish of Portland within the County of Saint John as may be prohibited by the Justices of the Peace for the said City and County at any General or Special Sessions, on any handsled or sleds, or other vehicle or vehicles; and in case any person or persons whatsoever shall be found coasting on any such sled or sleds, vehicle or vehicles, down such hilly parts of the said City or Parish as shall be prohibited by the said Justices as aforesaid, it shall and may be lawful for the Mayor, or any one of the Aldermen or Assistants of the said City, or any one of the Justices of the Peace for the said City and County, or any person or persons to be appointed or authorized by them or either of them, or any constable of the said City or City and County, to seize, take and destroy the said sled or sleds, vehicle or vehicles on which such person or persons may be found coasting as aforesaid.

Handsleds, &c. of persons coasting down the hilly parts of the City, or Parish of Portland, may be seized and destroyed.

III. And be it further enacted, That no person or persons whatsoever shall sell or expose to sell any bad or unwholesome dead meats, poultry or other provisions, within the said City and County; and in case such bad or unwholesome dead meats, poultry or other provisions, shall be sold or exposed to sale as aforesaid, it shall and may be lawful for the said Mayor, or any one of the Aldermen or Assistants of the City aforesaid, within the said City, or any one of the Jus-

Unwholesome dead meats, &c. exposed for sale may be seized and destroyed.

tices of the Peace for the City and County aforesaid, within the said County, or any person or persons to be authorized or appointed by them or either of them, to seize, take and destroy the said bad or unwholesome dead meats, poultry or other provisions aforesaid.

CAP. XXXIII.

An Act to explain an Act, intituled “ An Act for the more summary punishment of persons guilty of maliciously killing, maiming, disfiguring or otherwise injuring Cattle.”

Passed 19th March, 1833.

Preamble.

10 & 11 C. 4,
C. 22.

Justices may
tax and award
costs on convictions
had or to be had
under 10 & 11 G. 4,
C. 22.

“ **W**HEREAS doubts have arisen whether persons convicted under the “ Act made and passed in the tenth and eleventh years of the reign of His late Majesty King George the Fourth, intituled “ An Act for the more summary punishment of persons guilty of maliciously killing, maiming, disfiguring or otherwise injuring cattle,” are liable for the costs of prosecution ; “ for remedy whereof,”

Be it declared and enacted by the Lieutenant Governor, Council and Assembly, That in all cases of convictions already had or which hereafter may be had before any Justice of the Peace against any person under and by virtue of said Act, it is and shall be lawful for such Justices to tax and award costs of the prosecution for such conviction agreeably to the scale established by the Act now in force for the recovery of small debts, and to issue execution therefor together with the damages assessed by such Justice.

CAP. XXXIV.

An Act to authorize the Justices of the Peace for the County of Charlotte to assess the Inhabitants of Saint Stephen in the said County for the purpose therein mentioned.

Passed 19th March, 1833.

[*Expired.*]

CAP. XXXV.

An Act to enable the Chancellor, President and Scholars of King’s College at Fredericton in the Province of New Brunswick, to assign a certain mortgage and mortgaged premises therein mentioned.

Passed 19th March, 1833.

Preamble.

Recital of mortgage. Thomas Wetmore, Esq. to the College of New Brunswick.

“ **W**HEREAS by a certain indenture of mortgage bearing date the twenty “ second day of August, Anno Domini one thousand eight hundred “ and fifteen, and made between Thomas Wetmore of the County of York and “ Province of New Brunswick, Esquire, since deceased, of the one part, and the “ Governor and Trustees of the late College of New Brunswick of the other “ part, it was witnessed that for valuable consideration therein mentioned the “ said

"said Thomas Wetmore thereby granted, bargained and sold unto the said Go-
 "vernors and Trustees of the said late College of New Brunswick, and their suc-
 "cessors, all that messuage and tract of land situate, lying and being in the
 "Parish of Kingsclear in the County of York, containing one thousand one
 "hundred and ninety acres, with the usual allowance for roads and waste, there-
 "tofore granted by the Crown by letters patent under the seal of the Province
 "of New Brunswick, bearing date the tenth day of June, Anno Domini one
 "thousand seven hundred and ninety one, to the honourable Edward Winslow,
 "and by the said Edward Winslow sold and conveyed to the said Thomas
 "Wetmore, bounded northerly on the river Saint John, easterly by a lot granted
 "to one Cornelius Anderson, westerly partly by land reserved for the use of the
 "Crown and partly by a lot granted to the late William Garden, and southerly
 "by ungranted land, together with all houses, out houses, barns, fences and im-
 "provements thereon, and the appurtenances thereto belonging, and also all the
 "estate, right, title, interest, claim and demand whatsoever of the said Thomas
 "Wetmore, of, in and to the same, to hold the same unto the said Governor and
 "Trustees of the late College of New Brunswick and their successors to their
 "only proper use and behoof forever; subject nevertheless to a proviso for re-
 "demption of the same premises in the said recited indenture of mortgage con-
 "tained, upon the payment by the said Thomas Wetmore, his heirs, executors,
 "administrators or assigns unto the said Governor and Trustees of the said late
 "College of New Brunswick or their successors, of the sum of five hundred and
 "twenty pounds of lawful money of New Brunswick, with interest, one year
 "after date of the said indenture of mortgage, according to the condition of a
 "certain bond or obligation bearing even date with the said mortgage, and in
 "the said mortgage mentioned: And whereas by the operation of an Act of
 "the General Assembly of this Province made and passed in the ninth and tenth
 "years of the reign of His late Majesty King George the Fourth, intituled
 "An Act for the endowment of King's College at Fredericton in the Province
 "of New Brunswick, and also to make new provisions for the establishment and
 "support of Grammar Schools throughout the Province," all the estate, right,
 "title and interest of, in and to the said in part recited mortgage and mortgaged
 "premises became and is fully vested in the said Chancellor, President and
 "Scholars of King's College in the Province of New Brunswick aforesaid: And
 "whereas the said Chancellor, President and Scholars of King's College at
 "Fredericton in the Province of New Brunswick are desirous of selling and
 "disposing of the said in part recited mortgage and mortgaged premises for the
 "principal and interest now due thereon, in order to call in the monies secured
 "thereby for the purpose of assisting in paying off certain debts now due from
 "the said college;"

9 & 10 G. 4,
C. 29.

Be it enacted by the Lieutenant Governor, Council and Assembly, That the
 said Chancellor, President and Scholars of King's College at Fredericton, New
 Brunswick, be and they are hereby fully authorized and empowered to grant,
 bargain, sell, assign, transfer and set over all the estate, right, title and interest
 of them, the said Chancellor, President and Scholars of King's College in Fre-
 dericton, of and into the said in part recited indenture of mortgage, and of, in
 and to all and singular the lands, tenements and hereditaments therein conveyed
 or meant, mentioned or intended so to be, unto any purchaser or purchasers they
 may find for the same for the consideration of the full principal and interest
 due thereon, to hold the same and every part thereof unto such purchaser or
 purchasers, his or their several and respective heirs, executors, administrators

Corporation of
King's College
authorize to
assign their in-
terest in the re-
cited mortgage
and premises.

and assigns for ever, in as full, ample and beneficial a manner to all intents and purposes as the said Chancellor, President and Scholars now hold or heretofore have held and enjoyed the same, subject however to the proviso or condition of redemption in the said indenture reserved and contained.

CAP. XXXVI.

An Act to empower the Rector, Church Wardens and Vestry of Christ's Church in the Parish of Fredericton, to assign certain mortgages and mortgaged premises.

Passed 19th March, 1833.

Preamble.

Recital of
Mortgage from
Mark Need-
ham.

“ **W**HEREAS by a certain indenture of mortgage bearing date the thirty
“ first day of May in the year of our Lord one thousand eight hundred
“ and twenty eight, and made between Mark Needham of Fredericton aforesaid,
“ merchant, and Isabel his wife, of the one part, and the said Rector, Church
“ Wardens and Vestry of the other part, after reciting that the said Mark Need-
“ ham by his bond or obligation bearing even date therewith, stood bound to the
“ said Rector, Church Wardens and Vestry in the penal sum of four hundred
“ pounds of lawful money of the Province of New Brunswick, conditioned for
“ the payment of two hundred pounds of like lawful money, on or before the
“ first day of May next ensuing the date thereof, it was witnessed that the said
“ Mark Needham and Isabel his wife, for the considerations therein mentioned
“ did grant, bargain, sell, alien, release and confirm unto the Rector, Church
“ Wardens and Vestry aforesaid, their successors and assigns, a certain lot or
“ piece of land in the said indenture particularly described, and subject never-
“ theless to a proviso or condition of redemption in the said indenture contained,
“ that if the said Mark Needham should pay or cause to be paid unto the said
“ Rector, Church Wardens and Vestry, or their successors or assigns, on or
“ before the thirty first day of May next ensuing the date of the said indenture
“ the sum of two hundred pounds of such lawful money as aforesaid, with lawful
“ interest, that the same indenture and the bond therein mentioned should cease
“ and determine and become void : And whereas by a certain other indenture of
“ mortgage made and bearing date the eighteenth day of June in the year of our
“ Lord one thousand eight hundred and twenty eight, between Henry Smith,
“ of Fredericton aforesaid, Esquire, and Hannah Winslow Smith his wife, of
“ the one part, and the said Rector, Church Wardens and Vestry of the other
“ part, after reciting that the said Henry Smith, by his bond or obligation
“ bearing even date therewith, stood bound to the said Rector, Church War-
“ dens and Vestry in the penal sum of two hundred pounds, conditioned for the
“ payment of one hundred pounds, with lawful interest, on or before the
“ eighteenth day of June next ensuing the date of the same indenture, and also
“ reciting that Richard Dibblee of Fredericton aforesaid, merchant, stood bound
“ to the said Rector, Church Wardens and Vestry in the penal sum of four
“ hundred pounds conditioned for the payment of two hundred pounds, with
“ lawful interest, on or before the said eighteenth day of June then next en-
“ suing, it was witnessed that the said Henry Smith for the considerations
“ therein mentioned did grant, bargain and sell, alien, release and confirm unto
“ the said Rector, Church Wardens and Vestry, and their successors and as-
“ signs, certain lots, pieces and tracts of land in the same indenture particularly
“ described,

Recital of
mortgage from
Henry Smith,
Esquire.

“ described, but subject to a proviso or condition of redemption in the same indenture contained, that if the said Henry Smith should well and truly pay or cause to be paid to the said Rector, Church Wardens and Vestry, their successors or assigns, on or before the eighteenth day of June next ensuing the date thereof, the sum of three hundred pounds, with lawful interest, that the same indenture and every thing therein contained, and the bonds therein mentioned should cease, determine and become utterly void : And whereas Nathaniel Allen Coster hath agreed with the said Rector, Church Wardens and Vestry for the absolute sale and assignment to him of the lands, tenements and hereditaments described and comprised in the above recited indentures ;”

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the said Rector, Church Wardens and Vestry be and they are hereby fully authorized and empowered to grant, bargain, sell, assign, transfer and set over unto the said Nathaniel Allen Coster, his heirs, executors, administrators and assigns, all and singular the lands, lots, pieces, parcels or tracts of land, tenements and hereditaments, and all and singular the premises comprised in the said in part recited indenture of mortgage, together with their and every of their rights, members and appurtenances, and all the estate, right, title and interest of the said Rector, Church Wardens and Vestry of, in, to or out of the same, together with the said several indentures of mortgage, and the several bonds therein mentioned, to hold the same to the said Nathaniel Allen Coster, his heirs, executors, administrators and assigns, in as full, ample and beneficial a manner, to all intents and purposes, as the said Rector, Church Wardens and Vestry now hold or heretofore have held and enjoyed the same, subject nevertheless to the proviso or condition of redemption in the said several indentures reserved and contained.

Corporation of Christ's Church in Fredericton authorized to assign their interest in the recited mortgages and premises to Nathaniel Allen Coster.

CAP. XXXVII.

An Act in addition to and Amendment of 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 & 11 G. 4,
C. 16.

Passed 19th March, 1833.

66 **W**HEREAS by the law now in force for the security of the navigation “ of the harbours and rivers in the Counties of Northumberland, Kent and Gloucester, the number of Commissioners of buoys and beacons to be appointed to any one port or harbour in the said Counties respectively is not limited : And whereas there is no provision in the said laws requiring the Commissioners of beacons and buoys in the said Counties to give security for the faithful discharge of their duty, and the due application of the monies coming into their hands by virtue of their office : And whereas there is no provision by the said laws for regulating the time of putting down and taking up the buoys and beacons in the respective harbours and rivers in the said Counties, at the opening and shutting up of the navigation ; for remedy whereof,”

Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the second section of an Act made and passed in the tenth and eleventh years of the reign of His late Majesty King George the Fourth, intituled “ An Act to repeal

10 & 11 G. 4,
C. 16, S. 2,
repealed.

peal 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 repealed.

Governor to
appoint Com-
missioners of
Buoys and
Beacons.

II. And be it enacted, That the Lieutenant Governor or Commander in Chief for the time being shall and he is hereby authorized and empowered to appoint one or more, not exceeding three, fit and proper persons to each bay, harbour, port or river in the said several Counties where beacons and buoys are required, residents of the respective ports to which he or they shall be appointed, as Commissioner or Commissioners of buoys and beacons, whose duty it shall be to erect, build, rebuild, replace and support in his or their several and respective bays, harbours, rivers and ports of the said Counties, such a number of buoys and beacons as he or they or the major part of them shall think necessary for the safety and convenience of the navigation of the same.

Their duty.

Commissioners
to enter into
bonds for the
faithful per-
formance of
their duties.

III. And be it enacted, That such Commissioner or Commissioners on his or their appointment shall, before he or they shall enter upon the duties of his or their respective office, enter into a bond to His Majesty, his Heirs and Successors, with two sufficient sureties to be approved of by the Deputy Treasurer of the port or place to which such Commissioner or Commissioners shall be appointed as aforesaid, in the penal sum of three hundred pounds, conditioned for the faithful performance of such duties, and for his or their duly accounting for and faithfully applying all such monies as he or they may receive by virtue of his or their office, and for the payment to the Deputy Treasurer of the district of such surplus monies as may from time to time remain in the said Commissioner or Commissioners’ hands, agreeably to the provisions of an Act made and passed in the second year of the reign of His present Majesty, intituled “ An Act to empower the Deputy Treasurer at Miramichi to recover from the Commissioners of buoys and beacons for the County of Northumberland the balance of monies now remaining in their hands.”

2 W. 4. C. 14.

Beacons and
Buoys to be
annually re-
placed after the
opening of the
navigation, and
taken up on or
after the twen-
tieth day of
November.

IV. And be it enacted, That the said Commissioner or Commissioners of beacons and buoys of the respective bays, harbours, rivers and ports in the said Counties shall annually as soon after the opening of the navigation as practicable cause the necessary beacons and buoys to be erected, replaced or put down in the most fit and proper places for the protection of the navigation of the bays, rivers and harbours in the said Counties for which such Commissioner or Commissioners may be respectively appointed, and that the said Commissioner or Commissioners shall not in any case presume to remove or take up for the winter any beacons or buoys so put down or placed as aforesaid, until the twentieth day of November in each and every year, or so soon after as the said Commissioner or Commissioners or a majority of them shall deem expedient.

Limitation.

V. And be it enacted, That this Act shall continue and remain in full force and effect so long as the Act of which it is an addition and an amendment continues and remains in force, and no longer.

CAP. XXXVIII.

An Act to alter the names of certain parts of three Parishes in the County of *m* York, and to erect two separate Parishes therein.

Passed 19th March, 1833.

“ **W**HEREAS by the division of the County of York, and the erection of Preamble.
“ the upper part thereof into the County of Carleton, it is expedient
“ to alter the names of parts of the Parishes of Woodstock and Northampton,
“ thereby left in the County of York, and to erect two separate Parishes therein ;”

Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, that portion of the Town or Parish of Woodstock within the said County of York, and that part of the Parish of Prince William which lies between the said portion of the Parish of Woodstock and the lower lines of lots numbers one hundred and forty three and one hundred and forty four, as described in the Prince William Grant, and which bound the upper line of the Glebe thereto adjoining and reserved in the said Grant, be erected into a separate and distinct Parish, and that the same shall be called, known and distinguished by the name of Dumfries ; and that portion of the said Town or Parish of Northampton, within the said County of York, shall be called, known and distinguished by the name of Southampton ; any law, usage or custom to the contrary notwithstanding.

Dumfries erected from part of Woodstock and Prince William ;

Southampton, from part of Northampton.

m Refer to 26 G. 3, C. 1, S. 8, and 1 W. 4, C. 50, and the Notes thereto.

Anno Regni, GULIELMI IV. Britanniarum Regis
Quarto.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the seventh day of February, in the year of our Lord one thousand eight hundred and thirty one, in the First Year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith; and from thence continued by several Prorogations to the third day of February, one thousand eight hundred and thirty four, being the Fifth Session of the Tenth General Assembly, convened in the said Province.

CAP. I.

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

Passed 22d March, 1834.

[Continued to 1st April, 1836, by 5 W. 4. C. 1, and then expired.]

CAP. II.

An Act to appropriate a part of the public Revenue to the payment of the ordinary services of the Province.

Passed 22d March, 1834.

[Expired.]

CAP. III.

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

Passed 22d March, 1834.

[Expired.]

CAP.

CAP. IV.

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

Passed 22d March, 1834.

[*Expired.*]

CAP. V.

An Act to authorize the Justices of the Peace in the County of Kent to levy an assessment upon the inhabitants of the said County, to discharge the debts due from the same.

Passed 22d March, 1834.

[*Expired.*]

CAP. VI.

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

Passed 22d March, 1834.

“**W**HEREAS it has been found necessary to erect booms in the several rivers in the County of Gloucester, for the purpose of securing such timber as may be hauled out and thrown into the same respectively, until it can be conveniently rafted by the respective owners: And whereas it is expedient that proper regulations should be established to insure the safe delivery of the same to the owners;”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for His Majesty's Justices of the Peace for the said County of Gloucester, in their General Sessions or any Special Sessions to be for that purpose holden, to make and establish such rules and regulations as to them may appear necessary respecting such booms as have been erected or may hereafter be erected on any of the rivers in the said County of Gloucester, and to appoint boom masters from time to time, and to fix their fees for erecting and attending to such booms, and superintending the safe delivery of the lumber passing through the same: Provided always, that no Special Sessions for the said purpose shall be held unless five Justices shall be present.

Justices in Session authorized to regulate booms, appoint Boom Masters and fix their fees.

Proviso.

II. And be it enacted, That any person or persons who shall violate any of the rules so to be made as aforesaid, shall forfeit and pay a sum not exceeding five pounds, with costs, for each and every offence, to be recovered on conviction thereof, by the oath of one or more credible witness or witnesses before any one of His Majesty's Justices of the Peace for the said County of Gloucester, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, to such offender; and for want of sufficient goods and chattels whereon to levy, the said Justice is hereby authorized and required to commit such offender to the common gaol of the said County, or if the said offence be committed on the Restigouche river, to either of the lock-up houses situate at Campbelltown or Dalhousie, there to remain for a term not less than twenty four hours and not exceeding twenty days.

Violating rules.

Penalty.

Recovery.

Application of penalties.

III. And be it enacted, That one half of every penalty which may be recovered for the breach of any rule or regulation to be made by virtue of this Act, shall be paid to the person or persons who shall prosecute for the same, and the other half thereof shall be paid to the overseers of the poor of the Town or Parish where such offence had been committed, to be applied to the use of the poor of such Town or Parish.

No boom to be erected operating to the injury of any trade.

IV. And be it enacted, That it shall not be lawful for the said Justices to grant permission for the erection of any boom or booms which may operate to the injury of any trade or business carried on in any of the said rivers, or of private rights.

CAP. VII.

An Act to continue an Act, intituled "An Act for the regulaton of Booms for securing Masts, Logs and Lumber in certain parts of the County of Northumberland."

Passed 22d March, 1834.

4 G. 4, C. 21, continued.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled "An Act for the regulation of booms for securing masts, logs and lumber in certain parts of the County of Northumberland," be and the same is hereby continued and declared to be in full force until the first day of May which will be in the year of our Lord one thousand eight hundred and thirty nine.

CAP. VIII.

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

Passed 22d March, 1834.

Preamble.

3 W. 4, C. 21.

“**W**HEREAS doubts have arisen whether the second, third, fourth and fifth sections of an Act made and passed in the third year of His present Majesty’s reign, intituled “An Act to prevent the importation and spreading of infectious distempers in the City of Saint John,” are applicable to the cases of vessels arriving in or near the harbour of Saint John or in the bay of Fundy at any other period of the year than between the first day of May and the first day of November in every year;”

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

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the prohibitions, restrictions, directions, penalties and inflictions in the said sections contained, shall and are hereby declared to be applicable to all cases of vessels arriving in or near the harbour of Saint John or in the bay of Fundy during any part of the year, having on board the small pox, yellow fever, or other pestilential or contagious distemper, or coming from any port or place infected with any such distempers, or at or near which any such distempers at the time of their departure were known or supposed to prevail, or on board of which said vessels any person or persons during the voyage had been sick or had died of any such distempers.

CAP.

CAP. IX.

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

Passed 22d March, 1834.

“**W**HEREAS the Gaspereaux Fisheries in the harbour and river of Miramichi are likely to become seriously injured in consequence of the catch being continued to too late a period in the season ;” Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act no Gaspereaux shall be taken in the bay, harbour, or river of Miramichi, or its branches, within the said County, after the twenty-fifth day of June in each and every year, under the penalty of ten pounds for each and every offence against the provisions of this Act, to be recovered and applied in the same manner as the penalties are directed to be recovered under any of the laws now in force for the protection of the fisheries in this Province. No Gaspereaux to be taken after twenty-fifth June.
Penalty.

II. And be it further enacted by the authority aforesaid, That no Gaspereaux caught in the river Miramichi or any of its branches shall be applied for the purposes of manure, under the penalty of forty shillings for each and every offence, to be recovered and applied in like manner as the penalties in the first section of this Act are directed to be recovered and applied. No Gaspereaux to be applied as manure.
Penalty.

CAP. X.

An Act to continue an Act passed in the second year of His Majesty's reign, intituled “ An Act to empower the owners of the saw mill at the rolling dam on the River Digdeguash, in the County of Charlotte, to erect a Boom for the securing of saw logs on the said river.”

Passed 22d March, 1834.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the second year of the reign of His present Majesty, intituled “ An Act to empower the owners of the saw mill at the rolling dam on the river Digdeguash, in the County of Charlotte, to erect a boom for the securing of saw logs on the said river,” be and the same is hereby continued and declared to be in force until the first day of February which will be in the year of our Lord one thousand eight hundred and forty. 2 W. 4, C. 5,
continued.

CAP. XI.

An Act to continue an Act passed in the ninth year of the reign of His Majesty King George the Fourth, intituled “ An Act to repeal all the Laws now in force for the appointment of Firewards and for the better extinguishing of Fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned.” 9 G. 4, C. 28.

Passed 22d March, 1834.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act passed in the ninth year of the reign of His Majesty King George the Fourth,

9 G. 4, C. 28,
continued.

Fourth, intituled "An Act to repeal all the laws now in force for the appointment of Firewards and for the better extinguishing of Fires in the town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned," be and the same is hereby continued to be in full force for six years.

CAP. XII.

An Act to revive an Act, intituled "An Act to prevent Pedlars travelling and selling within this Province without licence."

Passed 22d March, 1834.

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

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the ninth and tenth year of the reign of His late Majesty George the Fourth, intituled an "Act to prevent Pedlars travelling and selling within this Province without license," be and the same is hereby revived and declared to be in force until the first day of April which will be in the year one thousand eight hundred and thirty nine.

CAP. XIII.

b An Act to provide for the punishment of cruelty to Animals.

Passed 22d March, 1834.

Preamble.

“ WHEREAS it is expedient to prevent the cruel and improper treatment “ of horses, mares, geldings, mules, asses, bulls, cows, heifers, steers, “ oxen, sheep, and other cattle ;”

Justices may
issue warrant
or summons
against persons
complained of
for ill-treating
any horse, &c.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That if any person or persons shall wantonly and cruelly beat, abuse or ill-treat any horse, mare, gelding, ass, bull, cow, heifer, steer, ox, sheep, or other cattle, and complaint thereof on oath be made to any one of His Majesty's Justices of the Peace within whose Jurisdiction such offence shall be committed, it shall and may be lawful for such Justice of the Peace to issue his summons or warrant, at his discretion to bring the party or parties so complained of before him, or any other Justice of the Peace having Jurisdiction within the County, City or place where the said offence shall have been committed, who shall examine upon oath any witness or witnesses who shall appear or be produced to give evidence touching such offence ; which oath the said Justice is hereby authorized and required to administer ; and if the said party or parties so accused shall be convicted of any such offence, either by his, her or their own confession, or upon such evidence as aforesaid, he, she or they so convicted shall forfeit and pay any sum not exceeding five pounds, nor less than ten shillings, at the discretion of the said Justice, to be paid over to the overseers of the poor of the Town or Parish where such offence shall have been committed, for the use of the poor thereof ; and if such fine, together with the costs, if ordered, shall not be paid either immediately after conviction or within such time as the said Justice shall, at the time of the said conviction, appoint, it shall be lawful for the said Justice to commit the said offender to the common gaol of the County wherein such offence had been committed, or to the

Penalty on
conviction.

Application.

next

next legally established lock-up house, there to be kept, without bail or mainprize, for a space of time not exceeding twenty days, unless such fine and costs shall be sooner paid : Provided always, that if any person or persons brought up before any Justice of the Peace under the provisions of this Act, shall elect to have the said complaint tried at the next General Sessions of the Peace, or Court of Oyer and Terminer and General Gaol delivery, to be holden in the County in which such offence shall have been committed, and shall make his, her or their desire known to the said Justice of the Peace, and shall at the same time tender two good and sufficient sureties for his, her or their appearance at the said General Session of the Peace or Court of Oyer and Terminer and General Gaol delivery, then and in such case the said Justice of the Peace shall receive the recognizance of such party or parties, with his, her or their said sureties, in such sum as the said Justice of the Peace in his discretion shall think proper, not exceeding twenty pounds, conditioned for the appearance of the said party or parties at the next General Sessions, or Court of Oyer and Terminer and General Gaol delivery of the said County, as the case may be, to answer to the said complaint, and abide by the judgment of the Court, in case the Jury shall convict the said party or parties ; and provided also, that if the said Justice of the Peace, on examining into the said complaint, when the party or parties accused shall be brought before him, shall be of opinion that the offence so complained of is of an aggravated nature and requires to be publicly exposed as an example to all others in like manner offending, it shall and may be lawful for such Justice of the Peace to bind the party or parties so accused, with a surety or sureties, if he shall think them necessary, in such sum, not exceeding forty pounds, as he shall think fit, to appear at the next Court of General Sessions of the Peace or Court of Oyer and Terminer to be holden in the County in which the said offence shall have been committed, then and there to be dealt with according to law.

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

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

II. And be it enacted, That the said offence when brought before any of the Courts of General Sessions of the Peace in this Province, or the Courts of Oyer and Terminer and General Gaol delivery respectively, shall be deemed and taken to be a misdemeanor, and punishable as such by fine or imprisonment.

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

III. And be it enacted, That no person shall suffer any punishment, or pay any fine for any offence committed against the provisions of this Act, unless the prosecution for the same be commenced within ten days after the offence shall have been committed.

Prosecution to be commenced within ten days.

IV. And be it enacted, That no order or conviction, or other proceedings to be made or had by or before any Justice of the Peace, by virtue of this Act, shall be quashed, or vacated, for want of form ; and that the order of such Justice shall be final ; and that no proceedings of any such Justice, in pursuance of this Act, shall be removable into the Supreme Court by certiorari or otherwise.

No proceedings before a Justice to be quashed for want of form, or removable into the Supreme Court.

V. And be it enacted, That if any action or suit shall be brought against any person or persons for malicious proceedings under or by colour of this Act, the same shall be a special action on the case, and shall be commenced within six calendar months next after every such cause of action shall have accrued, and not afterwards, and the venue shall be laid in the County, City or place in which the said offence had been committed, and not elsewhere ; and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial or trials to be had thereon, and that the same was done in pursuance and by the authority of this Act ; and if the same shall appear to have been so done, or if the said action or suit shall not be commenced within the time before limited, or shall be laid in any place other than

Actions for malicious proceedings under this Act to be special.

Venue. General Issue.

than where the said offence had been committed, then and in such case the Jury or Juries shall find for the defendant or defendants ; or if the plaintiff or plaintiffs shall become nonsuit or shall discontinue his or their action or actions, or if judgment shall be given for the defendant or defendants therein, then and in any of the cases aforesaid, such defendant or defendants shall have double costs, and shall have such remedy for recovering the same as any defendant or defendants hath or may have for his, her or their costs in any other cases by law.

Double costs.

Limitation.

VI. And be it enacted, That this Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and thirty six and no longer.

[*Made perpetual by 6 W. 4, C. 19.*]

CAP. XIV.

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

Passed 22d March, 1834.

[*Obsolete.*]

CAP. XV.

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

Passed 22d March, 1834.

[*Expired.*]

c Abstract of the Census taken under this Act, showing the Population of the Province in the years 1824 and 1834, and the increase.

COUNTY.	Total of Persons in the year 1824.	COUNTY.	Total of Persons in the year 1834.	INCREASE.
York,	10,972	York,	10,478	
Saint John,	12,907	Carleton,	9,493	19,971
King's,	7,930	Saint John,		20,668
Queen's,	4,741	King's,		12,195
Sunbury,	3,227	Queen's,		7,204
Westmorland,	9,303	Sunbury,		3,838
Northumberland,	15,829	Westmorland,		14,205
		Northumberland,	11,170	
		Kent,	6,031	
		Gloucester,	8,323	25,524
Charlotte,	9,267	Charlotte,		15,852
Grand Total,	74,176	Grand Total,	119,457	45,281

CAP. XVI.

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

Passed 22d March, 1834.

1. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That “an Act made and passed in the eighth year of the reign of His late Majesty King George the Fourth, intituled “An Act to regulate the herring-fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield and Saint George in the County of Charlotte, and to provide for the Inspection of smoked herrings in the said Parishes;” and also an Act made and passed in the first year of the reign of His present Majesty, intituled “An Act to amend an Act to regulate the herring fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield and Saint George in the County of Charlotte, and to provide for the inspection of smoked herrings in the said Parishes,” be and the same are hereby severally continued, except as hereinafter repealed, and shall, together with the amendments hereinafter made, be and remain in full force until the first day of May which will be in the year of our Lord one thousand eight hundred and thirty seven.

8 G. 4, C. 11, and

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

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

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

III. Be it enacted, That from and after the passing of this Act, no net or nets, seine or seines shall be set within three marine miles of the shore of the main island of Grandmanan, or of any of the islands adjacent thereto, from the twentieth day of July to the twentieth day of October in each and every year: Provided always nevertheless, that nothing herein contained shall extend or be construed to extend to boats and vessels of not less than fifteen feet keel, and not exceeding fifteen tons burden, which boats and vessels are hereby respectively allowed and permitted to use a net not exceeding fifteen fathoms long; and provided also, that nothing herein contained shall extend or be construed to extend to vessels exceeding the burden of fifteen tons, which vessels are hereby respectively allowed and permitted to use a net of the length of fifteen fathoms and as many fathoms more as the said vessel's tonnage may exceed fifteen tons, provided the same shall not exceed forty fathoms in the whole; and provided also, that all such boats and vessels so fishing within the said prescribed period shall be bona fide fitted out for and pursuing the cod and scale fisheries; and provided further, that no nets or buoys shall be used by any of the said boats or vessels, until the same shall be examined and approved of, and the said buoys branded by, the overseer or overseers of the fisheries of the said Parish of Grandmanan.

d No nets or seines to be set within three miles of Grandmanan or adjacent Islands from 20th July to 20th October. Exceptions.

Nets and buoys to be branded by the Overseers of fisheries.

IV. And be it enacted, That the overseer or overseers of the fisheries of the said Parish of Grandmanan appointed by any Act or Acts now in force, shall be sworn to the due and faithful performance of his or their duty according to the true intent and meaning of this Act, and shall be entitled to ask, demand and recover from the persons applying to have his or their nets examined, and buoys branded, in obedience to the provisions of this Act, the sum of three shillings, and no more, for performing his or their duty in that behalf.

Overseers of fisheries to be sworn.

Their fees.

d Refer to 1 W. 4, C. 8.

CAP. XVII.

An Act to facilitate summary proceedings before Justices of the Peace and the execution of Warrants by Constables.

Passed 22d March, 1834.

Penalties or forfeitures under Acts of Assembly or Imperial Parliament, recoverable before one or more Justices of the Peace, may be levied by warrant of distress.

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

Charges of taking and selling distress to be deducted from proceeds of sale, and surplus returned.

Warrant to be shewn and copy may be taken.

In default of payment of, or distress for, penalties under Acts of Parliament, offender may be committed.

Justices may proceed as if warrant of distress had issued and a nulla bona returned, when it shall appear that the offender hath not sufficient chattels whereon to levy.

I. BE it enacted by the Lieutenant Governor, Council and Assembly, That wherever in any Act of Assembly or of the Imperial Parliament now in force or hereafter to be made, any penalty or forfeiture is or shall be directed to be recovered before any Justice or Justices of the Peace, such penalty or forfeiture may be levied and recovered by warrant of distress of the offender's goods and chattels, under the hand and seal of such Justice, or hands and seals of such Justices, unless otherwise expressly directed by the Acts aforesaid imposing such penalty or forfeiture; and it shall and may be lawful for such Justice or Justices granting such warrant, therein to order and direct the goods and chattels so to be distrained to be sold and disposed of within a certain time to be limited in such warrant, so as such time be not less than two days nor more than four days, unless the penalty or sum of money for which such distress shall be made together with the reasonable charges of taking and keeping such distress be sooner paid; and that in any case where the Justice or Justices is or are empowered to award costs to be paid by the offender, it shall and may be lawful for such Justice or Justices to include the same in the warrant of distress and sale, specifying the amount so awarded for costs in such warrant, and therein directing the same to be levied in addition to the penalty in which the party may have been convicted by distress and sale of the offender's goods and chattels.

II. And be it enacted, That the officer making such distress shall and is hereby empowered to deduct the reasonable charges of taking, keeping and selling such distress, out of the money arising by such sale, and the overplus (if any) after such charges, and also the said penalty or forfeiture, and costs (if any) mentioned in such warrant, shall be fully satisfied and paid, shall be returned on demand to the owner of the goods and chattels so distrained, and the officer executing such warrant, if required, shall show the same to the person whose goods and chattels are distrained, and shall suffer a copy thereof to be taken.

III. And be it enacted, That wherever in any Act of the Imperial Parliament as aforesaid, any penalty or forfeiture is or may be recoverable before any Justice or Justices of the Peace, and no authority is thereby given to commit any offender or offenders in default of payment of such penalty or forfeiture, or of goods and chattels whereon to distrain, such Justice or Justices is or are hereby empowered in default of payment of such penalty or forfeiture, and for want of sufficient goods and chattels of the offender whereon to levy such penalty or forfeiture together with the charges of distraining and selling the same, to commit the offender to the common gaol or house of correction for such space of time not exceeding three months as he or they in his or their discretion shall think fit.

IV. And be it enacted, That wherever in any Acts as aforesaid, any penalty or forfeiture is or may be recoverable before any Justice or Justices of the Peace, and such Justice or Justices is or are empowered by such Acts as aforesaid or by this Act, in default of payment of such penalty or forfeiture, or for want of sufficient goods and chattels of the offender whereon to levy such penalty together with the charges of distraining and selling the same, to commit the offender to the common gaol or house of correction, then in case it shall appear to such Justice or Justices, either by confession of the party or otherwise, that he hath not sufficient goods and chattels within the jurisdiction of such Justice or Justices whereon

to

to levy such penalty or forfeiture, costs and charges, such Justice or Justices at his or their discretion and without issuing any warrant of distress, may proceed in such and the like manner as if a warrant of distress had been issued and a nulla bona returned thereon; and it shall be lawful for such Justice or Justices to issue forth his or their warrant for committing such offender to the common gaol or house of correction for such time and in such manner as in such Acts as aforesaid or this Act are respectively mentioned and directed; and such Justice or Justices may also in such case keep and detain the said offender in custody after conviction until the warrant for his commitment is prepared.

V. And be it enacted, That in the case of any offender committed to the common gaol or house of correction for default of payment of such penalty or forfeiture, and any costs or charges attending the conviction, if such offender shall at any time during the period of his or their imprisonment pay or cause to be paid to the keeper of the prison the full amount of such penalty or forfeiture, together with the costs and charges, it shall be lawful for such keeper of such prison and he is hereby required forthwith to discharge such offender from his custody; and such keeper shall immediately give notice thereof to the Justice or Justices by whom the commitment may have been made, and pay over to him or them the money so received from the offender, to be by such Justice or Justices paid, distributed or applied as the Acts aforesaid may direct.

Gaolers to discharge prisoners on payment of penalty and costs, give notice to the Justices, and pay over amount received.

VI. "And whereas cases may occur where the recovery of such penalty or forfeiture by distress and sale of the offender's goods and chattels may appear to the Justice or Justices of the Peace to be attended with consequences ruinous or in an especial manner injurious to the offender and his family;" Be it enacted, That the Justice or Justices shall be empowered and they are hereby authorized in all cases and upon all such occasions as to them shall seem fit and where such consequences are likely to arise, to cause to be withheld the issue of any warrant of distress, and to commit the offender aforesaid immediately after conviction and in default of payment of the penalty or forfeiture with costs and charges, (where such shall be adjudged,) to the common gaol or house of correction for such time and in such manner as are in such Acts as aforesaid respectively mentioned and directed: Provided always, that it be by the desire or with the consent in writing of the party upon whose property the penalty of forfeiture is to be levied.

Offender may be committed without issuing warrant of distress, in cases where the distress of goods would be ruinous.

Proviso.

VII. "And whereas inconveniences often arise in summary proceedings before Justices of the Peace from a want of a general form of conviction;" Be it enacted, That in all cases where a conviction shall take place, and no particular form for the record thereof hath been directed, the Justice or Justices duly authorized to proceed summarily therein and before whom the offender or offenders shall be convicted, shall and may cause the record of such conviction to be drawn up in the manner and form following, or in any words to the same effect, mutatis mutandis, (that is to say,)

County of [or as the case may be]. Be it remembered, that on the day of , in the year of our Lord , at , in the County of , A. B. of , in the County of , labourer [or as the case may be], personally appeared before me [or before us &c.] C. D. one [or more as the case may be] of His Majesty's Justices of the Peace for the said , and informed me [or us &c.] that E. F. of ; in the County of , on the day of , at , in the said , did [here set forth the fact for which the information is laid,] contrary to the form of the Act of Assembly [or of the Imperial Parliament] in such case made and provided, whereupon the said E. F. after being duly summoned to answer the said charge appeared before me [or us &c.] on the

Form of record of conviction.

day of _____, at _____, in the said _____, and having heard the charge contained in the said information, declared he was not guilty of the said offence [*or as the case may happen to be, did not appear before me or us &c. pursuant to the said summons, or did neglect and refuse to make any defence against the said charge*], whereupon I [*or we &c. or nevertheless I or we &c.*] the said Justice [*or Justices*] did proceed to examine into the truth of the charge contained in the said information, and on the _____ day of _____ aforesaid, at the Parish of _____ aforesaid, one credible witness, to wit: A. W. of _____ in the County of _____ upon his oath deposeth and saith [*if E. F. be present, say in the presence of the said E. F.*] that on the _____ day of _____, the said E. F. at _____, in the said County of _____, [*here state the evidence as nearly as possible in the words used by the witness, and if more than one witness be examined state the evidence given by each, or if the defendant confess, instead of stating the evidence, say and the said E. F. acknowledged and voluntarily confessed the same to be true*]; therefore it manifestly appearing to me [*or us &c.*] that he the said E. F. is guilty of the offence charged upon him in the said information, I [*or we &c.*] do hereby convict him of the offence aforesaid, and do declare and adjudge that he the said E. F. hath forfeited the sum of _____ of lawful money of _____, for the offence aforesaid, to be distributed [*or paid as the case may be*] according to the form of the Act of Assembly [*or of the Imperial Parliament*] in that case made and provided [*if the Acts as aforesaid allow costs to be awarded, add and also the sum of _____ now by me or us &c. adjudged to the said A. B. for the costs of this prosecution, pursuant to the said Act*]. Given under my hand [*or our hands &c.*] and seal [*or seals &c.*] the _____ day of _____ in the year of our Lord _____.

One Justice may receive the original information &c. and enforce the judgment, when two Justices are required to determine.

VIII. And be it enacted, That in all cases where two or more Justices are authorized and required to hear and determine any complaint, one Justice shall be competent to receive the original information or complaint, and to issue the summons or warrant requiring the party to appear before two or more Justices of the Peace, and after examination upon oath into the merits of the said complaint, or confession of the party, and the adjudication thereupon by any such two Justices, all and every the subsequent proceedings to enforce obedience thereto or otherwise, whether respecting the penalty, fine, imprisonment, costs or other matter or thing now enacted or to be hereafter enacted, may be enforced by either of the said Justices, or any other Justice of the Peace for the same County or City and County, in such and the like manner as if done by the same two Justices who so heard and adjudged the said complaint; and where the original complaint or information shall be made to any Justice or Justices of the Peace different from him or them before whom the same shall be heard and determined, the form of conviction shall be made conformable and according to the fact.

No conviction to be vacated for defect of form where defendant has pleaded and merits been tried.

IX. And be it enacted, That in all cases where it appears by the conviction that the defendant has appeared and pleaded, and the merits have been tried, and that the defendant has not appealed against the said conviction where an appeal is allowed, or if appealed against the conviction has been affirmed, such conviction shall not afterwards be set aside or vacated in consequence of any defect of form whatever, but the construction shall be such a fair and liberal construction as will be agreeable to the justice of the case.

Constables may execute war.

X. "And whereas warrants addressed to constables and other peace officers of Parishes or places in their character of and as constables or other peace officers of such respective Parishes or places, cannot be lawfully executed by them out of the precincts thereof respectively, whereby means are afforded to criminals and others of escaping from justice; for remedy whereof," Be it enacted, That it

it shall and may be lawful to and for each and every constable and other peace officer for any such Parish or place to execute any warrant of any Justice or Justices of the Peace within any Parish or place situate, lying or being within the jurisdiction of such Justice or Justices granting or backing such warrant, in such and the like manner as if such warrant had been addressed to such constable or other peace officer specially by his name, and notwithstanding the Parish or place in which such warrant shall be executed shall not be the Parish or place for which he shall be constable or other peace officer; provided the same be within the jurisdiction of the Justice or Justices so granting such warrant, or within the jurisdiction of the Justice or Justices by whom any such warrant shall be backed or endorsed.

rants in any place within the jurisdiction of the Justices granting or backing the warrant.

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

Act not to extend to civil suits.

CAP. XVIII.

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

Passed 22d March, 1834.

“ **WHEREAS** soldiers stationed within this Province for the defence of the same, have been frequently found to desert or absent themselves from the head quarters of their respective regiments or detachments without leave, to the great injury of His Majesty's service;”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That if any person shall directly or indirectly persuade any soldier to desert His Majesty's service, and every person who shall assist any deserter from His Majesty's service, knowing him to be such, in deserting, or in concealing himself from such service, every such person so offending shall, for each and every offence, on conviction, forfeit the sum of twenty pounds.

Persuading soldiers to desert, or assisting or concealing deserters from His Majesty's service.

II. And be it enacted, That if any person shall buy, exchange or detain, or otherwise receive, from any soldier or deserter, upon any account whatever, any arms, clothing, caps or other furniture belonging to the King, or any such articles belonging to any soldier or deserter as are generally deemed regimental necessities, according to the custom of the army, or shall exchange, buy or receive from any soldier any provisions, unless by consent of the officer commanding the regiment or detachment to which such soldier shall belong, every person so offending shall for each and every offence incur the penalty of five pounds.

Buying, &c. from soldiers or deserters any arms, &c. without consent of commanding officer.

III. And be it enacted, That the first mentioned penalty shall and may be recovered before any two Justices of the Peace, and the last mentioned penalty before any one Justice of the Peace in the County where such offence may be committed, upon conviction, at the suit of the commanding officer of that regiment, or any person who may prosecute for the same, on the oath of one or more credible witness or witnesses, to be levied by warrant of distress and sale of the goods and chattels of the offender, one moiety of which penalty shall be paid into the Province Treasury for the purpose of encouraging the apprehension of deserters, the other moiety to such person who shall prosecute the same offences to conviction; and in case no sufficient goods or chattels can be found whereon to levy such

Penalty.

Recovery of penalties.

Application.

such distress, every offender shall by such Justice or Justices be committed to the common gaol in such County, there to remain without bail or mainprize for a term not exceeding three months nor less than one month.

Reward for apprehending deserters.

IV. And be it enacted, That any person or persons who shall apprehend any deserter or deserters from His Majesty's forces, and deliver up such deserter or deserters to any officer commanding any military post in this Province, shall for each and every deserter so apprehended and delivered up receive a reward of five pounds, on producing a certificate of such apprehension and delivery, specifying the name or names of such deserter or deserters, and to what regiment or corps he or they belong, signed by such commanding officer and one Justice of the Peace for the County or District before whom such deserter or deserters shall be brought: Provided always, that the rewards so to be given out of the Province Treasury shall not in any one year exceed the sum of one hundred pounds.

Not to exceed £100 in one year.

Gaolers to receive deserters into custody.

V. And be it enacted, That it shall henceforth be the duty of all keepers of His Majesty's gaols, in the County or Counties between the place or places where such deserter or deserters may be apprehended and the place of his or their final destination, to receive such deserter or deserters into their custody, without any fee or reward, whether such deserter or deserters be conveyed by virtue of a warrant from any Justice of the Peace or under military escort by an order of the commandant of any garrison within this Province.

Rewards to be paid by warrants on the Treasury.

VI. And be it enacted, That the rewards so to be paid under and by virtue of this Act, shall be by warrant under the hand and seal of the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, directed to the Province Treasurer, provided the same do not exceed the sum of one hundred pounds.

No proceedings where the offence has been prosecuted under the Mutiny Act, &c.

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

Limitation.

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

CAP. XIX.

f An Act to authorize the Justices of the Peace in the several Counties in this Province to make assessments for the payment of County officers, and also to authorize the Justices of the Peace for the County of Northumberland to make further provision for the payment of the Treasurer of that County.

Passed 22d March, 1834.

Preamble.

“WHEREAS by the laws now in force the Sessions of the respective Counties in this Province are precluded from allowing to the County Treasurers respectively, for their services per annum any sum exceeding fifteen pounds, which in the County of Northumberland has been found a very inadequate compensation for the services and responsibility of that officer especially for the last six years;”

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That

That the Justices of the Peace for the said County, or the major part of them, at any General Sessions to be holden in and for the said County, are hereby fully authorized and empowered to make such additional compensation to the said Treasurer of that County for his past services, since the year one thousand eight hundred and twenty seven, as they in their discretion may deem right and proper, not exceeding the sum of eight pounds per annum, to be paid out of the contingent fund of the said County.

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

II. And be it enacted, That the said Justices of the said County, at any General Session, or the major part of them then and there assembled, are hereby fully authorized and empowered from and after the passing of this Act to make such additional annual allowance to the said County Treasurer, over and above the said fifteen pounds per annum, for his future services, as they in their discretion may think right and proper, so always as the whole annual allowance of the Treasurer of the said County shall not exceed the sum of twenty five pounds, any thing in any other law or usage to the contrary notwithstanding.

And make a future additional allowance.

III. And be it enacted, That the Justices of the Peace for the several Counties in this Province, or the major part of them, at their respective General Sessions, are hereby authorized and empowered when necessary, from any deficiency in the contingent funds of the said Counties respectively, to order and direct an assessment upon the inhabitants and others of the said Counties respectively, of a sufficient sum to defray the annual allowance to their respective County Treasurers, and the legal charges and demands of the other officers of the said County, so always as such annual assessment respectively shall not exceed the sum of fifty pounds in any one year; which said sums respectively shall be assessed, levied and collected in like manner as other County rates.

Justices of the several Counties may assess not exceeding £50 per annum, to make up any deficiency in the contingent funds.

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

Limitation.

CAP. XX.

An Act in addition to and in amendment of the several Acts now in force to provide for sick and disabled Seamen not being Paupers belonging to this Province, so far as the same relate to the County of Gloucester. *g*

Passed 22d March, 1834.

“ WHEREAS in and by the second section of an Act made and passed in “ the sixtieth year of the reign of King George the Third, intituled “ An Act to provide for sick and disabled seamen not being paupers belonging “ to the Province,” it is provided that the duty imposed by the said Act shall “ be paid to the overseers of the poor for the place where the same is collected : “ And whereas it is expedient to make further and more effectual regulations “ for providing for such seamen in the ports or harbours of Bathurst and Dal- “ housie in the County of Gloucester ;”

Preamble.

60 G. 3, C. 15,

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the said second section of the said Act, so far as the same relates or may be construed to relate to the said ports or harbours of Bathurst and Dalhousie, be and the same is hereby repealed.

S. 2, repealed as to Bathurst and Dalhousie.

II.

Governor may appoint and displace Commissioners.

Duty collected at Bathurst and Dalhousie, to be paid to the Commissioners, by warrant, and to be by them applied for the relief of seamen.

Ports of Dalhousie and Bathurst defined.

II. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to appoint three or more persons to be Commissioners, and to displace, reappoint or supply the place or places of all or any of the said Commissioners as from time to time may be necessary or expedient; and that the duty imposed by the above mentioned Act, and collected at the said ports or harbours of Bathurst and Dalhousie respectively, or so much thereof as shall be necessary, shall be paid over by the Treasurer or Deputy Treasurer of the said ports respectively to such Commissioners so to be appointed respectively, by warrant of the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to be by them applied for the necessary care, cure, support and maintenance of sick and disabled seamen, at their respective ports, in such manner as they may deem advisable; and that such Commissioners shall have the same rights, power and authority at the said respective ports of Bathurst and Dalhousie, and subject to such rules and regulations as are in and by any of the Acts now in force for relief of sick and disabled seamen granted to or imposed on the overseers of the poor, as hereby expressly altered.

III. And be it enacted, That the waters, creeks and places lying between Muguasha point and Belledune river, shall be taken and considered as constituting the port of Dalhousie; and that the waters, creeks and places lying between Belledune river and the line dividing the Counties of Gloucester and Northumberland, coastwise, shall be taken and considered as constituting the port of Bathurst, so far as regards the purposes of this Act and no farther.

CAP. XXI.

10 & 11 G. 4, C. 29. An Act to amend an Act, intituled "An Act to repeal certain Acts relating to Commissioners of Sewers, and to make more effectual provisions in lieu thereof."

Passed 22d March, 1834.

Preamble.

“WHEREAS it is deemed expedient that no Commissioners of Sewers shall be appointed or act as Clerk to the board of Commissioners of Sewers of which he is a member;”

No Commissioner to be clerk of board of which he is a member.

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

10 & 11 G. 4, C. 20, S. 2, in part repealed.

II. And be it enacted, That such part and so much of the second section of the herein before recited Act relating to the pay of the Commissioners of Sewers be and the same is hereby repealed, and that in lieu thereof there be allowed to each and every Commissioner superintending the dyking or draining of any marsh, low lands or meadows, at and after the rate of ten shillings for each and every day's actual attendance, and where otherwise employed as a Commissioner of Sewers at and after the rate of five shillings per day and no more, to be paid and received in the same manner as is provided for in and by the said recited section.

Compensation to Commissioners.

No proprietors of lands re-

III. And be it enacted, That in all cases when land shall be reclaimed and inclosed

inclosed by dykes or aboideaux, erected without other dykes or aboideaux, that no proprietor of any such reclaimed and inclosed land shall be taxed or assessed under the provisions of the ninth section of the herein before recited Act, over and above the real value of such reclaimed or inclosed land.

claimed by dykes erected without dykes to be assessed above the value of land reclaimed.

CAP. XXII.

An Act in further amendment of an Act, intituled "An Act subjecting real estates in the Province of New Brunswick to the payment of debts and directing the Sheriff in his proceedings thereon."

26 G. 3, C. 12.

Passed 22d March, 1834.

“ WHEREAS the proof required by law to make a good title under and “ by virtue of a sale of lands and Sheriff’s deeds thereon, has been “ found productive of great inconvenience, and in many cases of serious injury “ to the party or parties claiming title thereto; for remedy whereof;”

Preamble.

Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the deed of the Sheriff or other officer authorized to execute the same, duly executed, acknowledged and recorded as the law directs, and the exemplification of the judgment and execution upon which the same is founded, shall in all cases be prima facie evidence of all the matters and things therein set forth, so far as the obtaining the judgment, issuing execution, levying upon the property sold for the want of goods and chattels of the defendant from whom the property is taken, the advertising the same by the Sheriff as by law required, and the sale thereof under the execution recited in the said deed and exemplified as aforesaid; and that the onus of proving any defect in the advertising and sale of the property conveyed, neglect or mal-practice on the part of the Sheriff or any of his officers, shall henceforth lie on the party or parties disputing the same, any thing in any law or usage to the contrary, in any wise notwithstanding: Provided always, that the Sheriff or other officer by whom the deed was executed, under and by virtue of which the party or parties in any action or actions claim title, or some one of the under Sheriffs or Deputies of such Sheriff regularly appointed, shall at the time of the execution of the said deed make affidavit before the Justice or other officer authorized by law to take acknowledgments and proof of the execution of deeds and other instruments, who shall and is hereby required to take the same affidavit, and endorse the same thereon, that the said property by such deed conveyed was regularly seized, advertised and sold in every respect as by law directed.

Sheriff’s deeds and the exemplification of judgment and execution to be prima facie evidence of matter set forth therein.

Onus of proving any defect in proceedings to be on party disputing.

Affidavit that the property was regularly seized &c. to be endorsed on deed at the time of execution.

CAP. XXIII.

An Act more effectually to punish the crime of Forgery.

h

Passed 22d March, 1834.

BE it enacted by the Lieutenant Governor, Council and Assembly, That every person who shall commit the crime of forgery shall be guilty of felony, and being convicted thereof shall be liable to be punished in the manner prescribed

Forgery made felony and punishable under 1 W. 4, C. 14.

h Refer to 1 W. 4, C. 14, S. 27. Party interested in forged instrument competent as a Witness—9 & 10 G. 4, C. 9. See 5 W. 4, C. 35, which defines the crime of Forgery.

prescribed for felony in an Act made and passed in the first year of the reign of His present Majesty, intituled “ An Act for improving the administration of justice in criminal cases.”

CAP. XXIV.

An Act to continue “ An Act to provide for the erection of fences with gates across Highways leading through intervale lands in Queen’s County and the County of Sunbury, where the same may be found necessary, and to extend the provisions of the same to King’s County.”

Passed 22d March, 1834.

50 G. 3, C. 21,
and

3 G. 4, C. 7,
continued.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fiftieth year of the reign of His late Majesty King George the Third, intituled “ An Act to provide for the erection of fences with gates across highways leading through intervale lands in Queen’s County and the County of Sunbury, where the same may be found necessary,” and also an Act passed in the third year of the reign of His late Majesty King George the Fourth, to extend the provisions of the same to King’s County, be and the same are hereby further continued and declared to be in full force until the first day of April which will be in the year of our Lord one thousand eight hundred and thirty nine.

CAP. XXV.

An Act to authorize the Justices of the Peace for the County of Charlotte to levy an assessment towards paying off the County debt, and for other purposes therein mentioned.

Passed 22d March, 1834.

[*Expired.*]

CAP. XXVI.

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

Passed 22d March, 1834.

Preamble.

“ **W**HEREAS the safe keeping of the registry of deeds and wills, and the “ records of the Inferior Court of Common Pleas, and General Sessions of the Peace, in the several Counties in this Province, is an object of “ great public importance;”

Justices may assess the several Counties not exceeding £800 for buildings with safes for the County records.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace in the several Counties of this Province, at any General Session of the Peace hereafter to be holden in their respective Counties, whenever they in their discretion may consider it expedient, are hereby authorized and empowered to make a rate and assessment of any sum, not exceeding the sum of three hundred pounds, as they may think necessary for the erecting
suitable

suitable buildings, with safes, of stone or brick, near the Court Houses of their respective Counties, for the use and safe keeping of the records of deeds and wills, and also of the Inferior Court of Common Pleas and General Sessions of the Peace in said Counties; such sum to be assessed, levied, collected and paid in such proportion and in the same manner as any other County rates can or may be assessed, levied, collected and paid by virtue of any Act now or hereafter in force for assessing, collecting and levying County rates.

II. And be it enacted, That the said Justices at any General Session of the Peace hereafter to be holden, or at any Special Session for that purpose convened and holden be and they hereby are authorized and empowered to contract and agree with any person or persons for the erection of such buildings as and for the purposes aforesaid, or to appoint contractors for that purpose, and to apply the proceeds of such assessment in furtherance and performance of such agreement or contract on their part.

III. And be it enacted, That as soon as the said buildings are erected and completed, the several offices of Register of wills and deeds and Clerk of the Inferior Court of Common Pleas and General Sessions of the Peace shall be kept therein.

Justices may make contracts for the buildings.

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

CAP. XXVII.

An Act for granting Patents for useful Inventions.

Passed 22d March, 1834.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That from and after the Publication of this Act, whenever any person or persons who shall then be an inhabitant or inhabitants of this Province, or who shall have resided therein for one year previous thereto, shall apply to the Lieutenant Governor or Commander in Chief for the time being, and shall allege that he, she or they have invented or discovered any new or useful art, machine, manufacture, or composition of matter, or any new or useful improvement on any art, machine, manufacture, or composition of matter, not before known and used, and shall by petition to the Lieutenant Governor or Commander in Chief for the time being, signify his, her or their desire to obtain an exclusive property in such new invention and discovery, and shall pray that a patent may be granted for the same, it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, to cause and direct letters patent under the great seal of this Province to be issued; which said letters patent shall recite the allegations and suggestions of the said petition so to be preferred as aforesaid, and shall therein give a short description of the said invention and discovery, and thereupon shall grant to the said person or persons so applying for the same, his, her or their executors, administrators and assigns, for a term not exceeding ten years, the full and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said new invention or discovery; which letters patent shall be good and available to the grantee or grantees therein named, by force of this Act, and shall be recorded in the office of the Secretary of this Province in a book to be kept for that purpose, and shall be delivered to the patentee or patentees; Provided always, that before the great seal of this Province shall be affixed to any such letters patent, or the same shall be issued and signed as aforesaid, such letters patent shall be delivered to His Majesty's

Governor may issue letters patent, in manner herein specified, for useful inventions or discoveries.

Attorney General of this Province, who shall examine the same, and shall if he find the same conformable to this Act, certify accordingly, and return the same within thirty days into the office of the Secretary of the Province, to be issued and signed.

Patentee of an original invention or discovery, or patentee of improvement thereon not to use or vend other than their own inventions or improvements.

II. And be it enacted, That where any letters patent shall be obtained by any person or persons in manner aforesaid, for any new and useful invention and discovery in any art, machine, or composition of matter, and thereafter any other person or persons shall discover any improvement in the principle or process of any such art, machine, or composition of matter, for which such patent hath been granted, and shall make application for and obtain letters patent under this Act, for the exclusive right of such improvement, it shall not be lawful for the person or persons who shall obtain and procure letters patent for any such improvement, to make, use or vend the original invention or discovery, nor for the person or persons who shall have procured letters patent for the original invention or discovery, to make, use or vend any such improvements.

Changing the form or proportion of any machine &c.

III. Provided always and it is hereby declared and enacted, That simply changing the form or the proportions of any machine or composition of matter in any degree, shall not be deemed a discovery or improvement within the meaning of this Act.

Copies of patents, petitions &c may be obtained from the Secretary's office.

IV. And be it enacted, That it shall and may be lawful for any person or persons to obtain and receive from the office of the Secretary of the Province, any copy or copies of any such letters patent, or of the petition whereon the same were granted and issued, or of any paper connected therewith, or any drawing relating to the same.

Applicant for patents to make oath as to his being the true inventor &c.

V. And be it enacted, That before any person or persons shall obtain or receive any letters patent under this Act, such person or persons, or some or one of them, shall make oath, or if a Quaker shall make solemn affirmation in writing before some one of His Majesty's Justices of the Supreme Court of the Province, or some Commissioner for taking affidavits in the said Court, that he, she or they do verily believe that he, she or they is or are the true inventor or inventors, discoverer or discoverers of the art, machine, composition of matter or improvement, for which he, she or they solicit letters patent, and that such invention or discovery hath not, to the best of his, her or their knowledge or belief, been known or used in this Province or in any other Country; which oath or affirmation shall be delivered in with the petition for such letters patent.

A full description of inventions, accompanied with drawings, specimens of ingredients &c. to be filed in the Secretary's office with petitions for patents.

VI. And be it enacted, That together with such petition and oath or affirmation, before any person or persons shall receive or obtain any letters patent as aforesaid, such person or persons shall also deliver into the office of the Secretary of the Province a written description of his invention and of the manner of using or process of compounding the same, in such full, clear and exact terms as to distinguish the same from all other things before known, and to enable any person skilled in the art or science of which it is a branch, or with which it is most closely connected, to make, compound and use the same, shall explain the principle and the several modes in which such person or persons have or hath contemplated the application of that principle or character, by which it may be distinguished from other inventions, and shall accompany the whole with drawings and written references, where the nature of the case admits of drawings, or with specimens of the ingredients and of the composition of matter, sufficient in quantity for the purpose of experiment, when the invention is a composition of matter; which description signed by such person or persons so applying for such letters patent, and attested by two witnesses, shall be filed in the office of the Secretary

Secretary of the Province, and copies thereof certified under the hand of the Secretary or Deputy Secretary of the Province shall be competent evidence in all Courts where any matter or thing, touching or concerning the said letters patent shall or may come in question.

Certified copies to be competent evidence touching the patents.

VII. And be it enacted, that any patentee, his executors or administrators, may assign and transfer all his right, title and interest in the said invention and discovery, in the letters patent to him granted, to any person or persons whomsoever; and the assignee or assignees thereof having recorded the said assignment in the office of the Secretary of the Province, shall thereafter stand in the place or stead of the original patentee, as well as to all right, privilege and advantage, as also in respect of all liability and responsibility as to the said letters patent and the invention and discovery thereby secured: and in like manner shall the assignee or assignees of any such assignee or assignees stand and be considered to be in the place and stead of the original patentee or inventor.

Patentees may assign their rights in patents.

VIII. And be it enacted, That whenever in any case any letters patent shall be or shall or may have been granted to any person or persons under and by virtue of this Act, and any person or persons without the consent of the patentee or patentees his, her or their executors, administrators or assigns, first had and obtained in writing, shall make, devise, use or sell the things, invention or discovery whereof the exclusive right is secured to the said patentee or patentees by such letters patent, such person or persons so offending shall forfeit and pay to the said patentee or patentees, his, her or their executors, administrators or assigns, a sum equal to three times the actual damage sustained by such patentee or patentees, his, her, or their executors, administrators or assigns, for or by reason of such offence; which sum shall and may be recoverable together with costs of suit by action on the case founded on this Act in the Supreme Court of this Province.

Persons making, using or selling patent articles to be liable to the patentee in three times the actual damage.

IX. Provided always and be it enacted, that the defendant or defendants in such action shall be permitted to plead the general issue, and give this Act and any special matter in evidence, tending to prove that the specification filed by the patentee or patentees does not contain the whole truth relative to the invention or discovery therein alledged to have been made by the said patentee or patentees, or that it contains more than is necessary to produce the described effect (which concealment in addition shall fully appear to have been made for the purpose of deceiving the public), or that the thing, invention or discovery thus secured by letters patent as aforesaid, was not originally discovered by the patentee or patentees, but had been in use, or had been described in some public work, anterior to the supposed invention or discovery of the said patentee or patentees; or that the said patentee or patentees had surreptitiously obtained letters patent as aforesaid, for the invention or discovery of some other person or persons; in either of which cases upon sufficient and legal proof thereof, a verdict shall be returned and judgment shall be entered for the said defendant or defendants with costs; and the said letters patent shall thereupon be and become, and shall by the said court be adjudged, void and of no effect.

Defendant may plead the general issue, and give this Act and any special matter in evidence.

X. Provided also and be it enacted, That no action shall be brought against any person or persons whomsoever for any offence committed against the provisions of this Act, unless the same be commenced within the space of six calendar months next after the discovery of every such offence committed.

Actions to be commenced within six months after discovery of offence.

CAP. XXVIII.

h An Act to alter the division line between the Counties of York and Carleton.

Passed 22d March, 1834.

“**W**HEREAS the line at present established between the Counties of
“York and Carleton has been found inconvenient;”

Division line
between York
and Carleton
altered as here-
in described.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the division line between the Counties of York and Carleton shall be as follows: commencing at the monument situate at the source of the Cheputnetikook, and running by the true meridian a due east course till it strikes Eel river; thence following the several courses of the said Eel river, along its northern bank, to the point where the upper line of lot number forty six, granted to Isaac Attwood, intersects the said Eel river (such intersection of said upper line of lot number forty six, being the intersection nearest and most contiguous to the river Saint John); thence along the said upper line of lot number forty six aforesaid to the river Saint John; thence crossing the said river Saint John to meet the upper line of lands granted to Matthew Phillips; thence along the said line north forty five degrees east, by the magnet of the year one thousand seven hundred and ninety, and a continuation thereof, until it strikes the division line between the County of Northumberland and the said Counties of York and Carleton.

CAP. XXIX.

l An Act for further improving the administration of Justice in Criminal cases.

Passed 22d March, 1834.

Clerks of the
Peace to assist
the Justices in
examination of
persons arrested
for felony.

BE it enacted by the Lieutenant Governor, Council and Assembly, That it shall be the duty of the Clerk of the Peace in each and every County, or City and County, in this Province, to advise and assist any Justice or Justices of the Peace in such County, when required by any such Justice or Justices, in any examination or other proceeding had before such Justice or Justices, in regard to any person arrested on a charge of felony, or suspicion of felony, and to attend every such examination where the same shall take place within the distance of forty five miles from the Court house of the County or City and County; and that a reasonable compensation for such services performed by any Clerk of the Peace shall be made out of the funds of the County, or City and County, in like manner with other County charges, by order of the Justices of the Peace at any General Sessions.

Compensation
to Clerks.

CAP. XXX.

m An Act for the further regulation of the formation of the Court of Governor and Council for the determination of all suits and controversies touching and concerning Marriage and Divorce.

Passed 22d March, 1834.

Presamble.
31 G. 3, C. 5.

“**W**HEREAS since the passing of the Act of the thirty first year of the
“reign of His late Majesty King George the Third, intituled “An
“Act

h Refer to 1 W. 4, C. 50.

l Refer to 1 W. 4, C. 14.

m Refer to 31 G. 3, C. 5, and sec 6 W. 4, C. 34, appointing the Terms of this Court.

“ Act for regulating marriage and divorce, and for preventing and punishing
 “ incest, adultery and fornication,” an alteration in the constitution of His Ma-
 “ jesty’s Council of this Province having taken place, by separating the Executive
 “ from the Legislative Council, and thereby dividing them into two distinct
 “ bodies, it has become necessary to make some further provisions in respect
 “ to the constitution of the Court of Governor and Council, constituted and ap-
 “ pointed in and by the fifth section of the herein before in part recited Act ;”

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the members of the said Court of Governor and Council, in and by the said fifth section of the said herein before in part recited Act mentioned and constituted, shall consist of the Lieutenant Governor or Commander in Chief of, and His Majesty’s Executive Council for the said Province, for the time being, together with any one of the Judges of the Supreme Court, or the Master of the Rolls of the said Province, to be from time to time for that purpose appointed, as Vice President of the same Court, which appointment of such Vice President to be made in manner as directed by the seventh section of the said herein before in part recited Act, and such Vice President when so appointed shall have, hold and exercise, in the absence of the said Lieutenant Governor, all the powers, privileges, authority and jurisdiction mentioned and declared in and by the said seventh section of the said herein before in part recited Act ; and that the Lieutenant Governor or Commander in Chief of the said Province for the time being, shall and is hereby declared to be President of the said Court ; but the said Vice President so to be appointed as aforesaid, and any two members of His Majesty’s Executive Council for the said Province for the time being, shall and are hereby declared to be a sufficient number of members at all times to constitute a Court for the dispatch and determining of all matters or business brought before the said Court that may be within the jurisdiction of the same.

II. And be it enacted, That the said Court of Governor and Council so constituted as in and by this Act is directed, shall have all the powers, authority, privileges, judicature and jurisdiction, that are given to the Court of Governor and Council mentioned and constituted in and by the said herein before in part recited Act ; and that all the provisions of the said herein before in part recited Act, so far as the same relate to the Court of Governor and Council therein mentioned, and to all matters within the jurisdiction thereof, shall also extend and be construed to extend and apply to the Court of Governor and Council in this act mentioned and constituted, except so far as the same are hereby altered as to the constitution of the said Court.

Court of Governor and Council to consist of the Lieutenant Governor &c.

Vice President.

Lieutenant Governor to be President.

Vice President and two of the members of the Executive Council to constitute a Court.

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

CAP. XXXI.

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

Passed 22d March, 1834.

[*Expired.*]

CAP. XXXII.

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

Passed 22d March, 1834.

[*Expired.*]

CAP. XXXIII.

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

Passed 22d March, 1834.

Preamble.

“**WHEREAS** the establishment of a nightly watch, and lighting the streets, and the appointment of scavengers, in and for the City of Saint John, are of very great importance, for the preservation of the persons and property of the inhabitants, to prevent fires and robberies, and other outrages and disorders, and to insure cleanliness in the said City ;”

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

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City, in Common Council convened, from time to time, to order and appoint such number of watchmen and lamp lighters as they shall judge necessary and proper to be kept within the district on the eastern side of the harbour of the said City, and to direct how they ought to be armed, and how they shall watch and attend to the lamps of the said City, and what wages and allowances shall be given to the said watchmen and lamp lighters for their attendance, and shall also from time to time order and appoint what number of scavengers they shall judge necessary and proper to be kept within the said district, and to direct how they shall attend to the cleanliness and good order of the streets therein, and what wages shall be given to the said scavengers for their services, and shall make all such other orders and regulations as the nature of each particular service shall seem to require.

Common Council may order a yearly assessment to pay the expenses.

II. “ And for the better raising and levying the money for paying the wages of the said nightly watchmen, lamp lighters and scavengers, and other charges incidental thereto ;” Be it enacted, That the Mayor, Aldermen and Commonalty of the said City of Saint John, in Common Council assembled, may and they are hereby authorized and empowered, once in every year, between the first day of April and the first day of May in each and every year, to determine and direct what sum or sums of money shall be raised and levied upon the inhabitants in the district on the eastern side of the harbour of the said City, for answering the purposes aforesaid, and to direct by warrant under their common seal to the assessors herein after mentioned to make a rate and assessment in due proportion upon all and every person or persons who do or shall inhabit, hold, occupy and enjoy any land, house, shop, warehouse or other tenement, within the district on the eastern side of the harbour of the said City: Provided always, that the sum to be assessed upon any one person in any one year, shall not exceed the sum of seven pounds ten shillings ; and the said assessors are hereby authorized and required to make such rate and assessment ; which same rate and assessment so to be made, shall be collected by a collector to be by the said Mayor, Aldermen and Commonalty of the said City, for that purpose from time to time appointed ; and in case any person or persons so rated and assessed shall

Assessment on one person not to exceed £7 10s. per annum.

Assessment to be collected by a collector appointed for that purpose.

shall neglect or refuse to pay the said sums so rated upon him; her or them, it shall and may be lawful for the said collector to sue for and recover the same by action of debt in the Court of Common Pleas, or City Court of the said City, in like manner as any other debt can or may be sued for, prosecuted and recovered in the said Courts.

III. Provided always and it is hereby enacted, That in case any person or persons shall think him, her or themselves aggrieved by any rate and assessment to be made as aforesaid, it shall and may be lawful for them respectively, within the space of five days after the sum so rated and assessed shall be demanded, to appeal to the Common Council of the said City; and whose decision shall be final and conclusive; and that a memorandum in writing of such appeal, filed in the common Clerk's office, within the said time, shall suspend further proceedings until such decision shall be had.

Persons aggrieved by assessment may appeal to the Common Council.

IV. And be it enacted, That it shall and may be lawful for the said watchmen or any of them, and they are authorized and required in their several stations, during the time of their keeping watch as aforesaid, to apprehend all night walkers, malefactors, rogues, vagabonds and other disorderly persons whom they shall find disturbing the public peace, and to carry him, her or them as soon as conveniently may be before the Mayor, Recorder or one of the Aldermen of the said City, or a Justice of the Peace for the City and County of Saint John, to be examined and dealt with according to law.

Watchmen may apprehend night walkers, &c. disturbing the Peace.

V. Provided always and be it enacted, That in case there should be any deficiency in any one year's assessment so to be made as aforesaid, so that the wages and allowances to watchmen, lamp lighters and scavengers, and every other incidental charges, cannot be fully satisfied, paid and discharged in that year, such deficiency shall be made up in and paid out of the next succeeding year's rate and assessment; and if there shall happen to be any overplus money collected by such rate or assessment as aforesaid in any one year, such overplus shall be carried on to the credit of the account of the next year's rate and assessment, and shall be applied for such uses and in such manner as the rates and assessments collected are by this Act directed to be laid out and applied, and to no other use or purpose whatsoever.

Deficiency in one year's assessment to be made up in the next assessment.

Surplus of assessment to be carried to the credit of next year's assessment.

VI. And be it enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the said City, to appoint annually three discreet persons, being freemen of the said City, to act as assessors under this Act, who shall be sworn to the faithful discharge of such duty before the Mayor or Recorder of the said City; and any person so appointed who shall neglect or refuse to accept the said appointment or to become qualified, or having become qualified, shall refuse to perform his duty, shall for each and every neglect or refusal forfeit and pay the sum of five pounds, to be recovered on conviction before the Mayor or Recorder of the said City, and levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of the said Mayor or Recorder, and paid into the hands of the Chamberlain of the said City, to be applied for such uses and in such manner as the rates and assessments collected under this law, and for no other use whatsoever; and the said Mayor, Aldermen and Commonalty of the said City, may appoint some other person or persons being freemen in the place or places of any person or persons refusing to act, or to become qualified as required by this Act, so often as such shall be the case; which person or persons so to be appointed in the place or places of such person or persons so neglecting or refusing, shall be liable to the same and like penalties for neglect or refusal as the said persons first appointed, to be in

Mayor, &c. to appoint three assessors annually.

Persons appointed not performing the duty to forfeit £5.

Recovery.

Application.

like

like manner recovered, paid and applied, and so on as often as the case may happen.

Collector to pay the money to the Chamberlain.

VII. And be it enacted, That the said collector herein before mentioned to be appointed, shall from time to time as he shall receive the same, pay the money by him collected into the hands of the Chamberlain of the said City for the time being, who is hereby directed to keep a separate book to be by him appropriated for that particular purpose.

To be deemed a public Act.

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

Limitation.

IX. And be it enacted, That this Act shall continue and be in force until the first day of April in the year of our Lord one thousand eight hundred and thirty nine.

CAP. XXXIV.

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

Passed 22d March, 1834.

[Expired.]

CAP. XXXV.

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

Passed 22d March, 1834.

[Expired.]

CAP. XXXVI.

n An Act in addition to and in amendment of an Act passed in the twenty sixth year of the reign of His late Majesty King George the Third, intituled "An Act for relief against absconding Debtors."

Passed 22d March, 1834.

Preamble.

“ WHEREAS the laws now in force relating to absconding debtors have in many respects been found defective and in some cases oppressive ;”

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

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the fourth, seventh and eleventh sections of the said recited Act be and the same are hereby repealed.

Sheriff seizing goods claimed by any person, to summon a Jury to try right of property.

II. Be it enacted, That if any Sheriff or Sberiffs shall by virtue of any warrant or warrants hereafter to be issued in pursuance of this or the above recited Act, through ignorance or want of proper information, seize and take any goods, chattels or effects which shall or may be claimed or challenged by any person or persons

as

as his or their property, it shall and may be lawful for such Sheriff thereupon to summon and swear a Jury of twelve discreet persons competent by law to serve as Petit Jurors, to inquire into and try the right of property thereof; and if such Jury shall upon such inquest find the right of property of such goods, chattels or effects to be in the person or persons so claiming the same, or in any other than the person or persons against whose estate or effects such warrant or warrants did issue, such Sheriff shall forthwith after such inquisition had and taken, deliver such goods, chattels or effects in the like good order and condition in which they were seized and taken, to the person or persons in whom the property thereof shall be so found, or to his, her or their agent, attorney or assigns; and such Sheriff shall not in such case be liable to any suit or prosecution for his having seized and taken such goods, chattels or effects through ignorance or for want of proper information; and all reasonable charges arising from such seizure and inquest as aforesaid, shall be allowed and certified by the Judge or Judges who issued such warrant, and paid by the Trustees out of the effects or estate of the absconding or concealed person or persons against whose estate and effects such warrant issued, if the property of such goods, chattels or effects so claimed shall by such inquisition be found to be in any other than the person or persons against whose estate or effects such warrant issued; but if the property of the goods, chattels or effects so claimed, shall by such inquisition be found to be in the person or persons against whose estate or effects the warrant of attachment which caused them to be seized did issue, then all costs, charges and expenses accrued or arising by such claim and inquisition, or either of them, shall be paid and borne by the person or persons who claimed the same from the Sheriff, or applied for inquisition to be had, or occasioned the same to be had and taken, to be recovered by action of debt or assumpsit at the suit of the Trustees on the said estate.

Sheriff to deliver up the goods, if the Jury find for the claimant, and in such case not to be liable to a prosecution.

Charges of seizure and inquest, how to be paid.

III. And be it enacted, That the decision of the Jury on any such inquisition shall in all cases be final and conclusive, and a good bar to any action that may thereafter be brought by the party or parties against whom such inquisition may be found, unless written notice to the contrary shall be given by the party or parties failing on that inquisition to the Sheriff or person holding such inquisition within six days after taking such inquisition, and unless such action be brought within three calendar months from the time of taking the same; and that all inquisitions had and taken by any Sheriff by virtue of this Act shall be returned in writing under the hands and seals of the Sheriff and Jury taking the same, and filed by him in the Court out of which such warrant issued.

Decision of Jury to be conclusive unless notice be given within six days after the inquisition, and action be brought within three months.
Return of Inquisition.

IV. And be it enacted, That if any person or persons against whose estate or effects such warrant or warrants of attachment shall have issued, shall at any time before the appointment of Trustees for all the creditors of such debtor be made either by himself or by his attorney or agent, by petition to the Judge or Judges who issued such warrant, or to any other Judge of the same Court, offer to prove to the Court of which the Judge who issued such warrant is a Judge, in open Court, that he, she or they against whose estate and effects such warrant or warrants issued, is or are resident within this Province, and was or were not at the time such warrant issued, nor within thirty days preceding, nor at any time since, an absconding or concealed debtor, and thereby pray that the same may be heard and determined at the then next sitting of such Court, and shall and do at the same time execute and deliver to the creditor or creditors who applied for and obtained such warrant or warrants of attachment, a bond with good and sufficient security to be approved of by the said Judge or Judges, if in the Supreme Court in the sum of forty pounds, if in any of the Inferior Courts in the sum of twenty pounds,

Court, on proof that the party is or was not an absconding or concealed debtor, may grant a supersedeas to the warrant of attachment.

with a condition thereunder written that if such person or persons, by name, against whose estate or effects such warrant or warrants issued, do and shall well and truly pay or cause to be paid all the expences the obligees or obligee may be put to in opposing or attending such application, to be taxed and allowed by the Court issuing such warrant, in case the person or persons against whom such warrant or warrants issued do not prove to the satisfaction of the said Court out of which such warrant issued at the then next term, or at such other time as the said Court may order and appoint for hearing the same, that he, she or they is or are then resident within this Province, and was or were not at the time such warrant or warrants issued, nor within thirty days preceding the issuing thereof, nor at any time after, an absconding or concealed debtor within the meaning of this Act, then the said obligation to be void, otherwise to remain in full force and virtue, then and in every such case the Judge or Judges who issued such warrant or warrants shall report his or their proceedings in the premises to the next Court whereof he or they is or are Judges ; which Court is hereby fully authorized and empowered to compel the parties and their witnesses to come into Court, and hear the proofs and allegations of the parties and their witnesses in a summary way, and thereupon to determine whether the matter and things in such petition have been fully proved and supported ; and if such Court shall adjudge and determine that the matters and things contained in such petition have been fully proved and supported, then such Court shall grant a supersedeas to such warrant or warrants, and the person or persons against whose estate and effects such warrant or warrants did issue, shall recover his, her or their costs (to be taxed by the said Court in open Court,) of the creditor or creditors who procured such warrant or warrants of attachment to be issued, by action of debt or attachment out of the said Court, and shall also have an action of damages against the creditor or creditors, or other person or persons on whose application such warrant issued : Provided always, that where the Court out of which such warrant issued shall on or immediately after granting such supersedeas, certify that there was probable cause of suspicion and no malice on the part of the party or parties causing such warrant to be issued, then and in such case such certificate shall and may be pleaded in bar to such action.

Costs.

Damages.

Certificate of Court as to probable cause of suspicion to be bar to action.

Persons indebted to, or in custody of goods of an absconding debtor, and not giving a just account thereof, to forfeit double the debt or value of goods.

V. And be it enacted, That if any person or persons indebted to such absconding or concealed debtor or debtors, or having the custody of any goods, chattels or effects, or other thing or things whatsoever, of such absconding or concealed person or persons, shall conceal the same, and not deliver a just account thereof to such Trustees as aforesaid, or one of them, by the day for that purpose by them appointed, he, she or they so concealing shall forfeit double the sum of the debt or debts, or double the value of the goods, chattels, effects, or other thing or things so concealed, to be recovered by the said Trustees in any Court within this Province having jurisdiction to the amount of such forfeiture, and applied as hereinafter is directed ; which said Courts or either of them are hereby respectively fully empowered, by order of Court, on the application of the said Trustees, to compel to come before such Court all and every person and persons suspected of concealing or of being concerned in concealing the debts, goods, chattels and effects of the said absconding or concealed debtor, and them respectively to examine upon oath touching the premises, and to commit them or either of them if they refuse to be so examined, or being so examined refuse to answer fully and satisfactorily to such Court, or refuse to obey the order and decision of such Court.

Judges of Supreme Court to

VI. And be it enacted, That in order to obviate the difficulties and inconvenience

nience felt in remote situations in this Province, where there are no Judge or Judges of the Supreme Court residing, arising from the necessity of sending to a Judge of the Supreme Court, where the proceedings are intended to be instituted in that Court, to obtain a warrant against an absconding debtor's estate, that it shall and may be lawful hereafter for the Judges of the Supreme Court during Term time, and they are hereby authorized and empowered to appoint three Commissioners in such situations or places in the several Counties in this Province as in the opinion of such Court require the same, for the purpose of taking the examination of the person or persons applying for a warrant against an absconding or concealed debtor or debtors' goods, chattels and effects; which said Commissioners or any two of them when so appointed and sworn as hereinafter directed, are hereby fully authorized and empowered to take the examination in writing of any person or persons applying for such warrant, and upon the proof required by the above recited Act of which this is an amendment being duly made before them or any two of them of the debt due and of the absconding or concealment of the debtor or debtors to their satisfaction, to issue a warrant or warrants against such absconding or concealed debtor's goods in the name of the Chief and senior Justice of the said Supreme Court, and returnable therein, and in every respect agreeable to the form of the warrant issued and adopted by the Judges of the same Court; which warrants when so issued shall be as valid and effectual to all intents and purposes as if issued by the Judges of the said Court or one of them, and the same proceedings shall be had therein as if issued by the said Court, or any one of the Judges thereof, anything herein contained to the contrary thereof in any wise notwithstanding: Provided always, that the said Commissioners taking such examination and issuing such warrant, shall forthwith after the taking such examination and issuing such warrant transmit the examination and proof upon which they issued such warrant to the Chief Justice, or in his absence to the next senior Judge of the said Court, with a memorandum of the date and time of issuing such warrant, also of the name of the creditor or creditors at whose instance such warrant was issued, and of the person or persons against whom such warrant issued.

VII. And be it enacted, That before the said Commissioners, or any of them, enter upon the duties of their said office, they shall be respectively sworn before the said Court, or one of the Judges thereof, or before a Commissioner of the said Court for taking affidavits, or before a Commissioner to be for that purpose appointed by His Excellency the Lieutenant Governor or Commander in Chief for the time being, to administer such oath, to the due and faithful discharge of the duties of their said office; which oath shall be endorsed on the back of their commission or respective commissions appointing them to such office.

VIII. "And whereas by the sixteenth section of the said Act of which this "is an amendment, it is among other things enacted, that if any surplus shall "remain after all just debts and legal charges and commissions are fully paid "and satisfied, such surplus shall be paid or delivered to the said absconding or "concealed person or persons, his, her or their executors, administrators or as- "signs; but as in the event of no such person or persons appearing or being "present to whom such surplus should be paid or delivered, it is necessary that "some person should be authorized to receive the same;" Be it therefore enacted, That the said surplus shall in that case be paid or delivered to a receiver to be appointed by the Court wherein the proceedings have been had.

IX. And be it enacted, That when the account of the proceedings and accounts of such Trustees are duly filed with the Clerk of said Court agreeably to the directions

appoint Commissioners to examine persons applying for warrants of attachment.

Commissioners may issue warrants in the name of the Chief or Senior Judge of the Court.

Proviso.

Commissioners to be sworn to the faithful discharge of duty.

Surplus, after payment of debt, &c. to be paid to a receiver, when the person to whom it ought to be paid does not appear.

Discharge of Trustees from office and liabilities.

rections of the twenty fourth section of said Act, and the same is satisfactory to such Court, the said Court shall be and is hereby authorized by rule or order of said Court to discharge such Trustees from their appointment and from the performance of all further duties or liabilities thereunder.

CAP. XXXVII.

An Act to continue the Acts now in force for the relief of insolvent confined Debtors.

Passed 22d March, 1834

[*Expired.*]

CAP. XXXVIII.

An Act in addition to and in amendment of an Act made and passed in the fiftieth year of the reign of His late Majesty King George the Third, intituled

50 G. 3, C. 21.

“An Act to regulate the proceedings in actions of Replevin, and to enable the sale of goods distrained for rent in case the rent be not paid in a reasonable time, and for the more effectual securing the payment of rents and preventing fraud by tenants.”

Passed 22d March, 1834.

Preamble.

“**WHEREAS** the action of replevin is frequently used in this country in “other cases than distress for rent, and frequently in the place of detinue, trespass and trover: And whereas the provisions of the tenth section of the above recited Act are merely applicable to cases of distress for rent, which has been found in many cases inconvenient and injurious; for remedy whereof,”

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

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

Sheriff executing writ of Replevin to take bond from plaintiff with sureties.

II. Be it enacted, in order to prevent vexatious replevins in all cases, That from and after the passing of this Act all Sheriffs and other officers having the execution and return of writs of replevin, may and shall in executing every writ of replevin as well in cases of distress for rent as in all other cases whatsoever in which the action of replevin will lie, take, in the name of the High Sheriff of the County for the time being, from the plaintiff and two respectable persons as sureties, a bond in double the value of the goods replevied or seized under such writ of replevin, (such value to be ascertained by the oath of one or more credible witness or witnesses not interested in the goods replevied or seized by the Sheriff or other officer under such writ of replevin, which oath the person executing such writ of replevin is hereby authorized and required to administer,) and conditioned for prosecuting the suit with effect and without delay, and for duly returning the goods and chattels replevied or seized in case a return shall be awarded before any deliverance be made of the distress or goods replevied; and that the Sheriff or other officer taking such bond, or his successor, shall at the request and cost of the avowant or person making consuance in cases of distress, assign such bond to the avowant or person as aforesaid, and in all other cases in actions of replevin, at the request, cost and charges of the defendant, his executors, administrators, or assigns,

Bond to be assigned.

assigns, in such action of replevin, assign such bond to the said defendant or defendants, his or their executors or administrators, by endorsement on the back of such bond, and attesting it under his hand and seal, in the presence of two or more witnesses; and if the bond so taken and assigned be forfeited, the person or persons to whom the Sheriff or other officer taking such bond by virtue of the provisions of this Act shall assign the same, may bring an action and recover thereon in his own name; and the Court wherein such action shall be brought, may by a rule of the same Court give such relief to the parties upon such bond as may be agreeable to justice and reason, and such rule shall have the nature and effect of a defeasance to such bond.

III. And be it enacted, That in all actions of replevin whether in cases of distress or otherwise, if the defendant or defendants in such action by himself, his attorney or agent, shall within forty eight hours after the seizure of the property under any writ of replevin give notice to the Sheriff or other officer executing the same, that he or they claim an absolute or special property in the goods seized under the said writ, then the said Sheriff shall not deliver the said property to the said plaintiff, but shall immediately return the said writ of replevin with such claim of property endorsed thereon to the attorney who issued the same, upon which shall be immediately issued by the said plaintiff the writ de proprietate probanda, under which the said Sheriff shall summon a Jury as soon as may be at some convenient time and place to try such claim, giving each party six days previous notice thereof unless they both consent to an earlier day, and in case such Jury shall find such claim good, then the said Sheriff's power under the said writ of replevin shall be at an end, and the said Sheriff shall forthwith return the said goods seized to the said defendant, and the plaintiff in such case if he be not satisfied with the verdict given on such claim of property may resort to his action of trespass or trover; but if such Jury find the property in the plaintiff, then the said Sheriff shall replevy and deliver the said goods to the plaintiff; which said writ and inquisition shall be returned by the said Sheriff to the attorney who issued such writ of replevin, who is hereby required forthwith to file the same in the office of the Court in which such action was commenced: Provided always, that nothing in this Act contained shall prevent the defendant from appearing to such action, and pleading property, in the Court out of which such writ issued or to which it may be removed.

IV. And be it enacted, That the several Sheriffs of this Province or other officers to whom any writ of replevin or writ de proprietate probanda shall be directed, shall and may demand and have for the executing of the said writs, and doing all things which they are or shall be legally bound or obliged to do or perform by virtue of the said writs, no further or other fee or reward, directly or indirectly, than as is set forth in the following schedule, (that is to say,)

For entering the writ of replevin and endorsing the time of receiving the same, one shilling;

For mileage in travelling to execute the same, to be computed from the Court house to the place where the goods and chattels may be found, and back, each mile, three pence;

For executing the replevin, six shillings and eight pence;

For making a return, if common, one shilling;

For making a return, if special, two shillings and six pence;

For entering the writ de proprietate probanda and endorsing the time of receiving the same, one shilling;

For mileage, to be computed as above, each mile, three pence;

For summoning the Jury, five shillings;

Notice of claim being given to the Sheriff within 48 hours after seizure, Sheriff to return the writ with claim endorsed.

Writ de proprietate probanda to be issued and proceeded on.

Fees for executing writ of replevin or de proprietate probanda.

For

For the constable, two shillings and sixpence ;

For swearing the Jury, two shillings and six pence ;

For swearing each witness or reading a paper in evidence, six pence ;

For attending the inquest, five shillings ;

For making out the inquisition and returning the writ de proprietate probanda, five shillings ;

For an order to restore the goods and chattels, one shilling.

And any Sheriff or other officer to whom such writ or writs shall be directed, who shall presume to demand or receive any further or other fee or reward than as is hereby set forth and directed, shall be deemed and taken to be guilty of extortion and liable to be punished for the same according to law.

CAP. XXXIX.

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

Passed 22d March, 1834.

Preamble.

“ **W**HEREAS it is thought that the opening of Canals across the necks of
“ land at the falls of the Saint John river near the City of Saint John,
“ would afford a good water power for driving mill and other machinery ; and that
“ it would be essential to the success of the undertaking that an Act of Assembly
“ incorporating a Company for that purpose should be granted ; and that the
“ erecting of mills at that place, would materially benefit the trade of the said
“ City, and be of great advantage to the lumbering interests of the Province ;”

Persons herein named, their successors and assigns incorporated by the name of “ The Saint John Mills and Canal Company.”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That William Walker, James Kirk, John Robertson, William Leavitt, Isaac Woodward, Angus M'Kenzie, John V. Thurgar, James T. Hanford, Elisha De W. Ratchford, Moses H. Perley, John Wilson, and Thomas Wyer, and all and every such other person and persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby erected into a Company, and declared to be a body politic and corporate, by the name of the Saint John Mills and Canal Company, and by that name shall have succession and a common seal ; and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law or equity or place whatsoever, and be able and capable in law to have, hold, purchase, get, receive, take on lease, erect, set up, possess and enjoy, houses, lands, tenements, hereditaments, mills, milldams, booms, waters, water privileges, rents and profits, in fee simple, leasehold, or otherwise, and also goods and chattels, and all other things, real, personal and mixed, and also to give, grant, sell, let, assign or convey the same or any part thereof, and to do and execute all other things in and about the same as shall and may be thought necessary and proper for the benefit and advantage of the said Company ; and also that the said Company or the major part of them shall from time to time and at all times have full power, authority and license to constitute, ordain, make and establish such bye laws and ordinances as may be thought necessary for the good rule and government of the said Corporation ; provided such bye laws and ordinances be not contradictory or repugnant to the laws and statutes of the Province, and those in force within the same ; and provided also, that nothing herein contained shall be held or construed to give the said Company the privilege of dealing in the lending of money by way of discount or otherwise, or engaging in any banking operations whatsoever.

Capabilities.

Not to engage in banking.

II.

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

Act to be deemed public.

CAP. XL.

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

Passed 22d March, 1834.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the second year of His present Majesty's reign, intituled "An Act to incorporate sundry persons by the name of the Saint John Water company," be and the same is hereby declared to be in full force and effect, except as hereby altered and amended.

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

II. And be it enacted, That the said Company or Corporation shall not directly or indirectly deal or tread in buying or selling gold and silver coins or bullion, or bills of exchange, or other negotiable instruments, or any goods, wares, merchandize, or commodities whatsoever, or deal in the lending of money, or in bills of exchange, or other negotiable instruments, by way of discount or otherwise, or engage in any banking operations whatsoever.

Corporation not to engage in banking.

III. And be it further enacted, that the time for paying in five per cent. of the capital stock of the said Company shall be and the same is hereby extended to two years after the passing of this Act, instead of twelve months, as required by the second section of the said Act.

Time of payment of five per cent. on capital enlarged.

CAP. XLI.

An Act to establish and regulate a summary practice in the Supreme Court.

Passed 22d March, 1834.

“**WHEREAS** the present practice of proceeding in the supreme Court “where the matter in demand is under twenty pounds in value, has “been found to be attended with an expense, greatly disproportioned to the “amount in question;”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That His Majesty's Supreme Court of Judicature in this Province is hereby empowered, in all actions of debt, covenant, assumpsit, trover and conversion, and trespass to personal property, instituted in the said Court, the sum total whereof shall not exceed twenty pounds, to proceed in a summary way, by the examination of witnesses in open Court or other legal evidence, to try the merits of such causes wherein no dilatory plea shall be admitted, and to determine thereon according to law, and enter upon judgment accordingly, unless such cause shall be put to issue by a Jury, in which case such cause shall be tried according to the rules and practice of said Court as in other cases.

Supreme Court may proceed in a summary way in actions of debt, &c. not exceeding £20

II. And be it enacted, That in the said causes the bill of complaint or declaration

tion

o See 5 W. 4, C. 34 for facilitating the examination of Witnesses before Trial, in the Supreme Court; and C. 37, providing, generally, for the more convenient administration of justice in that Court.

Contents and
service of writs,
and bill of par-
ticulars.

Bail or appear-
ance.

General Issue,
Trial.

Judgment by
default.

Clerk to record
judgments.

Venue.

Fees.

Judge's

Clerk.

Attorney.

Clerk of the
Circuits.

tion shall be inserted in the writ, a copy of which with a copy of the particulars of the plaintiff's demand, in cases where the defendant is entitled to the same, shall be served on the defendant or defendants, who shall at the term to which the writ is returnable, or within twenty days after, put in bail or enter his or their appearance in the said action, and if he or they intend to defend the same file the general issue and give a copy thereof to the said plaintiff or plaintiff's attorney, and the said cause shall be tried and determined by the Court or Jury according to the rules and practice of the said Court, made or to be made for such purpose; and in case the defendant or defendants shall not at the term to which the writ is returnable, or within twenty days after as aforesaid, file the general issue in the said cause, and give to the said plaintiff or plaintiff's attorney a copy thereof, that then judgment may be entered by default in the said cause at the next succeeding term, and the Court assess the damages as has been heretofore accustomed.

III. And be it enacted, That the Clerk of the said Court shall keep a book in which shall be entered a memorandum of all final judgments so given in every cause, whether by default, or tried or determined in a summary way, either by the said Court or a Jury under the provisions of this Act, a copy of which said judgment certified by the said Clerk under the seal of the Court, shall be evidence of the said judgment in all Courts within this Province.

IV. And be it enacted, That the venue in all summary causes within the meaning of this Act, shall be set forth in the margin of the writ, subject to be changed by rule or order of the said Court, according to the ordinary practice thereof, and if any cause in which the venue shall be laid or changed in or to any other County than the County of York, shall be defended and put to a Jury as aforesaid, the same shall be tried at Nisi Prius in the County in or to which the venue is laid or changed, in such manner and form as the said Supreme Court by general rule or order thereof shall prescribe and direct.

V. And be it enacted, That the fees attending the prosecution of suits in a summary way as aforesaid shall be as follows: namely, to the Justices of said Court, on the entry of every cause, three shillings and fourpence; trial, three shillings and fourpence: Clerk for signing and sealing the writ and filing precipe, one shilling and sixpence; filing all other papers, sixpence each; filing writ and entering cause, one shilling and sixpence; taxing costs, one shilling; entering memorandum and signing final judgment, three shillings; entering defendant's appearance and filing plea, one shilling and sixpence; to the Attorney, on commencing every action, for writ, precipe, affidavit and declaration, eleven shillings and eight pence; copy thereof for defendant, five shillings; bill of particulars, sixpence per folio, for original and copy; attending taxation of costs, one shilling; attending execution of writ of inquiry, three shillings and fourpence; and in all cases that do not go to a Jury, for all other proceedings until final judgment, eight shillings and fourpence; and for every motion before the Court in banc, actually made in open Court and entered in the minutes, three shillings and four pence; on every cause entered for trial, and for every argument before the Court in banc, not less than half a guinea nor more than two guineas, in the discretion of the presiding Judge; and for all other necessary proceedings in the conducting of any cause under the provisions of this Act to final Judgment, not provided for in this section, sixpence per folio; and in actions tried at the Circuit, the Clerk of the Circuits be allowed half the fees now taxable in other cases not summary.

VI.

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

VII. And be it enacted, That the ordinary course of practice of the Supreme Court shall regulate the proceedings in summary actions, in matters not herein specially provided for, and that the Judges of that Court may from time to time establish such other rules in relation to summary actions, not repugnant to this Act, as to them may seem expedient. Practice in summary actions.

VIII. And be it enacted, That if the plaintiff proceed according to the ordinary practice of the Court, in any case in which by the provisions of this Act the proceedings ought to be summary, he shall not be entitled in any such case to more costs than if he had proceeded in a summary manner, unless he obtained the order of the Court or Judge for the larger costs upon good causes shewn therefor. Ordinary practice where proceedings ought to be summary Costs.

IX. And be it enacted, That no fees for the execution of writs, whether capias or summons, shall in any case be taxable or allowed in the costs, unless such writ has been served by the Sheriff or some or one of his deputies or officers, unless it shall appear that such Sheriff, deputy or other officer shall have neglected or refused to serve such writ or writs. Fees for execution of writs not taxable unless served by Sheriff or deputy.

X. And be it enacted, That no judgment in summary actions shall affect or bind lands; nevertheless in summary actions lands may be taken on execution and sold under the like regulations as in other cases. Judgments not to bind lands.

XI. And be it enacted, That this Act shall not go into operation, until after the tenth day of May next, and that all actions commenced before this Act goes into operation, shall be continued in to final judgment in the same manner as if this Act had not been made and passed, any thing herein to the contrary notwithstanding. Commencement of Act.

CAP. XLII.

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

Passed 22d March, 1834.

“**W**HEREAS the Parishes of Burton and Lincoln in the County of Sunbury “are so extensive as to render the performance of the duties of Parish officers therein inconvenient and troublesome;” Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That all that part of the said Parishes of Burton and Lincoln in the said County, which lies on the southerly side of a line drawn from the boundary line dividing the Counties of Sunbury and Queen’s, through the south point of the Gary block (so called), and running north sixty six degrees west by the magnet, to the division line between the said County of Sunbury and the County of York, be and the same is hereby erected into a separate and distinct Parish, to be called, known and distinguished by the name of the Parish of Blissville, any law, usage or custom to the contrary thereof in any wise notwithstanding. Parish of Blissville erected as herein described.

II. And be it further enacted, That this Act shall commence and go into operation on the twentieth day of January which will be in the year of our Lord one thousand eight hundred and thirty five; and the Justices of the Peace for the said Commencement of Act.

Appointment of Parish officers.

said County shall, at the first General Sessions of the Peace in the said year to be holden, and thereafter in like manner as for other Parishes in the said County, appoint Parish officers for the said Parish of Blissville, who shall be subject to the same laws and regulations and liable to the same penalties in all respects as Parish officers in other Parishes are or may be subject or liable to.

Not to prevent the recovery of assessments, &c. due when Act goes into operation.

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

CAP. XLIII.

An Act to provide for the payment of interest on Warrants which are not paid at the Treasury on demand.

Passed 22d March, 1834.

Preamble.

“ WHEREAS it is expedient for the due maintenance of public credit, that “ interest should be allowed on all warrants payable at the office of the “ Treasurer of this Province, and at such other of his Deputies as may be consi- “ dered necessary : And whereas it is also desirable to prevent harassing appli- “ cations at the Treasury, and to increase the value and give currency to all war- “ rants bearing interest, by shewing at what times they will be redeemable ;”

When payment of a warrant is demanded, and cannot be paid, Treasurer to note the demand.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That when the payment of any warrant on the Treasury may be demanded by or on behalf of the person in whose favor the same is payable, and the same cannot then be paid by the Treasurer for the want of funds in the Treasury, the said Treasurer shall endorse on such warrant a memorandum of such demand, agreeably to the form in the subjoined schedule ; which said warrant so endorsed shall then bear interest at the rate of six per centum per annum until ten days after notice published in the Royal Gazette, (unless sooner paid,) that the money for the payment of such warrant will be paid by the Treasurer on demand with all interest due thereon.

Warrants so noted to bear interest.

Treasurer to publish the warrants he is prepared to pay.

II. And be it enacted, That it shall be the duty of such Treasurer, at least once a month, to publish in the Royal Gazette a list of such warrants as he may be prepared to pay, and thereafter to pay the same on demand with all interest due thereon up to the period of such demand, not exceeding the tenth day after the publication of such list.

Limitation.

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

SCHEDULE.

£50.

Demanded June 5th, 1834, bearing interest.

Treasurer's Office, 1834.

R. S. Treasurer.

[Continued until 1st April, 1840, by 6 W. 4, C. 13.]

CAP. XLIV.

An Act to incorporate sundry persons by the name of the President, Directors and Company of the Central Bank of New Brunswick.

Passed 22d March, 1834.

“ **W**HEREAS it is thought that the establishment of a Bank at Fredericton would promote the interests of the Province by increasing the means of circulation ;”

Preamble

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That Jedediah Slason, John Robinson, Hugh Josiah Hansard, T. V. W. Clowes, Richard Ketchum, John A. Beckwith, Thomas Pickard, James Taylor, Amasa Coy, George Hayward, Thomas O. Miles, Charles S. Putnam, Thomas T. Smith, Thomas C. Everitt, Peter Fisher, Thomas Wyer, Thomas Barker, George J. Diblee, Henry George Clopper, Richard English, Charles Perley, Jeremiah M. Connell, Charles Fisher, John T. Smith, James Taylor, Junior, and L. A. Wilmot, their associates, successors or assigns, be and they are hereby declared to be a body corporate by the name of the President, Directors and Company of the Central Bank of New Brunswick, and that they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments and rents, in fee simple or otherwise, and also goods and chattels, and all other things, real, personal, or mixt, and also to give, grant, let or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation ; and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of law and equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto, and also that they shall have one common seal to serve for the ensembling of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation, and also that they the said President, Directors and Company, or the major part of them, shall from time to time and at all times have full power, authority and licence to constitute, ordain, make and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation ; provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the laws and statutes of this Province.

Persons herein named, their successors and assigns incorporated by the name of “ The President, Directors and Company of the Central Bank of New Brunswick.”

May possess lands, &c.

May sue and be sued.

Have a common seal.

Make laws for government of the Corporation.

r Capital to be £15,000.

II. And be it enacted, That the capital stock of the said Corporation shall consist of current gold and silver coins of the Province to the amount of fifteen thousand pounds ; the sum of seven thousand five hundred pounds, one half part thereof, to be paid in current gold and silver coins of the Province within one year from the passing of this Act, and the further sum of seven thousand five hundred pounds within two years from the passing of this Act ; the whole amount of

r See 6 W. 4, C. 58, providing for the increase of the Capital Stock to £50,000, and regulating the disposal of the additional Stock.

Divided into
600 shares of
£25 each.

Corporation
may possess
lands, &c. not
exceeding
£1500, or to
any amount by
mortgage as
collateral secu-
rity.

Annual meeting
of Stockholders
for choice of
Directors.

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

All expenses to
be paid from
the corporate
funds.

Not less than
five Directors
to constitute a
board.

No vote to be
excluded by one
vote.

No Director to
have a salary,
but President
may be com-
pensated.

Qualification
for a Director-
ship.

of said stock to be divided into shares of twenty five pounds each, making in the whole six hundred shares.

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

IV. [*Obsolete.*]

V. And be it enacted, That there shall be a general meeting of the Stockholders and Members of the said Corporation to be annually holden on the first Monday in March, in each and every year, at Fredericton; at which annual meeting there shall be chosen by a majority of the said Stockholders and Members of the said Corporation, nine Directors who shall be resident in the County of York, and continue in office for one year, or until others are chosen in their room; in the choice of which Directors, the Stockholders and Members of the said Corporation shall vote according to the rule hereinafter mentioned; and the Directors when chosen shall at their first meeting after their election choose out of their number a President: Provided always, that not more than eight nor less than five of the Directors in office shall be re-elected at such annual meeting for the next succeeding twelve months, of which the President shall always be one.

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

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

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

IX. And be it enacted, That no person shall be eligible as Director unless such person is a Stockholder, and holding not less than eight shares of the capital stock of the said Corporation: Provided always, that the Stockholder

so otherwise qualified, be not a Director in any other Banking Company in this Province.

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

Cashier and Clerk to give Bonds with sureties.

XI. And be it enacted, That the number of votes which each Stockholder shall be entitled to, on every occasion when in conformity to the provision of this Act the votes of the Stockholders are to be given, shall be in the following proportion, (that is to say,) for one share and not more than four, one vote; for every four shares above four, and not exceeding twenty, one vote, making five votes for twenty shares; for every eight shares above twenty, and not exceeding sixty, one vote, making ten votes for sixty shares; which said number of ten votes shall be the greatest that any Stockholder shall be entitled to have.

Scale of Votes.

XII. And be it enacted, That all Stockholders resident within this Province, or elsewhere, may vote by proxy, provided that such proxy be a Stockholder, and do produce sufficient authority in writing from his constituent or constituents so to act; provided that no Stockholder be entitled to hold more than three proxies.

Stockholders may vote by proxy.

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

Number of shares to be held by members of the Corporation.

XIV. And be it enacted, That the Directors be and they are hereby authorized to fill up any vacancy that shall be occasioned in the board, by the death, resignation or absence from the Province for three months of any of its Members; but that in case of the removal of a Director by the Stockholders for misconduct or mal-administration, his place shall be filled up by the said Stockholders; and the person so chosen by the Directors or the Stockholders, shall serve until the next succeeding annual meeting of the Stockholders.

Vacant Directorships how to be filled up.

XV. And be it enacted, That before any Stockholder shall be required to make payment of any instalment upon the amount of his subscription, fifty days previous notice shall be given by the Directors in two of the newspapers published in this Province, of the time and place of such payment, and the Directors shall commence with the business and operations of the Bank of the said Corporation: Provided always, that no bank bill or bank notes shall be issued or put in circulation, nor any bill or note be discounted at the said Bank until the said sum of seven thousand five hundred pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said Bank.

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

No bank bill to be issued or note discounted till £7,500 a paid in.

XVI. And be it enacted, That as soon as the sum of seven thousand five hundred pounds shall have been paid in current gold and silver coins, and shall then be in the vaults of the said Bank, the President shall give notice thereof to

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

the

Commissioners to count the money in the vaults.

the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or the Commander in Chief for the time being, who is hereby authorized, by and with the advice of His Majesty's Council, to appoint three Commissioners, not being Stockholders, whose duty it shall be to examine and count the money actually in the vaults, and to ascertain, by the oaths of the majority of Directors, that half the amount of its capital hath been paid in by the Stockholders towards payment of their respective shares, and not for any other purpose, and that it is intended to have it there remain as part of the capital stock of the said Bank; which investigation is hereby declared indispensable, and shall be made at the periods prescribed by the second section of this Act, when paying in the capital stock of the said bank.

Shares to be assignable.

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

Corporation to deal only in bills of exchange, gold and silver, or in sale of goods or stock pledged.

XVIII. And be it enacted, That the said Company shall not directly nor indirectly deal in any thing excepting bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent but not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed; which said goods and stock so pledged shall be sold by the said Corporation at public sale, at any time not less than thirty days after the period for redemption; and if upon such sale of goods or stock there shall be a surplus after deducting the money lent, together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

Stockholders to be individually liable for the Corporation debts not exceeding the amount of their stock.

Joint stock also liable.

XIX. And be it enacted, That the holders of the stock of the said Bank shall be chargeable in their private and individual capacity, and shall be holden for the payment and redemption of all bills which may have been issued by the said Corporation, and also for the payment of all debts at any time due from the said Corporation, in proportion to the stock they respectively hold: Provided however, that in no case shall any one Stockholder be liable to pay a sum exceeding the amount of stock actually then held by him: Provided nevertheless, that nothing previously contained shall be construed to exempt the joint stock of the said Corporation from being also liable for, and chargeable with, the debts and engagements of the same.

Bonds, bills, notes, &c. to declare payment to be from the joint funds of the Corporation.

XX. And be it enacted, That every bond, bank bill, or bank note, or other instrument, by the terms or effect of which the said Corporation may be charged or held liable for the payment of money, shall specially declare, in such form as the board of Directors shall prescribe, that payment shall be made out of the joint funds of the said Corporation: Provided nevertheless, that nothing herein contained shall be construed to alter, change or diminish the responsibilities and liabilities imposed on Stockholders in their individual capacities by the nineteenth section of this Act.

XXI.

^s Shares deemed personal estate, and liable to be taken in execution.—6 W. 4, C. 58, S. 13, 14.
^t Corporation not to be sued on notes, &c. until presented at the Bank.—6 W. 4, C. 58, S. 13.

XXI. And be it enacted, That the total debts of the debts which the said Corporation shall at any time owe, whether by bond, bill or note, or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the Stockholders; and in case of any excess, the Directors under whose administration and management the same shall happen, shall be liable for such excess in their individual and private capacities: Provided always, that the lands, tenements, goods and chattels of the said Corporation shall also be liable for such excess.

v Debts not to exceed twice the amount of capital paid in.

Liability of Directors in case of excess.

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

Directors to make half yearly dividends.

XXIII. And be it enacted, That the books, papers, correspondence and funds of the said Corporation shall at all times be subject to the inspection of the Directors; but no Stockholder, not a Director, shall inspect the account of any individual with the said Corporation.

Books &c. to be subject to the inspection of the directors.

XXIV. And be it enacted, That all the bills or notes issued by the said Corporation shall be signed by the President for the time being, and countersigned and attested by the Cashier, and shall be printed and made in steel plates; and all bills or notes so signed and countersigned shall be binding on the said Corporation and payable in specie at said Bank.

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

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

Corporation to pay to a bona fide holder the original amount of any altered note.

XXVI. And be it enacted, That the said Bank shall be kept and established at Fredericton, or at such other place as the board of Directors may think it necessary to remove the said Bank, on account of any great emergency, for the security thereof.

The Bank to be kept at Fredericton.

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

Statement of the affairs of the Corporation to be laid before the Stockholders at the annual general meeting.

Duplicate for the Governor and Legislature.

XXVIII. And be it enacted, That no loan shall be made by the said Bank on the pledge of its own stock.

No loan on pledge of stock.

XXIX. And be it enacted, That any joint committee hereafter to be appointed by the Honourable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or prorogation of the General Assembly have free access to all the books and vaults of the same.

Committee of Legislature to have access to books and vaults.

XXX.

Stockholders or Directors may call general meetings.

XXX. And be it enacted, That any number of Stockholders, not less than twelve, who together shall be proprietors of two hundred shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the Stockholders, for purposes relating to the business of the said Corporation, giving at least thirty days previous notice in two of the newspapers published in the Province, and specifying in such notice the time and place of such meeting with the objects thereof; and the Directors or any five of them shall have the like power at any time, upon observing the like formalities, to call a general meeting as aforesaid.

On dissolution directors to close the concern.

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

Liability for bills issued and not paid.

Amount of aggregate debts of directors to Bank.

XXXII. And be it enacted, That the aggregate of all the debts due from the Directors of the said Bank as principals, endorsers or sureties shall not at any one time exceed thirty three and one third per centum of the capital stock.

Cashier to make semi-annual returns of state of Bank to the Provincial Secretary's office.

XXXIII. And be it enacted, That the Cashier of the said Bank shall semi-annually, that is to say, on the first Monday in January and the first Monday in June in each and every year, make a return of the state of the said Bank as it existed at two of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the office of the Secretary of the Province; which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein, and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein; and the said return shall be made in the following form, viz.:

FORM OF RETURN.

State of Bank on the Monday of 18 , 2 o'clock, P. M.
DUE FROM BANK.

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

RESOURCES OF THE BANK.

- Gold, silver and other coined metals in its banking house
- Real estate
- Bills of other Banks incorporated in this Province
- Balances

w See 6 W. 4, C. 58, S. 10, as to semi-annual returns.

Balances due from other Banks

Amount of all debts due, including notes, bills of exchange, and all stock and funded debts of every description, excepting the balances due from other Banks

Total amount of the resources of the Bank

Date and amount of the last dividend, and when declared

Amount of reserved profits at the time of declaring the last dividend

Amount of debts due and not paid, and considered doubtful

Which return shall be signed by the Cashier of said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths, to the truth of said return according to the best of his knowledge and belief; and the Cashier of the said Bank shall also make return under oath, whenever required by the Legislature, of the names of the Stockholders and the amount of stock owned by each; and a majority of the Directors of said Bank shall certify and make oath or affirmation before the same Magistrate as the said Cashier, that the books of said Bank indicate the state of facts so returned by their Cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province, as soon after the opening of any Session thereof as practicable, true copies of such returns as aforesaid as he may have received since the then last previous Session.

Return of stockholders to be made when required.

Copies of returns to be laid before the Legislature.

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

x List of delinquents to be furnished to the President on discount days.

No Director on the delinquent sheet to sit at the board.

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

Disqualification of Directors for delinquency.

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

Act to be deemed public.

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

Limitation.

x Delinquent sheet to be made up at 3 P. M.—6 W. 4, C. 68, S. 11.

CAP. XLV.

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

Passed 22d March, 1834.

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That the following Acts of Assembly, giving jurisdiction to Justices of the Peace in civil suits, be and are hereby repealed, viz. : An Act made and passed in the fiftieth year of the reign of King George the Third, intituled "An Act for the more easy and speedy recovery of small debts;" also an Act made and passed in the eleventh year of the reign of King George the Fourth, intituled "An Act to alter and amend an Act for the more speedy recovery of small debts;" and an Act made and passed in the second year of the reign of King William the Fourth, intituled "An Act to amend an Act passed in the fiftieth year of the reign of His Majesty King George the Third, intituled 'An Act for the more easy and speedy recovery of small debts.'" "

50 G. 3, C. 17,

11 G. 4, C. 21,
and2 W. 4, C. 21,
repealed.Jurisdiction of
Justices.

II. And be it enacted, That every Justice of the Peace shall have jurisdiction over and cognizance of the following civil actions :

First. Actions for the recovery of any debt wherein the amount of the debt or sum in demand shall not exceed five pounds.

Second. Actions of trespass, and trespass on the case, including trover, for injuries to personal property wherein the damages claimed shall not exceed forty shillings.

Third. Actions of trespass to real property wherein the damages shall not exceed forty shillings.

Provided that no Justice of the Peace shall have cognizance of any civil action :

Exceptions.

First. Where the King is a party.

Second. Where the title to land shall in any wise come in question.

Third. Nor of any action for the recovery of any debt or debts where the sum total of the plaintiff's demand or cause of action shall exceed five pounds, and shall not have been reduced by actual payments as low as five pounds.

Fourth. Nor of any action for a debt by specialty, which shall not be for payment of a sum certain.

Fifth. Nor of actions against executors, administrators, trustees of absconding debtors, or corporations.

y Regulations
as to proceed-
ings.

III. And be it enacted, That the following regulations shall be kept and observed in regard to the process and proceedings before Justices of the Peace in civil suits, (that is to say,)

1] By and
against whom
actions may be
brought.

That actions cognizable before any Justice of the Peace, may be brought by and against all persons who sue or are sued in their own right, and by executors, administrators, trustees of absconding debtors, corporations, and all other persons to whom any right of action is given by law.

2] No exemp-
tion from juris-
diction by pri-
vilege.

That no person shall be exempted from the jurisdiction of Justices' Courts, by reason of any privilege of the General Assembly or of any privilege as an attorney, solicitor, clerk or other officer of any Court of law or equity.

3] Actions by
minors.

Provided that no process shall be issued for a plaintiff under the age of twenty one years, (except for a menial or other servant for wages,) until a next friend for such plaintiff be appointed; and that upon application made, the Justice shall appoint some suitable person, who will consent thereto in writing, to be

named

Next friend.

y The several regulations comprised in this section have been numbered from 1 to 104, inclusive. This enumeration, it will be remembered, forms no part of the Legislative enactment, but is added for the convenience of reference and quotation.

named by such plaintiff, to act as his next friend in such suit, who shall be responsible for the costs therein.

That no action shall be brought or maintained against any person under the age of twenty one years for or upon any debt, contract or agreement, except for necessities. 4] Against minors.

That upon the request of a defendant under the age of twenty one years, the Justice may appoint some person to be named by the defendant, or if the defendant neglect to nominate, the Justice may in his discretion appoint some fit person as guardian for the defendant, who shall be allowed to defend for the infant, but who shall not be liable for costs in the suit. 5] Guardian of defendant under age.

That no Justice shall hold a Court for the hearing or trial of any action to be brought under the provisions of this Act, in any other Parish than that in which such Justice resides, excepting he should be requested to attend at the residence and in behalf of some other Justice as hereinafter provided. 6] Justice to hold Court in Parish where he resides. Exception.

That every action coming within the jurisdiction of a Justice's Court shall be brought before some Justice. 7] Actions confined to Justices' Courts.

That all suits shall be commenced by process, and process shall be either a summons or a capias. 8] Process.

That the ordinary process in all cases shall be a summons directed to any constable of the Parish wherein the defendant resides or may be found, commanding him to summon the defendant to appear before the Justice who issued the same, at a time and place to be named in such summons, not less than six nor more than thirty days from the date of the same, to answer the plaintiff for the cause of action in the same summons to be mentioned; which summons may be served by any constable of the Parish, or by any other person who may, at the instance of the plaintiff, be specially appointed by the Justice, and whose name shall be endorsed by the Justice on the summons at or before the delivery thereof to such person; provided that no person other than a constable shall be entitled to any fees upon the service of such summons. 9] Summons. Who may serve.

That a summons shall in all cases be served at least six days before the time of appearance mentioned therein, in the manner following, (that is to say,) 10] Time and mode of service. Personal.

First. If the defendant shall be found, it shall be served by delivery to him of a copy thereof; and by reading the same to him, or acquainting him with the contents, if required by him.

Second. If the defendant shall not be found, it shall be served by leaving a copy thereof at his last place of abode, in the presence of some person residing in the house of suitable age and discretion, who shall be informed of its contents. Or at defendant's dwelling.

That every constable serving a summons shall return thereupon in writing the time and manner in which he executed the same, and sign his name thereto; and if required by the Justice, or either of the parties, shall verify such return by oath before such Justice; or such return may be verified by written affidavit to be taken and subscribed before the said Justice or any other Justice of the Peace, or any person authorized to take affidavits in the Supreme Court; and that every person, other than a constable, serving a summons, shall make a like return, and shall verify the same by oath or affidavit as above provided. 11] Return. On oath, if required, or written affidavit.

That a Justice shall, upon application, issue a capias, when it is made to appear on affidavit, to be taken in writing, of the plaintiff or his agent, that the cause of action does not exceed five pounds, that the defendant is justly and truly indebted to the plaintiff in a sum to be specified in the affidavit, which shall not be less than twenty shillings, after giving full credit to the best of the deponent's knowledge or belief for all payments and off-sets, that he doth verily believe 12] Capias, when grantable.

believe that the defendant is of the full age of twenty one years, and that there is danger of losing the debt if the defendant be not arrested or held to bail; provided that no *capias* shall be issued against any person having privilege of the General Assembly, or against any female.

13] Contents of *capias*.

That a *capias* shall be directed to any constable of the Parish wherein the defendant resides or may be found, and shall command such constable to take the defendant, and bring him forthwith before such Justice unless he shall give good bail to the suit; and such *capias* shall also state the time and place at which the suit is to be heard and determined.

14] Service.

That a *capias* shall be served by arresting the defendant, and at the same time delivering him a copy of such *capias*, and also, if he shall require it, reading the same to him, or acquainting him with its contents.

15] Bail :

That the constable shall upon such arrest take bail for the defendant, if good and sufficient bail be tendered; which bail shall thereupon subscribe a memorandum to be endorsed on the *capias*, or written at the foot thereof, to the effect that he or they become bail; but if such bail be not tendered, he shall carry the defendant before the Justice by whom such *capias* was issued, or in case of his sickness or absence, before some other Justice of the County.

Bail not tendered, defendant to be taken before a Justice.

16] Bail before a Justice.

That when a defendant shall be brought before a Justice upon a *capias*, such Justice shall either,

Justification.

First. Admit him to bail, if any one or more responsible person or persons resident in the County be willing to become bail, and shall subscribe a memorandum to that effect to be endorsed on the *capias* or subjoined thereto, and shall, unless allowed by the plaintiff, justify by affidavit; which affidavit shall state the place of residence and occupation of the person so offering himself as bail, that he is really and bona fide worth double the sum for which the defendant may have been held to bail, over and above what would pay all his just debts; and in addition to the necessary wearing apparel and bedding of himself and family, fuel and tools of trade.

Deposit of money.

Secondly. Or take a deposit to the amount of the debt sworn to, together with five shillings for costs, over and above the constable's mileage, the amount of which mileage shall also be deposited, as security for the defendant's satisfying the plaintiff for the amount which he may recover in the suit.

Commitment for want of bail.

Thirdly. Or in case of the defendant failing to give such bail, or make such deposit, by warrant under his hand, commit the defendant to the gaol of the County till discharged by due course of law, or until the debt and costs be paid; such warrant to state the amount for which the defendant is arrested, and the time of detention; and that it shall be the duty of the constable thereupon to carry and convey the defendant to the said common gaol and deliver him to the Keeper of such gaol, together with the said warrant; but such defendant shall not be liable to be detained in custody for any longer period than one day for every two shillings of the sum stated in the warrant; and if charged in execution while so in custody, on the *capias*, the time during which the defendant shall have been confined under the *capias*, shall go in Discharge of an equal portion of the Imprisonment to which he would be liable under the execution: Provided always, that no gaoler shall be liable to an action for detaining any defendant so committed beyond the legal period, unless he shall have demanded his discharge, or unless such detention shall appear to have been wilful and malicious.

Limitation of imprisonment.

17] Release on bail, after commitment.

That a defendant so committed to gaol, shall any time before final judgment be entitled to his release on bail being put in for him, and justified or allowed as aforesaid, before the Justice who may have issued the *capias*, or in case of his sickness

sickness or absence, any other Justice of the County; and the Justice before whom such bail is put in shall grant an order for the release of the defendant, directed to the gaoler, who shall, upon the delivery of such order to him, discharge the defendant from custody.

That it shall be the duty of a Justice taking bail or receiving a deposit, in a case not pending before him, forthwith to transmit the *capias* with the endorsement of bail thereon, or the sum deposited, (as the case may be,) to the Justice by whom the *capias* may have been issued, who shall proceed thereupon in like manner as if the bail had been entered or deposit made with him.

That the bail for any defendant, whether entered before a constable or a Justice, shall be answerable for the defendant's paying the amount of debt and costs which the plaintiff may recover against him, or that his body be rendered into custody upon execution, if such execution be taken out and delivered to a constable, for the purpose of being executed, within forty days after judgment, or within forty eight hours after service of a written notice by the bail to the plaintiff or his agent requiring such execution to issue; and if such execution be not taken out and delivered to a constable within the said period of forty days after judgment, or within forty eight hours after such notice as aforesaid, in either of such cases, the bail shall be discharged from any further liability; provided also, that the bail may require the plaintiff to take out execution forthwith after judgment, and may take and detain the defendant until such execution is prepared and delivered to a constable, and thereupon commit him to the custody of such constable upon such execution, and if the plaintiff shall upon such requisition refuse to take out execution, the Bail shall be discharged; provided also, that the defendant so delivered by his bail into custody, shall be entitled to his release, on pointing out to the constable sufficient available property whereon a levy may be made for the amount of the execution and charges.

That every constable serving a *capias*, shall return thereupon in writing the manner in which he executed the same; and no *capias* shall be served at any time within two days before the return thereof.

That if the same shall not have been served six days before the return, the Justice shall, on the application of either party, appoint a further day for hearing the cause, notice whereof shall be given to the other party, at least six days before the day so appointed for the hearing; provided that if the defendant shall be in actual custody and unable to find bail, the Justice shall not postpone the cause, without the consent of the defendant, unless the plaintiff will agree to his release from such actual confinement.

That if any summons or *capias* be returned not served, it may from time to time be renewed by the Justice, who shall upon the application of the plaintiff issue an *alias* or *pluries* summons or *capias*; provided that no more than one *pluries writ* shall be issued or allowed for in the taxation of costs.

That any plaintiff or defendant in a suit before a Justice may appear and conduct his suit either in person, or by attorney or agent.

That the authority of any agent or attorney may be either written or oral, but no such agent or attorney shall be allowed to advocate or take any part whatever in the conduct of the proceedings, if objected to by the opposite party, (except when he appears on behalf of a defendant then in actual custody at the suit of the plaintiff and unable to appear himself,) unless he make oath that he has not directly or indirectly received any fee, hire or reward for his services as such attorney or agent, that he has not any expectation of receiving, and that he will not accept or receive, any pay, remuneration, or gratuity, for his attendance or services

18] Bail or deposit taken by a Justice in a case not pending before him.

19] Liability of bail.

20] Return of *capias*.

21] When not served within six days, a further day for hearing to be appointed.

22] Renewal of process.

23] Trial. Conduct of suit.

24] Authority of Agent or Attorney.

Oath required of him.

services already rendered or to be rendered to the party in the conduct of the suit.

25] Defence.

That the defendant upon appearance may without any written or formal plea, defend the suit, and resist the plaintiff's right of action.

26] Set off of mutual debts.

That in any action brought for the recovery of a debt, the defendant may set off any debt or sum which may be owing to him by the plaintiff; provided that the same is due to the defendant in his own right, either as being the original creditor or payee, or as being the assignee of a demand legally assignable, and was so due at the time of the commencement of the suit; and if the set off be founded on a bond or other instrument having a penalty, the sum really and justly due by virtue of its condition only shall be set off; provided also, that if there be several defendants the demand set off must be due to them all jointly.

27] Set off equal to, less than, or exceeding Plaintiff's claim.

That if the amount of the set off duly established be equal to the plaintiff's debt, judgment shall be entered for the defendant with costs; if it be less than the plaintiff's debt, the plaintiff shall have judgment for the residue only with costs; if it be more than the plaintiff's debt, and the whole amount of such set off do not exceed five pounds, judgment shall be rendered for the defendant for the excess or balance with costs.

28] Set off exceeding £5.

That if the amount of the defendant's set off proved, exceed five pounds, the Justice shall, if required by the defendant, set off the same against the plaintiff's demand, and shall render judgment for the defendant for his costs; in which case no other action shall be brought by the defendant for the subject matter of such set off; but if the defendant shall not require this, the Justice shall enter judgment of non suit for the defendant with costs; and the defendant may thereafter sue for and recover his demand, in any Court having cognizance thereof, in which action, the plaintiff may set off the demand so sued for in the Justice's Court.

29] Plaintiff's claim exceeding five pounds.

That if upon the trial of a cause, it shall appear that the amount of the plaintiff's claim exceeds five pounds, judgment shall be rendered against the plaintiff with costs.

30] Set off against demands by Executors and Administrators.

That in suits brought by executors or administrators, the defendant may set off demands existing against their testators or intestates, and belonging to the defendant at the time of their death, in the same manner as if the action had been brought by and in the name of the deceased.

31] Trustees of absconding debtors.

That, in like manner, in suits brought by trustees of absconding debtors, the defendant may set off demands existing against such debtor and legally belonging to such defendant at the time of the debtor's absconding.

32] Set off established against Plaintiff, suing in *outré droit*.

That whenever a set off is established in a suit brought by such executors, administrators or trustees, the judgment shall be against them in their representative character, and shall be evidence of debt established, but execution shall not issue thereon.

33] Title to Lands in question.

That it appear on the trial that the title lands is in question, the Justice shall dismiss the cause, and render judgment for the defendant, for his costs.

34] Particulars of demand.

That every person applying to a Justice for a summons or *capias* shall, at or before the issuing of the same, file with the Justice a statement or particular of his demand or cause of action; and the Justice shall, if required by the plaintiff, annex a copy of the same to the copy of the process to be served on the defendant, with the process.

Filing and service.

35] Particulars of set off.

That every defendant having a set off shall file with the Justice, or deliver to the plaintiff, a particular of such set off, at least two days before the day appointed for hearing the cause.

That

That the Justice shall at all reasonable times exhibit such particulars to the opposite party, and if required deliver a copy of the same, the applicant paying to the Justice his fee therefor.

That the parties shall at the trial of the cause be confined to their respective particulars, and shall not be allowed to go into evidence of any matter or demand not contained therein.

That upon the written application of both plaintiff and defendant, the Justice may proceed to the hearing and determination of a cause at any time which may be mutually agreed on, either previous or subsequent to the day on which the process is returnable.

That the Justice may at his discretion, upon the application of either party, adjourn the hearing of the cause, on account of the absence of a material witness, to some future day, and may also at his discretion, for a like cause, further adjourn the same; but no cause shall be so adjourned except it be made to appear on affidavit that justice cannot be done for want of such witness, specifying him by name, and that there is reasonable ground to believe that his attendance can be procured at the hearing, in case such adjournment be made; provided that when the defendant is in actual custody, and shall make it appear by affidavit that he is unable to procure bail or make deposit, the Justice shall not adjourn the cause, at the instance of the plaintiff, unless such plaintiff shall consent to the release of the defendant from confinement.

That where the summons has been served by leaving the same at the dwelling house of the defendant, and it shall be made to appear to the Justice upon affidavit, that such defendant was absent from his dwelling house and has not since returned thereto or had notice of such summons, the Justice may in his discretion adjourn the hearing of the cause.

That no adjournment shall in any case be allowed, without the agreement of both the parties, to any time beyond three calendar months from the return of the process.

That any Justice of the Peace may issue subpoenas to compel the attendance of witnesses to give evidence on any trial depending before himself or any other Justice; and such subpoena shall be valid to compel the attendance of a witness being in the same County where the cause is to be tried, or in an adjoining County.

That a subpoena may be served either by a constable or any other person, and it shall be served by shewing the same and delivering a copy or memorandum thereof to the witness, and by paying or tendering the fees allowed by law, if demanded at the time by the witness.

That every person subpoenaed as a witness, and neglecting or refusing to appear or testify, shall be liable to the party in whose behalf he shall have been subpoenaed for all damages which such party shall sustain by reason of such non-appearance or refusal.

That every Justice of the Peace holding a Court for the trial of causes shall keep a book, in which he shall fairly enter all causes tried before him, whether with or without a Jury, or in which judgment shall be given by him by default or otherwise.

That every cause shall be heard and determined at the return of the process, if duly served, or on some other day which may be appointed for that purpose according to the foregoing provisions, before the Justice who issued such process, or in case of his sickness or inability to attend, or in case of his being a necessary witness for either party, before some other Justice of the Peace for the same County, and resident either in the Parish where the Court sits or where the defendant may have

36] To be shewn, and copy given if required.

37] Parties to be confined to their particulars.

38] Time of hearing cause may be altered on application of parties.

39] Adjournment of hearing.

In what cases allowed.

40] When Defendant has not received nor had notice of summons.

41] Extent of adjournment.

42] Subpena.

43] Service.

44] Liability for non-appearance.

45] Record book to be kept by every Justice.

46] Causes to be tried at return of process &c. before the Justice who issued the process, or in case of sickness &c. before some other Justice.

have been found, who at the request of the Justice who issued the process may attend for that purpose, and the Justice (unless a Jury shall have been duly demanded) shall proceed to hear the proofs and allegations of the parties, and to determine the same as the very right of the case may appear.

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

That in cases where the cause shall be heard and determined, and judgment given by any Justice attending in the place of another Justice, as provided for in the foregoing section, the cause shall be entered in the book of the Justice by whom the judgment shall be given, and shall be considered as transferred to the Court before him, and execution shall be awarded by and all other incidental proceedings had before him in the same manner as if the first process had been issued by such Justice.

48] Trial and judgment when Defendant does not appear.

That if the defendant do not appear to make a defence, the Justice shall proceed to assess the debt or damages as to him shall appear just, and may make such assessment upon any bond, bill, note or other written security for the payment of any sum certain, without further evidence; and such security shall be marked by the Justice, and remain on file in his possession; he may also assess the debt or damages on the viva voce examination or the affidavit of the plaintiff or any other person; which affidavit may be made before the said Justice or any other Justice of the Peace, or any person authorized to take affidavits to be read in the Supreme Court; and in actions for the recovery of any debt where the particulars have been filed with the Justice and a copy thereof served on the defendant with the process, the Justice may make the assessment upon the proof of the service of such copy, without further evidence.

49] Venire.

That on the application either of the plaintiff or defendant, two days at least before the day of trial, the Justice shall issue a venire to any constable of the Parish, disinterested between the parties, commanding him to summon three persons duly qualified to sit as Jurors in Courts of Record, and who shall be in no wise of kin to either party, to make a Jury for the trial of the action, who being duly sworn shall try the cause and give their verdict, and the verdict so given shall be conclusive, and judgment rendered accordingly; and if there be application for Juries, in several causes to be heard on the same day, the Justice may issue one venire for all or any of the causes, stating therein the names of the parties in such causes.

50] Challenges of jurors.

That the Justice shall allow all legal challenges of Jurors; and if a sufficient number of competent Jurors shall not attend, the Justice, in order to supply the deficiency, may direct the constable to summon some of the by standers or other persons who may be competent, and against whom no cause of challenge shall appear, to act as Jurors in the cause.

51] Execution of Venire.

That the constable to whom any venire shall be delivered, shall execute the same fairly and impartially, and shall not summon any person whom he has reason to believe biassed or prejudiced for or against either of the parties; he shall summon the Jurors personally, and shall put the names on the back of the venire or in a schedule thereunto annexed, which shall be returned to the Justice.

52] Return.

That if the constable to whom the venire shall have been delivered, do not return the same as thereby required, or if a full Jury of three persons shall not be obtained in the manner above declared, the Justice may issue a new venire returnable immediately or at some future day to be by him appointed, to which the trial shall be adjourned.

53] Jury to be sworn.

That after the Jury shall have been duly sworn, they shall sit together and hear the proofs and allegations of the parties which shall be delivered publicly in the Court.

That

That no ex parte affidavit of any person shall be allowed or given in evidence, nor shall either of the parties testify unless both parties agree to allow the same.

54] Ex parte affidavit and evidence by parties.

That every person offered as a witness, before any testimony be given by him, shall be duly sworn or affirmed, and may, if required by either party, be first sworn or affirmed and examined as to his interest in the cause.

55] Witness to be sworn.

That after hearing the proofs and allegations, the Jury shall be kept together in some convenient place under the charge of a constable duly sworn, or some other fit person to be specially appointed by the Justice and duly sworn, until they all agree upon the verdict, and when they shall have agreed thereupon, they shall deliver the same publicly to the Justice, who shall enter it in his book.

56] Verdict.

That whenever a Justice shall be satisfied that a Jury sworn in any cause before him cannot agree in their verdict after having been out a reasonable time, not less than six hours, he may discharge them, and shall issue a new venire returnable at some future day to be by him appointed, unless both parties shall unite in an application to the Justice to render judgment on the evidence already before him, which in such case he may do; provided that the Justice may, with the consent of both parties, discharge the Jury at any time before the expiration of six hours, and proceed as above mentioned.

57] Jury not agreeing may be discharged, and a new venire issued, or Justice may render judgment on application.

That every person who shall be duly summoned as a Juror and shall not appear nor render a reasonable excuse for his default, or appearing shall refuse to serve, shall be liable to forfeit and pay five shillings to the use of the poor of the Parish wherein he shall be resident, to be sued for, recovered and levied with costs, before the said Justice, in the name of any one or more of the overseers of the poor for such Parish, in the same manner as if the said sum were a debt due and owing to such overseer.

58] Default of jurors.

Penalty.

That judgment of nonsuit with costs shall be rendered against a plaintiff prosecuting a suit before a Justice of the Peace in the following cases, if applied for by the defendant:

59] Judgment of nonsuit.

First. If he discontinue or withdraw his action without the consent of the defendant;

Secondly. If he fail to appear by himself, his agent or attorney, at the return of the process or other time appointed for hearing the cause, and the defendant be in attendance and move for such judgment;

Thirdly. If he become nonsuited on the trial.

That judgment for the defendant with costs shall be rendered whenever a trial has been had, if it be found by verdict of the Jury or by the decision of the Justice, as the case may be, that the plaintiff has no cause of action against the defendant.

60] Judgment for Defendant.

That if upon the trial of the cause, or upon an ex parte hearing in those cases where it may be had on the defendant's failing to appear, a sum in debt or damages shall be found in favor of the plaintiff, the judgment shall be rendered against the defendant for such debt or damages and the costs.

61] Judgment for Plaintiff.

That if process shall have issued against two or more persons jointly indebted, and shall have been personally served upon either of the defendants, the defendant who may have been served with process shall answer to the plaintiff, and the judgment in such case, if rendered in favor of the plaintiff, shall be against all the defendants, in the same manner as if all had been served with process; and execution may issue against all the defendants, but shall not be executed on the separate property or the body of any defendant who shall not have been served with process, unless such defendant shall have appeared at the trial and defended the

62] Judgment and execution against joint debtors.

suit ; and in such cases the Justice shall endorse on the execution a special memorandum to direct the constable as to the service of the same.

63] Execution. That upon any judgment being rendered before a Justice, he shall at the instance of the successful party issue execution, but no execution shall be issued by a Justice after the expiration of one year from the time of rendering judgment.

64] In any Parish in the County. That the execution shall be directed to any constable within the Parish where the defendant resides or may be found, and such execution may issue and be served in any Parish within the County.

65] Date and return, and duration of executions. That every execution issued by a Justice shall be dated on the day when it is actually issued, and shall be returnable in thirty days from the date thereof, unless a longer time shall be requested by the party in whose behalf the same is issued, when the return may be extended to any time not exceeding three months

Contents. from the date ; and such execution shall command the constable to levy on the goods and chattels, excepting such as are by law exempt from execution, and bring the money at a certain time and place therein to be mentioned before such Justice, to render to the party who recovered the same ; and if the execution be issued against a male person not having the privilege of the General Assembly, it shall further command the constable, if sufficient goods or chattels cannot be found to satisfy such execution, to take the body and convey the same to the common gaol of the County, there to remain until such execution shall be satisfied or the defendant discharged by due course of law.

66] Further execution. That if an execution be returned unsatisfied in whole or in part, a further execution for the amount remaining due thereon may be issued.

67] Levy. That the constable to whom any execution shall be delivered, shall proceed forthwith to levy the same, and unless the debt or damages and costs be paid, shall take sufficient goods and chattels of the party against whom the same is directed to satisfy the same, and shall advertise the same in two or more public places in the Parish for sale by public auction, and such advertisement shall describe the goods and chattels taken, and shall be put up at least five days before the time appointed for the sale.

68] Sale under execution. That at the time and place so appointed, if the amount remain unpaid, the constable shall expose the goods to sale at auction to the highest bidder ; he shall forthwith return the execution and pay the debt or damages and costs levied to the Justice who issued the same, returning the overplus, if any, to the person against whom the execution issued ; if the goods shall remain unsold for want of buyers, the constable may adjourn the time of sale for any period not less than twenty four hours or more than six days, and may in such case proceed to sell the same after the return day of the execution, but shall immediately after such sale make return and payment as above specified, and whatever goods remain unsold after the execution is fully satisfied shall be restored to the party from whom the same were taken.

Return. Adjournment of sale. That no constable shall directly or indirectly purchase any goods or chattels at any sale made by him upon execution, but every such purchase shall be absolutely void.

69] Purchases by Constables void. That for want of goods and chattels whereon to levy, the constable shall in the cases authorized by law (unless otherwise directed by the party in whose favor such execution shall issue) take the body of the person against whom the execution is directed, and convey him to the common gaol of the County or City and County, the keeper whereof shall keep such person in safe custody until the debt or damages and costs shall be paid or he is thence discharged by due course of law ; and the constable so conveying any such person shall exhibit to the keeper

70] For want of goods and chattels Constable to take the body. of

of such gaol the execution by virtue of which the commitment is made, and the gaoler shall thereupon enter the particulars of such execution in his register.

That no person so committed to gaol shall be liable to be detained more than one day for every two shillings of the debt or damages and costs required by such execution to be levied, or more than fifty days in the whole, if the amount exceed five pounds; and every person so committed shall be entitled to his discharge at the expiration of such time.

That notwithstanding the discharge of the defendant under the preceding section, the judgment upon which such execution issued shall remain good against the property of the defendant, and a new execution may be issued against his property in like manner as if he had not been imprisoned.

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

That if a constable neglect to return an execution within ten days after the return thereof, except with the written consent of the party in whose favor the same was issued, or neglect to pay over the money received, or levied thereon, for the space of five days after he shall have received the same, such party may maintain an action of debt against such constable, and shall recover therein the amount of the execution with interest from the time of the issuing such execution, and a Justice of the Peace shall have jurisdiction of such action, though the amount of the execution with costs exceed five pounds.

That upon the return of an execution, duly issued according to the foregoing regulations, against any person who may have given bail to a suit in a Justice's Court, stating that sufficient goods and chattels of the defendant could not be found, whereon to levy the amount, and that the body of the said defendant could not be found, the plaintiff may maintain an action of debt against such bail jointly or severally, and shall recover therein the amount of debt or damages together with the costs in the original suit, and such judgment against the bail shall be also rendered with costs: Provided nevertheless, that when the amount of debt or damages exceed the sum for which the said defendant was arrested, the bail shall only be liable to the extent of that sum and the costs.

That a Justice of the Peace shall have jurisdiction of such actions against bail, notwithstanding the judgment against the defendant may, together with costs, exceed five pounds.

That in any action or suit brought in any other Court than the said Justice's Court for any debt, if the plaintiff do not recover more than five pounds, he shall not be entitled to any costs whatever, unless he obtain an order of the Court or of the Judge before whom the cause was tried, for entering up judgment for costs, upon the ground of the demand having been reduced by set off, or upon reasonable cause shewn to such Court or Judge for bringing the action in such other Court; and in case of any such action or suit being brought in the Supreme Court, and the plaintiff recovering a less sum than five pounds, if the Judge before whom the cause shall be tried shall think fit to certify that there was no reasonable cause for the plaintiff bringing such action in that Court, the defendant shall be entitled to costs, to be recovered by process of attachment, but no such attachment shall be awarded for more than the overplus in which such costs may exceed the amount of the debt or damages recovered by the plaintiff in such suit; and such costs or so much thereof as will be sufficient to cover the same, shall go in satisfaction of such judgment.

That in all cases of judgment rendered before a Justice of the Peace in civil actions, either party thinking himself aggrieved by such judgment may apply to a Judge of the Supreme Court for an order to remove the same for reviewal.

71] Limitation of imprisonment.

72] Judgment in force against property, when defendant discharged from custody.

73] No female to be imprisoned.

74] Liability of constables neglecting to return executions and proceedings against them.

75] Proceedings against bail.

76] Actions against bail for more than £5.

77] Plaintiff recovering not more than £5 in any Court other than a Justice's not to be entitled to costs Exceptions.

78] Removal and review.

Either party may apply for an order.

That

79] Affidavit setting forth the testimony, &c. before the Justice, and grounds of error.

That the party intending to apply for such order shall make or cause to be made an affidavit, setting forth the substance of the testimony and proceedings before the Justice of the Peace, and the grounds upon which an allegation of error is founded; which affidavit shall be sworn before any person authorized to take affidavits to be read in the Supreme Court.

80] To be presented to a Judge of the Supreme Court within thirty days after judgment.

That such affidavit shall, within thirty days after rendering such judgment, be presented to a Judge of the Supreme Court, and if it shall thereupon appear to such Judge, that any error has been committed by the Justice of the Peace or Jury, in the proceedings, verdict, or judgment, by means whereof substantial justice has not been done, or that the Justice had not jurisdiction in the cause, he shall grant his order for removal of the cause before such Judge, at such day and place as he shall appoint, or before the Supreme Court at the next ensuing term, if the Judge shall so direct: Provided always, that such Judge may in his discretion, before granting such order, require the party applying to execute a bond to the opposite party, with or without sureties, and in such penal sum as the Judge may direct, conditioned for the payment of all damages, costs and expenses, which may be awarded by the said Supreme Court or any one of the Judges thereof; which bond shall remain with the said Judge, and shall not be put in force without the order of the Supreme Court, or of a Judge thereof.

Order for removal.

Security may be required before granting order.

81] Order for removal to be served on the Justice who gave judgment.

That the order for removal shall, within twenty days after the same shall have been granted, be served upon the Justice by whom the judgment was rendered, together with a copy of the affidavit upon which the same was allowed, and the sum of five shillings shall be paid to the Justice for his fees for making a return to the order, and no order shall be of any effect, unless these requisites shall have been complied with.

82] Service of order and affidavit to stay execution.

That if the order and affidavit shall be served on the Justice before execution shall have issued, it shall stay the issuing of execution; and if the execution shall have been issued and not collected, the Justice shall grant the party requiring it a certificate of the issuing of such order, which, on being served on the constable in whose hands the execution may be, shall suspend such execution.

83] Return to order of removal.

That the Justice before the return day of such order, or within fourteen days after service thereof, shall make return thereto in writing, in which return he shall truly and fully answer to all the facts set forth in the affidavit, on which the order was made; and such Justice shall forthwith make and transmit his return to the Judge, pursuant to the order, or deliver the same if required, to the attorney of the party at whose instance the same was granted, for the purpose of being forthwith transmitted to the said Judge.

84] Justice may be compelled to make return.

That the Supreme Court or any Judge thereof shall have power to compel such Justice to make or amend such return by rule or order, and by attachment, if necessary.

85] Review before the Judge.

That upon the return to such order being made, the Judge shall appoint a day and place for hearing the matter, which may from time to time be adjourned as he may think fit; and notice thereof shall be given to the opposite party, by service on the person or at the dwelling house, or by order of the said Judge in presence of the party or his attorney, and the Judge shall proceed to hear the parties, their counsel or attorneys, and may receive any affidavit, on either side, explanatory of the proceedings before the said Justice, and shall give judgment in the cause as the very right of the matter may appear, without regarding technical omissions, imperfections or defects in the proceedings before the Justice, which do not affect the substantial justice of the case, and may affirm, reverse or alter the judgment, either as to debt, damages or costs, in whole or in part, and may,

Judgment on review.

if

if necessary, remit the cause to the Justice of the Peace, for the purpose of execution being issued for the amount awarded to either party on such review of the proceedings, or may direct the payment of such money to be enforced by attachment: Provided always, that the Judge by whom such order may have been granted, may, at any time before his final determination of the matter, adjourn the same for hearing before the Supreme Court at the next ensuing or any subsequent term thereof, and in that case the cause may be brought on for argument before the said Court, and judgment shall be rendered by the Court in the same manner, and to the like effect as if heard and determined before a single Judge; and the Court may remit the same to the Justice of the Peace or enforce the payment thereof in the same manner as before provided in the case of a determination before a single Judge: Provided always, that in case of sickness or absence of the Judge by whom any order may have been so granted, the matter may be heard before any other Judge of the Supreme Court, who shall thereupon be vested with the same power and authority in the premises, as if the said order had been allowed by him.

Adjournment
for hearing be-
fore the Court.

Sickness or ab-
sence of Judge.

That if the judgment be wholly affirmed or reversed, costs shall be awarded to the successful party; that if the judgment be affirmed in part or altered, costs may be awarded according to the discretion of the Court or Judge; the costs in all cases before a Judge to be taxed and allowed by such Judge, and in all cases before the Court to be taxed and allowed by any of the Judges or the Clerk as usual in other causes, and to be recovered by process of attachment.

86] Costs on
review.

That a copy of the minute of the judgment of the Supreme Court, or of a Judge thereof, upon such review of any judgment of a Justice's Court, certified under the hand of a Judge by whom such judgment may be given, or of the Clerk of the Court, if given by the Court, shall in all Courts be evidence of the judgment of such Supreme Court or Judge; and a copy of any rule or order of such Court or Judge made in any of the proceedings herein provided for, certified in like manner, shall in all Courts be evidence of such rule or order.

87] Certified
copy of the
minute to be
evidence of the
judgment, on
review.
Copies of or-
ders.

That the decision of any Judge of the Supreme Court, or of the Court upon such revision of the proceedings before a Justice of the Peace, shall be final and conclusive.

88] Decision of
Court or Judge
to be final.

That no certiorari or other process to remove any judgment or proceeding had before a Justice of the Peace in a civil suit, under the provisions herein contained, shall be issued or allowed by the Supreme Court or any Judge thereof, or any order made for removal of the same, except in the manner and under the regulations herein before provided.

89] No judg-
ment, &c. to be
removed except
as herein pro-
vided.

That the plaintiff shall not be entitled to recover, or the defendant to set off any debt or demand barred by the statute of limitations, in any action before a Justice of the Peace, if the benefit of the statute be claimed at the trial: neither shall the plaintiff be entitled to recover in any action of trespass or other action before a Justice, where the action is barred by the said statute, if the defendant claim the benefit of such statute at the trial.

90] Either
part may claim
the benefit of
the Statute of
limitations at
the trial.

That in any action before a Justice of the Peace for the recovery of a debt, the defendant may at any time while the suit is pending, pay into the hands of the Justice such sum of money as he may think fit on account of the plaintiff's demand, together with the plaintiff's costs then incurred, an entry of which payment shall be made in the Justice's book; and if the plaintiff, after notice of such payment, shall take further proceedings, and shall not recover more in the action for his debt than the amount so paid on that account to the Justice, and his demand shall not have been reduced below that amount by any set-off, judgment shall be awarded for the defendant with costs.

91] Payment of
money to Jus-
tice pending
the suit.

That

92] Tender before the suit of no avail unless money paid to Justice.

That the defendant shall not be entitled to the benefit of any tender made before action brought, unless he do pay the sum so tendered into the Justice's hands at least two days before the day appointed for the trial or hearing; neither shall such tender be available in his defence, if the plaintiff make it appear that any time after such tender and before action brought, the sum tendered was demanded by him from the defendant and refused.

93] Plaintiff may receive the tender in the Justice's hands.

That where money is so paid into a Justice's hands pending a suit as provided for in either of the two next preceding sections, the plaintiff shall be entitled to receive the same upon application therefor to the Justice, who shall make an entry in his book of such application.

94] Perjury.

That if any person upon examination on oath or affirmation at the trial or hearing of any cause before a Justice of the Peace, shall wilfully and corruptly give false evidence, or shall in any deposition or affidavit taken in writing before any Justice of the Peace or person authorized to take affidavits to be read in the Supreme Court, in any manner relating to the proceedings in any cause before a Justice of the Peace, or on the removal or review thereof, wilfully and corruptly swear or affirm any matter or thing which shall be false or untrue, every such person so offending and being thereof lawfully convicted, shall be subject to the like pains and penalties as any persons convicted of wilful and corrupt perjury are by law liable and subject unto.

95] Justice to sign but not deliver blank process.

That every process issued by any Justice of the Peace shall be signed by him, and that no blank process shall be delivered out by any Justice to any person to be filled up and issued.

96] Neglect or refusal of a Justice to pay over money lodged with him in his official capacity.

That if any money shall have been paid to a Justice of the Peace upon execution or otherwise, in satisfaction of the debt or damages recoverable in any civil suit prosecuted before him in his official capacity, and he shall have neglected or refused, after demand, to pay over the same to the party entitled thereunto, such neglect or refusal shall be deemed a misdemeanor and be punishable as such, or the party entitled to such money, his executors or administrators, may maintain an action in the Supreme Court for recovery of the same, and in such case the action shall be a bar to any criminal prosecution for the same offence.

97] Offences punishable as for criminal contempt.

That in the following cases, and no others, a Justice of the Peace may punish, as for a criminal contempt, persons guilty of the following acts :

First. Disorderly, contemptuous or insolent behaviour towards such Justice while engaged in the trial of a cause, or in the rendering of any judgment, or in any judicial proceedings, which shall tend to interrupt such proceedings or to impair the respect due to his authority ;

Secondly. Any breach of the peace, noise or other disturbance, tending to interrupt the official proceedings of a Justice ;

Thirdly. Resistance wilfully offered by any person, in presence of a Justice, to the execution of any lawful order or process made or issued by him ;

Fourthly. Any wilful refusal to testify on the part of a witness at any trial before a Justice.

98] Punishment for contempt. Record.

That punishment for contempt in the foregoing cases may be by fine, not exceeding ten shillings, or by imprisonment in the common gaol, not exceeding three days, or both, in the discretion of the Justice ; and the Justice imposing such punishment shall make a record thereof, stating the particular circumstances of the offence, and the judgment rendered, and shall issue his warrant for levying such fine by distress and sale of the offender's goods and chattels, or committing such offender to the common gaol, or both, as the case may be; which warrant shall be directed to any constable of the County; and the fine when levied shall be paid to the

the

the overseers of the poor for the use of the poor of the Parish wherein such offender resides or wherein the levy may be made, as the Justice shall direct.

That every Justice shall, at the reasonable request and cost of any party, furnish copies of any proceedings had before him in a civil suit, or permit such party to take such copies.

That the proceedings in any cause had before a Justice may be proved by producing the original minutes of such proceedings entered by such Justice, and the oath of such Justice, or in case of his death or absence, proof of his hand writing, or they may be proved by producing copies of such minutes sworn to by a competent witness as having been compared by him with the original entries, with proof that such entries were in the hand writing of the Justice.

That every Justice shall carefully file and preserve all affidavits and papers delivered to him to be filed in any cause, and upon the death of such Justice, or his removal from office, the same shall be delivered to the Clerk of the Peace of the County, to be filed in his office.

That every Justice shall keep a docket book or minute of every process, whether mesne process or execution, issued by him, stating shortly the substance of the process, names of the parties, date of issuing and return, name of the Parish, and also the name of any other person other than a constable, who may be specially appointed to serve such process.

That in all processes the day of service shall be considered exclusive, and the day of appearance or return inclusive; and in like manner the number of days allowed for any proceeding in a cause shall always be computed the first exclusively and the last inclusively.

That where a deposit shall have been made with any Justice by a defendant in lieu of bail, such Justice may apply the same to the satisfaction of the amount which may be awarded to the plaintiff for his debt or damages and costs, and shall on demand return the overplus, if any, to the defendant; if such deposit be not sufficient to satisfy the amount recovered, the Justice shall, at the request of the plaintiff issue execution for the balance; in case the judgment shall be in favor of the defendant, the whole sum so deposited shall be returned to him on demand.

IV. And be it enacted, That the several provisions of an Act passed in the forty first year of the reign of His late Majesty King George the Third, intituled "An Act for the rendering of Justices more safe in the execution of their office, and for indemnifying constables and others acting in obedience to their warrant," shall extend to the proceedings herein contained, and to the protection of Justices and constables in the same manner and to the same extent as therein provided, as fully as if the same were hereby repeated, and the same protection shall be afforded to constables acting in obedience to any process or warrant, hereby authorized to be issued under the hand of any Justice, as is in and by the sixth section of the said Act afforded to constables acting in obedience to the warrants therein mentioned.

V. And be it enacted, That the processes and proceedings in actions before Justices of the Peace, and on the removal thereof, shall be according to the forms in the schedule to this Act annexed, or in words to the like effect; and that the fees therefor shall be taxed and allowed according to the Table contained in the schedule to this Act annexed; and no fees whatever shall be taxed or allowed for any proceedings in Justices' Courts or on the removal thereof, other than such as are set down and specified in the said Table.

VI. And be it enacted, That no process shall abate, or any suit now pending before any Justice of the peace, or in the City Court of the City of Saint John, under

99] Copy of proceedings to be furnished.

100] Proof of proceedings.

101] Justices to file affidavits &c. Upon death &c. to be filed with Clerk of County.

102] Every Justice to keep a docket of all processes.

103] Mode of computing time in all proceedings.

104] Application of deposits made in lieu of bail.

Provisions of 41 G. 3, C. 2, extended to proceedings under this Act.

Process, proceedings and fees to be according to the forms and Tables in Schedule to this Act.

No process or suit under Acts hereby repealed

under

to be discontinued or abated.

under and by virtue of the Acts hereby declared to be repealed, shall be discontinued or abated by reason of such repeal, but that all processes, suits and proceedings shall be continued, determined and concluded, as if no such repeal were made.

City Court of Saint John vested with same Jurisdiction as Justices under this Act.

VII. And be it enacted, That the City Court of the City of Saint John shall be vested with the same jurisdiction and authority, as are by these regulations prescribed for Courts before Justices of the Peace, and no other; but the practice, fees, process, forms and modes of proceeding in the said City Court, shall continue the same as now established, used and allowed, until otherwise regulated by law.

Mode of construing this Act.

VIII. And be it enacted, That whenever in any of the foregoing provisions words importing the singular number or the masculine gender are used, yet the said provisions shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

Commencement of this Act.

IX. And be it enacted, That this Act shall commence and take effect on the first day of July in the present year.

SCHEDULE

Schedule.

Of forms of proceedings in Justices' Courts, and on the removal thereof for reviewal.

Number one.

SUMMONS.

Summons.

County, ss. To any Constable of the Parish of .
Summon C. D. to appear before me, at my dwelling house, in the Parish of , [or at my office in the Parish of, or otherwise as the case may be,] on the day of , at the hour of , in the noon, to answer the demand of A. B. for [state the amount claimed in words at length] for [state the nature of action, and if a bill of particulars be annexed to the copy of summons, add according to the particulars herewith delivered], and make return hereof forthwith as by law directed. Dated the day of , 183 .

N. M. J. P.

Alias summons. Pluries.

Summon (as before) &c. as in the foregoing.
Summon (as often before) &c.

Returns.

RETURN.

Personal service.

Personally served on the within named C. D. the day of , 183 , by me O. P. Constable.

Proved on oath before me, the day of , 18 . N. M. J. P.

Personal service on one defendant, another not found

Personally served on the within named C. D. the day of 183 ; the within named E. F. was not found. O. P. Constable.

Service at last place of abode.

Served on the within named C. D. by leaving a copy at his last place of abode, in the Parish of , with his wife, and acquainting her with the contents. O. P. Constable.

[or]

—With R. D. his father, mother, son, daughter, [as the case may be] being a person of suitable age and discretion, and acquainting him [or her] with the contents. O. P. Constable.

—With R. S. a clerk—
—With R. S. an apprentice—

of

of the said C. D. who resides in his house and is of suitable age and discretion, and acquainting him with the contents. O. P. Constable.

Personally served on the within named C. D. day of 183 ; and served at the last place of abode of the within named E. F. in the Parish of the same day [*or as the case may be*], by delivering a copy to his wife [*or as the case may be*], and acquainting her with the contents. O. P. Constable. Personal service on one defendant, at the house of another.

N. B. *Add the attestation in all cases where necessary.*

AFFIDAVITS OF SERVICE OF SUMMONS.

A. Z. of [*state residence and occupation of deponent*] maketh oath that he did on the day of personally serve C. D. the defendant in the annexed process named, with a true copy thereof [*and at the same time read the same to him or acquaint him with the contents thereof.*] A. Z. Affidavits of service of summons. Personal service.

Sworn at the day of before .

NOTE. *If the process was not required to be read or explained to the defendant, the part between the brackets may be omitted. If a bill of particulars be annexed to the copy of process, the affidavit should be as follows :*

A. Z. of &c. maketh oath that he did on the day of , personally serve C. D. the defendant in the process named, with a true copy thereof; annexed to which copy was a particular of the plaintiff's demand signed by , the Justice issuing the process.

SERVICE AT DWELLING.

A. Z. Constable of the Parish of , maketh oath that he did on the day of leave at the last place of abode of E. F. the defendant, a true copy of the annexed process with R. F. the mother of the said E. F. [*or with the wife of the said defendant, or with S. F. a daughter of the defendant of suitable age and discretion, or with L. M. a clerk, or apprentice, of the said defendant residing in his family, of suitable age and discretion,*] and at the same time acquainted her with the contents. Sworn at the day of . Service at dwelling.

A. Z. Constable of the Parish of , maketh oath that he did on the day of personally serve E. F. one of the defendants in the annexed process named, with a true copy thereof, and did on the day of leave at the last place of abode of S. H. the other defendant, a true copy of such process, with [*as the case may be,*] and at the same time acquainted him with the contents. Personal service on one defendant and at the abode of another.

NOTE. *If the summons has been served in an adjoining Parish, the limits of which extend to a greater distance than thirty miles from the place where the Court is holden, the affidavit should state that the summons was served within that distance, and the following may be added to any one of the above affidavits, and that the said summons was served within thirty miles of the Justice's dwelling, or other place whereto the summons is returnable, as the case may be.*

Number two.

AFFIDAVIT IN ORDER TO OBTAIN A CAPIAS.

A. B. of [*state the place of residence, profession or occupation of the deponent*] maketh oath that C. D. is justly and truly indebted to the said deponent in [*state amount and cause of action, which must not be under twenty shillings*] after giving full credit, to the best of this deponent's knowledge or belief, for all payments and off-sets, that the cause of action does not exceed five pounds, that he doth verily believe the said C. D. is of the full age of twenty one years, and that there Affidavit of plaintiff to obtain capias.

there is danger of losing the said debt, if the said C. D. be not arrested or held to bail.

A. B.

Sworn at the Parish of this day of 183 , before M. N. J. P.

Of plaintiff's
agent.

R. S. of [*state the place of residence, profession or occupation of the deponent*] agent of [*or clerk and agent of*] A. B. of [*state residence and occupation of plaintiff*] maketh oath that C. D. is justly and truly indebted to the said A. B. [*conclude as in the foregoing form.*]

Number three.

CAPIAS, RETURN, BAIL AND DEPOSIT.

Capias.

County, ss.

To any Constable of the Parish of .

You are hereby required to take the body of C. D. and him safely keep till he shall give good bail to answer the demand of A. B. for [*state the amount claimed in words*] in an action of debt for [*as in summons*] and to notify the said defendant that the cause will be heard before me, at my dwelling house in the Parish of on the day of at the hour of in the noon. In default of bail being given you are required to bring the said defendant before me, that he may be dealt with as the law directs. Dated the day of 183 .

N. M. J. P.

Oath for shillings.

N. B. *When the defendant is brought before the Justice, he will either admit him to bail, take a deposit, or issue a warrant for his commitment. If bail are offered, they must, unless allowed by the plaintiff, justify according to the annexed affidavit. If deposit is offered, the amount to be taken is the sum sworn to, the amount of constable's mileage, and five shillings.*

BAIL AND RETURN.

Memorandum
of bail entered
before Constable.

I [*or We, as the case may be*] do hereby consent to become bail for the within named C. D. in this suit. Dated the day of 183 .

R. S.
T. V.

Constable's return.

The within defendant was arrested and served with copy of this process on the day of 183 , and bail was given for him by R. S. of [*state the name, residence and occupation of the bail.*]

The within defendant was arrested and served with copy of this process on the day of 183 .

O. P. Constable.

Memorandum
of bail entered
before a Justice.

I do hereby consent to become bail for the within named C. D. in this suit.

R. S.

Entered before me this day of 183 .

N. M. J. P.

Memorandum
of deposit.

The within named defendant was brought before me, and made deposit of the sum of shillings this day of 183 .

N. M. J. P.

Sum sworn to, £— — —

Mileage, — — —

For costs, — 5 —

£— — —

R. S. maketh oath that he resides in the Parish of in the County of , and follows the business or occupation of a , that he is really and bona fide worth the sum of [*double the sum sworn to*] over and above what will pay all his just

just

just debts, and in addition to the necessary wearing apparel and bedding of himself and family, fuel and tools of trade

Number four.

WARRANT OF COMMITMENT FOR WANT OF BAIL.

County, ss.

Warrant of commitment for want of bail.

To any Constable of the Parish of _____, and to the Keeper of the common gaol of the County of _____

Whereas C. D. has been arrested and brought before me, on a *capias* issued by me [*or by K. L. Esquire, Justice of the Peace of the said County*] at the suit of A. B. upon oath for the sum of _____ shillings, and is unable to give bail or make deposit; these are to authorise and require you the said constable to convey the said defendant to the said gaol and deliver his body to the said keeper together with this warrant, and you the said keeper to receive the body of the said defendant, and him safely keep for _____ days, unless sooner discharged by due course of law. Given under my hand at the Parish of _____ the _____ day of _____ 183 .

N. M. J. P.

Number five.

APPOINTMENT OF NEXT FRIEND FOR A MINOR.

Appointment of next friend.

At the request of A. B. who is under the age of twenty one years, S. L. of [*state residence and occupation*] is appointed his next friend in a suit against C. D. and hereby consents thereto. Dated the _____ day of _____ 183 .
S. L.

N. M. J. P.

Number six.

AFFIDAVIT

To be taken if required by any person appearing as Attorney or Agent for a party. In the Court before N. M. Esquire, J. P.

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

Affidavit by an Agent or Attorney.

J. K. of [*state residence and occupation*] who appears as attorney [*or agent*] for the above named plaintiff [*or defendant*] maketh oath and saith that he has not directly or indirectly received any fee, hire, or reward, or any promise of fee, hire or reward, for his services as such attorney [*or agent,*] that he has no expectation of receiving, and that he will not accept or receive any pay, remuneration, or gratuity for his attendance or services already rendered, or to be rendered, to the plaintiff [*or defendant*] in the conduct of this suit. J. K.

Sworn before me the _____ day of _____ 183 . N. M. J. P.

Number seven.

SUBPOENA

Issued by the Justice before whom the cause is pending. County, ss.

Subpoena issued by the Justice before whom a suit is pending.

To E. F., J. K., G. H., L. M., S. R., T. V.

You and every of you are required to appear before me, at my dwelling house, in the Parish of _____ on the _____ day of _____ at the hour of _____ in the noon, to give evidence on the part of the _____ in a suit now pending between A. B. plaintiff, and C. D. defendant, and then and there to be tried, [*if duces tecum, add here and you the said E. F. are required to bring and produce at the trial a certain promissory note, describe the paper, book, or whatever it may be,*]

be,] and take notice that in case you neglect to appear and testify, you will be liable to the said for any damage he may sustain by reason of such neglect. Dated the day of 183 . N. M. J. P.

Subpœna
Ticket.

TICKET OF MEMORANDUM OF SUBPŒNA.

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

E. F. is required to give evidence in this suit on the part of the , before me at my dwelling house in the Parish of on the day of at o'clock in the noon. N. M. J. P.

To E. F. and G. H.

Subpœna issued by one Justice to appear before another.

Whereas there is a suit pending between A. B. plaintiff, and C. D. defendant, and to be tried before N. M. Esquire, one of his Majesty's Justices of the Peace for the County of at his dwelling house, in the Parish of on the day of at o'clock in the noon, you and each of you are hereby required to appear and give evidence in the said suit, at the time and place aforesaid, on the part of the [if a duces tecum, add here and you the said E. F. &c. as before] and take notice that if you neglect to appear and testify, you will be liable to the said for all damages he may sustain by reason of such neglect. Dated the day of 183 .

Y. Z. Justice of the Peace for the County of .

Ticket.

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

E. F. is required to give evidence in this suit, on the part of the before N. M. Esquire, Justice of the Peace, at his dwelling house, in the Parish of on the day of at of the clock in the noon. Y. Z. J. P.

Number eight.

VENIRE AND RETURN.

Venire for
Jury.

County, ss.

To any Constable of the Parish of

You are hereby required to summon three persons duly qualified to sit as Jurors, and who are not of kin to either of the parties, to come before me, at my dwelling house in the Parish of on the day of at of the clock in the noon, to make a Jury between A. B. plaintiff, and C. D. defendant. Dated the day of 183 . N. M. J. P.

Return.

I have summoned the following persons as Jurors for the trial of the within cause, G. H. J. K. and L. M. O. P. Constable.

Number nine.

Oaths.

FORMS OF OATHS.

To witness on
his voire dire.

You shall truly say whether you have an interest, or can gain or lose by the event of this trial, and shall true answer make to all such questions as shall be asked of you touching your interest in this cause. So help you God!

To witness in
chief.

The evidence you shall give to the Court [or to the Court, and Jury sworn, as the case may be] touching the matter in question shall be the truth, the whole truth, and nothing but the truth. So help you God!

You

You shall well and truly try this cause between A. B. plaintiff, and C. D. defendant, and a true verdict give according to the evidence. To Jurors.

So help you God!

You shall keep every one of this Jury sworn, in some convenient place without meat or drink, you shall not suffer any person to speak to them or either of them, neither shall you speak to them yourself, except it be to ask if they are agreed on their verdict, without leave of the Court. To Constable or other person to keep Jury.

So help you God!

Number ten.

EXECUTION AND RETURN.

County, ss.

To any Constable of the Parish of

. Execution in the ordinary form.

You are hereby required to levy of the goods and chattels of C. D. within your Parish Shillings which A. B. recovered against him in the Court before me for and also costs, amounting in the whole to besides the costs of levying this execution, and have the money before me at my dwelling house, on the day of to be rendered to the said A. B. For want of goods and chattels whereon to levy, you will take the body of the said C. D. and deliver him to the keeper of the gaol of the said County; and the said keeper will take the said C. D. into his custody, and him safely keep for days, unless the said and costs be sooner paid; and how you shall have executed this precept make return to me at the day and place aforesaid. Given under my hand this day of 183 .

N. M. Justice of the Peace for the County of

NOTE. If the execution be against two or more, and all have not been served with process or appeared, the execution will only be against the body of him who was served or appeared.

The Justice must insert the number of days of imprisonment, being one day for every two shillings due on the judgment: If part of the money have been levied, a memorandum shall be endorsed on the execution stating the balance due and days of imprisonment thus:

Balance due, thirteen shillings.

Days of imprisonment, six.

County, ss.

To any Constable of the Parish of

. Against a person having privilege of the General Assembly, or a female.

You are hereby required to levy of the goods and chattels of C. D. within your Parish which A. B. recovered against in the Court before me for debt, [or damages,] and also costs, amounting in the whole to , besides the costs of levying this execution, and have the money before me at my dwelling house on the day of , to be rendered to the said A. B. and have there then this precept. Given under my hand the day of 183 .

N. M. Justice of the Peace for the County of

The return of the within execution is enlarged to the day of dated day of 183 . N. M. J. P.

Endorsement to enlarge return.

I have levied the damages and costs as within directed. O. P. Constable.

Return of levy.

For want of goods and chattels whereon to levy, I have taken the body of the within named C. D. and delivered him to the keeper of the gaol, as within directed. O. P. Constable.

Where the party is committed to gaol.

I could not find any goods or the body of the said C. D. O. P. Constable.

Non est. Defendant not served with process or appeared.

The separate property of the within E. F. is not to be levied on.

Number

Number eleven.

SUMMONS AGAINST CONSTABLE

For not returning execution, or not paying over money levied.

Summons
against Constable
for not re-
turning execu-
tion or not pay-
ing over money
levied.

County, ss. To any Constable of the Parish of .
Whereas on the day of , an execution for damages and
costs on a judgment recovered by A. B. against C. D. before me, was delivered
to O. P. one of the constables of the said Parish of returnable on the
day of : And whereas the said O. P. has [not made return of the
said execution,] as by law directed, you are hereby required to summon the said
O. P. to appear before me at my dwelling house in the said Parish on the
day of at of the clock in the noon to answer to the said A. B.
for the said damages and costs with interest.

And make return hereof forthwith according to law. Dated the day
of 183 . N. M. J. P.

NOTE. *If the suit is for not having paid over the money, omit the words between
the brackets, and say levied and not paid over the money.*

Number twelve.

SUMMONS AGAINST BAIL.

Summons
against bail.

County, ss. To any Constable of the Parish of .
You are hereby required to summon R. S. to appear before me, at my dwell-
ing house in the Parish of on the day of at of the clock
on the noon, to answer the demand of A. B. for [*state the sum for which
the bail is liable, namely, the amount sworn to in the original action and costs
awarded*] which the said A. B. lately recovered in the Court before me against
C. D. and for which sum the said R. S. is liable as bail for the said C. D. as is
alleged; and make return hereof forthwith as by law directed. Dated the
day of 183 . N. M. J. P.

Number thirteen.

FORMS OF PROCEEDING ON REVIEW.

Proceedings on
review.

To N. M. Esquire, one of His Majesty's Justices of the Peace within the
County of .

Order of a
Judge of the
Supreme Court
for the removal
of a cause on
the ground of
injustice.

Whereas C. D. hath made it appear unto me the Honorable W. C. Esquire,
one of the Justices of the Supreme Court for the Province of New Brunswick,
that in a cause lately pending in the Court before you, wherein A. B. was plain-
tiff and the said C. D. defendant, substantial justice has not been done to the
said C. D. by the judgment rendered in the said cause, and he is desirous that
the said judgment and proceedings should be reviewed, I do therefore in pur-
suance of the Act of Assembly in such case made and provided, hereby re-
quire you to return to me forthwith, distinctly and openly under your hand, the
proceedings in the cause aforesaid with all things touching the same, in order
that right and justice may be done in the premises, and that you do answer the
allegations in the affidavit of the said C. D. contained. Dated the day
of in the year of our Lord and in the year of His Majesty's
reign.

For want of
jurisdiction.

Whereas C. D. hath made it appear unto me, the Honorable W. B. Esquire,
one &c. that he was lately impleaded by A. B. in a cause before you, for a mat-
ter not within your jurisdiction as such Justice, and he is desirous &c. [*as in the
foregoing.*]

Number

Number fourteen.

Know all men by these presents &c. [*common form.*]

Whereas upon the application of the above bounden C. D. an order has been made by the Honorable W. C. one of the Justices of His Majesty's Supreme Court for the Province of New Brunswick, for removal before the said Justice [or before the said Court] of the proceedings had in a cause lately pending before N. M. Esquire, one of His Majesty's Justices of the Peace for the County of _____ wherein the above named A. B. was plaintiff, and the said C. D. defendant: Now the condition of the above obligation is such, that if the said C. D. shall well and truly pay or cause to be paid unto the said A. B. all damages, costs and expenses which shall be awarded to the said A. B. by the said Supreme Court or any one of the Judges thereof, then the above obligation to be void, otherwise to stand and remain in full force.

Bond on removal of cause.

Number fifteen.

In the Court before N. M. Esquire, J. P.

Between { A. B. Plaintiff,
 and
 C. D. Defendant,
On judgment for £
Damages and Costs

Certificate to stay execution.

The constable to whom the execution in this cause was delivered, is hereby required to suspend further proceedings on the same, and return the said execution to me. Dated the _____ day of _____ 183 . N. M. J. P.

Number Sixteen.

WARRANT TO LEVY A FINE FOR CONTEMPT.

County, ss.

To any Constable of the Parish of _____

Warrant to levy a fine for contempt.

Whereas X. Y. has been guilty of insolent behaviour towards me, in the trial of a cause between A. B. plaintiff and C. D. defendant, tending to interrupt the proceedings in the said cause, and was thereupon adjudged to pay a fine of _____ shillings for such contempt, to the uses hereinafter mentioned: You are hereby required forthwith to distrain the goods and chattels of the said X. Y. for satisfying the said sum of _____ shillings, and in case the said sum should not be paid within six days next after the making of the said distress, that you cause the said goods and chattels to be appraised and sold, and out of the money arising from such sale, you pay to the overseers of the poor of the said Parish of _____ to the use of the said poor, the said sum of _____ shillings as by law directed, and that you render the overplus arising from such sale (if any be), the necessary charges of making and selling such distress being first deducted, to the said X. Y. and make return hereof to me. Given under my hand and seal the day of _____ 183 . N. M. J. P.

Number seventeen.

WARRANT OF COMMITMENT FOR CONTEMPT.

County, ss.

To any Constable of the Parish of _____

Warrant of commitment for contempt.

Whereas X. Y. has been guilty of insolent behaviour towards me, in the trial of a cause between A. B. plaintiff and C. D. defendant, tending to interrupt the proceedings in the said cause, and was thereupon, for such contempt, adjudged to be imprisoned _____ days in the common gaol of the said County: These are therefore to require you the said constable to take the said X. Y. and convey his body to the gaol of the said County, and there deliver him to the keeper of the _____ the

the said gaol together with this warrant; and you the said keeper are hereby required to keep in your custody the said X. Y. for the said term of days, and hereof fail you not. Given under my hand and seal the day of
183 N. M. J. P.

NOTE.—*The Justice will alter the statement of the offence in the foregoing form, so as to suit the facts of the case, taking care to state the offence according to the regulations.*

Number eighteen.

TABLE OF FEES.

Fees. *To be taxed and allowed in civil actions before Justices of the Peace, and on the removal thereof.*

TO THE JUSTICE.

To the Justice.	Summons,	£0 0 9
	Each copy of summons,	0 0 3
	Capias,	0 0 9
	Each copy of capias,	0 0 3
	Affidavits whereupon to grant capias and swearing,	0 1 0
	Appointment of next friend or guardian,	0 0 6
	A subpœna,	0 0 4
	Each copy or ticket thereof,	0 0 2
	Every adjournment made at the instance of either party,	0 0 6
	Trial and judgment,	0 1 3
	Swearing each witness and constable,	0 0 3
	Swearing Jury,	0 0 6
	Venire,	0 0 6
	Copies of particulars and all other papers which may be required from a Justice, per 100 words,	0 0 6
	Return to Judge's order for removal,	0 5 0
	Taking bail and justifying,	0 1 0
	Taking deposit,	0 1 0
	Execution,	0 0 9
	If against joint debtors requiring any special endorsement,	0 1 0
	Certificate to suspend execution,	0 0 3
	Judgment by default and assessing damages,	0 1 0
	On money paid into Court by a defendant pending a suit, before trial or judgment, two and a half per cent. or sixpence in the pound, but no per centage to be charged for receiving money on deposit in lieu of bail or upon execution.	
	Affidavit of service of summons and swearing,	0 0 6
	Preparing affidavit to be taken by attorney or agent, and swearing same,	0 1 0
	The same fee to be allowed to any other requisite affidavit not specially provided for and swearing.	

TO THE CONSTABLE.

To the Constable.	For serving a summons and making a return thereto,	£0 0 6
	For serving a capias, do. do.	0 1 0
	Taking bail if entered into before constable,	0 0 3
	Return of non est,	0 0 3
	Serving a warrant to commit,	0 1 0
	Summoning a Jury,	0 1 0
	Attending	

Attending at the trial,	£0 0 3	
Summoning each additional Juror if there are not sufficient bystanders,	0 0 3	
Serving a subpoena on each witness,	0 1 0	
Serving an execution on the goods, for the first pound or less,	0 1 0	
Do. do. all above one pound, for each pound,	0 0 6	
Serving an execution on the body,	0 1 0	
If the money is paid, for each pound,	0 0 6	
Every mile (when the distance is more than one mile) going from constable's residence to place of service when serving a summons, capias or execution; bringing defendant before Justice; from place of service to Justice's residence; taking defendant to gaol; the constable to be allowed for all such necessary travelling both going and returning,	0 0 3	
TO WITNESSES.		
To every necessary witness for each day's attendance,	0 1 3	To witnesses.
Travelling if over one mile going and returning each mile,	0 0 3	
JURORS.		
Each Juror who shall be sworn in a cause, if a verdict be given,	0 1 0	To Jurors.
TO A JUDGE OF THE SUPREME COURT.		
Every application for an order to remove cause,	0 2 6	To a Judge of the Supreme Court.
For every order to remove,	0 2 6	
Hearing the cause upon return of the order and his judgment thereupon,	0 10 0	
Every affidavit,	0 1 0	
Taxing a bill of costs,	0 2 0	
Every attachment, summons, or other order, made in the course of any proceeding before him,	0 2 6	
TO ATTORNEY OF THE SUPREME COURT.		
Drawing every affidavit or other paper, per folio of one hundred words,	0 1 0	To Attorney of the Supreme Court.
Copy of the same per folio,	0 0 6	
Every order to remove and copy thereof,	0 6 8	
Attendance on Judge for his allowance,	0 3 4	
Every other necessary attendance,	0 3 4	
Upon every appeal heard or argued before the Judge, not less than eleven shillings and eight pence, and not exceeding two pounds six shillings and eightpence, at the Judge's discretion.		
If argument be heard before the Court such fee, not exceeding three guineas, as may be allowed by the Court,		
Preparing bond,	0 5 0	
Every attachment,	0 5 0	
Every notice or summons and service on the adverse party,	0 2 0	

CAP. XLVI.

An Act to extend the privilege of solemnizing Marriage to all Ministers or Teachers of the several religious congregations in this Province.

Passed 22d March, 1834.

Preamble. “ **W**HEREAS in and by an Act of Assembly made and passed in the
 26 G. 3. C. 4. “ twenty sixth year of the reign of King George the Third, intituled
 “ An Act for preserving the Church of England as by law established in this
 “ Province, and for securing liberty of conscience, in matters of religion,” it was
 “ among other things provided, that all dissenters from the Church of England
 “ within this Province should have liberty of conscience, and might erect and
 “ build meeting houses for public worship, and might choose and elect Ministers
 “ for the decent and orderly celebration of divine service and administration of
 “ the sacraments, according to their several and respective opinions; and it was
 “ therein further provided and enacted, that no person whatsoever, of what per-
 “ suasion or denomination soever, unless so chosen and elected, should be per-
 “ mitted, suffered or allowed to preach any sermon or lecture, or to officiate in
 “ the celebration of divine service, and administration of the sacraments, or other
 “ rites and ceremonies, in any place of public worship within this Province, un-
 “ less he be first approved and thereunto licensed by the Governor or Comman-
 “ der in Chief for the time being, under his hand and seal; and no person what-
 “ soever, of what persuasion or denomination soever, should be permitted, suf-
 “ fered or allowed to preach any sermon or lecture, or to officiate in the cele-
 “ bration of divine service, and administration of the sacraments, or other rites
 “ and ceremonies, in any place of public worship, unless he should in the pre-
 “ sence of the same Governor or Commander in Chief, or of such person as he
 “ should for that purpose nominate and appoint, take the usual oaths of fidelity
 31 G. 3. C. 5. “ and allegiance to His Majesty and his successors: And whereas in and by ano-
 “ ther Act made and passed in the thirty first year of the same reign, intituled
 “ An Act for regulating marriage and divorce, and for preventing and punishing
 “ incest, adultery and fornication,” it was among other things provided, that no-
 “ thing in that Act contained should extend or be construed to extend to prevent
 “ any Minister of the Kirk of Scotland, regularly ordained according to the rites
 “ thereof, from celebrating and solemnizing marriage agreeably to the forms and
 “ usages of that Church, between persons of that communion; and that nothing
 “ therein contained should extend or be construed to extend to prohibit or restrain
 “ persons called Quakers, from the full and free liberty of solemnizing marriage
 “ according to the usages, forms and customs of that sect, in case both parties
 “ to such marriage are Quakers; and that nothing in that Act should extend or
 “ be construed to extend to prohibit or restrain any person regularly ordained in
 “ holy orders of the Church of Rome from solemnizing marriage agreeable to
 “ the forms of their Church between persons of that communion only: And
 “ whereas it is just and equitable that the privilege of solemnizing marriage
 “ should be further extended to all other religious Teachers or Ministers of any
 “ denomination of Christians in this Province, such Ministers or Teachers not
 “ being engaged in any secular calling, and being British born subjects, chosen
 “ and elected, or licensed, and having taken the oaths as mentioned and pre-
 “ scribed in the said first in part recited Act, and being also duly licensed to
 “ solemnize marriage as herein after provided;”

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly,
 That

That from and after the passing of this Act, nothing in the said Act for regulating marriage and divorce, and for preventing and punishing incest, adultery and fornication, herein before in part recited, shall extend or be construed to extend to prevent any Minister or Teacher of any denomination of Christians in this Province, such Ministers or Teachers not being engaged in any secular calling, and being British born subjects actually resident in the Province, chosen and elected, or licensed, and having taken the oaths agreeably to the directions and provisions of the said herein before in part first recited Act, from celebrating and solemnizing marriage agreeably to the forms and usages of their respective Churches or denominations: Provided always, that in order to exercise the privilege conferred by this Act, every such Minister or Teacher shall be licensed to celebrate and solemnize marriages by licence under the hand and seal of the Governor or Commander in Chief for the time being; which licence such Governor or Commander in Chief is hereby authorized and empowered to grant, upon a petition being preferred to him by such Minister or Teacher, representing to the satisfaction of such Governor or Commander in Chief the circumstances herein before specified as necessary to qualify him for exercising that privilege; and any such Governor or Commander in Chief shall also have power to revoke and recal any such licence for abuse of the said privilege, or for any such change of the circumstances under which the same was granted, as may appear to him to require it.

Act of 26 G. 3, C. 4, not to prevent Ministers of any denomination of christians from celebrating Marriage.

Such Ministers being licenced by the Governor for that purpose.

Licences may be revoked.

II. And be it enacted, that every marriage solemnized under and by virtue of this Act shall be in the presence of two or more credible witnesses besides the Minister or Teacher who shall celebrate the same, and that a certificate of every such marriage shall be made, attested, transmitted and registered in like manner in every respect as is described and required in and by two Acts of the General Assembly of this Province, the one made and passed in the fifty second year of the reign of King George the Third, intituled "An Act more effectually to provide for the public registering of all marriages solemnized within this Province," the other made and passed in the fifty fourth year of the same reign, intituled "An Act in addition to an Act, intituled 'An Act more effectually to provide for the public registering of all marriages solemnized within this Province;'" and every such Minister or Teacher who shall celebrate any such marriage by virtue of this Act, or any person or persons who shall thereby be married, shall be and are hereby respectively made liable and subject to the same pains and penalties, for neglecting and refusing to make, transmit or sign such certificate, as by the said two last mentioned Acts, or either of them, the persons solemnizing marriage or married, are made subject and liable for any such neglect or refusal.

Marriages to be celebrated before two or more witnesses besides the Minister, and certificates of Marriages to be made, attested, transmitted and registered as required under 32 G. 3, C. 21 and 54 G. 3, C. 12.

III. And be it enacted, That no marriage shall be solemnized by any Minister, Teacher or ordained person thereunto authorized either by the said in part recited Act of the thirty first year of King George the Third for regulating marriage and divorce, or by this Act, until after proclamation shall be made with an audible voice of such intended marriage, in some Church, Chapel, or other public place of meeting for religious worship in the Town or Parish where such parties or one of them reside, during the time of divine service, on three Sundays successively, except a licence be first had and obtained therefor, under the hand and seal of the Lieutenant Governor or Commander in Chief for the time being; which licence the Lieutenant Governor or Commander in Chief for the time being, is hereby authorized and empowered to grant.

No marriage to be solemnized either under 31 G. 3, C. 5, or this Act, until after proclamation, &c.

IV. And be it enacted, That if any Minister, Teacher, or ordained person, authorized

Any Minister solemnizing Marriage before proclamation, &c. to be liable to the like penalties as Clergymen of the Church of England are under 31 G. 3, C. 5, S. 2.

Persons to be appointed to issue Marriage licences and take the bonds.

Bonds to be transmitted to the Secretary's office.

Suspending clause.

authorized to solemnize marriage by virtue of the said last mentioned in part recited Act, or of this Act, shall presume to solemnize any marriage within this Province, until after proclamation on three Sundays successively, as is provided and directed in the next preceding section of this Act, except a licence be first had and obtained therefor, under the hand of the Lieutenant Governor or Commander in Chief for the time being as aforesaid, such Minister, Teacher, or ordained person, shall be subject to the same penalties and forfeitures in every respect, to all intents and purposes, as any Parson, Vicar or Curate, or other person in holy orders of the Church of England, are subject and liable to by virtue of the second section of the said last mentioned in part recited Act.

V. And be it enacted, That one or more person or persons in each and every County in the Province shall be appointed by the Lieutenant Governor or Commander in Chief for the time being, to issue marriage licences and to take the bonds required in such cases, under such regulations as such Governor or Commander in Chief may think proper to prescribe ; and all such bonds shall, on or before the first day of January in each and every year, be transmitted to the office of the Secretary of the Province, to be there deposited.

VI. And be it enacted, That this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

[Finally enacted, ratified and confirmed, by order of His Majesty in Council, 15th August, 1834.]

CAP. XLVII.

An Act to increase the representation of the Counties of Carleton, Gloucester and Kent.

Passed 22d March, 1834.

Preamble.

“ WHEREAS the great increase of population and advancement of commerce and agriculture of the Counties of Carleton, Gloucester and Kent respectively, renders it expedient and just to increase the number of Members to serve in General Assembly of the Province for the said Counties ;”

Counties of Carleton, Gloucester and Kent to send one additional Member, each, to serve in the General Assembly.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the several Counties of Carleton, Gloucester and Kent, shall be entitled to send one additional Member to serve in General Assembly of this Province for each of the said Counties, to be elected by the freeholders in the said Counties respectively, in like manner, and subject to the like laws, rules, and regulations, under which the other Members are elected in the said Counties respectively, or any other County : Provided always, that no writ shall issue for the election of such Members, until there shall be a general election for the Province.

No Writ to issue until general election. Suspending clause.

II. And be it further enacted, That this Act shall not be of any force or effect, until His Majesty's assent thereto shall have been duly signified.

[Finally enacted, ratified and confirmed, by order of His Majesty in Council, 15th August, 1834.]

CAP. XLVIII.

An Act to authorize the sale or mortgage of the Estates of the persons found lunatic by inquisition in this Province; the granting of leases of the same; and the conveyance of Estates held in trust by Lunatics or Idiots.

Passed 22d March, 1834.

“ **W**HEREAS the want of sufficient power to dispose of the property of
 “ persons found lunatic or of unsound mind, and incapable of manag- Preamble.
 “ ing their affairs, by inquisition taken in this Province, and to apply the same
 “ in discharge of their debts and engagements, is alike injurious to such persons
 “ and their creditors: And whereas by an Act of Parliament made and passed 43 G. 3, C. 75.
 “ in the forty third year of the reign of his Majesty King George the Third, due
 “ provision has been made for the disposal of the estates of persons found lunatic
 “ in England and Ireland; and similar provisions are found necessary with res-
 “ pect to lunatics in this Province, more especially as regards the welfare of
 “ such lunatics, in as much as all estates, both real and personal, being by
 “ law applicable to the payment of debts, much needless expense and loss will
 “ be incurred, if the property of such unfortunate persons, for want of power to
 “ make the same available in the hands of their respective committees, is left to
 “ be seized and sold under execution, or the mortgages on their estates left to
 “ be foreclosed, or the said estates entered upon by the mortgagors: And whereas
 “ the care and commitment of the custody of the persons and estates of persons
 “ so found lunatic or of unsound mind within this Province, are by the royal
 “ commission and instructions intrusted to the Governor, Lieutenant Governor
 “ or Commander in Chief for the time being, who is also constituted and ap-
 “ pointed Chancellor of the Province; and it would be beneficial to such per-
 “ sons and their creditors, if power were given to dispose of their property for
 “ payment of their debts, and performance of their engagements, under the
 “ control of the Governor, Lieutenant Governor or Commander in Chief, as
 “ such Chancellor in the Court of Chancery for the said Province, and by the
 “ order of such Court;”

I. Be it therefore enacted by the Lieutenant Governor, Council and Assem- Governor or
Commander in
Chief, being
Chancellor,
my order free-
hold and lease-
hold estates to
be sold or
charged by
mortgage for
the payment of
debts &c.
 bly, That it shall and may be lawful for the Governor, Lieutenant Governor or
 Commander in Chief of this Province, holding also and exercising the office of
 Chancellor of the same, and being intrusted by virtue of the royal commission or
 instructions with the care and commitment of the custody of the persons and
 estates of persons found lunatic or of unsound mind, and incapable of managing
 their affairs, by inquisition taken in this Province, under a commission issued
 under the great seal of the said Province, in nature of a writ de lunatico in-
 quirendo, by an order made in the Court of Chancery, on the petition of the
 committee or committees of any persons so found lunatic, or of unsound mind,
 and incapable of managing his affairs, or of any creditor or creditors of such
 persons, to order the freehold and leasehold estates of such persons respectively
 to be sold, or charged and incumbered by way of mortgage, or otherwise, as
 shall be deemed most expedient for the purpose of raising such sum or sums of
 money as shall be necessary for payment of the debts, and for performing the
 contract or engagements, of any such persons respectively, and the costs and
 charges attending the same, and attending such sale, mortgage or incumbrance
 respectively; and to direct the committee or committees of the estate of such
 persons respectively to execute, in the name and on behalf of such persons respec-
 tively,

tively, conveyances of the estates so to be sold, mortgaged or incumbered, and to do all such acts as shall be necessary to effectuate the same, in such manner as such Governor, Lieutenant Governor or Commander in Chief and Chancellor shall direct; which conveyances so to be made in pursuance of any such order as aforesaid, and the proof or acknowledgment and registry of the same, shall be as good and effectual in law as if the same had been executed and acknowledged by every such person so found lunatic, or of unsound mind respectively, when in his or her sound mind, and registered pursuant to any Act or Acts now in force for the registering of deeds in the said Province.

Power of leasing Lands, &c. of Lunatics may be executed by the Committee of the estate of such persons.

II. "And whereas persons so found lunatic or of unsound mind may be seized and possessed of freehold lands, tenements and hereditaments, either for the term of their natural lives, or for some other estate, with power of leasing for life or lives, or term or terms of years;" Be it further enacted, That in every such case, all and every power of leasing such lands, tenements and hereditaments, which is or shall be vested in such persons so found lunatic or of unsound mind, having a limited estate only, shall and may be executed by the committee or committees of the estate of such persons, under the direction and order of the Governor, Lieutenant Governor or Commander in Chief of the Province so being Chancellor of the same, and duly intrusted by the royal commission or instructions with the care and commitment of the custody of the persons and estates of such persons; and such lease or leases so to be executed by the said committee and committees, under and by virtue of such order, shall be as good and effectual in law as if the same were executed by the said persons so found lunatic or of unsound mind, in his or her sound mind.

When Lunatics are seized of freehold estates and an absolute interest in leasehold estates, the Chancellor may direct the committee of the estate to make leases thereof.

III. "And whereas persons so found lunatic or of unsound mind may be seized or possessed of and entitled to freehold estates in fee, or in tail, and an absolute interest in leasehold estates, and it may be for the benefit of such persons that leases or under-leases should be made of such estates for terms of years, and especially to encourage the erection of buildings thereon, or repairing buildings actually being thereon, or otherwise improving the same;" Be it further enacted, That it shall and may be lawful for the Governor, Lieutenant Governor or Commander in Chief of this Province so being Chancellor of the same, and duly intrusted with the care and commitment of the custody of the persons and estates of such persons respectively, to order and direct the committee or committees of the estates of such persons respectively to make such leases of the freehold or leasehold estates of such persons, according to his or her interest therein respectively, and to the nature of the tenures of such estates respectively, for such term or terms of years, and subject to such rents and covenants as shall in that behalf be directed or allowed; and such lease or leases made by such committee or committees under and by virtue of such order, shall be as good, valid and effectual in the law, as if the same had been executed by the persons so found lunatic or of unsound mind respectively, in his or her sound mind.

No sale of freehold estate to be made without 30 days' notice.

Surplus of money raised to be applied as the estates sold would have been, or for the support of the Lunatic.

IV. Provided always and be it further enacted, That no absolute sale shall be made of the freehold estate of any person so found lunatic, or of unsound mind, without at least thirty days' public notice of the time and place of such sale, by advertisement in one or more of the newspapers published in this Province: Provided also, that in case there shall be any surplus of money to be raised by any such sale as aforesaid, after answering the purposes for which such sale may be directed, the same shall be applied and disposed of in the same manner as the estate sold would have been applied if this Act had not been made, or the same may be applied by the committee or committees of such person, under the order and

and direction of the Governor, Lieutenant Governor or Commander in Chief of this Province, being Chancellor of the same, and so intrusted as aforesaid, for the support, keeping and maintenance of such lunatic.

V. And be it further enacted, That it shall and may be lawful for any person or persons, being idiot, lunatic or of unsound mind, or for the committee or committees of such person or persons, in his, her or their name or names, by the direction of the Governor, Lieutenant Governor or Commander in Chief of this Province, being Chancellor of the same, and duly intrusted with the care and commitment of the custody of the persons and estates of such idiots or lunatics, signified by an order made on hearing the parties concerned, on the petition of the person or persons for whom such idiot or lunatic shall be seized or possessed in trust, or of the mortgagor or mortgagors, or of the person or persons entitled to the monies secured by or upon any lands, tenements or hereditaments, whereof such idiot or lunatic is or shall be seized or possessed by way of mortgage or of the person or persons entitled to the redemption thereof, to convey or assure any such lands, tenements or hereditaments, or assign or discharge any such mortgage in such manner as the said Governor, Lieutenant Governor or Commander in Chief and Chancellor may direct; and such conveyance, assurance, assignment or discharge, shall be as good and valid in the law as if the same had been made by the person or persons so being idiot, lunatic or of unsound mind, in his or her sound mind.

Lunatics, or their Committees, to convey lands held in trust by such Lunatics, and to assign or discharge mortgages, by order of the Chancellor.

VI. And be it further enacted, That all and every such person and persons being idiot, lunatic, or of unsound mind, and only trustee or trustees, mortgagee or mortgagees as aforesaid, or the committee or committees of all and every such person or persons being idiot, lunatic, or of unsound mind, and only such trustee or mortgagee as aforesaid, shall and may be empowered and compelled by such order so as aforesaid to be obtained, to make such conveyance or conveyances, assurances, assignments or discharges as aforesaid, in like manner as trustees or mortgagees of sane memory are compellable to convey, surrender, assign, or discharge their trust, estates or mortgages.

Lunatics, &c. may be compelled to make such conveyances, assignments, or discharges in like manner as Trustees or Mortgagees of sane memory.

VII. And be it further enacted, That all and every act to be done by such committee or committees of the estate of any person being idiot, lunatic or of unsound mind, under and by virtue of this Act, and the order of the Governor, Lieutenant Governor or Commander in Chief of the said Province, so being Chancellor of the same, and intrusted as aforesaid, shall be as valid and binding against the said persons so being idiot, or found lunatic and of unsound mind respectively, and all persons claiming by, through or under him or her respectively, as if the person so being idiot, or found lunatic or of unsound mind respectively, had been in his or her sound mind, and had personally done such act or acts respectively.

Acts of Committees under this Act shall be binding.

VIII. And be it further enacted, That this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

Suspending clause.

[Finally enacted, ratified and confirmed, by order of His Majesty in Council, 15th August, 1834.]

Anno Regni, GULIELMI IV. Britanniarum Regis,
Quinto.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the twentieth day of January, in the year of our Lord one thousand eight hundred and thirty five, in the Fifth Year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith ; being the First Session of the Eleventh General Assembly convened in the said Province.

CAP. I.

An Act to continue and amend the Laws for raising a Revenue in this Province.

Passed 17th March, 1835.

[*Expired.*]

CAP. II.

- a* 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.

Passed 17th March, 1835.

- I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the first year of the reign of His Majesty King William the Fourth, intituled "An Act to repeal the Acts now in force for regulating, laying out and repairing highways and roads, and for appointing Commissioners and Surveyors of highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same;" also an Act made and passed in the second year of the same reign, intituled "An Act to amend an Act, intituled 'An Act to repeal all the laws now in force for regulating and repairing the highways and roads, and for appointing Commissioners and Surveyors of highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same;'" also an Act, intituled "An Act to amend the law relative to statute labour, so far as the same relates to the Parish of Fredericton,

a Refer to 45 G. 3, C. 8, and 52 G. 3, C. 18, regulating the Winter Roads in York and Sunbury ; and 3 W, 4, C. 13, as to Streets and Bridges in Saint John ; and see 6 W. 4, C. 2, in amendment of this Act.

rickton in the County of York ;” also an Act passed in the third year of the same reign, intituled “ An Act to continue and amend the Acts relating to statute labour on roads,” so far as the said several Acts are now in force, be and the same are hereby repealed.

3 W. 4, C. 20,
repealed.

II. And be it enacted, That the Commissioners and Surveyors already appointed by virtue of any Act now in force for laying out highways, roads and streets, shall continue in their respective offices until others shall be appointed and sworn as is hereinafter directed; and that the Justices at their General Sessions, to be held for the several Counties, shall appoint three fit persons to be Commissioners to lay out and regulate highways, roads and streets in the Town or Parish for which they shall be so appointed; and the said Justices at the same time shall appoint a competent number of fit persons to be Surveyors of the said highways, roads, streets and bridges in each Town or Parish, who are to oversee and repair in the manner hereinafter directed, under the direction of the Commissioners, the several highways, public roads, streets and bridges within the respective Towns or Parishes for which they shall be so appointed; which said Commissioners and Surveyors shall be sworn to the faithful discharge of their respective offices for the year ensuing, before the said Sessions or before any one of the Justices of the Peace for said County; and any person being so nominated and appointed who shall refuse to accept of such office to which he shall be so nominated and appointed, or shall neglect to be sworn as aforesaid within fourteen days next after being duly notified of such nomination, or having accepted shall neglect his duty, shall forfeit for every refusal or neglect a sum not exceeding five pounds, to be recovered with costs of suit before any one of His Majesty’s Justices of the Peace, at the suit of one of the acting Commissioners or Surveyors of the Parish in which the delinquent resides; and such forfeiture, when recovered, shall be applied to the repairing of the highways in such Parish: Provided always, that in case of the death or removal, or other incapacity of any person so appointed and sworn, or of the neglect or refusal of any person so appointed to accept of the said office, it shall be lawful for any two Justices of the said County, or for the Justices at any General or Special Sessions of the Peace, to appoint another in his stead; and that such person so appointed shall be liable to the same penalty for refusing to qualify himself within fourteen days after being notified of such appointment, or for neglect or refusal to do the duty after being qualified, as is hereinbefore provided for the persons to be first appointed, and so toties quoties.

The Justices in
General Ses-
sions to ap-
point Commis-
sioners and
Surveyors of
Highways.

Refusal to act,
or neglect of
duty.

Penalty.

Recovery.

Application.

Appointments
in cases of va-
cancies.

III. And be it enacted, That it shall and may be lawful for the said Sessions, and they are hereby authorized and empowered in all cases where they deem it advisable so to do, to divide the respective Parishes into districts, not to exceed however the number of Commissioners appointed for such Parish, and to nominate and appoint a Commissioner of the said Parish, with such number of Surveyors as the said Justices may think necessary, to each district; and in such cases it shall be the particular duty of the Commissioner or Surveyors of each district to enforce and superintend the performance of the statute labour of such district only, and not of the adjoining districts, and to make return thereof as hereinafter required.

Parishes may
be divided into
districts, and
Commissioners
and Surveyors
to be appointed
to such dis-
tricts.

IV. And be it enacted, That the Commissioners or the major part of them in their respective Towns or Parishes for which they shall be appointed, are hereby empowered

Commission-
ers to lay out
highways.

b See 6 W. 4, C. 2, S. 7, extending right of prosecution to any freeholder or householder within the Parish.
c All roads on which public money may have been expended are Highways, although not recorded. 2 G. 4. C. 15:—Commissioners may enter upon and open roads laid out, altered or extended under this Act. See 6 W. 4, C. 2, S. 10.

empowered to lay out such public highways as they or the major part of them shall think most convenient as well for travellers as for the inhabitants of each Town or Parish and the next adjacent towns, villages and neighbourhoods.

Commissioners may alter highways unless objected to by one third of the freeholders.

V. And be it enacted, That whenever any of the roads and streets already laid out, used and occupied as public highways, shall in the opinion of the said Commissioners or a majority of them appear to be inconvenient, and an alteration in width or otherwise shall appear to be necessary, then the said Commissioners or a majority of them shall give notice to the inhabitants of the intended alteration, by posting up such notice in three or more of the most public places in such Town or Parish, at least one month previous to the time of the alteration so intended to be made; which said notice shall point out the time and place of such intended alteration; and it shall be the duty of the said Commissioners to attend at the time and place specified in such notice, and then and there proceed to make the necessary alteration in width or otherwise, unless such alteration shall then be objected to by the owner or owners of the land over which the road may pass, or by at least one third part of the said freeholders or occupiers of land in such Town or Parish.

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

VI. And be it enacted, That when any such intended alteration shall be so objected to, then may any five or more of the freeholders of such Town or Parish apply to two of His Majesty's Justices of the Peace for a warrant, which warrant it shall be the duty of the said Justices to direct to the High Sheriff, his Deputy, or any Constable within the County, commanding such High Sheriff, Deputy or Constable, to summon a Jury of twelve disinterested freeholders or occupiers of land in the said County, who shall be sworn to examine the said road; and if said Jury after such examination shall unanimously declare that an alteration is necessary, then shall the Commissioners forthwith proceed to make the alteration in manner pointed out by the Jury; and in case the said road so altered shall pass through or extend upon any improved lands or shall occasion the removal of any buildings or fences, then and in all such cases the damages shall be ascertained and assessed by such Jury at the time of laying out the same as aforesaid; provided that in cases where the alterations made occasion a new road to be opened, and the old road or any part thereof, in consequence of such alteration is allowed to be shut up and revert to the owner of the land through which such altered road passed or extends, the Jury in assessing the damages occasioned by such alteration are authorized and empowered to take into consideration the value of the old road or any part thereof thus shut up, in diminution of the damages.

Jury to assess damages where alterations affect improved lands, &c.

Proviso

Damages by public roads to be ascertained by a Jury.

VII. And be it enacted, That if any public road, hereafter to be laid out by virtue of the fourth section of this Act, shall pass through any improved lands, the damage to the owner or owners of such lands by means of such road shall be ascertained by a Jury to be summoned in the manner mentioned and directed in the sixth section of this Act, on the application of the owner or owners of said land, or if such road shall occasion the removal of any fences or building, then and in such cases the damage to the owner or owners of such land, occasioned by the removal of such fences or buildings, shall also be ascertained by such Jury.

Assessments of damages to be laid before the Sessions, to be examined, and order made for payment.

VIII. And be it enacted, That the said Commissioners shall and may in all cases where the Jury shall have assessed the damages for the owner or owners of any land over which a road may have been laid out or altered either by the said Commissioners or a Jury, lay before the Justices of the said County, at their General Sessions, the assessments so made by said Jury; which assessment the said

Justice issuing warrant to attend and preside at inquests, to swear Jurors, and summon and swear Witnesses.—6 W. 4, C. 2, S. 4 and 5.

said Justices are hereby authorized and required to examine and allow, and to make order for the payment thereof by the inhabitants of such Parish or Parishes in the said County as they the said Justices shall think ought to bear the same, and in such proportion upon each Parish as they the said Justices shall think just and reasonable, and thereupon shall issue their warrants to the assessors of such Parish or Parishes for the assessing and levying the several sums allowed and ordered as aforesaid; which sums shall be rated, assessed and collected in such manner and under the same regulations, restrictions, penalties and forfeitures, as County charges are rated, assessed and collected, and shall be paid into the hands of the persons for whom such damages may have been assessed.

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

X. "And whereas it may be necessary to lay out private roads within the several Counties in this Province;" Be it enacted, That upon application to the Commissioners appointed as aforesaid for any Town or Parish for a private road, the Commissioners shall view the same, and if they are of opinion that such road is necessary, and twelve disinterested freeholders of the County to be summoned in manner as directed by the sixth section of this Act, under oath, shall be of the same opinion, the said Commissioners are hereby empowered to lay out such road; provided that they shall not lay out such road through any person's land without the consent of the owner or owners thereof, or agreeing with or paying to him or them the value of the land so to be laid out into such road, with such damages as he or they may sustain by the said road; and in case they cannot agree, then the true value shall be set and appraised by the oath of the said freeholders so summoned; and all the expenses and charges attending the said road shall be paid by the person or persons applying for the same: Provided always, that no such private road shall be laid out more than two rods wide, against the consent of the owner or owners of the lands through which the same is to pass.

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

XII. And be it enacted, That in all cases where a Jury shall be summoned under any of the provisions of this Act, the said Jurors shall be allowed the sum of two shillings and sixpence each for their services respectively for each time they shall be so summoned; and the officer who shall summon the same, shall be allowed the sum of ten shillings for his services in summoning such Jury and attending

Commissioners to report to Sessions roads laid out or altered, not necessary for the Parish generally.

How private roads shall be laid out.

Expenses.

Width of private roads.

Width of highways not to exceed six nor be less than four rods.

Fees of Jurors and officers summoning.

tending them; and the whole of the sum necessary to bear such expenses shall be deposited in the hands of the said Commissioners by the person or persons applying for such Jury, previous to the issuing of the warrant by the Justices for summoning such Jury; and the said Commissioners are hereby required to pay the officer summoning the said Jury his legal fees for such service, and also on return of the verdict to pay the said Jurors the sum of two shillings and sixpence each as aforesaid; and in all cases where such Jury shall return an affirmative verdict in any way connected with a public road or highway, the amount of expenses in this section named shall be included in the assessments provided in the eighth and ninth sections of this Act, and collected as therein directed, as the case may be, and when collected, paid over to the person or persons who may have advanced the same.

The altered parts of roads may be shut up when not settled by the erection of houses, &c.

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

Unnecessary roads may be shut up by the Commissioners with consent of owners of the land.

XIV. And be it enacted, That the Commissioners of highways in the respective Towns or Parishes for which they shall be appointed, be and they are hereby authorized and empowered, by and with the consent of all the owners of the land over which any road may pass, to shut up and stop the same; provided that the said Commissioners shall be of opinion that such road shall not be required for the convenience of the inhabitants of the Town or Parish in which any such road is situated, or of the inhabitants of the next adjoining Towns, Villages and neighbourhoods.

Return of highways to be made to the Clerks of the Peace to be registered.

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

Penalty.

Stopping up or encroaching on any street or highway.

XVI. And be it enacted, That if any person or persons do or shall hereafter alter, stop up or encroach on any street, highway or public road, by laying timber, wood, rubbish, stones, carts, trucks, or any thing thereon, or by having gates or doors opening towards and hanging over the street, highways or public roads, such

such persons so offending contrary to the true intent and meaning of this Act, shall for every such offence forfeit the sum of forty shillings, to be recovered with costs of suit before any one Justice of the Peace upon the oath of one or more credible witness or witnesses, and levied by warrant directed to the constable of the Town or Parish where such offence shall be committed, by distraining the goods and chattels of the offenders, and where no such effects are to be found, the offender or offenders to be imprisoned for six days, or in case such offender shall not be known or found, the said articles (if saleable) shall be forfeited and sold by the order of the said Commissioner or the Surveyor, after three days public notice, unless sooner claimed, and the proceeds arising from such sale shall be applied to the repairing of such streets or highways; and in case such encumbrances be of a nature not to produce any thing by the sale thereof, then the said Commissioners or Surveyors shall be empowered to employ any person liable to labour on the highways to remove such encumbrances; which person shall be allowed therefor according to the time he may be employed, to be deducted from the time he shall be by law liable to work on the roads, streets or highways.

Penalty.
Recovery.

XVII. And be it enacted, That the highways, roads, streets and bridges within each County shall be cleared, maintained and repaired by the inhabitants thereof; and that all male inhabitants of the age of sixteen years and upwards (with the exception of all denominations of regularly ordained Clergymen not having property for which they are liable to be assessed for labour under the provisions of this Act, and emigrants arriving from Great Britain or Ireland who shall have arrived in the Province within the year for which the assessment is made) shall work, either in person or by able and sufficient men in their stead, in each and every year, provided with such necessary implements as shall be directed by the respective Surveyors, the number of days, allowing eight hours actual labour and no more to each day, hereinafter provided (that is to say): Licensed Parish schoolmasters actually employed as such, and who do not come within any of the scales hereinafter mentioned, and indentured apprentices, two days; and all persons above the age of sixteen years and under twenty one years, three days; journeymen mechanics, hired servants and common labourers, four days; all persons whose real and personal estate may be estimated at fifty pounds and does not exceed one hundred pounds, five days; all persons whose real and personal estate exceeds one hundred pounds and does not exceed two hundred pounds, six days; exceeding two hundred pounds and not exceeding four hundred pounds, seven days; exceeding four hundred pounds and not exceeding seven hundred pounds, eight days; exceeding seven hundred pounds and not exceeding one thousand pounds, nine days; exceeding one thousand pounds and not exceeding fifteen hundred pounds, ten days; exceeding fifteen hundred pounds and not exceeding two thousand pounds, eleven days; exceeding two thousand pounds and not exceeding two thousand five hundred pounds, twelve days; exceeding two thousand five hundred pounds and not exceeding three thousand pounds, fourteen days; exceeding three thousand pounds and not exceeding four thousand pounds, sixteen days; exceeding four thousand pounds and not exceeding six thousand pounds, eighteen days; and all exceeding six thousand pounds, twenty days; and all other persons whose yearly income amounts to one hundred and fifty pounds and does not exceed three hundred pounds, shall work eight days; exceeding three hundred pounds and not exceeding five hundred pounds, twelve days; exceeding five hundred pounds and not exceeding seven hundred pounds, sixteen days; and all other persons whose yearly income shall exceed seven hundred pounds, twenty days; and all other male inhabitants, who do not come within

Highways, &c.
to be repaired
by the male in-
habitants of the
age of sixteen
years and up-
wards.

Scale of labour.

within any of the foregoing description of persons, shall work four days : *Provided always, that the said Commissioners or the major part of them, or in cases where the Parish is divided into districts, the district Commissioner shall and may and they are already authorized and empowered, at their or his discretion, to excuse or lessen the number of days work to be performed by any infirm or indigent person within such Parish or district, certifying however in their respective returns the name or names of such person or persons so excused and the cause thereof :* *Provided also, that no person shall be assessed both for property and income ; and that it shall be in the discretion of the Commissioners to assess the inhabitants of their respective Parishes, liable to be assessed in these respects, either for property or for income, as to such Commissioners shall seem meet.*

e The labour of indigent persons may be lessened.

List of inhabitants, with the number of day's labour to be made out and published.

Persons may be added to the list.

Commissioners may receive money in lieu of labour.

Money to be expended in work let out by auction.

f Surveyors to summon inhabitants to work on the roads.

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

XIX. And be it enacted, That if any person in such list named prefer paying money to doing such labour, it shall and may be lawful for such Commissioners, or in cases where the Parish is divided into districts, for the district Commissioner to take and receive from such person the sum of two shillings and sixpence for each days labour required to be done by him, provided the same be paid within the period hereinafter limited for such payment by the twenty second section of this Act ; and the monies which may be paid in lieu of such labour, as well as forfeitures which may be received by virtue of this Act, shall be laid out under the direction of such Commissioners, or where the Parish is divided into districts by the Commissioner of the district, on such highways, roads, streets and bridges between the first day of May and the first day of October in every year ; and it shall further be the duty of such Commissioner or Commissioners receiving such sum or sums of money to give six days notice, by public advertisement within the district, of the time and place where they respectively intend to expend the same, and to attend at the time and place so appointed in such advertisement, and let out the said work by public auction to the lowest bidder.

XX. And be it enacted, That it shall be the duty of the Surveyors of highways in the several Parishes in this Province, when so directed by the Commissioners or Commissioner of the district, at the most fit and suitable time between the first day of May and the first day of September in each and every year, to summon the inhabitants of their respective districts, by publishing notice in writing of the time and

e This part of the Act repealed by 6 W. 4, C. 2, S. 1, which gives to two Justices the power to remit labour.

f To make returns before 10th September.—6 W. 4, C. 2, S. 3.

and place at which the inhabitants of each district are to assemble to commence their statute labour, in one of the most public places in each district; which notice shall contain the names of the persons of the district in which the same is published liable to work, and also the number of day's labour required to be performed by such persons respectively, with the implements of labour they are severally required to bring with them; and the said Surveyors shall then proceed to expend the labour of the persons so summoned in making, mending or improving the highways, roads, streets and bridges, in the most useful manner, during the number of days appointed for each person to labour, subject nevertheless to such orders and directions as the said Surveyors may from time to time receive from the Commissioner or Commissioners; and when any Surveyor of highways shall judge the use of waggons, carts, trucks, ploughs or harrows, more necessary than the labour of men, in that case such Surveyor may call on any person or persons within his district keeping any waggon, cart, truck, plough or harrow, with two good oxen or two horses; which waggon, cart, truck, plough or harrow, with two good oxen or two horses, with a competent driver, shall be equal to three days labour.

g By publishing notice of time and place in the district.

Waggons, ploughs, &c. may be called for.

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

Statements of persons liable to work on the roads to be furnished when called for by the Surveyors.

Penalty.

Recovery.

XXII. And be it enacted, That if any person or persons when so notified to labour as aforesaid by the Surveyors of their respective districts, shall neglect or refuse to appear and labour agreeably to such notice, and shall also neglect to pay the sum of two shillings and sixpence for each day's labour as aforesaid, it shall be the duty of such Surveyor, within six days after such neglect or refusal, to make report of such delinquency to some one of the Commissioners, who shall without delay make complaint in their own names to a Justice of the Peace against every such delinquent; which Justice shall, on conviction, adjudge every such delinquent to pay the sum of four shillings for every day he has so neglected to appear and labour, together with costs of suit, to be levied by warrant of distress and sale of such offender's goods and chattels, under the hand and seal of such Justice, directed to any constable in the Town or Parish to which such offender may belong, and in case no goods or chattels can be found, it shall and may be lawful to commit such offender to the common gaol of the County for a space of time not exceeding six days; and if any person who shall appear agreeably to such notice, and being under the direction of such Surveyor, shall refuse or neglect to work, or shall not work in such manner as to satisfy such Surveyor, he is hereby empow-
ered

h Persons neglecting to labour or pay money, on conviction to pay four shillings per diem, with costs.

Persons not working satisfactorily to be dismissed and proceeded against.

g Six days notice to be given, either personally or by a written notice at the residence of the person, or by publishing as above required.—See 6 W. 4, C. 2, S. 2.

h Sec 6 W. 4, C. 2, S. 6, authorizing a Capias against any delinquent under this Act.

ered to dismiss such person from the work, and shall forthwith make complaint against him to some one of the Commissioners, who shall immediately proceed against him in the same manner as is hereinbefore directed to be done against persons neglecting to appear and labour after being duly notified, and the person so dismissed by such Surveyor for such delinquency shall be adjudged to pay the sum of four shillings for every day he shall have neglected or refused to work to the satisfaction of such Surveyor agreeably to such notice, or be liable to imprisonment not exceeding six days, in the manner hereinbefore mentioned.

Refusal to furnish waggons &c.

XXIII. And be it enacted, That in case any person keeping any waggon, cart, truck, plough or harrow, with two oxen or two horses, when called upon as aforesaid by such Surveyor, shall refuse or neglect to furnish such waggon, cart, truck, plough or harrow, with two oxen or two horses, with a competent driver, agreeably to such direction of such Surveyor, it shall in like manner be the duty of such Surveyor forthwith to make complaint of such offender last mentioned to some one of the Commissioners, who shall immediately proceed against him in the same manner as is directed in the last preceding section; and such offender last mentioned shall be adjudged to pay the sum of twelve shillings for every day he shall so have neglected or refused to furnish such waggon, cart, truck, plough or harrow, with two oxen or two horses, with a competent driver, agreeably to such direction of such Surveyor, or be liable to imprisonment for a space of time not exceeding six days, in the manner in the same section mentioned: Provided always, that if any person who may be notified to do his labour on the highways, shall produce a certificate within six days after being so notified, from any Commissioner appointed by virtue of this Act, that he has, in the current year, done his tour of labour in any other Parish of this Province, he shall be excused from doing such labour that year; and if the person so notified shall neglect to produce such certificate within the time so specified, he shall not be allowed to derive any benefit or exemption therefrom; and that no Justice of the Peace shall receive any such certificate in evidence upon any prosecution to be brought under the provisions of this Act, as a defence to such prosecutions, unless it shall be made to appear to the satisfaction of the said Justice that such certificate was produced to or left at the dwelling house of such Surveyor within the time above specified.

Penalty.

Certificate of having worked in any other Parish to be produced within six days after Summons.

Roads &c. may be repaired in the intervening time between the finishing in one year and commencing in the next.

XXIV. And be it enacted, That during the intervening time between the finishing the statute labour in any one year, and commencing the same in the next succeeding year, it shall and may be lawful for the Commissioners of highways or any one of them in the several Towns and Parishes within this Province, to direct the Surveyors of highways or any of them, from time to time as occasion may require, to remove all trees and windfalls from and out of the roads, and to repair all bridges and all such parts of the highways that shall require reparation and amendment within their respective districts, and also to provide such materials as may be necessary for making and repairing such roads and bridges; and the said Surveyors or any of them are hereby authorized and required when so directed to summon so many of the inhabitants of the said Parish as may be necessary to work after such manner as the said Surveyor or Surveyors shall direct, in removing such trees or windfalls, and in repairing such roads and bridges, and also in providing such materials as may be necessary for such reparation and amendment; and all persons keeping any waggon, carts, trucks, sleds or teams, shall, when called upon by such Surveyor for the purposes aforesaid, attend with the same; which work and labour when so performed shall be deducted from and allowed as a part of the number of days such person may be obliged by law to work on the highways; and any person not attending, or refusing to work as aforesaid, shall forfeit the

sum

sum of four shillings for each day's neglect, and also the sum of eight shillings per day for refusing or neglecting to furnish such carts, waggons, trucks, sleds, teams, to be sued for, and recovered, and applied, as is directed in and by the twenty second section of this Act.

Penalty for neglect or refusal to work.

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

Ways to be marked in the snow.

i Rivers when frozen over to be considered as parts of the Parish to which they are opposite.

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

Teams with competent drivers to be sent when summoned.

Penalty.

XXVII. And be it enacted, That the said way shall be marked in such place as the said Commissioner or Commissioners shall direct, with evergreen bushes erected at the distance of not more than four rods (lengthways of the said path) from each other, and five feet in height; and on any of the said marks being displaced, the Surveyors shall summon forthwith as many of the nearest inhabitants with their teams as they may judge necessary to replace them; and in case of refusal or neglect, every person so offending shall forfeit the sum of four shillings for each man and four shillings for each team for each day so summoned; provided when the public roads are on the bank of the river, the said path shall be marked on the river; the said fines and forfeitures to be recovered by complaint to a Justice of the Peace in the same manner as in case of refusal to labour on the highways, and to be appropriated by the Commissioners towards performing the said service: Provided always, that the number of hours which any person shall work in pursuance of the directions of this section, or the sum he shall forfeit, shall be deducted from and allowed as a part of the number of hours he is obliged by law to work upon the highways.

Way to be marked with evergreen bushes.

XXVIII. And be it enacted, That if any person shall wilfully cut or take down or destroy any of the bushes so to be erected by virtue of this Act, he shall forfeit and pay the sum of twenty shillings upon conviction before any one of His Majesty's Justices of the Peace upon the oath of one or more credible witness or witnesses,

Penalty for destroying the bushes.

Application.

witnesses, to be levied by warrant of distress and sale of the offender's goods, rendering the overplus (if any) after deducting the costs and charges to the offender; one half of the said forfeiture to be applied to the use of the poor of the Town or Parish where such offence shall be committed, the other moiety to him or them who shall inform and sue for the same; and for want of such effects to levy on, the offender or offenders shall be imprisoned for a term not exceeding six days.

Winter roads to be broken in the snow.

XXIX. And be it enacted, That the said Surveyors of the highways respectively, by the direction of the Commissioners or any of them, shall have full power and authority and they are hereby required during the winter season, to summon such and so many of the inhabitants having a horse, horses, oxen or teams in their respective districts, as they in their discretion shall think fit, to work at the time and place appointed, on the highways or public winter roads, by breaking roads in the snow with their said horse, horses, oxen or teams, whenever the depth of snow shall render the same necessary, not exceeding four days in each winter, and at no greater distance than three miles from their own houses; and such inhabitants shall perform the same work over and above the work which such inhabitants are liable to perform upon the highways, roads and bridges, in and by this Act; and every person who shall refuse or neglect to work when so called upon, shall forfeit and pay for each and every day he shall so refuse or neglect to appear and work with his horse, horses or oxen, as is herein required, the sum of eight shillings, to be recovered in the same manner as is prescribed by the twenty second section of this Act, and to be applied by the Commissioners towards breaking the winter roads.

Sleds and sleighs to be furnished with bells.

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

Penalty.

Recovery.

Application.

Accounts of labour performed and money received to be delivered to the Clerks of the Peace

XXXI. And be it enacted, That the respective Commissioners of highways shall, on or before the fifteenth day of December in each and every year, deliver in to the Clerk of the Peace of their respective Counties returns of the statute labour performed in their respective Parishes or districts, to be by him filed; which return shall set forth that all the persons liable to work within the Parish or district of the Commissioner or Commissioners making such return have either worked, paid their commutation or fines, or been prosecuted for the same as the law directs, with the exception of those persons whom the said Commissioner or Commissioners have deemed it right to excuse; and also a correct account of all the fines and monies received, and of the manner in which they have been expended, with the vouchers in support thereof, and a statement of the balance (if any) on hand; also a list of the persons from whom the commutation or fines have not been recovered, and the names of all such persons as the Commissioners making such return have excused, and the cause thereof; which return shall be (as near as may be) agreeable to the form hereafter set forth; and if any balance shall re-

main

main in the hands of such Commissioner or Commissioners, the same shall be paid into the hands of the County Treasurer, to be disposed of by the order of the Justices or the major part of them in their General Sessions, for the making, repairing and amending the roads, highways, public streets and bridges in the Parish where such money was collected or forfeited.

Balance of money to be paid to the County Treasurer.

FORM OF RETURN.

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

Return.

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

Statement of monies expended—statement of monies received—specifying the items.

Names of persons prosecuted, from whom fines not received.

List of persons excused.—Causes of such excuse.

A. B.

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

Labour by Commissioners and Surveyors.

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

Prosecutions to be commenced within six months.

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

Persons overrated may appeal to the Sessions.

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

No appeal to be heard unless a memorandum and affidavit shall have been left &c.

County of _____, } I, A. B. of the Parish of _____, in the said County, do
ss. } make oath that the whole of the property, real and personal, owned

owned by me or held by any other person in trust for me, or for my use, does not exceed _____, and that my whole yearly income does not exceed _____

Sworn at _____, the _____ day of _____, before me. C. D. Justice Peace.

Act not to extend to the City of Saint John.

No person to work by substitute in Fredericton.

Limitation.

XXXVI. Provided always and be it enacted, That nothing in this Act contained shall extend or be construed to extend to the City of Saint John; and also, that in the Parish of Fredericton in the County of York, no person liable to perform statute labour under this Act shall be suffered or permitted to work by substitute, but that every inhabitant of the said Parish shall work in person or pay the sum of money by this Act provided to be paid in lieu thereof, any thing hereinbefore in this Act contained to the contrary notwithstanding.

XXXVII. 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.

CAP. III.

An Act to regulate Tavernkeepers and Retailers.

Passed 17th March, 1835.

1 W. 4, C. 24, repealed.

Proviso.

& Courts of General Sessions to grant licences to keep Taverns and retail liquors.

Fee.

Application.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the first year of the reign of King William the Fourth, intituled "An Act to regulate inns, taverns and houses for selling strong or spirituous liquors, and to repeal all the laws now in force relating to the same," excepting the repealing part thereof, be and the same is hereby repealed: Provided always, that all licences granted under the aforesaid Act shall continue and be of the same force and effect as if the said Act had not been repealed; and all rules and regulations made under and by virtue of the said Act shall continue and be in full force and effect until the said licences shall have expired.

II. And be it enacted, That the Courts of General Session of the Peace for the several and respective Counties in this Province are hereby authorized and empowered to grant licences to such and so many persons as they in their discretion shall think fit, being of good name, fame and character, and of sober habits, (and in case the licence be granted to keep an inn or tavern having the means of decently and comfortably entertaining travellers,) to keep a tavern or inn, or to sell wine, brandy, rum, beer, ale or strong liquors of any kind whatsoever, within their respective Counties, by retail in any quantity under five gallons and not less than one pint, demanding and receiving for every such licence such sum as they in their discretion shall think fit, not exceeding ten pounds nor less than forty shillings; which licence so granted shall in no case be in force for a longer period than one year; which sum so to be received shall be paid over by the Clerk of the Peace into the hands of the County Treasurer towards defraying such necessary contingent expenses of the County as such Court of General Sessions shall from time to time direct, such Clerk retaining for his trouble two shillings and sixpence: Provided always nevertheless, that nothing in this section contained shall extend or be construed to extend to prevent the Justices at their General Sessions in the respective Counties, in their discretion, from granting tavern licences for the sum of twenty shillings to any person or persons residing in remote situations, where the same shall appear to such Justice absolutely necessary for the accommodation of travellers.

III-

III. And be it enacted, That every person on taking out any such licence shall enter into recognizance with two good and sufficient sureties to His Majesty in the sum of forty pounds, to obey such rules and regulations as the said Court of General Sessions shall from time to time make and ordain to be observed by tavern keepers and retailers respectively in such County; which rules and regulations the said Court of General Sessions as aforesaid are hereby authorized and empowered to make and ordain.

Tavernkeepers and retailers to enter into recognizance with sureties.

IV. And be it enacted, That if any person shall directly or indirectly sell or barter any wine, brandy, rum, beer, ale or any strong or spirituous liquor 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 forfeit and pay a sum not exceeding ten pounds nor less than forty shillings, to be recovered with costs on complaint being made to any one of His Majesty's Justices of the Peace in the County where such offence had been committed, on the oath of one or more witness or witnesses, and levied, collected and applied as hereinafter directed.

Selling liquors in quantities under five gallons without licence.

Penalty.

V. And be it enacted, That no licence granted by virtue of this Act shall entitle any person to keep a tavern or inn, or to sell any strong or spirituous liquor by retail in any other house or place than that in which first kept and sold by virtue of said licence; but in case of the death or removal of any person who has taken out licence as aforesaid before the expiration of the same, it shall and may be lawful for the said Justices at any General or Special Sessions of the Peace to grant to the person succeeding to such tavern or retail premises a licence to keep on and continue the same during the residue of the term of the said licence; the person so succeeding entering into the like recognizance as if the same had been originally granted to such person under the authority of this Act.

Tavern to be kept or liquor sold only where first kept or sold under licence.

Licences for residue of the term of first licence in case of death or removal.

VI. And be it enacted, That no innkeeper, tavernkeeper or retailer who shall sell upon trust or credit any wine, brandy, rum, strong beer, ale, or any other strong or spirituous liquors, mixed or unmixed, 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; and in case any servant, apprentice, bound servant, or other person whosever, shall leave any pawn or pledge as a security for the payment of any sum exceeding five shillings contracted in such manner, such servant, apprentice, bound servant, or other person, or the master or mistress of such servant, apprentice or bound servant, may complain to any Justice of the Peace where such retailer, tavernkeeper or innkeeper receiving such pawn or pledge usually resides, that such pawn or pledge is detained from him or her by such tavernkeeper or innkeeper, and having made proof thereof upon oath, such Justice of the Peace is hereby authorized and required by warrant under his hand and seal to compel such retailer, innkeeper or tavernkeeper, by distress and sale of the offender's goods, to restore the said pawn or pledge to the party complaining or to make him or her satisfaction for the loss or abuse thereof, and shall further be subject to a fine not exceeding five pounds, to be recovered and applied as is hereinafter provided.

Tavernkeepers or retailers selling upon trust not to recover more than five shillings.

Pawns or pledges to be restored.

VII. And be it enacted, That no retailer, tavernkeeper, innkeeper or other person whatsoever, shall permit or suffer any apprentice, servant or minor, to sit or remain drinking in his or her house, nor give or sell nor suffer to be given or sold

Permitting apprentices, servants or minors to remain drinking.

Penalty.

sold to such apprentice, servant or minor, any strong liquor whatever without the order or allowance of their respective masters or mistresses, parents or guardians, on pain of forfeiting a sum not exceeding five pounds for each and every such offence, together with the charges of prosecution, to be recovered upon conviction on the oath of one credible witness before any one of His Majesty's Justices of the Peace within the County where the offence shall be committed, or by the view of such Justice, or by such other proof as shall be satisfactory to such Justice, and to be levied, collected and applied as hereinafter directed.

Retailers
selling liquors
to be used on
their licensed
premises.

Penalty.

VIII. And be it enacted, That no retailer shall upon any pretence whatever, sell any strong or spirituous liquors to any person or persons whomsoever, to be by him or them or any other person or persons used or consumed in the house or licensed premises of such retailer, under the penalty of five pounds for each and every offence, to be recovered upon due conviction upon the oath of one or more credible witness or witnesses before any one of His Majesty's Justices of the Peace, or if in the City of Saint John, before the Mayor, Recorder or any Justice of the Peace for the City and County of Saint John, and levied, collected and applied as hereinafter directed.

7 Selling liquor
on Sunday.

Penalty.

IX. And be it enacted, That no tavernkeeper, innkeeper or retailer shall sell any wine, strong beer, ale, brandy, rum, or other spirituous liquors mixed or unmixed, on the Lord's day, commonly called Sunday, under the penalty of a sum not exceeding five pounds nor less than forty shillings for each and every offence, to be recovered, levied and applied as is hereinafter provided.

Selling or
having in pos-
session liquor
illegally im-
ported.

Penalty.

X. And be it enacted, That if any tavernkeeper, innkeeper or retailer, shall sell, offer for sale or have in his possession, any wine, brandy, rum, gin, strong beer, ale or any other strong or spirituous liquors, knowing the same to have been illegally imported into this Province, such tavernkeeper, innkeeper or retailer, on conviction thereof on the oath of one or more credible witness or witnesses before any one of His Majesty's Justices of the Peace of the City or County in which such offence hath been committed, shall forfeit and pay the sum of five pounds with costs of prosecution, to be recovered, levied and applied as is hereinafter directed; and the licence granted to him or her shall be revoked and annulled, and he or she shall not be eligible to have or enjoy a tavern or retail licence for the space of two years thence next ensuing.

Harbouring
articled seamen
or apprentices.

Penalty.

XI. And be it enacted, That any tavernkeeper or retailer who shall be convicted of enticing, seducing, harbouring or concealing any articled seaman or apprentice under the existing law, shall not only forfeit his licence but shall be disqualified from holding a tavern or retail licence for the space of one year after conviction of the offence.

XII. " And whereas by the Charter of the City of Saint John, confirmed by " Act of 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 all such " persons as he shall think fit, to licence them or every 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 exciseable or strong liquors " whatsoever, within the 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 grant- " ed as aforesaid, such sum or sums of money as he and the person to whom " such

7 Refer to 1 W. 4, C. 38 providing against the profanation of the Lord's day, and other acts of immorality.

“ 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, Aldermen 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 and granted as aforesaid, 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 exceeding 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 tavernkeepers and retailers of spirituous liquors otherwise than in this section is expressly mentioned and contained: Provided also, that all the penalties, forfeitures, pains and imprisonments to which innkeepers and retailers are liable for any offences against the provisions of this Act shall extend and apply to all and every innkeeper, tavernkeeper, 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 innkeepers, tavernkeepers or retailers in any other part of this Province, any thing in this Act contained to the contrary in any way notwithstanding.

XIII. And be it enacted, That this Act shall be publicly read by the Clerk at the opening of every Court of General Sessions of the Peace in the several Counties in this Province, and the Justices of such Court shall at the same time cause a list of all the tavernkeepers, innkeepers, and retailers respectively in the respective Counties, to whom licence has been granted as aforesaid, to be delivered to the Grand Jurors at such Courts respectively; and it shall be particularly given in charge to such Grand Jurors to make diligent inquiry and presentment of all and every such person or persons as shall 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 Court or any one of them to proceed against such offenders in the manner hereinbefore directed to one Justice to proceed for the recovery of the penalties hereinbefore inflicted, and upon conviction of such offender before the Justices of such Court or any one of them, such penalty and penalties 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 paid for licences are hereinbefore directed to be applied and subject to.

XIV. And be it 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 be lawful for such constable to commit such offender to the common gaol of the County where such offence may be committed, there to remain without bail or mainprize the period to be specified in such warrant, not exceeding forty days, unless such fine, costs and charges are sooner paid.

XV. And be it enacted, That all fines which may be imposed and collected by

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 in Saint John.

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

Charge to Grand Jury.

Justices to proceed on presentment.

Penalties to be paid to County Treasurer.

Recovery of fines or penalties.

Fines to be paid to the County Treasurer.

by virtue of this Act shall be paid into the hands of the County Treasurers by the person who may receive or collect the same, to be applied by such Justices for the same purposes as monies received for licences.

Costs of prosecutions.

XVI. And be it enacted, That the costs of prosecutions under this Act had before a single Justice of the Peace shall be regulated by the table of fees allowed and established by the Act now in force to regulate proceedings before Justices of the Peace in civil suits, and that the costs of all prosecutions had before the Justices in General Sessions shall be regulated by the ordinance of fees established in this Province.

4 W. 4, C. 45.

Summons, convictions and executions to be agreeable to forms in Schedule.

XVII. And be it enacted, That the summons, convictions and executions issued and made by any Justice of the Peace for offences against this Act may be agreeably to the forms in the schedule to this Act, or in any other form of words to the same effect, and when the proceedings are had before the Justices in General Sessions the same forms may be adopted as near as may be; the summons and executions being under the seal of such Court and signed by the Clerk.

Limitation.

XVIII. 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 forty.

SCHEDULE. FORM OF SUMMONS.

Summons.

ss. To any Constable of the County of Whereas complaint hath been made before me that A. B. of , hath sold spirituous liquor 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 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 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 , 183 . C. D. J. P.

FORM OF CONVICTION.

Conviction.

ss. Be it remembered that on the day of 183 , at , in said County, A. B. is convicted before me, one of the Justices of the Peace for said County, for that the said A. B. did on the day of 183 , sell spirituous liquor, contrary to the provisions of the Act of Assembly for the regulating tavernkeepers and retailers; 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.

Execution.

ss. To any Constable of said County. Whereas A. B. of , was duly convicted before me and adjudged to pay a fine of and shillings costs of suit, for an offence against the Act of Assembly for regulating tavernkeepers and retailers: These are therefore to require you to levy said fines and costs besides your own fees on the goods and chattels of said A. B. within this County, and for want thereof that you take the said A. B. and him commit to the common gaol of 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 , 183 .

CAP. IV.

An Act to authorize the enlargement of the sittings of the Courts of General Sessions of the Peace and Inferior Courts of Common Pleas in this Province. *m*

Passed 17th March, 1835.

“ **W**HEREAS the sittings of the Courts of General Sessions of the Peace Preamble.
 “ and Inferior Courts of Common pleas in the several Counties in
 “ this Province at which Juries are summoned to attend, are sometimes found
 “ insufficient for the transaction of the business depending in the said Courts ;”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That Justices may adjourn the sittings of the Courts to the week succeeding the Terms.
 it shall and may be lawful for the said Courts of General Sessions of the Peace
 and Inferior Courts of Common Pleas in the several Counties in this Province,
 at the terms at which Juries are summoned to attend, if the Justices of the said
 Courts respectively, shall deem the same expedient, to adjourn the sittings of
 the said Courts or either of them to the week next succeeding the said terms
 respectively ; and all causes and matters heard and determined, and all business
 transacted, on any day during the week next succeeding the said terms respec- Causes may be determined during the succeeding week.
 tively, pursuant to such adjournment, shall have the same and the like force and
 effect to all intents and purposes as if heard and determined and transacted at
 any time during the said terms respectively ; and all parties concerned shall
 take due notice of such adjournment from time to time and govern themselves
 accordingly : Provided always, that no trials of any issues by Jury shall be had
 at any such adjourned sittings. No Jury at adjourned sittings.

II. Provided also and be it further enacted, that the days of teste and re- Days of teste and return of writs to remain as formerly.
 turn of all writs in the said Courts shall be and remain in each respective term
 as heretofore accustomed and established.

CAP. V.

An Act to continue an Act, 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 qualification of
 Church Wardens and Vestrymen in the several Parishes in this Province,
 and of the persons having voices in their election, and to make more effec-
 tual enactments in lieu thereof, so far as relates to the Parish Church of
 Saint Andrews.’ ”

Passed 17th March, 1835.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an 2 W. 4, C. 16, continued.
 Act made and passed in the second year of the reign of His present Ma-
 jesty King William the Fourth, intituled “ An Act to amend an Act, intitued
 ‘ 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 effec-
 tual enactments in lieu thereof, so far as the same relates to the Parish Church
 of

of Saint Andrews," be and the same is hereby continued and declared to be in full force until the first day of May which will be in the year of our Lord one thousand eight hundred and forty.

CAP. VI.

An Act to revive an Act, intituled "An Act for the more speedy and effectual punishment of persons keeping disorderly houses."

Passed 17th March, 1835.

BE it enacted by the Lieutenant Governor, 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 for the more speedy and effectual punishment of persons keeping disorderly houses," be and the same is hereby revived, and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty.

9 & 10 G. 4, C. 8, revived and continued to 1st April 1840.

CAP. VII.

An Act to alter the time of holding the November Term of the Inferior Court of Common Pleas of the County of Gloucester.

Passed 17th March, 1835.

Preamble.

WHEREAS the time of holding the November term of the Inferior Court of Common Pleas in and for the County of Gloucester has been found inconvenient; for remedy whereof;

November Term altered to last Tuesday in October.

Be it enacted by the Lieutenant Governor, Council and Assembly, That the said term of the said Inferior Court of Common Pleas heretofore held on the first Tuesday in November, shall hereafter be held on the last Tuesday in October in each and every year; any law, usage or custom to the contrary notwithstanding.

CAP. VIII.

An Act to continue an Act, intituled "An Act for the better extinguishing of Fires that may happen within the City of Saint John, and to repeal all the Acts now in force relating to the same," and also "An Act to amend the Act for the better extinguishing of Fires that may happen within the City of Saint John."

Passed 17th March, 1835.

BE it enacted by the Lieutenant Governor, 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 for the better extinguishing of Fires that may happen within the City of Saint John, and to repeal all the Acts now in force relating to the same," and also an Act made and passed in the second year

7 G. 4, C. 8, and

year of the reign of his present Majesty, intituled "An Act to amend the Act for the better extinguishing of Fires that may happen within the City of Saint John," 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.

2 W. 4, C. 11,
continued.

CAP. IX.

An Act further to continue "An Act for the more effectual punishment of persons who shall be guilty of the trespasses therein mentioned within the City of Saint John."

Passed 17th March, 1835.

[*Repealed by 5 W. 4, (Second Session) C. 9, which makes other provisions.*]

CAP. X.

An Act to revive an Act, intituled "An Act in addition to and in 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.'"

Passed 17th March, 1835.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fifty ninth year of the reign of His Majesty King George the Third, intituled "An Act in addition to and in 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,'" be and the same is hereby revived and declared to be in full force until the first day of April which will be in the year one thousand eight hundred and forty.

59 G. 3, C. 5,
revived and
continued to 1st
April 1840.

CAP. XI.

An Act to continue an Act, 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."

Passed 17th March, 1835.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the seventh year of the reign of His late 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 continued and declared to be in full force until the first day of April one thousand eight hundred and forty.

7 G. 4, C. 12,
continued.

CAP. XII.

o An Act for prohibiting and suppressing of Lotteries in this Province.

Passed 17th March, 1835.

Preamble.

“**W**HEREAS lotteries have been found by experience to be very injurious “to society, and tend to the great detriment and frequent ruin of “ minors, mechanics, traders and other unwary persons, by the evil habits engendered and fraudulent practices to which they give rise;”

Lotteries adjudged nuisances.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That all lotteries are and shall be taken and adjudged to be common and public nuisances.

No person to expose or play at any Lottery.

II. And be it enacted, That no person or persons whatsoever shall publicly or privately exercise, keep open, show or expose to be played at or thrown at, or shall draw, play or throw at any lottery, either by dice, lot, cards, balls, tickets or any other numbers or figures, or any other way whatsoever; and that every person who shall exercise, expose, open or shew to be played, thrown or drawn at any such lottery, shall forfeit for every such offence the sum of one hundred pounds, to be recovered by information, bill, plaint or action at law in the Supreme Court or any Inferior Court of Common Pleas; one moiety thereof to the use of the poor of the Parish where such offence shall be committed, and the other moiety together with costs of suit to the party that shall inform and sue for the same.

Penalty for exposing by Lottery.

Recovery.

Application.

Penalty for playing at a Lottery.

Recovery.

Application.

Penalty for setting up or publishing a Lottery.

IV. And be it enacted, That every person who shall set up, or shall by writing or printing publish the setting up of any lottery with intent to have such lottery drawn, or to induce persons to purchase tickets for any such lottery, shall forfeit for every such offence the sum of twenty pounds, to be recovered and applied in the same manner as the penalty imposed in and by the second section of this Act is above directed.

Act not to extend to the disposal of fishing lots in Saint John.

V. Provided nevertheless and be it enacted, That nothing in this Act contained shall extend or be construed to extend to the disposal or allotment of fishing lots or drafts in the City of Saint John, under the direction of the Mayor, Aldermen and Commonalty of the said City in manner heretofore accustomed.

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.

o Refer to 26 G. 3, C. 26, for preventing Gaming. ;

CAP. XIII.

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.”

Passed 17th March, 1835.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the ninth year of the reign of His late 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 until the first day of April which will be in the year of our Lord one thousand eight hundred and forty.

9 G. 4. C. 11,
continued.

CAP. XIV.

An Act to continue an Act, intituled “ An Act to authorize the Justices of the Peace in the several Counties in their General Sessions to make regulations for Carmen, Waggoners and Truckmen, and to establish the rates and fares to be taken for the cartage and truckage of goods in the several Towns throughout the Province, and also to regulate the measurement of Coals and Salt.”

Passed 17th March, 1835.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the tenth and eleventh years of the reign of His late Majesty King George the Fourth, intituled “ An Act to authorize the Justices of the Peace in the several Counties in their General Sessions to make regulations for carmen, waggoners and truckmen, and to establish the rates and fares to be taken for the cartage and truckage of goods in the several Towns throughout the Province, and also to regulate the measurement of coals and salt,” be and the same is hereby continued until the first day of April which will be in the year of our Lord one thousand eight hundred and forty-five.

10 & 11 G. 4,
C. 10, conti-
nued.

CAP. XV.

An Act to alter the boundary line between certain Parishes in the County of *p* Westmorland.

Passed 17th March, 1835.

“ **W**HEREAS the boundary line between the Parishes of Moncton in the County of Westmorland as at present established has been found “inconvenient;”

Preamble.

Be

Part of Parish
of Dorchester
heretofore described
annexed to Pa-
rish of Moncton.

Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the seventeenth day of November next, all that tract of land in the present Parish of Dorchester, in the County of Westmorland, which lies to the north of a line commencing at Fox creek, on the northern line of the Des Barres tract, so called, and running thence easterly along the said line to the extension thereof on the Memramcook river, thence along the prolongation of said line until it strikes the western line of Shediac Parish, shall be annexed to and form a part of the Parish of Moncton in said County.

CAP XVI.

An Act to remove doubts which may arise from the formation of two distinct Councils in this Province, relating to Acts required to be done by His Majesty's Council.

Passed 17th March, 1835.

Preamble.

“ **W**HEREAS by His Majesty's Commission bearing date at Westminster the third day of December, in the third year of His reign, two distinct and separate Councils were formed within this Province, to be respectively called the Legislative Council and the Executive Council: And whereas by reason of the formation of the said two distinct and separate Councils, doubts may arise as to acts heretofore required to be done by His Majesty's Council in this Province while one body, having both Legislative and Executive powers, or by one or more members thereof;”

Acts required
by any Law
Act, to be done
by, to or with
His Majesty's
Council, with-
out specifying
the Legislative
Council, to be
done by, to or
with the Exe-
cutive Council.

Be it declared and enacted by the Lieutenant Governor, Council and Assembly, That any Act, matter or thing required by any law, charter, grant or public instrument to be done or performed by, to or with His Majesty's Council in this Province, or by, to or with any member or members of His Majesty's Council, without specifying the Legislative Council, shall be deemed to be required to be done and performed by, to or with the Executive Council of the said Province, or any member or members thereof, as the case may be; excepting only such matters and things as belong to the Legislative Council, or the members thereof, as a branch of the Legislature of the said Province.

CAP. XVII.

An Act to declare all Acts of Assembly to be public Acts.

Passed 17th March, 1835.

Preamble.

“ **W**HEREAS in this Province all Acts of the General Assembly are enrolled and printed and published in the same manner, whether they be in their nature public or private, and it is therefore expedient that they should all be deemed public Acts;”

All Acts of the
General Assem-
bly to be deem-
ed Public Acts.

Be it enacted by the Lieutenant Governor, Council and Assembly, That every Act of the General Assembly of this Province heretofore made and passed or which hereafter may be made and passed, shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices and others, without being specially pleaded, although it may concern only particular things or persons; unless in cases where the Act itself may expressly specify the contrary.

Exception.

CAP. XVIII.

An Act to continue an Act, intituled "An Act to repeal all 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," and an Act, intituled "An Act to extend the power of the Firewards in the Parish of Fredericton, and to make further regulations for the better extinguishing of Fires that may happen in the said Parish."

Passed 17th March, 1835.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fifth year of the reign of His late Majesty King George the Fourth, 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," and an Act made and passed in the seventh year of the reign of His late Majesty King George the Fourth, intituled "An Act to extend the power of the Firewards in the Parish of Fredericton, and to make further regulations for the better extinguishing of Fires that may happen in the said Parish," be and are hereby continued and declared to be in full force until the first day of April which will be in the year of our Lord one thousand eight hundred and thirty-seven.

5 G. 4, C. 5,
and

7 G. 4, C. 11,
continued.

CAP. XIX.

An Act to erect the southwestern part of the Parish of Richibucto into a separate and distinct Parish.

Passed 17th March, 1835.

WHEREAS from the great extent of the Parish of Richibucto, and the "increased population, render it inconvenient and difficult for the Parochial officers to perform the several duties required of them; and it is therefore expedient that the same be divided into two Parishes;"

Preamble.

Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the tenth day of January next, all that part of the Parish of Richibucto lying to the southward of the Richibucto river, on a line from the mouth of Saint Nicholas river, following the course of that river to the east branch, so called, thence following the course of the east branch until it comes to black brook, so called, and from thence south until it strikes the Parish of Wellington; and also that part of the said Parish of Richibucto lying on the west side of the river Richibucto, commencing at the upper line of a tract of land granted to William Harley, from thence following the course of the said line until it strikes the rear of the Indian reserve, and from thence a due west course until it strikes the Parish of Carleton, be and the same is hereby erected into a separate and distinct Town or Parish, to be distinguished and known by the name of Weldford.

Parish of
Weldford erect-
ed as herein de-
scribed.

q Refer to 7 G. 4, C. 31, S. 6.

CAP. XX.

An Act to authorize the Justices of the Peace for the County of Charlotte to assess the inhabitants of the Parish of Grand Manan for the erection of a lock-up house in the said Parish.

Passed 17th March, 1835.

Preamble.

“**W**HEREAS by reason of the great distance of the island of Grand Manan “from the Shire Town, and the risk, inconvenience and expense of “the removal of persons from thence to the County gaol, the ends of Justice are “frequently obstructed and sometimes altogether frustrated; for remedy whereof;”

Justices may contract for building a Lock-up House at Grand Manan,

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That His Majesty’s Justices of Peace for the said County of Charlotte or the major part of them at any General Sessions of the Peace, be and they are hereby authorized and empowered to contract and agree with able and sufficient workmen for building and finishing a lock-up house or house of correction at Grand Manan in the said County, and to agree for such sum or sums of money as to them may seem meet in order to carry this object into effect; and the said Justices or the major part of them at their General Sessions as aforesaid, are hereby authorized and empowered to make rate and assessment upon the inhabitants of the Parish of Grand Manan for a sum not to exceed one hundred pounds, for defraying the expense of the erection and finishing the said lock-up house or house of correction, and from time to time to make such rules and regulations for the management of the said lock-up house or house of correction as to them may seem meet.

And assess the Parish not exceeding £100 on the expense.

Persons arrested on Grand Manan or adjacent Islands may be committed to the Lock-up House.

II. And be it enacted, That it shall and may be lawful for the High Sheriff of the said County or for any other officer having legal custody of any person or persons who shall or may be arrested on the said island of Grand Manan or on any of the islands adjacent to the same, in all cases in which the said Sheriff or other officer could legally lodge the said person or persons in the common gaol of the said County, to commit the said person or persons to the said lock-up house or house of correction until the said person or persons can be removed to the said County gaol: Provided always, that no person under civil arrest shall be detained in such lock-up house or house of correction for any space of time exceeding twenty days.

Proviso.

Assessment to be levied as other County Rates.

III. And be it enacted, That the said sum of one hundred pounds so to be assessed, shall be assessed, collected and paid agreeably to any Acts in force for the assessing, collecting and levying of County rates.

CAP. XXI.

An Act to provide for the establishing and maintaining a Boom for securing Masts, Logs and Lumber in the County of York.

Passed 17th March, 1835.

Preamble.

“**W**HEREAS it has been found necessary to erect a boom on the river “Nashwaak in the County of York, for the purpose of securing such “timber as may be hauled out and thrown into the same, until it can be conveniently rafted by the respective owners: And whereas it is expedient that “proper regulations should be established to insure the safe delivery of the same “to the owners;”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That it shall

shall and may be lawful for His Majesty's Justices of the Peace for the said County of York in their General Sessions, to make and establish such rules and regulations as to them may appear proper respecting such boom as has been erected or may hereafter be erected on said river, and to appoint boom master or masters from time to time, and to stablish fees for attending to such boom and superintending the safe delivery of the lumber passing through the same : Provided always, that such boom be so constructed as to secure a clear and sufficient sluice way or passage for conveying boats, rafts of boards or other lumber through the same.

Justices may make rules for the boom, appoint boom Masters, and establish Fees.

Sluice-way.

II. And be it enacted, That any person or persons who shall violate any of the rules so to be made as aforesaid, shall forfeit and pay a sum not exceeding five pounds with costs for each and every offence, to be recovered on conviction thereof by the oath of one or more credible witness or witnesses before any one of His Majesty's Justices of the Peace for the said County of York, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus (if any) to such offender, and for want of sufficient goods and chattels whereon to levy, the said Justice is hereby authorized and required to commit such offender to the common gaol of the said County, there to remain for a term not less than five and not exceeding ten days.

Penalty for violating rules

Recovery.

III. And be it enacted, that one half of every penalty which may be recovered for the breach of any rule or regulation made by virtue of this Act, shall be paid to the person or persons who shall prosecute for the same, and the other half thereof shall be paid to the overseers of the poor of the Town or Parish where such offence had been committed, to be applied to the use of the poor of such Town or Parish.

Application.

IV. And be it enacted, That each and every of the parishioners on the said Nashwaak river shall be considered as competent witnesses in any prosecution under this act, excepting any person entitled as prosecutor to any part of the penalty sued for.

Parishioners on the Nashwaak to be competent witnesses.

V. 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 thirty seven and no longer.

Limitation.

CAP. XXII.

An Act to authorize and empower the justices of the Peace for the County of Charlotte to lease a part of the public landing at Salt Water in the Parish of Saint Stephen.

Passed 17th March, 1835.

66 **WHEREAS** a certain piece of land, beach and flats, situate in the Parish of Saint Stephen in the County of Charlotte, was granted by letters patent under the great seal of this Province to the Justices of the Peace for the County of Charlotte, in trust for a public landing in and for said Parish ; which said piece of land is bounded and described as follows, to wit : Beginning at a post placed in the south western boundary line of the garden lot numbered one in Jones' division of the town plat of Saint Stephen at the north western angle of Aaron Upton's wharf, thence running by the magnetic needle north sixty five degrees west one chain (of four poles) and ninety five links along the said boundary line to the south eastern side of the public street, thence along the

Preamble.

“line of the said street, south twenty five degrees west seventy two links, thence
 “along the bank, bounded by the public wharf, to the north western side of said
 “street, thence south twenty five degrees west three chains and five links to the
 “shore of the river Saint Croix at low water mark, thence along the line of the
 “said low water mark till it meets a line running south twenty five degrees west
 “from the place of beginning, and thence along said line north twenty five de-
 “grees east four chains and forty five links to the place of beginning: And
 “whereas improvements might be made upon the said public landing which
 “would be beneficial to the said Parish ;”

7 Justices em-
 powered to
 lease part of
 the public
 landing.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the said Justices of the Peace for the County of Charlotte be and they are hereby authorized and empowered, by good and sufficient leases, to grant and to farm let such part of the said public landing as they in their discretion may think fit, for any term not exceeding twenty years.

To erect a Mar-
 ket House, &c.

II. And be it enacted, That the said Justices of the Peace for the County of Charlotte are hereby further authorized and empowered to erect on the said premises a public Market house, and such other buildings or fabrics as may from time to time be deemed necessary to be erected for the accommodation thereof, and also to erect thereon such wharves, stores and other fabrics as they shall from time to time deem expedient and beneficial to the said Parish of Saint Stephen ; the proceeds, profits and income of every kind whatsoever, which may be derived from the said public landing, and the buildings, erections and improvements thereon, shall be appropriated for the benefit of the town or Parish of Saint Stephen.

The income to
 be for the bene-
 fit of the Parish
 of Saint Ste-
 phen.

CAP. XXIII.

s An Act for erecting parts of the Towns or Parishes of Brunswick and Canning in Queen's County into a separate Town or Parish.

Passed 17th March, 1835.

Preamble

“**W**HEREAS the Town or Parish of Brunswick 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 Canning should
 “form part of the Parish so to be erected ;”

Parish of Ch p-
 man erected as
 herein describ-
 ed.

Be it enacted by the Lieutenant Governor, Council and Assembly, That all those several parts and parcels of the Parishes of Brunswick and Canning situate, lying and being within the following meets and bounds (that is to say,) commencing at the lower or southerly boundary line of the County of Sunbury, where the prolongation of the division line between lots number eight and nine on the road leading from Yeaman's mill to the hardwood ridge in the said Parish of Canning intersects it, and thence following the course of that line to its termination, thence south forty five degrees east until it strikes the western shore of Salmon bay, thence easterly to Indian Point so called, thence across the north east arm of the Grand lake to the upper line of the late Doctor William Burk's farm, thence along the said line and its prolongation south seventeen degrees forty minutes east to the upper boundary line of the Parish of Wickham, thence following the course of that line to the north eastern boundary line of the County, be and the same are

are hereby erected into a separate Town or Parish, to be called and known by the name of the Town or Parish of Chipman.

CAP. XXIV.

An Act in addition to and in continuation of the Act relating to the Bass Fishery in the County of Northumberland.

Passed 17th March, 1835.

“ **W**HEREAS it is thought desirable to extend the provisions of an Act made and passed in the third year of the reign of His present Majesty King William the Fourth, intituled “ An Act to authorize the Justices of the Peace for the County of Northumberland to make rules and regulations respecting the bass fishery in that County,” to the shad and gaspereaux fisheries in the said County ;”

Preamble.

3 W. 4, C. 16.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That all the provisions of the said recited Act be and the same are hereby extended and made applicable in all respects to the shad and gaspereaux fisheries respectively, in all or any of the rivers and branches of rivers in the said County.

† Provisions of extended to the Shad and Gaspereaux Fisheries.

II. And be it enacted, That this Act and the above recited Act to which this Act is in addition and in continuation, 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 thirty eight.

Limitation.

CAP. XXV.

An Act to alter and amend an Act, intituled “ An Act to repeal an Act, intituled ‘ An Act for the better security of the Navigation of certain Harbours in the County of Northumberland,’ and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester,” so far as the same relates to the Bay and Harbour of Restigouche in the said County of Gloucester.

Passed 17th March, 1835.

“ **W**HEREAS in and by the third section of an Act of the General Assembly of this Province made and passed in the tenth and eleventh years of the reign of His late 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,” it is enacted, inter alia, that there be granted to His Majesty, His Heirs and Successors, for defraying such expenses as may be incurred in erecting, building, rebuilding, replacing and supporting buoys and beacons in the bay and harbour of Restigouche in the County of Gloucester, on every vessel entering the said bay and harbour, the sum of one penny per ton for each and every ton such vessel may admeasure per register, for each and every time such vessel may arrive at the said bay and harbour of “ Restigouche :

Preamble.

10 & 11 G. 4, C. 16.

† Refer to 4 W. 4, C. 9, limiting the season for taking Gaspereaux.

“ Restigouche : And whereas it is expedient to alter and amend the said section
“ so far as the same relates to the said bay and harbour of Restigouche ;”

10 & 11 G. 4,
C. 16, S. 3,
repealed as to
Restigouche.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the
said in part recited section of the said Act, so far as the same relates to the said
bay and harbour of Restigouche, be and the same is hereby repealed.

Duty imposed
for Buoys and
Beacons in the
Bay and
Harbor of
Restigouche

II. And be it enacted, That there be and there is hereby granted to His Ma-
jesty, His Heirs and Successors, for defraying such expenses as may be incurred
in erecting, building, rebuilding, replacing and supporting buoys and beacons in
or adjacent to the said bay or harbour of Restigouche, on each vessel entering
the said bay or harbour, the sum of one halfpenny per ton for each and every ton
such vessel may admeasure per register, for each and every time such vessel may
arrive at the said bay or harbour of Restigouche.

Limitation.

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

CAP. XXVI.

An Act to make perpetual the Acts of the General Assembly relating to the sur-
render of the principal in discharge of Bail.

Passed 17th March, 1825.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an
Act made and passed in the fourth year of the reign of His late Majesty
King George the Fourth, intituled “ An Act to provide for the surrender of the
principal in discharge of bail in actions pending in the Supreme Court of Judi-
cature in this Province ;” also an Act made and passed in the ninth and tenth
years of the same reign, intituled “ An Act to continue and amend an Act, inti-
tuled ‘ An Act to provide for the surrender of the principal in discharge of bail
in actions pending in the Supreme Court of Judicature in this Province,’ ” be and
the same are hereby made perpetual.

4 G. 4, C 17,
and

9 & 10 G. 4,
C. 11, made
perpetual.

CAP. XXVII.

An Act to continue “ An Act to regulate the Law with regard to the course of
proceeding on indictments and informations in the Supreme Court.”

Passed 17th March, 1835.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an
Act made and passed in the tenth and eleventh years of the reign of His
Majesty King George the Fourth, intituled “ An Act to regulate the Law with
regard to the course of proceeding on indictments and informations in the Su-
preme Court in certain cases,” be and the same is hereby continued and de-
clared 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.

10 & 11 G. 4,
C. 34, con-
tinued.

CAP. XXVIII.

An Act to authorize the Grand Jurors of the several Counties within this Province to inspect the public accounts.

Passed 17th March, 1835.

66 WHEREAS it is desirable that full publicity should be given to the "accounts of the receipts and expenditures of public monies within the several Counties in this Province, with a view to prevent abuses therein ;"

Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That once in each year, at the General Sessions of the Peace in each County at which Parish officers are appointed, it shall be the duty of the Justices at such General Sessions to cause a full, detailed and particular 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.

Justices to cause accounts of public monies to be laid annually before the Grand Jury.

Grand Jury may make presentment thereupon.

II. 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.

Limitation.

CAP. XXIX.

An Act to regulate the fees in actions not summary in the Inferior Courts of Common Pleas, and to restrain the removal of such actions to the Supreme Court.

Passed 17th March, 1835.

66 WHEREAS the fees in actions not summary in the Inferior Courts of "Common Pleas in this Province and in the Mayor's Court of the City of Saint John, required to be defined and established by law : And whereas the removal of causes from the said Courts to the Supreme Court after issue joined or interlocutory judgment signed, has been found productive of great inconvenience and delay to suitors ;"

Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the fees in all actions hereafter instituted in the respective Inferior Courts of Common Pleas in this Province, or in the Mayor's Court of the City of Saint John, not coming within the summary jurisdiction of the said Courts, shall be taxed and regulated by the following table of fees, so far as relates to the Judges, Clerks, Attornies and Council, instead of by the ordinance of the Governor and Council as heretofore accustomed.

Fees in Actions not summary, in the Inferior Courts of Common Pleas or Mayor's Court of Saint John. to be taxed by the Table of Fees herein.

TABLE OF FEES

To be allowed and taxed in actions not summary in the Inferior Courts of Common Pleas.

FOR THE JUDGES.

- On the entry of every cause not settled at the return of the writ, five shillings.
- On the entry of every cause for trial, three shillings and fourpence.
- On every judgment, three shillings and fourpence.

Judges' Fees.

Taking

v Refer to 9 & 10 G. 4, C. 25 as to publication of County Accounts.
w Refer to 35 G. 3, C. 2, and see 6 W. 4, C. 48, as to costs in summary Actions.

Taking special bail and entering the same in bail book, three shillings.
 Every summons granted or order made out of court, two shillings and sixpence.
 Taking a deposition *de bene esse*, five shillings.
 Justification or disallowance of bail, two shillings.
 Appointment of a guardian or prochein ami, two shillings and sixpence.
 Taking a bill of costs, two shillings.
 Render of a defendant in discharge of bail (including the commitment or order for taking into custody), two shillings and sixpence.
 Every affidavit, for each deponent, one shilling.
 The same fee to any person authorized to take affidavits to be read in Court.

CLERK.

Clerk's Fees.

Signing and sealing every writ or process, (including the filing of the docket or precipe therefore,) subpœna excepted, one shilling.
 Entry of every cause, one shilling.
 Entry of every rule, one shilling.
 Entry of appearance or filing common bail, one shilling.
 Filing every process, pleading or other paper, and marking the same as filed, sixpence.
 Copy of every common rule, one shilling.
 Entering interlocutory judgment, one shilling.
 Entering admission of guardian or prochein ami, one shilling.
 Every rule or order entered in the minutes, one shilling.
 If more than one folio, for every additional folio, one shilling.
 Copy or transcript from the minutes or records, per folio, one shilling.
 A folio in all cases to include one hundred words.
 Every search made in the files or minutes, one shilling.
 Signing and sealing every subpœna, and filing precipe, if any, sixpence.
 Entering a cause for trial, one shilling.
 Calling and swearing Jury, and taking and entering verdict or non-suit or entry of discharge of Jury, two shillings.
 Swearing every witness or constable and reading every paper in evidence, sixpence.
 Taxing costs where a trial has been had, two shillings.
 Taxing costs in any other case, one shilling.
 Making return to every writ of Error, Habeas Corpus or Certiorari served on him (exclusive of copy or transcript), two shillings.
 Every certificate under the seal of the court (including the seal), two shillings.
 On all monies paid into Court to one hundred pounds, per pound, sixpence.
 All above one hundred pounds, per pound, threepence.
 When such money is paid in by a defendant on a plea of tender or order obtained by him for paying money into Court, the poundage shall be paid to the clerk in addition to the money paid in, and may be included in the defendant's taxable costs.

ATTORNEY.

Attorney's Fees.

Taking instructions to commence action, six shillings and eightpence.
 Writing letter to defendant requiring settlement before action brought, five shillings.
 Preparing every process in a cause excepting subpœna or writ of inquiry, three shillings.
 The precipe or docket thereof, sixpence.

Copy of the writ and notice (when requisite), one shilling and sixpence.

Drawing every declaration and copy to file not exceeding ten folio, five shillings.

For every additional folio above ten (when necessary), one shilling.

Every copy of declaration for adverse party or when otherwise requisite, per folio, sixpence.

Taking instructions to defend action or to enter special bail, six shillings and eightpence.

Special bail piece, one shilling and fourpence.

Common bail or appearance, one shilling.

Drawing general issue, one shilling.

Each copy thereof, sixpence.

Drawing every special plea, per folio, one shilling.

Each copy thereof, per folio, sixpence.

Preparing a writ of inquiry of damages, four shillings, (or at the rate of one shilling per folio.)

Making up judgment roll, per folio, ninepence.

Attending assessment of damages before Court, three shillings and fourpence.

Attending assessment of damages before Jury of inquiry, six shillings and eightpence.

Every subpoena, two shillings.

Every copy thereof or ticket, sixpence.

Service on every witness, one shilling.

Attending the examination of a witness de bene esse, six shillings and eightpence.

Every notice, not exceeding one folio, one shilling.

For every additional folio, one shilling.

Every necessary copy thereof, per folio, sixpence.

Serving every notice or other paper, one shilling.

Every summons or order of a Judge (including attendance), three shillings and fourpence.

Attending a Judge on summons in controverted cases, six shillings and eightpence.

Every necessary attendance before a Judge or the Clerk (not otherwise provided for), one shilling.

Preparing brief for trial or argument, six shillings and eightpence.

On entry of a cause for trial, five shillings.

Preparing every writ of Scire Facias, per folio, one shilling.

Preparing bill of costs where a trial has been had, three shillings.

In any other case, one shilling and sixpence.

Half of the above fees for a copy of bill of costs for client or adverse party when requisite, and no charge for a bill of costs to be allowed in any case before the entry of the cause on the return of the writ.

Preparing every affidavit or other paper not otherwise provided for, for the original per folio, one shilling.

Every additional copy, per folio, sixpence.

Every motion actually made in open Court and entered on the minutes, three shillings and fourpence.

COUNSEL FEES.

Perusing and signing demurrers, special pleas, replications, rejoinders, &c. to which the signature of Counsel is necessary, eleven shillings and eightpence. Counsel Fees.

This fee to be allowed only for one signature, when more than one special pleading in a cause are prepared and delivered at the same time. On

On every cause entered for trial and for every argument before the Court, not less than one guinea nor more than three guineas, at the discretion of the presiding Judge.

No other fees than those herein before provided for are to be taxed in behalf of the persons in this table named, in actions not summary in the Inferior Courts of Common Pleas.

No Actions not summary to be removed prior to final Judgment to the Supreme Court after Issue joined or Interlocutory Judgment signed.

II. And be it enacted, That from and after the passing of this act, no action not summary brought in any of the Inferior Courts of Common Pleas in this Province or in the Mayor's Court of the City of Saint John shall, prior to final judgment, be removed to the Supreme Court by Habeas Corpus or Certiorari after issue joined or interlocutory judgment signed, any law, usage or custom to the contrary in any wise notwithstanding.

CAP. XXX.

An Act to amend the Law relating to the public Grammar School in the City of Saint John.

Passed 17th March, 1835.

Preamble. **“** WHEREAS the days for holding the public examinations of the public Grammar School in the City of Saint John, specified in the sixth section of an Act made and passed in the forty fifth year of the reign of King George the Third, intituled “An Act for encouraging and extending literature in this Province,” are found inconvenient ;”

S. 6, repealed. I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the said sixth section of the said Act be and the same is hereby repealed.

Public examinations to be held twice in each year on days to be appointed. II. And be it further enacted, That the President and Directors of the said public Grammar School in the City of Saint John shall hold public visitations and examinations of the said School twice in every year, on such days as the said President and Directors may prescribe and appoint by any bye law or regulation for that purpose to be made.

CAP. XXXI.

An Act to regulate the driving of Timber and Saw Logs down the river Magaguadavic and its Branches.

Passed 17th March, 1835.

Preamble. **“** WHEREAS delays injurious to the interest of individuals and to the trade of the County of Charlotte in general, have been occasioned for want of the necessary supplies and prompt attendance required on the part of persons engaged in driving timber and saw logs down the river Magaguadavic and its branches : And whereas it is necessary to prevent such delays, and also to apportion the heavy expenses annually incurred in the driving of timber and logs on the said river and its branches, as fairly as may be, among the several owners thereof ;”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from

x Refer to 26 G. 3, C. 34, for securing the navigation of this River ; and 8 G. 4, C. 15, empowering the Justices of Charlotte to regulate the driving of Timber, &c. in this and other Rivers.

from and after the passing of this Act the driving of timber and saw logs down the river Magaguadavic and its branches shall and may be regulated and conducted in manner following (that is to say): the Justices of the Peace for the County of Charlotte at any General Sessions of the Peace or at any Special Session to be for that purpose holden, shall have power to appoint five suitable persons to be Commissioners for regulating and conducting the driving of timber and saw logs on the said river and its branches; which said Commissioners being duly sworn to the faithful execution of their duty shall call a public meeting of the owners of timber and saw logs, first giving sufficient notice of the time and place of such meeting in some public newspaper published in the said County and also by advertisement at the upper and lower falls of said river; such meeting to be holden in all of the month of March in each and every year during the continuance of this Act; at which meeting the owners of the said timber and logs, or their agents, shall render to the said Commissioners an account of the several lots and quantities of the same by them respectively owned, with a description of the several marks and the places of the said river or its branches where such lots of timber and logs respectively lie.

Commissioners to be appointed and sworn.

At a public Meeting to be held annually in March accounts of lots of Timber and Logs to be rendered to the Commissioners.

II. And be it enacted, That the said Commissioners on receiving the accounts of the said timber and logs shall then proceed to make an estimate of the number of men with the necessary tools and provisions required for the river driving, and shall agree with the owners of the said timber or logs upon the number of such men, with the quantity of provisions and tools to be respectively furnished by such owners who shall choose to furnish the necessary hands and supplies for driving their own lots of timber or logs respectively; and the said Commissioners shall also hire men and purchase tools and supplies for the driving of such lots of timber and logs as the owners thereof may not provide for, making the same payable out of such lots of timber and logs in manner hereinafter mentioned; and the said Commissioners shall also agree with and appoint a sufficient number of competent persons as master drivers, to take charge of the several crews and parties as they may by the said Commissioners be distributed on the different parts of the said river and its branches; which said master drivers with the men under their charge shall be bound to follow the particular instructions of the said Commissioners with respect to the times and places of commencement and operation generally.

Commissioners to estimate, agree for, purchase, or hire men, tools and provisions for river driving, and

Appoint Master Drivers.

Master Drivers and men to follow instructions of the Commissioners.

III. And be it enacted, That if any separate crew or party driving timber or logs shall join any drive under the direction of any of the aforesaid master drivers, such crew or party shall be subject to the directions of the master driver having charge under the said Commissioners of the drive so joined by such separate crew or party; and it shall be the duty of the several master drivers and the men under their direction to drive indiscriminately all timber and logs that may fall in their way, as well those lots and marks that have not been reported as those lots that have been reported as aforesaid; and in case any two or more of the said drives shall at any time form a junction and make one entire drive, such large drive so formed shall be put under the direction of such of the aforesaid master drivers as the said Commissioners may please to appoint.

Any party joining drive under Master Driver to be under his directions. All Timber and Logs to be driven.

Junction of drives.

IV. And be it enacted, That it shall be the duty of such Commissioners, upon the arrival of any considerable quantity of timber in the boom, and when the season of driving may be considered as over, to call a public meeting of the owners of such timber and logs; of which meeting previous public notice shall be given in manner hereinbefore provided; at which meeting the said Commissioners shall proceed by the best means in their power to assess the whole amount of expense

Expenses of driving Timber &c. to be assessed at a meeting after season of driving is over.

of driving such timber and logs on the owners of the same respectively, as nearly as may be in proportion to the quantity and distance which the same may have been driven, and also on any quantity that may not be claimed by any owner; and all persons who may have furnished labour or provisions for such driving and all other persons having claims shall render their respective accounts duly attested, which accounts being approved by the Commissioners shall be allowed as a set-off against any claim for driving any timber or logs belonging to the said persons respectively.

Assessment and marks of unclaimed Timber, &c. to be published.

V. And be it enacted, That it shall be the duty of the said Commissioners on completion of the said assessment to publish a list of the persons so assessed by advertisement in some public newspaper and at the upper and lower falls as aforesaid; and where the owner of any lot of timber or logs shall be unknown, to include in such list the marks and descriptions of such timber or logs respectively; and fourteen days after such notice, it shall be lawful for the said Commissioners or their successors to recover the several amounts assessed by actions at law or to levy the same by sale at auction of a sufficient quantity of such timber and logs, giving fourteen days' public notice of the time and place of such sale.

Commissioners may recover amount assessed by actions at law, &c.

Interrupting Master Drivers in execution of their duty.

VI. And be it enacted, That if any person shall hinder, molest or interrupt any of the said master drivers or any of the men under their direction in the execution of his or their duty, every such person so offending shall, on conviction before any two of His Majesty's Justices of the Peace of the County, forfeit and pay to the said Commissioners, for the benefit of the river driving, a sum not exceeding ten pounds for every such offence, to be levied in the usual manner by the sale of the goods and chattels of such offender, and for want of such goods and chattels whereon to levy, such offender shall be by the said Justices committed to the common gaol of the County, there to lie without bail or mainprize for a space not exceeding forty days.

Penalty.

Remuneration of Commissioners, contingencies and sales of unmarked Logs, &c. to be added to assessment.

VII. And be it enacted, That the said Commissioners at the time of apportioning the several sums so to be paid, shall add to the same and reckon therein a reasonable allowance and remuneration for their own services, and also a sum not exceeding the sum of fifty pounds for any contingent expenses that may arise in the course of their proceedings with the river driving, to which fund shall be added the proceeds of the sale of all unmarked logs or timber found in the course of driving; a true and correct account of which contingent expenses, and also such allowance as they may retain for their own services, shall be by them laid before the Justices in their General Sessions in September in each and every year during the continuance of this Act, to be by such Justices confirmed if they consider such charge reasonable and just, or disallowed as they think fit.

Account to be laid before the Sessions.

Commissioners to remain in office till others are appointed.

VIII. And be it enacted, That the said Commissioners so to be appointed shall continue and be in office until others be by the said Justices appointed in their stead; and if any of them, after having accepted of his said appointment, shall refuse or neglect to perform the several duties herein mentioned, such delinquent Commissioner shall on conviction before any two Justices of the Peace be liable to a fine not exceeding twenty pounds, to be levied in the usual manner, and added to the aforesaid fund for defraying contingent expenses.

Neglect of duty.

Penalty.

Application.

Fines and monies collected to be paid by Commissioners to County Treasurer.

IX. And be it enacted, That all fines, forfeitures and monies collected by the said Commissioners under this Act except so much as may be retained by them for services as hereinbefore mentioned, shall be forthwith paid into the hands of the County Treasurer, to remain with him subject to the written order of at least the major part of said Commissioners, to defray the expenses incurred in carrying the provisions of this Act into effect, and not for any other purpose whatsoever; and

and the said County Treasurer shall render a just and true account to the General Sessions of all monies thus received and paid by him: Provided always, that such County Treasurer shall hold and retain out of such monies five pounds per centum as remuneration for his trouble. Treasurer to account.
Remuneration.

X. And be it enacted, That the major part of the Commissioners shall be deemed competent to carry into effect all the provisions of this Act, any thing herein contained to the contrary notwithstanding. Major part of Commissioners may carry this Act into effect.

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

CAP. XXXII.

An Act to alter the division line between the Parishes of Douglas and Queensbury in the County of York. y

Passed 17th March, 1835.

“**W**HEREAS much inconvenience is found to result from the present dividing line between the Parishes of Douglas and Queensbury in the County of York;” Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act the division line between the said Parishes shall commence at the south eastern angle of the grant to Jonathan Williams, thence along the lateral boundary of the said grant north twenty seven degrees thirty minutes west to the rear of the said grant, thence along the said rear to intersect the dividing line of the first and second divisions of the rear lands, thence along the said division line and its prolongation north forty six degrees west until it meet the prolongation of the northern line of lot number eighty four in the grant to the guides and pioneers, thence along the last mentioned line and its prolongation, north forty five degrees east, until it intersects the river Nashwaak, thence down the said river Nashwaak along the right bank thereof until it meets a line running north from the eastern angle of lot number one in the grant to Daniel Sawyer and others; the courses above mentioned being severally run by the magnetic meridian. Division line between Parishes of Douglas and Queensbury altered as herein described.

II. [*Obsolete.*]

CAP. XXXIII.

An Act to erect the North Eastern part of the Parish of Hampton in King's County into a separate and distinct Parish. z

Passed 17th March, 1835.

“**W**HEREAS the Parish of Hampton in King's County is so extensive as to render the performance of the duties of the Parish Officers therein inconvenient and troublesome;” Preamble.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the line dividing the Parishes of Hampton and Norton as described in the second section Division line of Hampton and Norton, as in 35 G. 3, C. 3.

y Refer to 26 G. 3, C. 1, S. 8, and the Acts there referred to.

z Refer to 26 G. 3, C. 1, S. 5, and the Acts there referred to.

prolonged until it strikes the line dividing Saint John and King's Counties.

Parish of Hampton divided, and Upham erected as herein described.

Parish Officers for Upham to be appointed as for other Parishes.

Act not to prevent the recovery of Parish or other assessments due.

section of an Act passed in the thirty fifth year of the reign of His Majesty King George the Third, intituled "An Act in addition to an Act, intituled 'An Act for the better ascertaining and confirming the boundaries of the several Counties in this Province, and for subdividing them into Towns or Parishes,'" be prolonged from the centre of the Westmorland road as in said recited Act is described, until it strikes the line dividing the Counties of Saint John and King's County.

II. And be it enacted, That all that part of the Parish of Hampton in the said County which lies to the northward and eastward of the prolongation of said line, be and the same is hereby erected into a separate and distinct Town or Parish, to be called, known and distinguished by the name of the Town or Parish of Upham, any law, usage or custom to the contrary thereof in any wise notwithstanding.

III. And be it enacted, That the Justices of the Peace for the said County at a special Sessions for that purpose to be holden for the present year, and hereafter 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 Upham, who shall be subject to the same laws and regulations and liable to the same penalties in all respects as Parish Officers in other Parishes are or may be subject or liable to.

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

CAP. XXXIV.

a An Act to facilitate the examination of witnesses before trial in the Supreme Court.

Passed 17th March, 1835.

Supreme Court or a Judge thereof may order the examination of Witnesses within the Province or issue a Commission for the examination of Witnesses out of the Province.

Court or Judge may command attendance of persons to be examined or production of documents.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That it shall be lawful for the Supreme Court, and the several Judges thereof, in any action depending in such Court, upon the application of any of the parties to such suit, to order the examination on oath, upon interrogatories or otherwise, before a Judge of the Court or any other person or persons to be named in such order, of any witnesses within this Province, or to order a commission to issue under the seal of the said Court, for the examination of witnesses on oath at any place or places out of this Province, by interrogatories or otherwise, and by the same or any subsequent order or orders to give all such directions touching the time, place and manner of such examination, as well within this Province as without, and all other matters and circumstances connected with such examinations as may appear reasonable and just.

II. And be it further enacted, That when any rule or order shall be made for the examination of witnesses within this Province by authority of this Act, it shall be lawful for the Court or any Judge thereof, in and by the first rule or order to be made in the matter, or any subsequent rule or order, to command the attendance of any person to be named in such rule or order for the purpose of being examined,

examined, or the production of any writings or other documents to be mentioned in such rule or order, and to direct the attendance of any such person to be at his own place of abode or elsewhere if necessary or convenient so to do; and the wilful disobedience of any such rule or order shall be deemed a contempt of Court, and proceedings may be thereupon had by attachment, (the Judge's order being made a rule of Court before or at the time of the application for an attachment), if, in addition to the service of the rule or order, an appointment of the time and place of attendance in obedience thereto, signed by the Judge or person or persons appointed to take the examination, or by one or more of such persons, shall be also served together with or after the service of such rule or order: Provided always, that the service of every such rule, order or appointment shall be by showing to the person whose attendance shall be required the original paper under the hand of the Judge or person issuing the same, and by delivering to such person a copy thereof or a ticket containing the substance thereof; and also that every person whose attendance shall be so required shall be entitled to the like conduct money and payment for expenses as upon attendance at a trial: Provided also, that no person shall be compelled to produce under any such rule or order any writing or other document that he would not be compellable to produce at a trial of the cause.

Disobedience deemed a contempt of Court.

Service of rule.

Expenses of attendance.

Proviso as to production of documents.

III. And be it further enacted, That it shall be lawful for any sheriff, gaoler or other officer having the custody of any prisoner, to take such prisoner for examination under the authority of this Act, by virtue of a writ of Habeas Corpus to be issued for that purpose; which writ shall and may be issued by the Court or Judge under such circumstances and in such manner as such Court or Judge may now by law issue the writ commonly called a writ of Habeas Corpus ad testificandum.

Sheriff &c. may take prisoners for examination under writ of Habeas Corpus.

IV. And be it further enacted, That it shall be lawful for all and every person authorized to take the examination of witnesses by any rule, order or commission made or issued in pursuance of this Act, and he and they are hereby authorized and required to take all such examinations upon the oath of the witnesses, or affirmation in cases where affirmation is allowed by law instead of oath, to be administered by any person so authorized or by the Judge of such Court; and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall and may be indicted and prosecuted for such offence in the County wherein such evidence shall be given, or in the County of York if the evidence be given out of the Province.

Examination of Witnesses to be upon oath or affirmation where allowed.

False evidence deemed perjury.

V. And be it further enacted, That it shall and may be lawful for any person or persons to be named in any such rule or order as aforesaid for taking any examination in pursuance thereof, and he and they are hereby required to make, if need be, a special report to the Court touching such examination, and the conduct or absence of any witness or other person thereon or relating thereto; and the Court is hereby authorized to institute such proceedings and make such order and orders upon such report as justice may require, and as may be instituted and made in any case of contempt of the Court.

Report to be made to the Court, if need be, touching examination's conduct or absence of Witnesses &c.

VI. And be it further enacted, That the costs of every rule or order to be made for the examination of witnesses under any commission or otherwise by virtue of this Act, and of the proceedings thereupon, shall be costs in the cause, unless otherwise directed either by the Judge making such rule or order, or by the Judge before whom the cause may be tried, or by the Court.

Costs under this Act to be costs in the cause unless otherwise directed.

VII. And be it further enacted, That no examination or deposition to be taken by virtue of this Act shall be read in evidence at any trial without the consent of the

No examinations to be read in evidence at a Trial without

consent of opposite party.

Exceptions.

Examinations to be sealed and addressed to the Supreme Court.

The Judges may make rules and orders relating to matters in this Act.

31 G. 3, C. 10, repealed.

the party against whom the same may be offered, unless it shall appear to the satisfaction of the Judge on proof by affidavit or viva voce, that the examinant or deponent is out of the Province or dead, or unable from sickness or other infirmity to attend the trial; in all or any of which cases the examinations and depositions certified under the hand of the Judge, Commissioners or other person taking the same, shall and may without proof of the signature to such certificate be received and read in evidence, saving all just exceptions: Provided always, that such examinations or depositions shall be closed up under the seal of the Judge, Commissioner or other person taking the same, and addressed to the Supreme Court, and shall not be opened before the trial without the consent of the parties to the suit.

VIII. And be it further enacted, That the Judges of the Supreme Court may from time to time make and establish such general rules and orders relating to the matters contained in this Act, the same being not repugnant to this Act, as to them may seem expedient.

IX. And be it further enacted, That an Act made and passed in the thirty first year of the reign of King George the Third, intituled "An Act to enable the Justices of the Supreme Court to issue commissions for the examining of witnesses out of the Province," be and the same is hereby repealed.

CAP. XXXV.

b

An Act to define the Crime of Forgery.

Passed 17th March, 1835.

Preamble.

“WHEREAS it is expedient more distinctly to define and explain the “crime of forgery;”

What shall be deemed Forgery.

I. Be it declared and enacted by the Lieutenant Governor, Council and Assembly, That if any person shall forge or alter, or shall offer, utter, dispose of or put off, knowing the same to be forged or altered, any writing, with intent to defraud any person whatsoever, every such offender shall be deemed to have committed the crime of forgery and shall be guilty of felony, and being convicted thereof shall be liable to be punished in the manner prescribed for felony in an Act made and passed in the first year of the reign of His present Majesty, intituled “An Act for improving the administration of justice in criminal cases.

Punishment. 1 W. 4, C. 14.

Punishment of principals in second degree, and accessories before and after the fact.

II. And be it further enacted, That in every case of forgery, every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree; and every accessory after the fact shall, on conviction, be liable to be punished by fine or imprisonment, or both, as the Court shall award; such imprisonment to be either with or without hard labour as the Court shall see fit, and not to exceed the term of two years.

Act of 5th Eliz. repealed.

III. “And whereas an Act of the Parliament of England passed in the “fifth year of the reign of Queen Elizabeth, intituled “An Act against Forgers of false deeds and writings,” hath been repealed by a late Act of the “Parliament of the United Kingdom;” Be it enacted, That the said Act of the fifth year of Queen Elizabeth be and the same is hereby declared to be repealed, and of no force or effect in this Province.

b Refer to 4 W. 4, C. 23; also to 9 & 10 G. 4, C. 9, which makes the party interested in a forged instrument a competent Witness.

CAP. XXXVI.

An Act for the appointment of Firewards and the better extinguishing of Fires ^c which may happen in that part of the Parish of Saint Stephen commonly called Milltown, and its immediate vicinity.

Passed 17th March, 1835.

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That the Lieutenant Governor or Commander in Chief for the time being, is hereby empowered, by and with the advice of His Majesty's Council, from time to time, by warrant under his hand and seal, to appoint a sufficient number of prudent and discreet persons as Firewards, not exceeding five, resident in that part of the Parish of Saint Stephen commonly called Milltown, and its vicinity, and more particularly described as follows, (to wit): Commencing on the river Saint Croix, opposite or nearest to the house occupied by the late Josiah Hitchings, thence directly to said house, thence directly to the house occupied by Joel Hill, thence southerly to the river aforesaid, thence down said river, following the dividing line thereof, to the place of beginning; who shall be sworn to the faithful discharge of their duty before one of His Majesty's Justices of the Peace of the County of Charlotte, and a certificate thereof endorsed on the several warrants of appointment; for which warrants and certificates no fees shall be demanded or received from the person so appointed and sworn.

II. And be it enacted, that in order that the said Firewards may be distinguished from others when on duty at a fire, and to enable them to communicate their directions with more facility, they shall each carry a staff seven feet in length, coloured red, and also a speaking trumpet, painted white, with the name of the Parish and District painted on it in black letters.

III. And be it enacted, That whenever a fire shall break out in the said district or part of the said Parish described in the first section of this Act, and during the continuance thereof, the said Firewards are hereby authorized and required, jointly or separately, to command assistance for extinguishing the fire, and removing household stuff, furniture, books, public stores, goods and merchandize out of any houses, storehouses and other buildings actually on fire or in danger thereof, and to appoint persons to take care of the same, and also to require assistance to prevent the further spreading of the fire in the said District, and to prevent tumults and disorders in the same; and the said Firewards respectively are hereby required upon the notice of fire breaking forth in the said District (taking their badges and trumpets with them,) immediately to repair to the place, and vigorously to exert their authority in requiring assistance, and to use their utmost endeavours to extinguish the fire and prevent its spreading, and to preserve and secure property and effects, both public and private; and due obedience is hereby required to be yielded to them and each and every of them accordingly for that service, as well by the person or persons having the charge and management of any engine or engines in the said Districts as all other persons whomsoever.

IV. And be it enacted, That for every refusal or neglect of any person to obey the order of any Fireward in performing any of the duties and services hereinbefore mentioned, such person shall forfeit and pay the sum of forty shillings, to be recovered upon conviction before any one of His Majesty's Justices of the Peace of the County of Charlotte on the oath of a Fireward or any other credible witness,

Governor with advice of the Council to appoint Firewards who shall be sworn.

Certificate to be endorsed on warrants.

No fees to be demanded.

Firewards on duty to carry a staff and speaking trumpet.

Firewards to command assistance for extinguishing fires and removing goods, &c. and preventing tumults:

Upon notice of fire to repair with their badges and trumpets to the place and exert their authority.

Due obedience to be yielded by all persons.

Disobeying orders of the Firewards.

Penalty and recovery.

^c See 6 W. 4, C. 46, as to buckets and ladders to be provided by householders.

Application.

witness, and levied by distress and sale of the offender's goods and chattels; and for want of sufficient distress such offender shall suffer ten days imprisonment, unless the penalty and costs be sooner paid; which penalty when recovered shall be paid into the hands of the Firewards of the said District or their Treasurer for the time being, to be applied by them towards defraying the necessary expense attending the keeping the engine or engines of the said District in a proper state of repair and equipment, and any other necessary expenses attending the keeping of the fire company of the said District in a proper state of organization.

Firewards may compel persons to form lines for conveyance of water.

V. "And whereas it is necessary that prompt and implicit obedience should "at all times during the raging of a fire be paid to the directions of the Firewards;" Be it enacted, That the said Firewards respectively, or any or either of them, shall have power and they and every of them are hereby authorized when such necessity shall exist, to require and compel the persons present at any fire to fall in and form the line or ranks for the conveyance of water for extinguishing the fire, and to remain in such ranks as long as may be deemed necessary; and if any person present at a fire shall refuse to fall in or remain in any such rank when thereunto required by any Firewards, such persons so offending shall for each and every offence forfeit and pay the sum of forty shillings; to be recovered, levied and applied in the manner specified and provided in and by the fourth section of this Act.

Penalty for refusal.

Firewards may enter any building and examine stoves, fireplaces or chimnies.

VI. And be it enacted, That the Firewards or any two or more of them are hereby authorized and empowered from time to time and at all seasonable times in the day time, to enter into any house, shop or other buildings within the limits of the said District, and to examine and inspect the manner in which any stove or stove pipes are set up, placed, fixed or carried, or any hearths, fire places or chimnies constructed or built; and if such stove or stove pipes, or such hearth, fire place or chimney shall be found (in the opinion and judgment of the said Firewards or any two of them, and in case more than two be present, the major part of those present,) so set up, placed, fixed or carried, constructed or built as to be dangerous, such Firewards are hereby authorized and empowered to give directions in writing to prevent the continuance of fire in any such stove or any such hearth, fire place or chimney, until the same shall have undergone such alterations as shall be pointed out in writing by the same Firewards; and any person or persons who shall disobey any such directions of such Firewards shall for each and every offence forfeit and pay the sum of three pounds, to be recovered and applied in manner aforesaid.

If stove &c. be considered dangerous, Firewards may by written order, forbid the continuance of fire therein until altered as pointed out by them.

Penalty for disobeying such directions.

Firewards to appoint men to have the care of the engines.

VII. And be it enacted, That the Firewards of the said District shall at any meeting to be for that purpose holden, nominate and appoint by warrant under the hands and seals of them or the hands and seals of the major part of them present, a sufficient number of able and discreet men willing to accept, not exceeding twenty in number for each engine, being inhabitants of the said District or part of the Parish of Saint Stephen aforesaid, to have the care, management and working of the said engine or engines, tools and instruments, for extinguishing fires which may happen within the same, and to remove and displace all or any of them from time to time, and to nominate and appoint others in their stead, and to fill up any vacancy which may happen at any time by death or removal, or otherwise; and that the names of the said persons so appointed shall from time to time as the appointments shall be made, be registered with the Clerk of the Peace in the said County upon the certificates of the said Firewards, and to be called the Firemen of Milltown, and are hereby enjoined and required to be ready at a call by night as well as by day, to manage, work and use the engine or engines,

Appointments to be registered with the Clerk of the Peace.

Persons appointed to be called "The

engines, tools and instruments, for extinguishing fires which may happen to break out within the said District.

Firemen of Milltown."

VIII. And be it enacted, That it shall and may be lawful for the Firewards for the time being of the said District, at any meeting to be holden at which the major part shall be present, to make and establish such rules, orders and regulations in respect of the government, conduct, duty and behaviour of the said Firemen in working, managing, exercising, trying and using the engine, tools and instruments, and to impose and establish such reasonable fines and penalties upon them or any of them for default or neglect of the duties and services thereby to be enjoined or required from them, as the said Firewards or the major part of them present, met as aforesaid, shall from time to time think meet, so that the fine or penalty shall not exceed in any one instance the sum of forty shillings, to be recovered and applied as in the fourth section of this Act; which rules, orders and regulations shall be notified to the said Firemen by putting the same up at the engine house and inserting the same in the newspaper of the said County.

Firewards to make rules and regulations for the government of the Firemen, with penalties.

Regulations to be published.

IX. And be it enacted, That no person or persons shall be allowed to carry fire into any mill or lath machine within the said District, or be allowed to use any fire in such mills or lath machines, except it be carried in and used in well secured lamps or lanterns; and that any person or persons offending against the provision of this section shall be liable to forfeit and pay the sum of two pounds for each and every offence, to be recovered and applied as the fines in the fourth section of this Act.

Carrying fire into Mill or Lath Machines except in lamps or lanterns.

Penalty.

X. And be it enacted, 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 two hundred and fifty pounds, for the purpose of purchasing an engine and various tools and instruments for the better extinguishing of fires that may happen in said District; such assessment to be made in due proportion upon all and every the 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 other 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.

General Sessions may assess the District for £250 to purchase an Engine, Tools, &c.

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.

Limitation.

CAP. XXXVII.

An Act to provide for the more convenient administration of Justice in the Supreme Court.

Passed 17th March, 1835.

“WHEREAS the Easter Term of the Supreme Court is held at an inconvenient season, and it is considered that three terms of the said Court

Preamble.

d Refer to 5 W. 4, C. 34, as to examination of Witnesses before Trial. Refer to 4 W. 4, C. 41; and 5 W. 4, C. 39, regulating a Summary Practice in the Supreme Court.—See 6 W. 4, C. 14, providing for reporting and publishing the Decisions of the Supreme Court.

“ Court in each year will, under proper regulations, be sufficient for the despatch
 “ of the business depending therein : And whereas trials by Jury in term time
 “ are found to be inconvenient and to delay and impede the matters pending for
 “ argument in the said Court ;”

Easter Term
abolished.

Trinity Term
to commence on
second Tuesday
in June.

Trinity Term
may be extend-
ed to the suc-
ceeding week,
as other Terms
may be under
60 G. 3, C. 7.

Teste and re-
turn of writs.

Issues triable
by a Jury of
York, may be
tried without a
commission for
that purpose.
Writs and re-
cords of Nisi
Prius.

Sittings to be
held at such
times as the
Justices may
direct.

All crimes, &c.
committed in
York may be
enquired of and
punished at
such sittings
without a com-
mission.

Sheriff of York
to return writs,
and all Officers
of the Law,
Jurors, &c. to
attend at such
sittings, and to
be charged and
bound in like
manner as at
the terms of
the Court.

Clerk of the
Crown in the

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the time when this Act shall commence and take effect there shall be no Easter Term in the Supreme Court in this Province ; and that the Trinity Term of the said Court shall commence on the second Tuesday in June in each and every year, and continue unto and include the Saturday following.

II. Provided always and be it further enacted, That it shall and may be lawful for the Justices of the said Court, if they shall see fit, further to continue and extend the said Trinity Term hereinbefore established unto the week next succeeding the same, in like manner and subject to the same rules and provisions in all respects as are contained in an Act made and passed in the sixtieth year of the reign of King George the Third, intituled “ An Act to enable the Justices of the Supreme Court to enlarge the time of the sittings of the said Court when the same shall be expedient,” with regard to the terms of the said Court.

III. And be it further enacted, That the second Saturday after the first Tuesday in each and every term of the said Supreme Court shall be a day for the teste and return of all writs in the said Court.

IV. And be it further enacted, That the Chief Justice for the time being, or any Justice of the said Supreme Court, may, at sittings to be appointed in the manner hereinafter directed, try all manner of issues joined or to be joined in the said Court, triable by a Jury of the County of York, without any commission being expressly made for that purpose ; and it shall be lawful for any person or persons to take or sue forth writs and records of Nisi Prius for the trial of the said issues in the said County of York, as they may do upon any issue triable in any other County.

V. And be it further enacted, That such sittings shall be held on such days and times either before or after the respective terms of the said Court as the Justices of the said Court by rule or order made in term time may find it fit and expedient from time to time to direct and appoint.

VI. And be it further enacted, That the said Chief Justice and Justices of the said Supreme Court, or any one or more of them, at such sittings as aforesaid, shall and may inquire of, hear, determine and punish all and all manner of crimes and offences committed within the said County of York, in like manner as the said Chief Justice and Justices may and have been used to do at the terms of the said Court, without any commission or commissions of Oyer and Terminer and Gaol delivery being expressly made for that purpose.

VII. And be it further enacted, That the Sheriff of the said County of York for the time being, shall make return of all writs and precepts to him directed returnable at such sittings respectively ; and that the said Sheriff, and the Coroner and Coroners, Bailiffs, Constables, and all officers and ministers of the law whatever within the said County of York for the time being, and also all Jurors to be summoned, and all parties and witnesses in the causes criminal and civil to be heard and tried at such respective sittings, shall give their attendance at such respective sittings, and shall be charged and bound in such and the like manner, and upon like pains and penalties, for non-appearance and non-attendance, or for any misdemeanour or default at such sittings, as if at the terms of the said Supreme Court.

VIII. And be it further enacted, That the Clerk of the Crown in the Supreme

preme Court shall be Clerk of the Crown and also Nisi Prius Clerk at such sittings in the County of York, and shall be subject to all the duties and entitled to all the rights, privileges and emoluments of these offices respectively.

IX. And be it further enacted, That in all actions in the said Court in which the Court is or may be authorized by law, after judgment by default, to inquire of the truth of any matters or to assess the damages or the amount to be recovered in the action, without the intervention of a Jury, such inquiry and assessment may be made by a Judge of the said Court in vacation; and upon the production of such assessment signed by such Judge, it shall be lawful for the Clerk of the Pleas to tax the costs and to sign judgment, whereupon execution may be issued forthwith: Provided always, that no such inquiry or assessment shall be made in vacation until the expiration of twenty days after the day on which the judgment by default shall have been entered: Provided also, that the defendant or defendants in any such action may upon due application therefor have such inquiry and assessment made by a Jury, and that the Judge who may be applied to in vacation to make such inquiry or assessment shall have power to order the same to be made by a Jury in like manner as is now the law and practice in cases before the Court in banc.

X. And be it further enacted, That in any action brought in the said Supreme Court in which a postea shall be returned either from the sittings in the County of York or from any Circuit Court in any other County, it shall be lawful for the Clerk of the Pleas, upon the production of the postea signed in the margin by the officer who returns the postea, to enter a rule for judgment on the postea, and to tax the costs and sign judgment, whereupon execution may be issued forthwith: Provided always, that it shall be lawful for the Judge before whom such sittings or Circuit Court shall be held, in any case where justice may appear so to require, either upon summons or not, according to the circumstances of the case, to order the returning of the postea and the entry and signing of judgment to be stayed until the Court shall make order in the matter at the next succeeding term; and provided also, that no rule for judgment on the postea shall be entered by the Clerk of the Pleas under this Act, until the expiration of twenty days after the last day of the sitting of the Court from which the postea is returned; and in order to manifest such last day of the sitting of such Court, the officer who returns the postea shall set the same down in the margin of the postea when he signs his name thereto.

XI. And be it further enacted, That every judgment to be entered by virtue of this Act may be entered upon record as the judgment of the Court, although the Court may not be sitting on the day of the signing and entry thereof: and every execution issued by virtue of this Act shall and may bear teste on the day of issuing thereof; and such judgment and execution shall be as valid and effectual as if the same had been signed, entered of record, and issued according to the course of the common law.

XII. Provided always, That it shall be lawful for the party entitled to any judgment under this Act to postpone the signing thereof; and provided also, that notwithstanding any judgment signed and entered of record or execution issued by virtue of this Act, it shall be lawful for the Court to order such judgment to be vacated and execution to be stayed or set aside, and to enter an arrest of judgment, or grant a new trial, or a new writ of inquiry, or a new assessment of damages or of the amount to be recovered, as justice may appear to require; and thereupon the party affected by such writ of execution shall be restored to all that he may have lost thereby in such manner as upon the reversal

Supreme Court to be Clerk of the Crown and Nisi Prius Clerk.

A Judge may inquire of the truth of matters, assess damages &c. during vacation.

Clerk of the Pleas to tax costs, &c. No inquiry or assessment to be made until the expiration of 20 days after judgment. Defendant may have the inquiry or assessment made by a Jury.

On production of a postea returned from the sittings in York, &c. the Clerk of the Pleas may enter a rule for judgment &c. Judge may order return of the Postea to be stayed.

No rule for judgment to be entered until the expiration of twenty days after the sitting of the Court from which Postea is returned.

Judgments to be entered as the judgment of the Court.

Executions to bear teste on the day of issuing.

Party entitled to judgment may postpone the signing; and Court may order judgment to be vacated, and execution stayed or set aside, or arrest judgment, &c.

versal of a judgment by writ of error, or otherwise as the Court may think fit to direct.

Judges may establish rules and orders touching the award and return of Jury process.

XIII. And be it further enacted, That the Judges of the Supreme Court may from time to time make and establish such rules and orders relating to the matters contained in this Act, and also touching the award and return of any Jury process for trials at Nisi Prius, the same being not repugnant to this Act, as to them may seem expedient.

Act to take effect on 1st of January 1836.

XIV. And be it further enacted, That this Act shall commence and take effect on the first day of January one thousand eight hundred and thirty six: Provided always, that the Judges of the Supreme Court may before that time make any rules and orders authorized by this Act, but not to go into operation before that day.

CAP. XXXVIII.

An Act to regulate the ungranted Ferries in this Province.

Passed 17th March, 1835.

Preamble.

“ WHEREAS the establishment of Ferries in many parts of this Province “ will tend to facilitate travelling;”

Justices in Sessions may establish Ferries in places where not established by grant from the Crown, and grant licences to Ferry-men under rules &c. made or to be made by virtue of Act 28 G. 3, C. 8.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, His Majesty’s Justices of the Peace, in their General Sessions for each County, shall and they are hereby authorized and empowered to establish such ferries over rivers, bays and creeks within their respective Counties as may be by them thought necessary, in places where the same are not already established by grant from the crown, and also to agree with and grant licences to such person or persons as they shall judge meet as ferry-men, under such rules and regulations and subject to such penalties for neglect of duty as the said Justices in their respective General Sessions shall from time to time judge proper and necessary to make under and by virtue of an Act made and passed in the twenty eighth year of the reign of his Majesty King George the Third, intituled “ An Act to empower the Justices of the Sessions in the several Counties in this Province to make such regulations respecting markets and ferries within such Counties as may be found necessary :” Provided always, that this Act or any thing herein contained shall not extend or be construed to extend to restrain or in any wise to affect any right in his Majesty, His Heirs and Successors, to make any grant or grants of any ferry or ferries in places where the same shall be found necessary.

Rights of His Majesty reserved.

Ferries heretofore established to be deemed to have been established and to be regulated under this Act.

II. And be it further enacted, That all ferries heretofore established by Justices of the Peace under and by virtue of any Act of Assembly now or heretofore in force for that purpose, shall during the continuance of this Act be deemed and taken to have been established, and shall be regulated by and under the provisions of this Act.

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.

c Refer to 28 G. 3, C. 8, as to rates of Ferridge &c.

CAP. XXXIX.

An Act to amend the Law relating to a summary practice in the Supreme Court. *f*

Passed 17th March, 1835.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That in any summary action in the Supreme Court, wherein the plaintiff may be entitled to judgment by default under the provisions of the second section of an Act made and passed in the fourth year of the reign of His present Majesty, intituled "An Act to establish and regulate a summary practice in the Supreme Court," the Court or a Judge thereof may let in the defendant to appear and defend in like manner and upon such terms as in actions not summary, by the practice of the said Court, may be done after interlocutory judgment, any thing in the said second section of the said Act to the contrary notwithstanding.

Defendant may be let in to appear and defend as after interlocutory judgment in actions not summary.

II. And be it enacted, That in such summary actions the defendant may file a demurrer to the writ in lieu of the general issue, and give a copy thereof to the plaintiff's attorney; which demurrer shall be in a brief and summary form, and notice in writing of the grounds thereof shall be given to the plaintiff's attorney at the same time with such copy; and upon such demurrer the Court shall give judgment according as the very right of the cause shall require, without regarding any imperfection, defect or want of form in the writ; and if judgment be given for the plaintiff the Court may proceed to assess the amount to be recovered in like manner as in the case of judgment by default, and no arrest of judgment shall be allowed in such summary actions.

Defendant may file a demurrer to the writ in lieu of the general issue.

Court to give judgment as the right of the cause shall require; and if judgment be given for the plaintiff damages to be assessed.

III. And be it enacted, That in such summary actions any matters in bar to the action, which in actions not summary ought to be pleaded specially, may be given in evidence under the general issue; provided that notice in writing of such matters be given to the plaintiff's attorney at the same time with the plea; and infancy or coverture of the defendant shall not in any summary action be given in evidence unless such notice thereof be given.

Special matter evidence under general issue if notice given.

Infancy or coverture.

CAP. XL.

An Act to continue an Act, intituled "An Act for regulating the Salmon Fisheries in the County of Gloucester."

Passed 17th March, 1835.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the third year of the reign of His present Majesty, intituled "An Act for regulating the Salmon Fisheries in the County of Gloucester," be and the same is hereby continued and declared to be in full force and effect until the first day of May which will be in the year of our Lord one thousand eight hundred and forty.

s W. 4, C. 37, continued.

f Refer to 4 W. 4, C. 41.

CAP. XLI.

g An Act relating to the navigation of the inner Bay of Passamaquoddy.

Passed 17th March, 1835.

Commissioners to build and support Buoys and Beacons on the rocks, reefs and bars in the inner Bay of Passamaquoddy.

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for such Commissioners as His Excellency the Lieutenant Governor or Commander in Chief for the time being may hereafter appoint, or the major part of them, to build, rebuild, replace and support such beacons or buoys on the different reefs of rocks, and reefs and bars in the inner bay of Passamaquoddy, and make other erections and improvements for the better securing of the navigation and improving the several harbours within the same, as they may deem necessary and expedient.

Duty imposed on all inward bound vessels, coasting craft excepted.

II. And be it enacted, That from and after the passing of this Act, there be and are hereby granted to His Majesty, His Heirs and Successors, for the purposes hereinbefore mentioned, the following duties of tonnage on all inward bound vessels entering Passamaquoddy Bay within Deer Island, of the following description, and at the following rate, namely: on all vessels (coasting craft excepted), one halfpenny per ton, for every ton they respectively admeasure agreeable to register for each time they shall so arrive in Passamaquoddy Bay within Deer Island aforesaid.

Master of vessel to report at the office of the Deputy Treasurer and pay tonnage.

III. And be it enacted, That the master or commander of every ship or vessel inward bound and entering the Bay of Passamaquoddy within Deer Island, shall within twenty four hours after such arrival and before any part of the cargo (if any) be discharged, or before any cargo be taken on board, make report at the office of the nearest Deputy Treasurer or other person legally authorized to receive the same, and pay him the tonnage duty imposed by the preceding section of this Act; and in case any master or commander of any ship or vessel so entering as aforesaid shall neglect to make such report and also neglect to pay such duty within twenty four hours as aforesaid, he shall forfeit and pay the sum of five pounds, to be sued for with costs of suit and recovered by the deputy Treasurer before any one of His Majesty's Justices of the Peace for the County of Charlotte, and applied to the purposes aforesaid.

Penalty for neglect.

Recovery.

Commissioners may demand from the Deputy Treasurer monies collected, excepting five per cent. to be retained for trouble.

IV. And be it enacted, That the Commissioners so to be appointed as aforesaid or the major part of them shall have power and authority to call upon each and every of the said Deputy Treasurers, or other persons legally authorized resident within the said County, for such sum or sums of money as they or either of them may from time to time have collected under and by virtue of this Act, excepting the amount of five per centum, which it shall be lawful for such Deputy Treasurers respectively, or other persons legally authorized, to retain for the trouble of collecting the same.

Commissioners to account annually to the Sessions.

V. And be it enacted, That the said Commissioners shall, at the first Court of General Sessions of the Peace in the County of Charlotte yearly, render an account to the Justices of the said Sessions, of the monies from time to time received and expended by them under this Act.

Destroying Beacons, &c.

VI. And be it enacted, That if any person or persons shall take away, cut down, destroy or deface any of the said beacons or buoys, or any ship or other erection already erected or hereafter to be erected for the purposes of this Act, such offender or offenders shall on due conviction thereof by the oath of one or more credible witness or witnesses before any two of His Majesty's Justices of the Peace, forfeit and pay a sum not exceeding twenty pounds, to be applied

Penalty.

as

as aforesaid, and on failure of payment thereof or for want of goods and chattels whereon to levy, such offender or offenders shall be committed by the said Justices to the County gaol for a space of time not exceeding three months.

VII. 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.

Limitation.

CAP. XLII.

An Act to authorize the Rector, Church Wardens and Vestry of Trinity Church in the Parish of Saint John in the City of Saint John, to sell and dispose of certain Lands in the said City.

Passed 17th March, 1835.

66 **WHEREAS** the Rector, Church Wardens and Vestry of Trinity Church
 “ in the Parish of Saint John in the City of Saint John, are now seized
 “ and possessed of certain lands situate and being in the City aforesaid, bounded
 “ and described as follows, that is to say : all that certain lot, piece or parcel of
 “ land, situate, lying and being in King’s ward in the City aforesaid, on the
 “ eastern side of Wellington row, bounded on the north by land belonging to
 “ Charles Ward, Esquire, on the east by the lot of land hereinafter described,
 “ south by property at present in the occupation of John T. Smith, and west by
 “ Wellington row aforesaid, the same being thirty seven feet and six inches in
 “ front on Wellington row aforesaid; and extending back or easterly, preserving
 “ the same breadth, one hundred feet more or less; and also all that certain other
 “ lot, piece or parcel of land situate, lying and being in the ward aforesaid, be-
 “ ginning at a point on the western line of Dorchester street at the north eastern
 “ corner of a lot of land heretofore sold and conveyed by Ward Chipman, ad-
 “ ministrator of the estate and effects of the Honourable William Hazen,
 “ deceased, intestate, to Nehemiah Merritt, thence running northerly on the
 “ same line of Dorchester street forty feet, thence at right angles westerly eighty
 “ feet to the rear line of a lot formerly owned by James White, Esquire, thence
 “ southerly on the line last mentioned forty feet to the north western corner of
 “ the said Nehemiah Merritt’s lot, thence easterly on the line of the lot last
 “ mentioned to the place of beginning: And whereas it would tend much to the
 “ advantage of the said Rector, Church Wardens and Vestry of Trinity Church
 “ in the Parish of Saint John, if the said several lots of land above described
 “ were sold and disposed of; and the proceeds thereof applied towards the pay-
 “ ment of the debt now due by them;”

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assem-
 bly, That the said Rector, Church Wardens and Vestry of Trinity Church in
 the Parish of Saint John, be and they are hereby authorized and empowered to
 make sale and dispose of the said lots of land and premises with the appurtenan-
 ces, or any part or parts thereof, for such price or prices as they may be able
 to get therefore, and thereupon to make and execute good, legal and sufficient
 conveyances of the same in fee, any former law to the contrary notwithstanding:
 Provided always, that no sale and disposition of the said lots of land and premi-
 ses, or any part thereof, shall be made without the consent and approbation of
 the Bishop of the Diocese, being thereto first had and obtained; which con-
 sent and approbation shall be manifested by the Archdeacon or Ecclesiastical
 Commissary

Corporation of
 Trinity Church
 authorized to
 sell and convey
 lands &c. before
 described.

Consent of the
 Bishop to be
 first obtained.

Commissary of this Province becoming a party to every deed of conveyance made under this Act, and by and with the direction of such Bishop, signing and sealing the same.

Application of proceeds.

II. And be it enacted, That the money arising from the sale and disposal of the said lots of land and premises with the appurtenances shall be paid and applied by the said Rector, Church Wardens and Vestry towards the payment of the debts due by them.

CAP. XLIII.

An Act to regulate the inspection of dry and pickled Fish for home consumption and for exportation.

Passed 17th March, 1835.

Tierces, barrels and half barrels to be made, and to contain as herein specified

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, all tierces, barrels and half barrels, in which pickled fish are packed for sale, either for exportation or home consumption, shall be made of sound, well seasoned timber, free from sap, and constructed of staves of the thickness of not less than half an inch in the thinnest part if made of hard wood, and five eighths of an inch if made of soft wood, with heading well seasoned and planed or shaved and free from sap, and to be in all cases of split or rift wood; the casks to be fully bound or closely hooped for nine inches from the chimbs on the barrels, and in the same proportion on tierces and half barrels, the barrel staves to be twenty eight inches in length, and the heads to be seventeen inches between the chimbs, and to contain not less than twenty eight nor over twenty nine gallons; the half barrels to contain not less than fourteen gallons; and the tierces to contain not less than forty two nor more than forty four gallons.

Inspectors of fish to be appointed, give security, be sworn, and continue in office until others are appointed and sworn.

II. And be it further enacted, That it shall and may be lawful for the Justices of the Peace in each County, at their first General Sessions annually, or the Mayor, Aldermen and Commonalty of the City of Saint John for the said City and County, to appoint fit and proper persons to be Inspectors of fish in each County, Town and place where such may be necessary; and such persons before they enter upon the duties of their office, shall respectively give bonds with two sufficient sureties to His Majesty, His Heirs and Successors, in such sum not less than fifty pounds nor over one hundred pounds as the said Justices in the several Counties in this Province, and the said Mayor, Aldermen and Commonalty of the City of Saint John, may direct; which Inspectors shall be sworn to the faithful discharge of their duty; and such persons shall continue in such office until other fit and proper persons are appointed and sworn in their stead; and each Inspector shall and is hereby required to furnish himself with a copy of this Act, which he shall, when required, produce to any person or persons who shall employ him to inspect fish under this Act; and any person acting as an Inspector of fish without being first duly appointed and qualified as aforesaid, shall forfeit and pay a sum not less than ten pounds nor more than fifty pounds, to be recovered as is hereinafter provided.

Copy of Act to be produced by Inspector when required.

Penalty for acting as Inspector before appointed and sworn.

Inspector to see that salmon, &c. are well struck with salt, &c. and preserved sweet.

III. And be it further enacted, That it shall be the duty of the said several Inspectors to see that salmon, mackerel, shad, alewives, herrings, and all other kinds of pickled fish to be packed for home consumption or exportation have been well struck with salt and pickle, and preserved sweet, free from rust, taint, or damage; and such fish as are in good order and of a good quality shall be packed

packed in good and sufficient tierces, barrels or half barrels; the tierces shall contain not less than three hundred pounds, the barrels not less than two hundred pounds, and the half barrels not less than one hundred pounds of fish each, and the same shall be packed with good and clean salt, suitable for the purpose; and the said casks after being closely packed full and headed up with the fish and sufficient salt, not less than in the proportion of one peck and a half of coarse salt to the barrel, or fine salt in proportion to preserve the same, shall be filled with clean strong pickle, and shall be branded on the head "Salmon," "Mackerel," "Shad," "Alewives," "Herrings," or as the case may be; those of the best quality, most approved and free from damage, shall be branded "No. 1;" those of a second quality, after the best have been selected, being sweet and free from taint, rust or damage, shall be branded "No. 2;" and there shall be a third quality of salmon and mackerel, which shall consist of the poorest and thinnest of those fish, that are sweet, wholesome and free from rust, that shall be branded "No. 3." Provided always, that no small herrings, commonly called sprats or frys, shall be deemed merchantable; and the said Inspectors shall brand in plain and legible letters on the bilge of each and every such cask, across the staves, the initials of his christian name and his surname at length with the letters "INSP." for Inspector, and on the head of each and every such cask, and in like manner, the same marks, and also the month and year in which they were inspected, and "N. B." for New Brunswick; the brands on the heads to occupy three lines thus, or as the case may be:

A. B. Insp.

N. B. Sept. 1835.

Mackerel No. 1.

Each cask shall be filled with fish of one and the same kind and quality, and if any person shall intermix, take out or shift any inspected fish which have been packed and branded as aforesaid, or put in other fish contrary to the true intent and meaning of this Act, he or they shall forfeit and pay the sum of ten pounds for each and every tierce, barrel or half barrel so altered; and if any person shall sell or export or cause to be sold or exported within or from this Province, as good or merchantable, any tainted or damaged fish, he shall forfeit and pay a sum not less than five shillings nor more than twenty shillings for every hundred pounds weight of such fish thus sold or exported: Provided always, that it shall and may be lawful to export herrings without pickle, if the same are in every other respect conformable to this Act.

IV. And be further enacted, That all pickled fish that may hereafter be imported into this Province, which shall appear to have been inspected at Halifax, Nova Scotia, and are branded according to the laws of that Province, may be sold in this Province or exported therefrom without any other inspection, unless the purchaser or purchasers of such fish shall think proper to have the same again inspected, in which case it shall and may be lawful for the buyer, and the seller, if he shall think fit, to call an Inspector on behalf of each to reinspect such fish; and on such reinspection, such Inspectors shall be governed by the provisions of this Act; which Inspectors shall be paid by the persons who shall respectively employ them.

V. And be it further enacted, That if the master of any vessel, or any other person or persons shall put or receive on board any vessel, or other carriage or conveyance, to transport the same from this Province, any pickled fish packed in casks which are not inspected and branded in manner by this Act prescribed, he or

Mode of
packing and
branding.

Intermixing
inspected fish.

Penalty.

Selling or
exporting
damaged fish.

Penalty.

Imported fish
inspected at
Halifax, Nova
Scotia, may be
sold in or
exported from
this Province
without any
other inspec-
tion.

Putting or
receiving on
board a vessel
for transporta-
tion uninspect-
ed fish.

Penalty. they on conviction shall forfeit and pay a sum not exceeding twenty shillings nor less than five shillings for each hundred pounds of such uninspected fish.

Inspectors' fees. VI. And be it further enacted, That the said Inspectors shall respectively be paid for inspecting, culling, and branding each and every cask of fish as directed by this Act, at and after the following rates, viz. : for each barrel, when the quantity inspected for any individual at any one time does not exceed one hundred barrels, the sum of sixpence per barrel, and when the quantity inspected for any individual at any one time shall exceed one hundred barrels, fivepence per barrel, and for tierces and half-barrels in the like proportion ; the said charge for inspecting, culling and branding to be paid by the person or persons who shall employ such Inspector ; and where any such Inspector shall be required to travel any distance exceeding two miles from his usual place of residence for the purpose of inspecting any fish, he shall be entitled to receive, in addition to the charge for inspection, sixpence per mile for every mile he shall so travel, exceeding the said two miles ; the same to be paid by the person employing such Inspector.

Extra fees for traveling.

Branding defective casks, &c or allowing any person to use the brand in evasion of this Act.

Penalty.

Penalty on Inspector for not doing his duty.

Inspectors may employ assistants when not furnished by persons employing them.

Rate of charge.

Justices to issue warrants for seizing fish about to be sold or exported contrary to this Act

Fish seized to be inspected and detained until expenses are paid

Owner liable to a penalty.

Aid to be given to officer executing warrant.

VII. And be it further enacted, That if any Inspector shall brand any insufficient or defective cask, or any cask the contents of which he has not inspected and culled according to the true intent and meaning of this Act, or if he shall permit any other person or persons to use his brand or brands in violation or evasion thereof, such Inspector and the person or persons so offending shall each severally forfeit and pay for every cask so branded, not less than five shillings nor more than twenty shillings, and such Inspector shall further be liable to be removed from office ; and if any Inspector when called upon to perform the duties of his office shall neglect or refuse so to do, without good and sufficient reason, he shall forfeit and pay for each and every offence the sum of ten shillings, and further be liable to be removed from office.

VIII. And be it further enacted, That in all cases where the person or persons employing any Inspector, shall neglect or refuse to furnish such assistance as may be necessary to enable the said Inspector to weigh and pack at least twenty barrels of fish per day, it shall and may be lawful for the said Inspector to employ such persons as he may require to weigh and pack such fish, for which he shall be entitled to receive from the person or persons who shall employ him, over and above the charge for inspection, the sum of fivepence per barrel for any quantity under one hundred barrels, and where the quantity shall exceed one hundred barrels, four pence per barrel.

IX. And be it further enacted, That if any pickled fish as aforesaid shall be put on board any boat, vessel or carriage of conveyance, with intent to sell or export the same contrary to the provisions of this Act, it shall be lawful for any such Justice of the Peace in the same County or City and County, upon information given him, to issue his warrant to the sheriff or his deputy, or to any constable of the Town or Parish in which such boat, vessel or carriage of conveyance may be, requiring them respectively to detain such boat, vessel or carriage of conveyance, as long as may be necessary, and to seize and secure said fish, and carry the same to one of the nearest Inspectors ; and such Inspector is hereby required to open and inspect, and to cull, pack, and brand the same as is before provided by this Act, and to detain the same until the expense and charges of seizure, inspection, packing and all other charges arising from such seizure shall be paid ; and further the owner or person claiming such fish shall be liable to and forfeit the sum of five shillings for every cask of fish so seized ; and it shall be the duty of every person, when required, to give his necessary aid to the officer having such warrant as aforesaid, on pain of forfeiting twenty shillings for his refusal.

X.

X. And be it further enacted, That if any person or persons shall sell or offer for sale any pickled fish before being inspected or contrary to the provisions of this Act, he or they shall upon conviction forfeit and pay for every hundred pounds of fish so sold or offered for sale, the sum of five shillings: Provided always, that no person shall be liable as aforesaid unless information is given, and a prosecution commenced within thirty days from the date of the offence.

Offering fish for sale before being inspected.

Penalty.

Prosecution to be commenced within 30 days.

XI. And be it further enacted, That all penalties and forfeitures imposed and arising, by virtue of this Act, when the same shall not exceed the sum of five pounds, shall be recovered before any Justice of the Peace, or where the same shall be more than five pounds and shall not exceed fifteen pounds, before any two of His Majesty's Justices of the Peace, together with the costs of prosecution, on the oath of one or more credible witness or witnesses, and to be levied by warrant of distress under the hand and seal of such Justice or Justices, and sale of the offender's goods and chattels, and for want of sufficient distress, such offender shall suffer not less than five days nor more than twenty days imprisonment; and in case such fine shall exceed fifteen pounds, the same may be recovered in any of His Majesty's Courts of Record in this Province, by action of debt, together with costs of suit; one half of all such penalties and forfeitures to be paid to the person or persons who shall sue for the same, and the other half to be paid to the overseers of the poor of the Town or Parish where such offence shall be committed, for the benefit of the poor of such Town or Parish.

Mode of recovering penalties.

Application.

XII. Provided always and be it further enacted, That nothing in this Act shall be construed so as to prevent any pickled fish from being sold at any of the ports of this Province by the fishermen as they may bring them to market in bulk, and that nothing in this Act shall extend to fish packed in kegs or other packages of less than ten gallons.

Act not to extend to fishermen bringing fish to market in bulk.

XIII. And be it further enacted, That if the owner of any pickled fish inspected as aforesaid, or buyer or seller of any such fish, shall be dissatisfied with any such inspection, it shall and may be lawful for the said owner to call two other Inspectors, or the said buyer and seller to call one other Inspector each to re-inspect such fish, and in case the said two Inspectors cannot agree, then they shall be at liberty to call in a third Inspector, and the determination of the said inspectors, or any two of them, shall be final and conclusive; and in case the first inspection shall be confirmed, each of the said Inspectors shall be paid by the persons who shall respectively employ them; and in case the first inspection shall not be confirmed, the owner or purchaser of said fish shall be entitled to recover the expense of re-inspection, from the person of whom he purchased them, or from the first Inspector thereof, at the option of the said owner or purchaser.

If an inspection be unsatisfactory other Inspectors may be called.

Cost of re-inspection.

XIV. And be it further enacted, That if any Inspector shall brand or mark any fish which shall remain in this Province, and which on examination within four months after such inspection, reckoning from the last day of the month branded on the cask, shall prove to be of a quality inferior to the brand on such fish, such Inspector shall be liable to the person or persons who shall own the said fish at the time of such examination, for all such damage as he or they may have sustained by reason of the said fish proving inferior to the brand on such casks; and that such person or persons shall recover from such Inspector all such damage as he or they shall have sustained thereby, where the same does not exceed five pounds, before one of His Majesty's Justices of the Peace, or if the same shall exceed the sum of five pounds and be less than fifteen pounds, then before two of His Majesty's Justices of the Peace, and in all cases where the damage shall exceed the sum of fifteen pounds, by action of debt in any Court of Record in

If fish prove to be inferior to quality branded Inspector to be liable for damages.

Recovery.

Inspector not to be liable unless notified of claim within six months.

Dry codfish to be of three qualities.

Best quality to be called Merchantable. Second, Madeira.

Third, West India.

Inspectors' fee.

Limitation.

in this Province, together with costs of suit: Provided always, that no Inspector shall be liable as aforesaid, unless he shall be duly notified of such claim, within six months after he shall have inspected such fish, reckoning from the last day of the month branded on the cask.

XV. And be it further enacted, That there shall be three qualities of dry codfish, viz: the first or best to be called "merchantable," and to consist of smooth, well split, thoroughly dried, free from break, salt-burn, and not discolored in curing or otherwise, and that no fish shall be deemed merchantable, but such as are cured in catch; the second quality to be called "Madeira," and to consist of the next best, being such as are not injured by being salt-burnt, broken or much discolored; and the third quality to be called "West India," and consist of such as may be inferior to the above, but in all respects sound, free from slime, and wholesome; and that Inspectors duly appointed under this Act shall be allowed for their care, diligence and trouble, two pence per quintal, payable half by the seller and half by the buyer.

XVI. 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 forty.

CAP. XLIV.

An Act to authorize an assessment on the Inhabitants of the County of Charlotte towards paying off the debts due from the said County.

Passed 17th March, 1835.

[*Expired.*]

CAP. XLV.

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

Passed 17th March, 1835.

I W. I, C. 45, continued.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the first year of the reign of His present Majesty King William the Fourth, intituled "An Act to repeal the Acts now in force regulating the exportation of Lumber and to make other provisions in lieu thereof," 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 thirty seven.

CAP. XLVI.

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

Passed 17th March, 1835.

Preamble.

“**W**HEREAS very great expense would be incurred by suitors in the “ Courts of Justice if the travelling charges formerly paid to the Clerk “ of the Circuits should be again demanded ;”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That there be allowed to the Clerk of the Circuits for his services in attending the several Circuit Courts the sum of two hundred and fifty pounds per annum, in lieu of all travelling charges to which he would be entitled under the ordinance of fees established in this Province; to be paid by warrant of the Lieutenant Governor or Commander in Chief, by and with the advice and consent of His Majesty's Executive Council, on the Province Treasury.

£250 per annum granted to the Clerk of the Circuits in lieu of all travelling charges.

II. 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.

Limitation.

CAP. XLVII.

An Act to continue and amend the Act for the establishment and regulation of Boards of Health in the several Counties of this Province.

Passed 17th March, 1835.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the third year of the reign of His present Majesty, intituled "An Act for the establishment and regulation of Boards of Health in the several Counties of this Province," be and the same is hereby continued, except so far as the same authorizes and empowers the Lieutenant Governor or Commander in Chief for the time being, to establish Boards of Health at any City, Town, Port, Place or District not hereinafter particularly named, and except as hereinafter otherwise amended, and together with this Act declared to be in full force until the first day of April which will be in the year of our Lord one thousand eight hundred and thirty seven.

3 W. 4. C. 28, in part repealed.

II. And be it enacted, That it shall not be lawful for the Lieutenant Governor or Commander in Chief for the time being, to appoint or establish Boards of Health at any City, Town, Place or District in this Province except at the City of Saint John for the City and County of Saint John, the Town of Saint Andrews for the County of Charlotte, at Northumberland, Gloucester, Westmorland, Kent, and the Town of Fredericton for the County of York, any thing in the hereinbefore recited Act to the contrary notwithstanding.

Boards of health to be established at Saint John, Saint Andrews, Northumberland, Gloucester, Westmorland, Kent and Fredericton only.

III. And be it enacted, That no greater sum than two hundred pounds be drawn from the Treasury in one year for expences incurred under the provisions of this Act or of the Act to which this is an amendment in any of the different Counties in this Province except the City and County of Saint John.

Limitation of amount to be drawn from the Treasury for expences.

IV. And be it enacted, That the powers and authorities of any Board of Health already established under the provisions of the said hereinbefore recited Act in any County or place in the second section of this Act named and specified, shall continue in force and effect without any new appointment, subject in all respects to the regulations and provisions of the said recited Act, any thing herein before contained to the contrary notwithstanding.

Boards established at before mentioned places under 3 W. 4. C. 27, to continue without new appointments.

CAP. XLVIII.

An Act to incorporate sundry persons by the name of the Saint John Bridge Company.

Passed 17th March, 1835.

Preamble

“ WHEREAS it will be of great advantage to the public in general if a “ bridge were erected across the River Saint John near the falls of the “ said river at its mouth : And whereas it is thought advisable to incorporate “ such persons as may be desirous and willing at their own costs and charges to “ make and maintain such bridge, and also to open and make such roads as may “ be necessary at either end of the said bridge to connect the same with the public “ roads lying and being adjacent thereto in the City and County of Saint John ;”

Persons herein named, their successors and assigns incorporated by the name of “ The Saint John Bridge Company.

May possess lands &c

May sue and be sued.

Have a common seal,

and make Bye Laws for government of the corporation.

Capital to be £20,000;

Divided into 800 shares.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That Benjamin L. Peters, Ralph M. Jarvis, Nehemiah Merritt, John Robertson, James Peters, Junior, James Hendricks, David Hatfield, Robert W. Crookshank, Robert Rankin, Robert F. Hazen, Edward L. Jarvis, Charles Simonds, Edward B. Chandler, William Crane, Hugh Johnston, Thomas Wyer, John W. Weldon and Jedediah Slason, their associates, successors and assigns, be and they are hereby declared to be a body corporate by the name of the Saint John Bridge Company, and that they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements hereditaments, and rents in fee simple or otherwise, and also goods and chattels, and all other things real, personal or mixed, and also to give, grant, let or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation ; and also that they be persons able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law or equity, or other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto ; and also that they shall have one common seal to serve for the ensembling of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers, warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation ; and also that the said Company or the major part of the Stockholders thereof, met together at any meeting of the said Stockholders, shall from time to time and at all times have full power, authority and licence to constitute, ordain, make and establish such bye laws and ordinances as may be thought necessary for the good rule and government of the said Corporation ; provided that such bye laws and ordinances be not contradictory or repugnant to the laws and statutes of the Province and those in force within the same.

II. And be it enacted, That the capital or stock of the said Corporation shall consist of the sum of twenty thousand pounds, to be paid in such money as shall at the time of the several payments hereinafter expressed be a legal tender in this Province; two thousand pounds, being one tenth part thereof, to be paid within twelve months after the passing of this Act, and the remaining nine tenths or eighteen thousand pounds, 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 or stock to be divided into shares of twenty five pounds each, making in the whole eight hundred shares.

III.

III. And be it enacted, That every Subscriber or Stockholder shall pay into the hands of the Directors for the time being, at such time and place within the said twelve months as aforesaid as such Directors shall for that purpose appoint, of which notice shall be given in one or more of the newspapers published in this Province, one tenth part or ten per centum on the whole amount of his or her share or shares, and shall give to the President and twelve Directors, hereinafter mentioned good and satisfactory security or securities, either by bond and mortgage on real estate or otherwise, at the option and to the satisfaction of the said President and Directors, that the residue of the whole amount of his or her shares shall be paid to the said President and Directors for the time being, from time to time and in such parts or portions as to them the said President and Directors shall seem advisable; provided that the amount so to be called in shall not exceed at any one time ten per centum on the whole amount of the capital or stock belonging to any individual, and that thirty days notice of such payment being required shall be given in one or more of the newspapers published in this Province.

Stockholders to pay in ten per cent. on their stock, and give security for the residue.

IV. And be it enacted, That whenever four hundred shares of the said capital or stock shall have been subscribed, a general meeting of the Members and Stockholders or the major part of them shall take place, by notice in one or more newspapers published in the City of Saint John thirty days previous to such meeting, for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good management of the affairs of the Corporation as they shall deem necessary, and for the purpose of choosing thirteen Directors, being Stockholders and Members of the Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation and shall commence the operations of the said Company, subject nevertheless to the rules and regulations hereinafter made and provided.

Not more than ten per cent. to be called in at any one time.

When 400 shares are subscribed a meeting to be called for making Laws and choosing thirteen Directors.

V. And be it enacted, That there shall be a general meeting of the Stockholders and Members of the said Corporation to be annually holden on the first Tuesday in February in each and every year at the City of Saint John, at which annual meeting there shall be chosen by a majority thereof thirteen Directors who shall continue in office for one year or until others are chosen in their room; in the choice of which the Stockholders and Members of the said Corporation shall vote according to the rules hereinafter mentioned; and the Directors when chosen shall at their first meeting after their election choose out of their number a President; Provided always, that seven of the Directors in office shall be re-elected at such annual meeting for the next succeeding twelve months, of whom the President shall always be one.

Meeting to be held on first Tuesday in February, annually. Directors then to be chosen.

Directors to choose a President.

VI. And be it enacted, That the Directors of the said Corporation for the time being, shall have power from time to time to nominate and appoint a Treasurer or Treasurers, Engineer or Engineers, Architect or Architects, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, Receiver or Receivers of rates and tolls herein allowed to be demanded and taken, and such other officers and servants as to them or the major part of them shall seem necessary and proper for executing the business of the said Corporation, and the same or any of them from time to time to remove, and to nominate and appoint another person or persons in his or their room or stead, and shall and may allow them such compensation for their respective services as to them shall appear reasonable and proper; all which together with the expenses of the obtaining and making surveys, plans and estimates for the building of such contemplated bridge,

Directors to appoint all officers and servants, and allow them compensation.

All expenses to be paid from the corporate funds.

and

and also of making and completing the said bridge, and of paying the rents and purchase money of such lands, tenements and hereditaments as may be required for the use of the said Corporation, and which they may have, use and take as is hereinafter provided, and also of the forming, making and completing such road or roads as is hereinafter provided for, and of all other contingencies and expenses whatsoever, shall be borne upon and defrayed out of the funds of the said Corporation; and further that the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation as shall be prescribed by the bye laws and regulations of the same.

Not less than seven Directors to constitute a Board, of whom the President to be one.

VII. And be it enacted, That not less than seven Directors shall constitute a board for the transaction of business, of which the President shall always be one, except in cases of sickness or necessary absence, in which case the Directors present may choose one of their board as Chairman for the time being; that the President or such Chairman so chosen as aforesaid shall vote at the board as a Director, and in case there be an equal number of votes for and against any question before them the President or Chairman shall have a casting vote.

Directors to be holders of four shares and of 20s.

VIII. And be it enacted, That no person shall be eligible as a Director unless such person is a Stockholder and holds not less than four shares of the capital or stock of the said Company, and is of the full age of twenty one years.

Stockholders to be entitled to one vote for each share, and may vote by proxy.

IX. And be it enacted, That the number of votes to which each Stockholder shall be entitled on every occasion when in conformity to the provision of this Act the votes of the Stockholders are to be given, shall be one vote for every share; and that every Stockholder may vote by proxy, provided such proxy be a Stockholder and previous to voting produce a sufficient authority in writing from his constituent or constituents.

Directors not being chosen at the annual meeting, another meeting may be called for that purpose.

X. And be it enacted, That if it should so happen that the said Directors should not be chosen on the said first Tuesday in February in any year as aforesaid, it shall and may be lawful to choose them on any other day between the hours of twelve at noon and three in the afternoon of such day, upon giving fourteen days' notice of the time and place of such meeting in the Royal Gazette and in two of the newspapers published in the City of Saint John; which meeting shall take place in the City of Saint John; and in case any Director shall be removed by the Stockholders for his conduct or mal-administration, his place shall be filled up by the said Stockholders, fourteen days' public notice of the time and place of such meeting being first given as is hereinbefore provided; and in case of any vacancy among the said Directors by death, resignation or absence from the Province for three months, or in case any Director shall disqualify himself by the sale, disposal and transfer of his shares or any of them so as to reduce his interest in the said Corporation to less than four shares required for the qualification of a Director, then and in either of such cases the said Directors shall and may fill up such vacancy by choosing one of the said Stockholders, and the person so chosen by the Stockholders or Directors shall serve until another be chosen in his room.

Vacant Directorships how to be filled up.

XI. And be it enacted, That so soon as the said first instalment of two thousand pounds shall have been actually paid in manner and form as is hereinbefore provided, on account of the subscriptions to the said stock, and security is taken for the payment of the remainder of the said subscription to the said stock as in this Act is provided, then the President and Directors of the said Company may commence operations under and by virtue of this Act, and proceed with the business and affairs of the said Company.

Directors to commence operations so soon as first instalment is paid in and security given for the residue.

XII. And be it enacted, That it shall and may be lawful to and for the said Company and their successors, their deputies, agents, servants, workmen and assistants,

The Corporation may build, &c. a Bridge across

sistants, and they are hereby authorized and empowered to design, erect, order and build, or cause to be built, and to complete, maintain and keep in repair a bridge across the said river Saint John at or near the Falls of the said river near the harbour of Saint John, from the parish of Portland to the parish of Lancaster, or to Carleton in the said City of Saint John, at such place there as may be deemed most advisable and fit for such bridge, and to dig and make proper foundations in the said river and on the lands and grounds lying on each side thereof for the towers, piers and abutments of the said bridge, and to cut and level the banks of the said river in such manner as shall be necessary and proper for building the said bridge, and to cut, remove, take and carry away all and every impediment whatsoever which may in any wise tend to hinder the erecting and completing the said bridge, and to execute all other things requisite and necessary, useful or convenient for erecting and building, maintaining and supporting the said bridge according to the tenor and true meaning of this Act; and further, that they may from time to time enter and go in and upon the lands and grounds adjacent to the said falls of the said river on either side thereof for the purpose of making surveys, examinations or other necessary arrangements for fixing the site of the said bridge; and further, that they may explore, lay out, work and make a road not more than four rods in width leading from either end of the said bridge to the highways in the said Parishes aforesaid or in Carleton in the said City respectively; and further, that for the purpose of erecting, building, maintaining, repairing and supporting the said bridge, the said Company shall from time to time have full power and authority to land on either side of the said river, within one hundred yards of the said bridge, all materials and other things to be used in and about the same, and there to work and use such materials and things according as they the said Company and the persons to be by them appointed shall think proper, without any previous agreement with the owner or owners of the property on which such towers, piers and abutments shall be built, or in and upon which such surveys, examinations or other arrangements may be made, or through which such roads may be explored, laid out, worked and made, or on which such materials and other things shall be landed, worked or used, or of the tenant or tenants thereof, doing as little damage as may be and making such satisfaction as hereinafter mentioned to the respective owners and occupiers of all lands and grounds, tenements and hereditaments, which shall be used and occupied, altered, damaged, spoiled, taken or made use of by means or for the purpose of this present Act: Provided always, that the under part of the floor of any bridge (between the abutments thereof) that may be built by virtue of this Act shall be at least seventy feet above high water level at spring tides.

XIII. And be it enacted, That the said Company shall and may erect and set up, or cause to be erected and set up, one or more gate or gates, turnpike or turnpikes in, upon and across the said intended bridge or within twenty yards thereof, together with toll houses and proper and necessary buildings, conveniences and fences near to each gate or turnpike, across the said intended bridge or the road or avenue immediately communicating therewith and within twenty yards of the said bridge; and that the respective tolls following may be demanded and taken by such person or persons as the said Company shall from time to time appoint at each of the said gates or turnpikes, for each and every time of passing over the said bridge, that is to say: for every foot passenger, threepence; for every horse, mare, gelding, mule or ass, with one person, one shilling and threepence; for every additional horse, mare, gelding, mule or ass, one shilling; for every carriage drawn, by one horse or beast of draught, with one person, two

the River Saint John at or near the Falls.

Dig foundations.

Level the banks,

Remove impediments,

Enter upon adjacent lands to make surveys,

Make roads,

Land materials &c. on either side of the river within one hundred yards of the bridge, without agreement with owners of the land.

Floor of bridge to be at least 70 feet above high water level.

Gates, toll houses &c. may be erected.

Tolls may be demanded.

Rate.

shillings; for every horse or beast of draught more than one drawing a carriage, sixpence; for every person more than one with a carriage, twopence; for neat cattle, fourpence each; for sheep, calves or hogs, one halfpenny each: Provided always, that no toll be exacted from children under five years of age.

Collector of tolls may prevent passage of persons &c. neglecting or refusing to pay, or seize chattels, horses &c.

If tolls and costs be not paid in five days, collector may sell.

If any dispute arise as to the tolls due, collector may detain the distress till dispute be settled by a Justice of the Peace.

Corporation not to engage in any banking operations.

Directors to make yearly dividends of the profits.

Dividend not to exceed eight per cent. on amount paid in or seven eighths of the profits.

Surplus of profits after paying dividend to be put out at interest.

XIV. And be it enacted, That it shall and may be lawful for the collector or collectors of such tolls or any of them to stop and prevent the passage of any person or persons neglecting or refusing to pay the said tolls or any of them, or of the horse, beast, cattle, carriage or other thing for or in respect of which the said tolls ought to be paid, or it shall and may be lawful to and for the said collector or collectors to seize and detain the goods and chattels of such person or persons, or such horse, beast, cattle, carriage or other thing, and in case the said tolls shall not be fully paid and satisfied together with all reasonable costs and charges of making, detaining and keeping such distress, within the space of five days, the said collector or collectors shall and may sell the same, rendering the overplus (if any) after deducting such costs and charges of making, detaining and selling such distress to the owner or owners thereof.

XV. And be it enacted, That if any dispute shall arise about the quantity of tolls due or the cost and charges of distraining, keeping or selling any distress, it shall and may be lawful to and for the collector or person so distraining to detain the distress or the money arising from the sale thereof until the quantity of the tolls or the charges of distraining, keeping and selling the distress as the case may be, shall be ascertained by some Justice of the Peace for the City and County of Saint John, who upon application made to him for that purpose shall examine the said matters upon the oath or oaths of the parties or other witness or witnesses, and shall determine the quantity of tolls due and shall also assess the charges of such distress and sale, and all other reasonable and incidental costs; all which sum or sums so determined or assessed shall be paid to the collector before he shall be obliged to return the distress, or the overplus after the sale thereof or of any part thereof.

XVI. And be it enacted, That the said Corporation shall not directly or indirectly deal or trade in buying or selling gold or silver coins, or bullion, or bills of exchange, or in lending money by way of discount, or engage in any banking operation whatsoever.

XVII. And be it enacted, That the Directors of the said Corporation shall make yearly dividends out of the tolls, income and profits arising to the said Corporation, first deducting thereout the annual costs, charges and expenses of the said Corporation, as well for the repairs of the works belonging to them as for the salaries and allowance to their several officers and servants, and for such other purposes connected with the said Corporation as may be deemed proper by the said Directors; provided that the Directors of the said Corporation shall not at any yearly dividend so to be made as aforesaid, divide or pay or cause to be divided and paid any greater or larger dividend than will amount to the rate of eight pounds per centum per annum on the total amount of the capital stock actually collected and paid in as is herein provided for; and also that the sum divided and paid shall not exceed seven eighths of the net amount of the tolls, income and profits of the said Corporation, received, gained or gotten since the making of the then last dividend.

XVIII. And be it enacted, That the surplus remaining after paying such dividend as is herein provided for shall be by the said Directors put out at interest for the use and benefit of the said Corporation, and shall and may be applied to such uses and purposes connected with the objects of the said Corporation

as by the Stockholders at any meeting of them may be deemed proper and advisable.

XIX. And be it enacted, That the books, papers, correspondence, and all other matters or things belonging to the said Corporation, shall at all times be subject to the inspection of the Directors or any of them, but no Stockholder not a Director shall inspect the account of any individual or corporate body with the said Corporation.

Books &c. to be subject to the inspection of the Directors.

XX. And be it enacted, That the joint stock or property of the said Corporation shall alone be responsible for the debts and engagements of the said Corporation, and that no person or persons who shall or may have dealings with the said Corporation shall on any pretence whatsoever have recourse against the separate property of any individual member or members of the said Corporation, or against their person or persons, further than is herein specially provided, and that may be necessary to the faithful application of the funds of this Corporation.

Joint stock or property to be alone responsible for the debts of the Corporation.

XXI. And be it enacted, That the shares, capital or stock of the said Company shall be assignable or transferable according to such rules and regulations as may by the Directors be established in that behalf; but no assignment or transfer shall be valid or effectual, unless such assignment or transfer be entered and registered in a book to be kept by the Directors for that purpose, nor until such person or persons so making the same shall previously discharge all debts actually due and payable by him, her or them to the said Corporation, and in no case, shall any fractional part of a share be assigned or transferable; and that whensoever any Stockholder shall transfer in manner aforesaid all his or her stock or shares in the said Corporation, to any other person or persons whatsoever, such person shall cease to be a member of the said Corporation, and the person or persons so purchasing shall become a member of the said Corporation in his or her stead, and be entitled to all the privileges as such.

Shares to be assignable.

XXII. And be it enacted, That the bonds and other securities of what nature and kind soever, taken for the payment of the residue of the said capital or stock as is hereinbefore directed, shall from time to time be renewed or changed, and other and further security or securities for the same be given, whenever and as often as the said Directors or any quorum thereof shall require, and in case of any refusal or delay to renew or change any such security or securities or to give or grant other and further security or securities therefor to the satisfaction of the said Directors or any quorum thereof, within thirty days after notice thereof given, then and in such case it shall and may be lawful to and for the said Directors or any quorum thereof, to cause such proceedings both in law and equity or either as may be deemed requisite, to be taken for the recovery of the amounts of such several securities, or it shall and may be lawful to and for the said Directors, or any quorum thereof if they shall think fit, to declare the shares in the said capital or stock for the amount of the residue of which such security or securities shall have been given, forfeited to the said Company, together with all deposits, instalments, interests, profits or dividends thereto belonging, or appertaining; and that such stock so forfeited shall be sold by public auction for and on account of the said Company, and the purchaser or purchasers thereof shall give such security or securities for the payment of the amounts due to the said Company on account of such forfeited shares, at the time of such forfeiture as is hereinbefore provided, and shall be likewise subject to all the provisions of this Act, any thing herein contained to the contrary thereof in anywise notwithstanding.

Securities taken for residue of capital to be renewed when Directors shall require.

On refusal legal proceedings may be had, or shares with deposits declared forfeited.

Stock forfeited to be sold at auction, and purchasers to be subject to the provisions of this Act.

XXIII. And be it enacted, That the Directors shall at the general meeting to be holden on the first Tuesday in February in every year lay before the Stockholders

Statement of affairs to be laid before the

Stockholders at the annual meeting.

Duplicate for Governor and Council.

Corporation to compensate for lands &c. taken or damaged for the uses of the Corporation.

To be determined by arbitrators in case of disagreement.

If owner of property do not agree or appoint an Arbitrator, Supreme Court to grant a writ to summon a Jury.

Jury on oath to assess the sum or annual rent to be paid.

Inquisition to be returned to the Clerk of the Pleas and to be final.

holders for their information, an exact and particular statement of the then state of the affairs and business of the said Company agreeably to the several regulations of this Act, and such other rules and regulations as may by the said Stockholders be made by virtue hereof, so as the same may contain a true account of the whole of the affairs of the said Company, which statement shall be signed by the Directors and attested by the Secretary; and a duplicate thereof, in like manner signed and attested, shall be transmitted to the Secretary of the Province for the information of the Lieutenant Governor or Commander in Chief for the time being and the Honorable His Majesty's Executive Council: Provided always, that the rendering such statement shall not extend to give any right to the Stockholders, not being Directors, to inspect the accounts of any individual or individuals with the said Corporation.

XXIV. And be it enacted, That the said Corporation shall make, allow and pay reasonable and proper compensation and satisfaction for all lands, tenements and hereditaments taken, used, occupied, altered, damaged or spoiled by means of and for the uses and purposes of the said Corporation, to be agreed upon by the said Corporation and the respective owners and occupiers of such lands, tenements and hereditaments; and in case of disagreement between the said Corporation and the said owners or occupiers of any of them, then such compensation and satisfaction shall be determined by three arbitrators, one to be chosen by the said Corporation and one by the owner or owners, occupier or occupiers of the private property in question, which two arbitrators so chosen shall choose the third arbitrator, and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant General or Commander in Chief for the time being, upon application of the said Corporation, to appoint the third arbitrator; the award of the said arbitrators or any two of them shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such private property shall decline making any such agreement or appointing such arbitrator, then and in every such case, the said Corporation shall make application to the Supreme Court of this Province stating the grounds of such application, and such Court is hereby empowered and required from time to time upon such application to issue a writ or warrant directed to the Sheriff of the City and County of Saint John, or in case of his being a party interested, then to the Coroner of the said City and County, and in case of the said Sheriff and the said Coroner being both interested, then to some person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons; as the case may be, to summon and empanel a Jury of twelve freeholders within the said City and County, who may be altogether disinterested; which Jury upon their oaths (all which oaths as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such Jury is hereby empowered to administer) shall inquire, ascertain and assess the distinct sum or sums of money or annual rent to be paid as the amount of compensation and satisfaction for the damage that may and shall be sustained by such owner or owners, occupier or occupiers of such private property as aforesaid; and the inquisition, award or verdict of such Jury shall be returned and filed in the office of the Clerk of the Pleas in the said Supreme Court and shall be final and conclusive between the parties; which amount so assessed as aforesaid and the costs and expenses of such proceeding to be taxed and allowed by the said Supreme Court, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award or verdict shall be filed as aforesaid.

XXV. And be it enacted, That if any person or persons shall wilfully and maliciously and to the prejudice of the said undertaking break, damage, throw down, or destroy any of the works to be erected or made by virtue of this Act, any such person shall be 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 present Majesty, intituled "An act for improving the administration of justice in criminal cases."

Wilfully damaging or destroying works adjudged felony, and to be punished as in 1 W. 4, C. 14.

XXVI. And be it enacted, That any joint committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly for the purpose of examining into the proceedings of the said Corporation shall, either during the Session or prorogation of the General Assembly, have free access to all the books and accounts of the same.

Joint committee of the Legislature to have access to the books and accounts.

XXVII. And be it enacted, That any number of Stockholders, not less than forty, who together shall be proprietors of two hundred and fifty shares, shall have power at any time by themselves or their proxies to call a general meeting of the Stockholders for purposes relating to the business of the said Corporation, giving at least thirty days notice in two of the newspapers published in this Province, and specifying in such notice the time and place of such meeting with the objects thereof; and the Directors or any five of them shall have the like power at any time (upon observing the like formalities) to call a general meeting as aforesaid.

Stockholders or Directors may call general meetings.

XXVIII. And be it enacted, That any number of Stockholders not less than sixty, who together shall be proprietors of six hundred shares shall have the power at any time by themselves or their proxies to call a general meeting of the Stockholders for the purpose of taking into consideration the dissolving of the said Company, giving at least three months previous notice in one or more of the newspapers published in this Province, and specifying in such notice the time and place of such meeting with the objects thereof; and should it be agreed upon at such meeting that the said Company or Corporation should be dissolved, such Stockholders are hereby authorized and empowered to take all legal and necessary means and ways to dissolve the said Company, and upon such or any other dissolution of the said Company the Directors then in office shall take immediate and effectual measures for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the Stockholders in proportion to their respective interests.

Sixty Stockholders being proprietors of 600 shares may call a meeting to consider of the dissolution of the Corporation.

XXIX. And be it enacted, That if the said Saint John Bridge Company shall not within ten years from and after the passing of this Act complete the said bridge so as to make the same passable for horses and carriages, that then and from thenceforth all and singular the powers and authorities vested in them by this Act shall cease and determine to all intents and purposes whatsoever.

Dissolution being agreed upon, Directors to close the concerns.

If bridge be not built in ten years, powers vested in Corporation to cease.

XXX. Provided always, and be it enacted and declared, That no toll whatsoever shall be demanded or taken for any horse, beast, cattle or carriage of whatever description, employed or to be employed in conveying, fetching or guarding mails of letters and expresses under the authority of His Majesty's Postmaster General, either when employed in conveying, fetching or guarding such mails or expresses, or returning back from conveying or guarding the same, or for any soldiers upon their march or upon duty, or for any horse, cattle or carriages attending them with their arms and baggage, or returning after having been so employed, nor for any waggon, cart or other carriage whatsoever, or the horse or horses, or other cattle drawing the same, which shall be employed

No toll to be exacted for horses &c. with mails of letters or expresses, soldiers on duty, or horses &c. with stores belonging to His Majesty's forces.

employed in conveying any ordnance, barrack or commissariat, or other public stores of or belonging to His Majesty's forces.

Limitation.

XXXI. 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 eighty five.

Act to be extended for further term of 50 years unless the Province take the bridge, &c. off the Stockholders' hands in manner herein specified.

XXXII. And be it enacted, That on the expiration of this Act the same shall be extended to a further term of fifty years, unless it shall then be deemed to be more advantageous to the general interests of the Province to take any bridge and other improvements which may be made under and by virtue of this Act off the hands of the Stockholders thereof; in which case the said Stockholders shall be entitled to receive from the Treasury of the Province the full value of such bridge and improvements together with a full compensation for any loss which may have been sustained from the deficiency of the tolls to pay the interest of the capital invested therein, the expense of keeping the same in repair, and the difference between the appraised value of such bridge and improvements at the expiration of this Act and the actual cost of erecting and making the same; and in case there should not be sufficient funds in the Treasury to pay such appraised value, loss of interest and difference between such appraised value and the actual cost of such bridge and improvements, then and in such case the said Stockholders shall be entitled to receive interest for such appraised value, loss of interest and differences as aforesaid, in and after the rate of six per centum per annum until the same be paid in full to the said Stockholders.

CAP. XLIX.

An Act, to provide for the Custom House Establishment in the Province of New Brunswick.

Passed 17th March, 1835.

Preamble.

“**W**HEREAS it is one of the most inherent and unquestionable rights
 “ of the General Assembly of this Province to apply and dispose
 “ of the whole amount of all duties, taxes and supplies collected within the
 “ same;
 “ And whereas duties are now imposed and collected at the several Custom
 “ Houses in this Province by virtue of certain Acts of the Imperial Parliament
 “ of the United Kingdom made for the general regulation of trade;
 “ And whereas since the abolition of Custom House fees it is expedient that
 “ the Custom House Establishment in this Province should in part be provi-
 “ ded for out of the duties thus imposed and annually collected in this Pro-
 vince;”

I. We, His Majesty's faithful and loyal subjects, the Assembly of New Brunswick in General Assembly convened, towards providing for the Custom House Establishment in this province, have freely and voluntarily resolved to give and grant to the King's Most Excellent Majesty, His Heirs and Successors, the amount hereinafter mentioned, out of the duties annually collected in this Province by the means and powers of any Act or Acts of the Imperial Parliament now in force or hereafter to be made for the general regulation of trade, and do hereafter pray Your Excellency that it be enacted, and be it enacted by His Excellency the Lieutenant Governor, by and with the advice and consent

consent of the Legislative Council and Assembly in General Assembly convened, and by the authority of the same, that the principal officers of the Customs in this Province may and are hereby authorized to retain the annual sum of four thousand two hundred and fifty pounds sterling in quarterly proportions of one thousand and sixty two pounds ten shillings out of the monies arising from the duties which may be collected in this Province during such year, by the means and powers of any Act or Acts of the Imperial Parliament now in force or hereafter to be made for the general regulation of trade, to be applied towards providing for the expense of the Custom House Establishment in this Province.

of duties collected under Acts of Parliament to defray the expenses of the Custom House establishment.

II. And be it enacted, That the principal officers of the Customs in this Province shall, within one month after the fifth day of January in every year, render and exhibit and have filed in the Secretary's office in this Province a true account of all duties by them respectively collected within the period of the year then ending, with a particular account of all merchandize upon which such duties were imposed and collected; in order that such accounts may be laid before the House of Assembly at the then sitting or next meeting of the Legislature.

Account of duties collected to be rendered annually to the Secretary's office, to be laid before the House of Assembly.

III. And be it enacted, That the said principal officers of the Customs within one month after each and every quarter day in every year, shall pay over to the Treasurer of the Province the surplus of all monies by them respectively collected during such quarter for the duties so imposed and collected as aforesaid, after deducting the said quarterly proportion of one thousand and sixty two pounds ten shillings for the purposes aforesaid.

Surplus money to be paid over to the Province Treasurer quarterly.

IV. And be it enacted, That no part of the monies so collected by the said principal officers of the Customs as aforesaid shall on any pretence whatsoever be applied for any other purpose than as by this Act is provided, and for such other purposes as may be provided for by any Act or Acts of the General Assembly of this Province.

Monies collected not to be applied to other purposes than provided for by Act of Assembly.

V. Provided always and be it enacted, That no further sum than is hereinbefore specially provided for shall be chargeable on the revenues of this Province for the support of the Custom House Establishment within the same, and the same is given and granted in lieu of all Custom House fees, exactions or charges whatsoever.

No farther sum allowed to be charged on the Revenue.

VI. And be it enacted, That this Act shall not be in force until His Majesty's approbation be thereunto first had and declared.

Supending clause

[This Act was specially confirmed, ratified and finally enacted by an Order of the King in Council dated 30th September 1835, and published and declared in the Province on 11th November 1835.]

Anno Regni, GULIELMI IV. Britanniarum Regis, Quinto.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the twentieth day of January, in the year of our Lord one thousand eight hundred and thirty five, in the Fifth Year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith; and from thence continued, by several Prorogations, to the fifteenth day of June, one thousand eight hundred and thirty five; being the Second Session of the Eleventh General Assembly, convened in the said Province.

CAP. I.

An Act, to appropriate a part of the Public Revenue to the payment of the ordinary services of the Province.

Passed 24th June, 1835.

[*Expired.*]

CAP. II.

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

Passed 24th June, 1835.

[*Expired.*]

CAP. III.

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

Passed 24th June, 1835.

[*Expired.*]

CAP.

CAP. IV.

An Act, to authorize the Rector, Church Wardens and Vestry of All Saints' Church in the Parish of Saint Andrews, in the County of Charlotte, to sell and dispose of certain land in the said Parish. Preamble

Passed 24th June, 1835.

“**W**HEREAS the Rector, Church Wardens and Vestry of All Saints' Church in the Parish of Saint Andrews, in the County of Charlotte, are now seized and possessed of a certain lot of land situate and being in the Parish aforesaid, known and distinguished as lot number eight in block letter K, Parr's division in the Town plat of Saint Andrews aforesaid, on which said lot is the Parsonage House of the said Parish: And whereas the said Parsonage House is in a delapidated state; and the said Rector, Church Wardens and Vestry are desirous to sell and dispose of the said lot of land above described with the buildings thereon, and to apply the proceeds thereof towards the erection of a new Parsonage House for the said Parish;”

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the said Rector, Church Wardens and Vestry of All Saints' Church in the Parish of Saint Andrews, be and they are hereby authorized and empowered to make sale and dispose of the said lot of land and premises with the appurtenances, or any part or parts thereof, and thereupon to make and execute good legal and sufficient conveyances of the same in fee, any former law to the contrary notwithstanding: Provided always, that no sale and disposition of the said lot of land and premises or of any part thereof shall be made without the consent and approbation of the Bishop of the Diocese being thereto first had and obtained, which consent and approbation shall be manifested by the Archdeacon or Ecclesiastical Commissary of this Province becoming a party to every deed of conveyance made under this Act, and, by and with the direction of such Bishop, signing and sealing the same.

Corporation of All Saints' Church in Saint Andrews, authorized to sell and convey the lands &c. before described.

Consent of the Bishop to be first obtained

II. And be it enacted, That the money arising from the sale and disposal of the said lot of land and premises with the appurtenances, together with all interest arising therefrom, shall be paid and applied by the said Rector, Church Wardens and Vestry towards the erection of a new Parsonage House for the said Parish.

Application of proceeds.

CAP. V.

An Act, for altering the times of holding the terms of the General Sessions of the Peace and Inferior Courts of Common Pleas of the County of Carleton. ^a

Passed 24th July, 1835.

“**W**HEREAS the times appointed for holding the Terms of the General Sessions of the Peace and Inferior Courts of Common Pleas of the County of Carleton has been found inconvenient; for remedy whereof,”

Be it enacted by the Lieutenant Governor, Council and Assembly, That the said Terms of the General Sessions of the Peace and Inferior Courts of Common Pleas

Terms to be held on the fourth Tuesdays in January and June.

^a Refer to 1 W. 4, C, 50, S. 3; and see Table of Courts, Appendix No. 1.

mon Pleas appointed to be holden on the first Tuesdays in January and June in each and every year, shall hereafter be holden on the fourth Tuesdays in January and June in each and every year, any law to the contrary thereof notwithstanding: Provided always, That no process shall abate or other business of what nature or kind soever be discontinued by reason of the alterations of said Terms, but shall and may be proceeded upon, heard and determined at the times herein appointed, in the same manner as they might have been proceeded upon had no alteration been made.

No process &c. to abate by reason of the alteration.

CAP. VI.

An Act, to amend "An Act, to repeal all the Laws now in force relating to Saint Andrew's Church in the City of Saint John, and for incorporating sundry persons pewholders of the said Church, and of the several Churches erected or to be erected in the Province in connexion with the Church of Scotland."

Passed 24th June, 1835.

Preamble.

2 W. 4 C. 18

S. 9, in part repealed

“**W**HEREAS it is considered expedient to amend the ninth section of an Act made and passed in the second year of the reign of His present Majesty, intituled “An Act to repeal all the laws now in force relating to Saint Andrew's Church in the City of Saint John, and for incorporating certain persons pewholders of the said Church, and of the several Churches erected or to be erected in the Province in connexion with the Church of Scotland,” by repealing “such part thereof as excepts the operation of the eighth section of the same Act as therein expressed;”

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That such exception contained in said ninth section in the words following (that is to say,) “save and except only the eighth section of this Act,” be and the same is hereby repealed, and that such eighth section do extend and be construed in all respects as if the said exception were not therein inserted.

CAP. VII.

b An Act, in addition to the Laws now in force for establishing a legal tender in all payments to be made in this Province.

Passed 24th June, 1835.

Preamble

Spanish, Mexican, Peruvian, and Central American dollars and parts make a legal tender.

“**W**HEREAS from the extensive circulation of the Spanish milled dollars “and the dollars of Mexico, Peru, Chili and Central America, it is “deemed expedient and desirable that the said dollars should pass current and be a legal tender in this Province;”

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the Spanish milled dollars, the Mexican dollars, the Peruvian dollars, the Chilian dollars and the dollars of Central America, and all the aliquot parts of the said respective dollars shall pass current and be a legal tender in all payments to be made in this Province,

the

the dollars respectively at five shillings each, the aliquot parts at the same rate and proportion which such aliquot parts respectively bear to the dollars of which they are parts.

CAP. VIII.

An Act, to authorize the erection of a Toll Bridge over the River Kennebeccasis in c
King's County.

Passed 24th June, 1835.

“ **W**HEREAS the erection of a toll bridge over the Kennebeccasis River Preamble.
“ at or near Ward's Point so called, in the Parish of Norton in King's
“ County, would be of great public benefit: And whereas Justus S. Wetmore and
“ James Whitney have by their petition in that behalf prayed for authority to erect
“ such bridge;”

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, Authority given
That it shall and may be lawful for the said Justus S. Wetmore and James to J. S. Wetmore
Whitney, and they are hereby authorized and empowered at their own costs and and James Whit-
charges to erect and build a good and substantial bridge over the said river ney to erect a
Kennebeccasis at the place aforesaid, and to erect and build a toll house and bridge over the
gate or gates on or near the said bridge: Provided always, that the said bridge River Kennebec-
be sufficiently high, and that such space be left under the same, as to afford a casis, and toll
free and navigable passage for rafts, boats, logs and timber at any season of the houses &c.
year. Proviso as to the
height.

II. And be it enacted, That the said Justus S. Wetmore and James Whitney, Authority given
their heirs or assigns, shall lay out and make sufficient roads of not less than four to make roads
rods in width to lead from either end of the said bridge, to connect the same with the
public highways on each side of the said river; which roads when so laid out shall
be in all respects public highways: Provided always, that if the said bridge and
roads shall not be erected and completed for the purposes aforesaid within two years
from the passing of this Act, then this Act and everything therein contained shall
be null and void. If bridge and
roads be not
completed in two
years, Act to be
void.

III. And be it enacted, That the said bridge and toll house and all materials Bridge &c. vested
which shall be from time to time procured or had for erecting, building or in Justus S.
making, maintaining and repairing the same, shall be vested in the said Justus Wetmore and
S. Wetmore and James Whitney, their heirs and assigns for ever: Provided James Whitney.
always, that at any time after the expiration of thirty years from and after the Right of assum-
passing of this Act, it shall and may be lawful for His Majesty, his Heirs and ing possession of
Successors, to assume the possession and property of the said bridge, toll house bridge &c. after
and gate or gates, and all improvements thereon, together with all tolls hereby thirty years re-
granted to the said Justus S. Wetmore and James Whitney, upon payment served to His
unto the said Justus S. Wetmore and James Whitney, their heirs or assigns, Majesty.
the full and entire value thereof at the time of such assumption; and when and
so soon as the said bridge shall be erected and built, and the said roads com- Toll may be de-
pleted and made fit and proper for the passage of cattle, travellers and carriages, mande for pass-
and that the same shall be certified by any two Justices of the Peace in and for ing over the
said County, on their personal examination of the same, it shall and may be bridge.
lawful for the said Justus S. Wetmore and James Whitney, their heirs and as-
signs, from time to time and at all times, to ask, demand, receive, recover and
take

Rate of toll.

take toll, and for their own proper use and behoof, for pontage as in the name of a toll or duty before any passage over the said bridge shall be permitted, the several sums following: (that is to say,) for each person on foot, twopence; for each sleigh, sled, cart or waggon drawn by one beast, one shilling and threepence, and for each additional beast, fourpence; for each horse and rider, fourpence; for each chaise, gig or sulky drawn by one horse, one shilling and threepence, and for each additional horse, fourpence; for each coach, phaeton, waggon, curricule or other vehicle drawn by two horses, one shilling and eightpence, and for each additional horse, fourpence; for droves of neat cattle, twopence per head; for sheep or swine, one penny halfpenny per head; and no additional toll shall be charged for persons actually travelling in said vehicles, but this exemption shall not extend to persons taken in for the purpose of evading toll; and that the said Justus S. Wetmore and James Whitney, their heirs or assigns, may commute these tolls by agreement with any person or persons, taking therefor a specified sum for a given time.

Tolls may be commuted

Mails, His Majesty's forces, and Militia on duty exempted from toll

Rate of toll may be lowered and raised at option

Table of tolls to be affixed near the toll gate

Tolls vested in Wetmore and Whitney
If possession be assumed by His Majesty, bridge, tolls, &c. vested in His Majesty.

Passing over bridge forcibly without paying toll

Penalty

Recovery.

Application.

IV. Provided always and be it enacted, That no person, horse or carriage employed in conveying a mail or letters under the authority of His Majesty's Post Office, nor for the horses or carriages laden or not laden and drivers attending officers and soldiers of His Majesty's forces or of militia whilst upon their march or on duty, nor the officers, soldiers, militia or any of them while on duty, shall be chargeable with any toll or rate whatsoever: Provided also, that it shall and may be lawful for the said Justus S. Wetmore and James Whitney, their heirs or assigns, to diminish the said tolls or any of them, and afterwards, if they shall see fit, to augment the same or any of them so as not to exceed in any case the rates herein before authorized to be taken: Provided also, that the said Justus S. Wetmore and James Whitney, their heirs or assigns, shall affix or cause to be affixed in some conspicuous place at or near such toll gate or gates a table of the rates payable for passing over the said bridge.

V. And be it enacted, That the said tolls shall be and the same are hereby vested in the said Justus S. Wetmore and James Whitney, their heirs and assigns, for ever; provided that if His Majesty, his Heirs or Successors, shall in the manner hereinbefore mentioned after the expiration of thirty years from the passing of this Act assume the possession and property of said bridge, toll house and gates, then the said toll shall from the time of such assumption appertain and belong to His Majesty, his Heirs and Successors, who shall from thenceforward be substituted in the place and stead of the said Justus S. Wetmore and James Whitney, their heirs and assigns, for all the purposes of this Act.

VI. And be it enacted, That if any person shall forcibly pass over the said bridge without paying the toll, or shall interrupt or disturb the said Justus S. Wetmore and James Whitney, their heirs or assigns, or any person or persons employed by them for building or repairing the said bridge, or making or repairing the way over the same, every person so offending in each of the cases aforesaid shall for every such offence forfeit a sum not exceeding forty shillings, the same to be recovered before any one of His Majesty's Justices of the Peace in and for said County, either by confession of the offender, or on the oath of one or more credible witness or witnesses, and levied by distress and sale of the goods and chattels of such offender by warrant signed by such Justice, rendering the overplus, if any, after deducting such penalty and the costs of levying the same to the owner of such goods and chattels, which penalty when recovered

to

to be paid into the hands of the Commissioners of roads in and for the said Parish of Norton, to be by them applied towards the repair of the roads leading to and from such bridge.

VII. And be it enacted, That if any person shall maliciously pull down, burn or destroy the said bridge or any part thereof, or the toll house, gate or gates to be erected by virtue of this Act, every person so offending and being thereof legally convicted shall be deemed guilty of felony.

Maliciously destroying bridge &c. deemed felony.

CAP. IX.

An Act, for the punishment of persons who shall be guilty of the Trespasses therein mentioned in the City of Saint John.

Passed 24th June, 1835.

“**W**HEREAS evil disposed persons have of late broken, taken down, destroyed
“ or carried away, and done injury to the lamps put up in the public streets
“ and other parts of the City of Saint John for the purpose of lighting the said
“ City, and also been guilty of committing divers other trespasses injurious to the
“ property of the inhabitants and tending to the disturbance of the peace in the said
“ City.”

Preamble

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That if any person or persons shall wilfully break, take down, destroy, carry away, or in any manner deface or injure any lamp or lantern placed, hung up or fixed in or upon any of the streets, lanes, alleys, public squares, private or public wharves, market slips, public landings, or other place or places within the said City, by the authority of the Mayor, Aldermen and Commonality of the said City, or by any individual, for the purpose of lighting the said City, or shall wilfully extinguish the light or lights therein, or be aiding or assisting in so doing, or shall wilfully break, deface, take down or remove any gate, window, shutter, door, porch, knocker, step, sign or other fixture whatsoever, attached to any public or private building within the said City, or shall wilfully pull up, carry away, or in any manner damage or injure any crop, vegetables, plants, trees or other things, growing or being in any garden, field or enclosure within the said City, and shall be thereof convicted before the Mayor or Recorder, or any one of the Aldermen of the said City, or any one of His Majesty's Justices of the Peace for the City and County or Saint John, either by the confession of the party offending, or on the oath of one or more credible witness or witnesses, or on view of the said Mayor or Recorder, or Aldermen or Justice so convicting, every such person so offending shall for each and every offence forfeit and pay a sum not exceeding ten pounds of lawful money of this Province, together with costs of suit, to be levied by warrant of distress and sale of the goods and chattels of every such offender; one moiety of which forfeiture when recovered shall be paid to the Chamberlain of the said City for the time being, to be applied towards the expense of lighting the said City and support of the nightly watch in the said City, and the other moiety to be paid to the person or persons who shall prosecute for the same, and for want of goods and chattels whereon the same can be levied, it shall and may be lawful to commit any such offender to the common gaol of the said City, there to remain without bail or mainprize, and to be kept at hard labour, for a term not exceeding two months, unless such forfeiture and costs shall be sooner paid.

Any person breaking or removing lamps, grates, windows &c. or injuring any crop, vegetables, &c. on conviction to forfeit a sum not exceeding £10.

Conviction.

Penalty.

Recovery.
Application

Sheriff, Constable &c. in whose presence any offence may be committed to give information thereof

II. And be it enacted, That in case any person shall commit any or either of the offences aforesaid in the presence of any Sheriff, Deputy Sheriff, Constable, Marshal, or Watchman, that then every such Sheriff, Deputy Sheriff, Constable, Marshal or Watchman, shall forthwith arrest such offender and give information thereof to the Mayor or Recorder, or some one of the Aldermen of the said City as aforesaid, in order that such offender may be convicted thereof in manner and form as hereinbefore directed.

This Act not to preclude the recovery of damages.

III. And be it enacted, That this Act or any thing herein contained shall not bar or preclude any person or persons from recovering his, her or their damages against any person or persons who shall be guilty of any of the mischiefs or trespasses aforesaid, but that the same may be recovered in the same manner as if this Act had not been passed.

Corporation authorized to erect posts &c. for lamps, which are hereby vested in the Corporation

IV. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City to erect and place or cause to be erected and placed posts or other fixtures on any of the streets, squares, wharves or other places within the said City, at such places as they may from time to time think proper, whereon to hang or place any lamp or lantern for the purpose of lighting the said City, and that all such posts or fixtures of any description which shall be so erected or placed, together with the lamps or lanterns and apparatus connected therewith, shall be deemed and taken to be the property of the said Mayor, Aldermen and Commonalty, to enable them to maintain and support any action or actions at law or other prosecution for any injury done thereto.

Accessaries not informed against informing against others, also not informed against not to be liable to the penalty.

V. And be it enacted, That if two or more persons shall have been jointly concerned in committing any of the offences aforesaid, and one or more of them (not having been informed against) shall within the space of one month after the offence committed inform against any or all of the others concerned in the same offence (also not having been informed against) so as to convict him, her or them, the person so informing shall not be liable to any part of the forfeiture hereinbefore mentioned.

Persons entitled to part of the penalty as prosecutors may give evidence

VI. And be it enacted, That no person to whom as prosecutor any part of the penalty on conviction is hereby directed to be paid, shall on that account be prevented in consequence thereof from giving evidence as a witness on any prosecution, but such person shall be deemed and taken to be a competent witness, whose credibility shall be judged of by the Magistrate before whom such prosecution shall be had.

W. 4, C. 9, repealed

VII. And be it enacted, That an act made and passed at the last Session of the Legislature, intituled "An Act further to continue an Act for the more effectual punishment of persons who shall be guilty of the trespasses therein mentioned in the City of Saint John," be and the same is hereby repealed.

Continuation

VIII. And be it enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty, and no longer.

CAP. X.

An Act to incorporate the Saint John Mechanics' Whale Fishing Company.

Passed 24th June, 1835.

Preamble.

“WHEREAS the prosecution of the whale fishery from this Province would be highly advantageous and tend greatly to increase the prosperity thereof; And whereas it has been deemed advisable to afford encouragement

“encouragement to enterprising individuals who are willing to engage in such fishery, by granting them an Act of Incorporation; therefore,”

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That Thomas Nisbet, John Haws, George Waterbury, Charles D. Everitt, John Hooper, Thomas Allan, James Wood, David Hogg, Robert Foulis, William Lawton, David M^cLelan, Thomas M^cMackin, James Pettingall, John Berryman, Robert Ray, John Hartt, Jeremiah Gove, Daniel Scott, Samuel Peters, John Walker and James G. Lester, their associates, successors and assigns, shall be and are hereby erected into a Company, and declared to be a body politic and corporate by the name of the Saint John Mechanics' Whale Fishing Company, and by that name shall have succession and a common seal, and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law or equity, or other places whatsoever, and be able and capable in law to have, hold, purchase, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments and rents, in fee simple, leasehold or otherwise, and also ships and vessels, goods and chattels, and all other things real, personal and mixed, and also to give, grant, sell, let, assign or convey the same or any part thereof, and to do and execute all other things in and about the premises as shall or may be thought necessary or proper for the benefit or advantage of the said Company, and also that the said Company, or the major part of them, shall from time to time and at all times have full power, authority and licence, to constitute, ordain, make and establish such bye laws and ordinances as may be thought necessary for the good rule and government of the said Corporation; provided such bye laws and ordinances be not contradictory or repugnant to the laws or statutes of the Province and those in force within the same.

Persons herein named, their associates, successors and assigns incorporated by the name of "The Saint John Mechanics' Whale Fishing Company."

Capable of suing and being sued, and possessing lands &c.

Company may make bye laws

II. And be it enacted, That the capital stock of the said Corporation shall consist of current money of the Province, to the amount of fifty thousand pounds, which shall be divided into five thousand shares of ten pounds each; and that twenty per cent, of the said capital stock shall be paid in within twelve calendar months after the passing of this Act, at such time and place as the President and Directors of the said Company may appoint, and the residue in such parts and instalments as may be required by the said President and Directors for the service of the Company, at such times and places as they may appoint, at least one month's notice being by them previously given for all the payments in two of the newspapers published in the City of Saint John: Provided always, that no larger amount than ten per cent, of the said capital stock shall be called in or required to be paid at any one time subsequent to the first instalment.

Capital to be £50,000.

Twenty per cent to be paid in within 12 months :

Residue in instalments not exceeding ten per cent.

III. And be it enacted, That whenever two thousand five hundred shares of the said capital stock shall have been subscribed, a general meeting of the Members and Stockholders or the major part of them shall take place, by notice in one or more newspapers published in the City of Saint John thirty days previous to such meeting, for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good management of the affairs of the Corporation as they shall deem necessary, and for the purpose of choosing seven Directors, being Stockholders and Members of the Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations of the said Company, subject nevertheless to the rules and regulations hereinafter made and provided.

When 2500 shares are subscribed, a meeting to be held for making laws and choosing seven Directors.

Meeting to be held on first Monday in September annually for choosing Directors.

IV. And be it enacted, That there shall be a general meeting of the Stockholders and Members of the said Corporation to be annually holden on the first Monday in September in each and every year at the City of Saint John, at which annual meeting there shall be chosen by a majority thereof seven Directors, who shall continue in office one year or until others are chosen in their room; in the choice of which Directors the Stockholders shall vote according to the rules hereinafter mentioned, and the Directors when chosen shall at the first meeting after their election choose out of their number a President: Provided always, that four of the Directors in office shall be re-elected at each annual meeting for the next succeeding twelve months, of whom the President shall always be one.

Four Directors to be re-elected.

Directors to appoint officers and servants, and allow them compensation.

V. And be it enacted, That the Directors of the said Corporation for the time being, shall have power from time to time to nominate and appoint a Treasurer or Treasurers, Agent or Agents, Ships Husband or Ships Husbands, Clerk or Clerks, and any such other officers and servants as to them or the Major part of them shall seem necessary and proper for executing the business of the said Corporation, and the same or any of them from time to time to remove and to nominate and appoint other person or persons in his or their room and stead, and shall make and allow them such compensation for their respective services as to them shall appear reasonable and proper: all which together with the expenses of building and fitting out ships, of paying out the rents and purchase money of such wharves, stores, warehouses, lands and tenements as may be required, and all other contingencies and expenses whatsoever, shall be defrayed out of the funds of the Corporation; and further, that the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation as shall be prescribed by the bye laws and regulations of the same.

All expenses to be paid from the corporate funds.

Not less than five Directors to constitute a board.

VI. And be it enacted, That not less than five Directors shall constitute a board for the transaction of business, of which the President shall always be one, excepting in case of sickness or necessary absence, in which case the Directors present may choose one of their board as Chairman for the time being; that the President or such Chairman shall vote at the board as a Director, and in case there be an equal number of votes for and against any question before them, the President or Chairman shall have a casting vote.

Directors to be holders of twenty-five shares and of age.

VII. And be it enacted, That no person shall be eligible as a Director, unless such person is a Stockholder and holds not less than twenty five shares of the capital or stock of the said Corporation and is of the full age of twenty one years.

Votes of Stockholders regulated

VIII. And be it enacted, That the voting of Stockholders shall in all cases be regulated as follows: for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every eight shares above thirty and not exceeding seventy, one vote, making fifteen votes for seventy shares; for every twelve shares above seventy and not exceeding one hundred and thirty, one vote, making twenty votes for one hundred and thirty shares, which said number of twenty votes shall be the greatest any Stockholder shall be entitled to have; and that all Stockholders may vote by proxy, such proxy being a Stockholder and producing sufficient authority in writing from his constituent.

Stockholders may vote by proxy.

Directors not being chosen at the annual meeting, another

IX. And be it enacted, That if it should so happen that the said Directors should not be chosen on the said first Monday of September in any year as aforesaid, it shall and may be lawful to choose them on any other day between the

the hours of twelve at noon and three in the afternoon of such day, upon giving fourteen days notice of the time and place of such meeting, in two of the newspapers published in the City of Saint John, which meeting shall take place in the City of Saint John; and in case any Director shall be removed by the Stockholders, for misconduct or mal-administration, his place shall be filled up by the said Stockholders, fourteen days notice of the time and place of meeting being first given as is hereinbefore provided; and in case of any vacancy among the said Directors by death, resignation or absence from the Province for three months, or in case any Director shall disqualify himself by the sale, disposal and transfer of his shares, or any of them, so as to reduce his interest in the Corporation to less than twenty-five shares required for the qualification of a Director, then and in either of such cases, the said Directors shall and may fill up such vacancy by choosing one of the Stockholders, and the person so chosen by the Stockholders or Directors shall serve until another be chosen in his room.

meeting may be called for that purpose.

Vacant Directorships how to be filled up.

X. And be it enacted, That so soon as the said first instalment of twenty per cent. shall have been actually paid in on account of subscriptions to the said stock, then the President and Directors of the said Company may commence operations under this Act, and proceed with the business and affairs of the Company.

First instalment of twenty per cent. being paid in Directors to commence operations.

XI. And be it enacted, That the said Corporation shall not directly or indirectly deal or trade in buying or selling gold or silver coins or bullion, or bills of exchange, or in lending money by way of discount, or engage in any banking operations whatsoever.

Corporation not to engage in any banking operations.

XII. And be it further enacted, That the joint stock or property of the said Corporation shall alone, in the first instance, be responsible for the debts and engagements of the said Corporation, and that no creditor or person or persons having any demands against the said Corporation for or on account of any dealings with the said Corporation shall have recourse against the separate property of any Shareholder on account thereof, except in case of deficiency, or where the joint stock of the said Corporation shall fall short of or not be equal to the payment of any debt, due or demand against the same, that then and in such case the goods and chattels, lands and tenements of each Shareholder, shall and may be levied upon and seized respectively to satisfy such debt or demand to the extent of double the amount of the share or shares or interest of such Shareholder in the joint stock of the said Corporation, but no more; and that such double amount or so much as may be necessary to satisfy such debt, due or demand, shall and may be levied and seized by process of execution in the same suit in which such debt, due or demand may be recovered against the said Corporation.

Joint stock responsible for the Corporation debts in the first instance, and in case of deficiency the separate property of the Stockholders to double the amount of stock.

XIII. And be it enacted, That the books, papers, correspondence and all other matters or things belonging to the Corporation shall at all times be subject to the inspection of the Directors, or any of them, but no Stockholder, not a Director, shall inspect the account of any individual or corporate body with the said Corporation.

Books &c. to be subject to the inspection of the Directors.

XIV. And be it enacted, That the shares in the said stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf; but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered or registered in a book to be kept by the Directors for that purpose, nor until the person or persons so making the same shall previously discharge all debts actually due or payable by him or them to the said Corporation; that in no case shall any fractional part

Shares to be assignable.

of a share, or other than a complete share or shares, be assignable or transferable; that whenever any Stockholder shall transfer, in manner aforesaid, all his stock or shares in the said Company he shall cease to be a member of the said Corporation.

Statement of the affairs to be laid before the Stockholders at the annual meeting

XV. And be it enacted, That the Directors shall, at the general meeting to be holden in every year, lay before the Stockholders for their information an exact and particular statement of the then state of the affairs and business of the said Company, agreeably to the several regulations and rules made therefor, so as the same do contain a true account of the affairs of the said Company, which statement shall be signed by the Directors and attested by the Secretary, and a duplicate thereof in like manner signed and attested shall be transmitted to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being and the Legislature of the Province: Provided always, that the rendering of such statement shall not extend to give any right to the Stockholders to inspect the account of any individual or corporate body with the said Company.

Duplicate for Governor and Legislature.

Forty Stockholders owning one thousand shares, may call a meeting of Stockholders, on notice specifying the object.

XVI. And be it enacted, That any number of Stockholders, not less than forty, who together shall be proprietors of one thousand shares, shall have power at any time by themselves or their proxies to call a general meeting of the Stockholders for purposes relating to the business of the said Corporation, giving at least thirty days notice in two of the newspapers published in the City of Saint John, and specifying in such notice the time and place of such meeting with the objects thereof; and the Directors or any four of them shall have the like power at any time (upon observing the like formalities) to call a general meeting as aforesaid.

Directors may do the like.

Limitation.

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

CAP. XI.

An Act, for the commutation of His Majesty's Quit Rents in the Province of New Brunswick.

Passed 24th June, 1835.

“ MOST GRACIOUS SOVEREIGN,

Preamble.

“ WHEREAS it is deemed expedient to grant to Your Majesty, Your Heirs and Successors, a certain annual sum of money in commutation and in full discharge of all Quit Rents now due or to become due to Your Majesty, Your Heirs and Successors in this Province by virtue of any grants or letters patent from the Crown heretofore made of lands within this Province;”

“ We, Your Majesty's dutiful and loyal subjects, the Assembly of New Brunswick, in General Assembly convened, as and for a commutation of all Quit Rents reserved to the Crown in and by grants of land within this Province, have freely and voluntarily resolved to give and to grant unto Your Majesty, Your Heirs and Successors, for the purpose of enabling Your Majesty to make and improve roads and bridges within this Province, an annual sum of money to be expended in such manner for the above purpose as Your Majesty, Your Heirs and Successors may deem most conducive to the welfare of Your Majesty's said Province, and do therefore pray Your Majesty that it may be enacted;”

I.

I. And be it enacted by the Lieutenant Governor, Council and Assembly, and by the authority of the same, That there be and there is hereby granted to the King's Most Excellent Majesty, His Heirs and Successors, the annual sum of twelve hundred pounds currency, in commutation and in full discharge of all Quit Rents and arrears of Quit Rents now due or to become due, reserved in and by any grants or letters patent from the Crown heretofore made of any lands within this Province; the said annual sum to be drawn from the Treasury of this Province by warrant or warrants of His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Executive Council.

£1200 currency per annum, granted to His Majesty as a commutation for Quit Rents.

II. Provided always and be it enacted, That the said annual sum hereby granted shall be applied by His Majesty, His Heirs and Successors, towards making and improving roads and bridges in this Province and to and for no other use or purpose whatsoever.

To be applied towards making and repairing roads and bridges.

III. And be it enacted, That a detailed account of the expenditure of all such sum or sums of money as shall be drawn from the Provincial Treasury by virtue of this Act shall be annually laid before the House of Assembly of this Province.

Accounts of expenditures to be laid before the Assembly.

IV. And be it enacted, That should any sum or sums of money payable to His said Majesty, His Heirs and Successors, by virtue of this Act remain unexpended for the space of three years next after the same shall become due, otherwise than for the want of monies in the Province Treasury, the same shall revert to and become part of the revenue of the Province, any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Money remaining for three years unexpended to revert to the Province Revenue

V. And be it enacted, that this Act shall not be in force until His 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 King in Council dated the 26th August 1835, and published and declared in the Province on the 28th October 1835.*]

Anno Regni, GULIELMI IV. Britanniarum Regis, Sexto.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the twentieth day of January, in the year of our Lord one thousand eight hundred and thirty-five, in the Sixth Year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith; and from thence continued by several Prorogations to the twentieth day of January, one thousand eight hundred and thirty-six, being the Third Session of the Eleventh General Assembly, convened in the said Province.

CAP. I.

a An Act, for the better regulating of the office of Sheriff in this Province.

Passed 8th March, 1836.

“WHEREAS it is expedient to regulate the office of Sheriff in this Province;”

Sheriffs to be appointed annually.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the Sheriffs of the several Counties in this Province, as well as the Sheriff of the City and County of Saint John, shall be appointed annually by the Lieutenant Governor or Commander in Chief, by and with the advice of the Executive Council, on the first Tuesday in April in each and every year.

Continuation in office

II. And be it enacted, That every Sheriff already appointed or hereafter to be appointed, shall remain in office until another shall be appointed and sworn in his stead.

To give bonds annually with sureties in addition to the bond to the King.

III. And be it enacted, That every Sheriff hereafter to be appointed, in addition to the bond required to be given to His Majesty, shall give bond with two good and sufficient sureties in the sum of five hundred pounds to the Lieutenant Governor or Commander in Chief for the time being, to answer for any monies or damages that may be recovered against the said Sheriff for or by reason of any act, misdoing or neglect of such Sheriff, or any of his Deputies, in the discharge of the duties of his office for the year for which he may be so appointed; which bond shall be of the tenor and effect of the form contained in the schedule to this Act annexed;

annexed; and a new bond shall be annually given by every Sheriff, although such Sheriff shall be reappointed and continued in office.

IV. And be it enacted, That every such Sheriff shall, forthwith after his appointment, lodge such bond hereinbefore required, in the office of the Secretary of the Province, to be by him laid before the Lieutenant Governor or Commander in Chief for the time being, for his approval of the sureties therein named, and the bond shall not be deemed to be perfected until such approval shall be given and endorsed on the bond; and in case of the failure of any Sheriff to give such bond with sureties that shall be so approved of, for the space of one month after his being appointed, another person shall be appointed in his stead for the then current year, to end on and with the first Tuesday in April then next ensuing.

Bonds to be lodged in the Secretary's office for the approval of the Lieutenant Governor

V. And be it enacted, That every such bond when perfected in manner before mentioned, shall be transmitted by the Secretary of the Province to the office of the Clerk of the Pleas of the Supreme Court, and shall be filed by him, and remain on file with the papers and records of the said Court.

Bonds to be sent to the Clerk of the Pleas.

VI. And be it enacted, That if any person or persons shall recover a judgment against any Sheriff in any Court of Record in this Province, for any monies due to or damages sustained by him or them for or by reason of any act, doing, misdoing or neglect of such Sheriff, or any of his Deputies, in the discharge of the duties of his office during the year for which any such bond may be given, and shall issue any writ of fieri facias upon such judgment into the County where such Sheriff may reside, and a return of nulla bona as to the whole or any part of the amount of such judgment shall be made upon such writ of fieri facias, such person or persons may forthwith, upon such return being made, apply to the said Supreme Court or any Judge thereof, and such Court or Judge shall thereupon grant an order for such bond to be put in suit by such person or persons; and such person or persons may thereupon bring an action of debt upon such bond in the Supreme Court in his or their own name; Provided always, that no action shall be brought upon any such bond, unless the suit in which such judgment shall have been obtained against such Sheriff for a cause of action accruing during the year for which such bond was given, shall have been commenced before the expiration of one year after the end of the year for which such bond was given; nor shall any such action on such bond be brought after the expiration of one year from the day of the signing of such judgment recovered against such Sheriff: Provided also, that no order for the putting such bond in suit shall be made, unless the requisite facts shall be made to appear by affidavit to the satisfaction of the Court or Judge.

On a return of nulla bona on a writ of fieri facias against a Sheriff, bond may be put in suit.

Proviso.

VII. And be it enacted, That a copy of any such bond, certified under the seal of the Supreme Court, shall in all cases be good evidence thereof without the production of the original.

Certified copy of bond to be good evidence

VIII. And be it enacted, That the person or persons by whom such action of debt upon such bond shall be brought, may recover in such action the amount of the judgment recovered against the Sheriff with costs of suit, provided that the amount of such judgment does not exceed the penalty of the bond, and the amount of debt recovered in any action on such bond shall be deemed a satisfaction of the bond pro tanto; and in case of a subsequent order being obtained for putting the bond in suit at the instance of any other party, there shall be recovered in such subsequent action no more than the residue of the penalty which may remain after such part satisfaction of the bond in such former action, together with costs of suit, and so on toties quoties; and the aggregate of the debts recovered

Amount recoverable upon the bonds defined.

recovered in all actions upon any such bond shall never exceed the penalty of the bond; and in case any action shall be brought upon any such bond wherein there shall be nothing recovered, the defendant or defendants shall have judgment with costs of suit.

Retaining money
after demand.

IX. And be it enacted, That if any Sheriff or his Deputy shall levy or receive any sum or sums of money, by virtue of any execution, writ or process, and shall retain the same in his hands for the space of one month after the same shall have been demanded by the person or persons authorized and empowered to receive the same, that then such Sheriff shall forfeit to the party entitled to receive such sum or sums of money, for any time that he or his Deputy may retain the same, at the rate of one shilling per pound for every month that the same shall be so detained after the expiration of one month after demand made as aforesaid, to be recovered by action of debt, at the suit of the party entitled to receive the same, in the Supreme Court of this Province, or in the Inferior Court of Common Pleas for the County where such offence shall have been committed; provided such action shall be brought within three months after such demand made, and not otherwise.

Forfeiture

Recovery.

5

Appointment of
Deputy Sheriffs.

X. And be it enacted, That any Sheriff may appoint one or more fit and proper person or persons to act as Deputy Sheriff or Sheriffs under him; and any person so appointed Deputy Sheriff, shall give the said Sheriff security for the faithful performance of his duty; and the said Sheriff shall immediately after such appointment publish the name of any person whom he may so appoint as a Deputy Sheriff in one of the public newspapers of the County, and if none be published therein, then in the Royal Gazette of this Province; which publication may be proved by the production of the said Gazette or newspaper in which the said notice shall have been published, and the same shall be sufficient evidence of such person or persons being such Deputy Sheriff; and no person shall be authorized to act as Deputy Sheriff until he shall have given security, and his name shall have been published in manner aforesaid: Provided always, that nothing in this section contained shall apply to any person deputed by any Sheriff to do particular acts only.

Fees for service
of writs or pro-
cess to be
charged by She-
riffs and Depu-
ties only

XI. And be it enacted, That from and after the passing of this Act, no person or persons, (save and except the High Sheriffs respectively, and their respective Deputies,) shall charge or be allowed to receive any fee or reward whatsoever, for the service of any writ or process issued from the Supreme Court or any of the Inferior Courts of Common Pleas in this Province, nor shall any fee for the service of any writ or process issued from any of the said Courts be allowed or taxed in any case, unless such service has been made or performed by the Sheriff, or some or one of his deputies of the County, or City and County, in which the writ or process shall have been served, or by some person specially authorized by the said Sheriff to make the particular service, any law, usage or custom to the contrary in any wise notwithstanding; and it shall be the duty of every Attorney issuing any process from any of the said Courts to put the same into the hands of the Sheriff or one of his Deputies to be served, unless in cases where the service is intended to be entirely gratuitous.

Liability of At-
torneys for fees

XII. And be it enacted, That the Attorney or Attornies issuing any writ of process whose name or names is or are endorsed on such writ or process shall in all cases be considered as the employer of the Sheriff serving any such writ or process, and as such liable to the Sheriff for his legal fees for serving or executing the same: Provided always, that nothing in this Act contained shall extend or be construed to extend to defeat the plaintiff's liabilities to such Sheriff for the service of any writ or process.

XIII.

XIII. " And whereas it is proper and right that the several Sheriffs of this Province should be remunerated for the services by them performed in the summoning of Grand and Petit Jurors, and attending the Courts in their respective Counties;" Be it therefore enacted, That from and after the passing of this Act, it shall and may be lawful for his Majesty's Justices of the Peace of the several Counties in this Province, and they are hereby required at their respective General Sessions, to allow the said Sheriffs respectively such reasonable compensation for their services respectively in summoning the Grand and Petit Jurors of their respective Counties and for attending the Courts therein as to the said Sessions respectively shall appear just and right, not exceeding in any one year the sum of twenty pounds; which allowance or compensation when so awarded by the Sessions as aforesaid, shall be paid by the County Treasurer out of any funds in his hands belonging to the said Counties respectively, by order of the said Sessions: Provided always, that the limit of twenty pounds hereinbefore mentioned shall apply only to the services hereinbefore specifically described, and shall not extend or be construed to extend to any remuneration to be made by the said Justices to the said Sheriff out of the County funds for any other services by him performed.

Justices in Sessions to make compensation to Sheriffs for summoning Jurors and attending Courts.

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

Limitation.

SCHEDULE.

FORM OF SHERIFF'S BOND.

Know all men by these presents, that We are held and firmly bound unto the Lieutenant Governor or Commander in Chief of the Province of New Brunswick for the time being, in the sum of five hundred pounds of lawful money of the said Province, to be paid to the Lieutenant Governor or Commander in Chief of the said Province for the time being; for which payment to be well and truly made, We bind ourselves and each of us by himself, for and in the whole, our and each of our heirs, executors and administrators firmly by these presents. Sealed with our seals. Dated the day of in the year of our Lord one thousand eight hundred and .

Form of bond.

Whereas the above bounden has been duly appointed Sheriff of the County of [or the City and County of as the case may be] for the year ending on and with the first Tuesday in April next ensuing the date of this obligation: Now the condition of this obligation is such, that if the said Sheriff as aforesaid, his executors or administrators, shall well and truly pay and satisfy, or cause to be paid and satisfied, all monies and damages that may be recovered against him the said Sheriff as aforesaid, by any person or persons, for or by reason of any act, doing, misdoing, or neglect of such Sheriff or any of his Deputies in the discharge of the duties of his office during the said year ending on and with the first Tuesday in April next ensuing the date of this obligation, then this obligation to be void, otherwise to remain in full force and virtue.

CAP. II.

An Act in amendment of the Act relating to Highways.

Passed 8th March, 1836.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all that part of the seventeenth section of an Act made and passed in the fifth year of His Majesty's reign, 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," which authorizes the Commissioners of highways, or any of them, to excuse or lessen the number of days work to be performed by any infirm or indigent person within their respective Parishes or Districts, be and the same is hereby repealed; and that it shall be lawful for any two of His Majesty's Justices of the Peace, upon application of any infirm and indigent person, to remit the whole or such part of the labour as is required to be performed by such infirm and indigent person, as they in their discretion may think just and proper.

5 W. 4, C. 2,
S 17, in part re-
pealed.

Two Justices may
remit the labour
of persons indi-
gent and infirm.

Six days notice
to be given by
Surveyors to per-
sons liable to
work.

II. And be it enacted, That the notices to be given by the Surveyors in their respective Districts, as required by the twentieth section of the above recited Act, shall be given at least six days previous to the commencement of the work, either by personally notifying the inhabitants respectively liable to work or by leaving a written or printed notice at the last place of residence of the person or persons intended to be notified, or by publishing in one of the most public places in each District the names of the persons in the District liable to work, in manner pointed out in the said twentieth section of the hereinbefore recited Act.

Surveyors to
make returns to
the Commis-
sioners by 10th
September.

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

Justices autho-
rized to swear
Jurors and sum-
mon and swear
witnesses

IV. "And whereas doubts have arisen whether in all cases where Jurors are required to serve under the provisions of the above recited Act, there be sufficient authority therein to authorize the administration of the usual oaths;" Be it therefore enacted, That in all cases where the services of Jurors are required by authority of the Act aforesaid, such Jurors shall be duly sworn in the usual manner, which oaths any one of His Majesty's Justices issuing the warrant for the summoning of the said Jurors, is hereby authorized and required to administer; and the said Justices or either of them are also hereby empowered and required, at the instance of either party, to call before the said Jurors at the time and place appointed, such witnesses as may be required to give evidence in and respecting all cases of damage or other matters that are by the above recited Act required to be decided and determined by the verdict of such Jurors; which witnesses shall be subpoenaed under the hand of any one of the said Justices, and sworn before either of the said Justices in the usual manner, and for refusal or neglect to attend and give evidence when so required, shall be subject to such damages as persons neglecting or refusing to attend and give evidence when duly summoned are made subject and liable to by an Act made and passed in the fourth year

year of His present Majesty's reign, intituled "An Act to regulate proceedings before Justices of the Peace in civil suits;" and all expenses attending the summoning, swearing and attendance of such witnesses, shall be estimated by the said Jurors, and paid by such party, and in such manner as the said Jurors may determine and assess. 4. W. 4, C. 45

V. And be it enacted, That in all cases where a Jury is summoned for any of the purposes provided by this Act or of the Act of which this Act is in amendment, the Justices issuing the warrant for the summoning of such Jury, or one of them, are hereby required to attend and preside at such inquest or examination. Justices summoning Jury to preside at the inquest.

VI. And be it enacted, That in all prosecutions instituted against delinquents for the recovery of fines under any of the provisions of the said recited Act, it shall and may be lawful for the Magistrate before whom any prosecution shall be instituted, on application by the Commissioner or the Commissioners suing for such fine, and upon oath made by such Commissioner or Commissioners, or the Surveyor or other person, of the offence or delinquency committed, to issue a *capias* against such delinquent, and to hold him to bail for the amount of the fine sought to be recovered, in which case the *capias*, bail bond, return and proceedings generally, shall be, as near as may be in manner and form pointed out, made and provided in the said Act passed in the fourth year of the reign of His present Majesty, intituled "An Act to regulate proceedings before Justices of the Peace in civil suits." Justices may issue a *capias* for the recovery of fines upon application of a Commissioner. 4 W. 4, C. 45.

VI. "And whereas in and by the second section of the above recited Act relating to highways, it is provided, that the fines of delinquent Commissioners and Surveyors shall be recovered before any one of His Majesty's Justices of the Peace at the suit of one of the acting Commissioners or Surveyors of the Parish in which the delinquent resides: And whereas it is deemed necessary to extend the right of prosecution to any freeholder or householder resident within the said Parish, and to make such fines recoverable before any two Justices of the Peace instead of one;" Be it therefore enacted, That if any Commissioner or Surveyor shall be guilty of refusal or neglect of any of the duties required by the provisions of the said recited Act relating to highways, such Commissioner or Surveyor shall forfeit for every refusal or neglect a sum not exceeding five pounds, to be recovered with costs of suit before any two of His Majesty's Justices of the Peace at the suit of any one of the acting Commissioners or Surveyors, or at the suit of any freeholder or householder within the Parish where the delinquent resides, who may choose to prosecute for the same; and in all cases where Commissioners and Surveyors or either of them are made liable to prosecution by the provisions of the above recited Act relating to highways, the right of prosecution in all such cases is hereby extended to any freeholder or householder within the Parish where any such delinquent Surveyor or Commissioner resides; which said fines and forfeitures are hereby severally made recoverable with costs of suit before any two of his Majesty's Justices of the Peace, in the same manner as fines are made recoverable by the second section of the above recited Act relating to highways, and all such fines and forfeitures when recovered shall in all cases be applied by the acting Commissioner or Commissioners to the repairing of the highways in the several Parishes where the same may have been forfeited respectively. Right of prosecuting delinquent Commissioners or Surveyors extended to freeholders and householders of the Parish.

VIII. "And whereas great inconvenience is felt from persons cutting holes through the ice in the different navigable rivers in this Province;" Be it therefore enacted, That from and after the passing of this Act, it shall and may be lawful for the Justices of the Peace of the respective Counties, at any of their respective Courts of General Sessions, to make such rules, orders and regulations relative Justices in General Sessions may make regulations respecting the cutting of holes through the ice in rivers.

to the cutting of holes through the ice in any of the said rivers, as the said Justices at any of the said Courts of General Sessions may think necessary and proper for the public safety.

Penalty for
breach of regu-
lations.

Recovery.

Application.

IX. And be it enacted, That all and every person or persons who shall be guilty of any breach or breaches of any such rules, orders and regulations as the said Justices at any of their Courts of General Sessions shall respectively make, shall be subject to a penalty of not less than twenty shillings nor more than five pounds for each and every offence; to be recovered with costs of suit before any one of His Majesty's Justices of the Peace for the County in which the offence shall be committed, at the suit of any person or persons who may prosecute for the same; which penalty when recovered shall be paid into the hands of the Commissioners of roads for the Parish in which the offence shall be committed, to be by them applied towards the improvement of the roads of the Parish to which such Commissioners belong, and be accounted for by them at the General Sessions of the County in their annual return of the statute labour.

Authority of
Commissioners
and Surveyors
in opening roads
under J. 11. 4,
c. 2

X. "And whereas doubts have arisen with respect to the authority of Commissioners and Surveyors to open roads under the provisions of the above recited Act relating to highways;" Be it enacted, That in all cases when roads are laid out, altered or extended, by virtue and authority of the above recited Act relating to highways, the Commissioner or Commissioners, Surveyor or Surveyors, as the case may be, shall have full power and authority, and they are hereby authorized to enter upon and open all such roads so laid out, altered or extended, and from the same to remove any fences, buildings and obstructions, any law, custom or usage to the contrary notwithstanding.

Limitation.

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

CAP. III.

- c An Act, to regulate the election of Church Wardens and Vestrymen in the Parish of Portland, in the County of Saint John, and to extend such regulations to other Parishes where the sittings in the Church may be free and open.

Passed 8th March, 1836.

Preamble

"WHEREAS a Church has lately been erected in the Parish of Portland in the County of Saint John, and duly consecrated to the service of the Almighty God according to the rites and ceremonies of the Church of England, by the name of Grace Church, in which said Church no pews have been disposed of or appropriated, but all the sittings for the congregation have been declared free and open to all persons without any price or rent being paid therefor, and are so intended to continue; by reason whereof it has become necessary to declare by law what persons shall be eligible to elect and be chosen Wardens and Vestrymen of the said Church, in order that a Church Corporation may be duly constituted in the said Parish;"

Corporation of
Grace Church,
Portland, erected.

L. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Church Wardens and Vestry of the said Church so soon as they may be duly elected and chosen pursuant to the provisions of this Act, together

c Refer to 1 W. 4, C. 23, and the Acts there referred to for qualification of Wardens, Vestrymen, and Electors in Churches where Pews are owned by individuals.

gether with the Rector of the said Church for the time being and their respective successors forever, shall be a body politic and corporate in deed and name, and shall have succession forever, by the name of the Rector, Church Wardens and Vestry of Grace Church in the Parish of Portland.

II. And be it enacted, That all male persons of the age of twenty one years or upwards, resident in the said Parish of Portland or in any other Parish within the said County adjoining thereto, who may have subscribed and shall continue to subscribe, or who hereafter may subscribe annually in aid of the funds of the said Church, the sum of one pound or more, shall be entitled to vote in the choice of, and shall also be qualified to be chosen and elected Church Wardens and Vestrymen of the said Church: Provided always, that no such subscriber shall be so entitled or eligible unless he shall before the day of election have actually paid his annual subscription for the year preceding; and provided also, that no person shall be eligible to be elected as such Church Warden or Vestryman unless he be a member of the Church of England as by law established, or shall have been for at least six months previous a stated hearer and attendant at the public Worship of the same.

Qualifications of Church Wardens and Vestrymen, and their electors.

III. Provided also and be it enacted, That the said Church Wardens and at least one half of the Vestrymen so to be chosen at any annual election, (if so many shall be found duly qualified as aforesaid and willing to serve,) shall be persons resident in the said Parish of Portland; and that at the first election which may be holden under this Act, persons who may have subscribed and actually paid to the support of the Clergyman officiating in the said Church one pound or upwards during the past or current year, shall be deemed subscribers in aid of the funds of the said Church for the purposes of this Act; and that at all times after the said first election it shall be optional with the said Rector, Church Wardens and Vestry, whether or not to receive subscriptions in aid of the funds of the said Church from persons who may not be resident in the said Parish.

Church Wardens and one half of the Vestrymen to be resident in Portland.

Who shall be deemed subscribers in aid of the funds.

IV. And be it further enacted, That Grace Church shall be deemed and taken to be the Parish Church of the said Parish of Portland, until the said Rector, Church Wardens and Vestry shall have erected another Church instead thereof, and the same shall be duly consecrated to that purpose and opened for public worship according to the rites and ceremonies of the said Church of England, and in case of the erection of such other Church all the provisions of this Act shall extend and be construed to extend to the said new Church in as full and ample a manner as if the same were particularly re-enacted and applied to such new Church.

Grace Church to be the Parish Church until another be erected.

V. And be it enacted, That the several provisions of this Act shall extend and be construed to extend to any other Parish within this Province in which a Church may be erected, consecrated and opened for public worship as aforesaid, according to the rites and ceremonies of the said Church of England, in which the sittings for the congregation shall be free and open to all persons without any price or rent being paid therefor, and also to any Church already erected, in which the Rector, Church Wardens and Vestry thereof may, with the consent and approbation of all the pew owners and occupants, to be signified in writing, declare the seats to be from thenceforth free and open; in as full and ample a manner as if the same were particularly re-enacted and applied to such Churches and Parishes respectively: Provided always, that nothing herein contained shall extend or be construed to extend to authorize the erection of more than one Church Corporation of the said Church of England in any one Parish in this Province.

Act extended to other Churches in which the sittings are free

VI. And be it enacted, That all and every the clauses, enactments and provisions of an Act made and passed in the twenty ninth year of the reign of King George

Acts 29 G. 3. C. 1, and 56 G. 3, C. 11, so far as

not contrary to
this Act extend
ed to such
Churches

George the Third, intituled "An Act for erecting a Parish in the City of Saint John, and incorporating the Rector, Church Wardens and Vestries of the Church of England in the several Parishes in this Province," and of a certain other Act made and passed in the fifty sixth year of the same reign for explaining and amending the above recited Act, shall extend and be construed to extend to the said Parish of Portland and the said Church Corporation of Grace Church, and to every other Parish and Church Corporation to which this Act may apply, excepting so far as the same clauses, enactments and provisions, or any of them, may be contrary to or inconsistent with the provisions of this Act.

CAP. IV.

An Act, to provide for the collection of the Revenue of this Province.

Passed 8th March, 1836.

“WHEREAS it is deemed necessary that provision should be made for the
“ collection of the revenue of this Province ;”

Commencement
of Act

I. Be it therefore enacted by the Lieutenant Governor, the Legislative Council and Assembly, That this Act shall come into operation and take effect from the first day of April in the year of our Lord one thousand eight hundred and thirty six.

Dutiable im-
ported goods to
be subject to
rules &c of this
Act

II. And be it further enacted, That all goods subject to duties under any Act or Acts of the General Assembly of this Province, and which have been or shall be imported or brought by sea or inland navigation, or by land carriage into this Province, from any port or place abroad beyond the seas, or out of this Province, or which being so subject to duties shall be carried and transported by sea from one port or place within this Province to another port or place within this Province, shall be and the same are hereby made liable and subject to the several rules, restrictions, conditions, regulations, penalties and forfeitures in this Act contained, in respect to such importation, and the payment or security of the duties thereon, or the warehousing the same goods.

Report of per-
sons in charge
of vessel to the
Treasurer.

III. And be it further enacted, That the master, commander or person in charge of every ship or vessel arriving at any port or place in this Province, shall within twenty four hours after such arrival, and before bulk be broken, make due report of such ship or vessel to the Treasurer of the Province, or to the Deputy Treasurer at or nearest the place of such arrival, under oath subscribed by him ; and such report shall contain an account of the particular marks, numbers and contents of all the different packages or parcels of the goods on board of such ship, and the particulars of such goods as are stored loose, to the best of his knowledge, and of the place or places where such goods were respectively taken on board ; and shall in the same report state, on oath as aforesaid, the name of each and every owner and consignee of such cargo, and where the same is intended to be landed, and whether any and what part thereof has been landed and taken from such ship or vessel after arriving within the Province ; and the master of any ship who shall fail to make such report, or who shall make a false report, shall forfeit the sum of one hundred pounds.

Penalty

Report of owner
&c. of goods.

IV. And be it further enacted, That the owner, consignee or person entering any goods inwards, (whether for payment of duty, or to be warehoused upon the entry thereof, or for payment of duty upon taking out of the warehouse, or whether such goods be free of duty,) shall deliver to the Treasurer of the Province or to the Deputy Treasurer, as the case may be, a report in writing by him subscribed under

under oath, of all articles belonging to or consigned to him on board of such ship or vessel; and any part of such cargo which shall be landed before the report of the master or commander of such ship or vessel, and the report of the owner or consignee, or other person entering the same, and a permit obtained from the said Treasurer or Deputy Treasurer, as the case may be, for landing the same, such goods so landed shall be forfeited, and the person or persons concerned in concealing such articles or in landing them without a permit for that purpose, shall each respectively forfeit and pay the sum of one hundred pounds.

Landing before report and permit.

Penalty.

V. And be it further enacted, That if the goods in such entry be charged to pay duty according to number, measure or weight thereof, such number, measure or weight shall be stated in the entry; and if the goods in such entry be charged to pay duty according to the value thereof, such value shall be stated in the entry, and shall be upon oath of the importer or his known agent, before the Treasurer or Deputy Treasurer, written upon the bill of entry, and if any person making such entry upon oath not being the importer or proprietor of such goods, nor his agent duly authorized by him, such person shall forfeit the sum of one hundred pounds; and such affidavit shall be made in the manner and form following, that is to say,

Entry of goods to pay duty by number &c or value.

I A. B. do swear that I am the importer [or authorized by the importer] of the goods contained in this entry, and that they are of the value of _____ currency, and cost the same and no more, to the best of my knowledge and belief.

A. B.

Sworn to, &c. C. D. Treasurer, or Deputy Treasurer.

And written on the bill of entry of such articles, and in all cases made before the Treasurer or Deputy Treasurer at the port or place of importation, and shall be subscribed with the hand of the importer, or his known agent.

VI. And be it further enacted, That if it shall appear to the Treasurer or Deputy Treasurer, that the said articles are not valued according to the true price or value thereof according to the true intent and meaning of this Act, then and in such case the importer or his known agent shall be required to declare on oath before the Treasurer or Deputy Treasurer (as the case may be) what is the invoice price of such articles, and that he verily believes such invoice price the current value of the articles at the place whence such articles were imported; and such invoice price shall be deemed to be the value of the articles in lieu of the value so declared by the importer or his known agent, and upon which the duties shall be charged and paid; provided that if it shall appear to the Treasurer or Deputy Treasurer, that such articles have been invoiced below the real value thereof at the place from whence the same were imported, or if the value is not known, the articles shall in such case be examined by one or more competent person or persons appointed or to be appointed by the Lieutenant Governor or Commander in Chief of the Province for the time being, and such person or persons or any one of them shall declare or certify to the Treasurer or Deputy Treasurer what is the true and real value of such articles, and the value so declared or certified shall be the true and real value of such articles, and upon which the duties imposed by any Acts of the General Assembly of the Province shall be charged and paid: Provided always, that if such articles be charged with duties by virtue of any Act or Acts of the Imperial Parliament and have been charged with duties according to the provisions of the same, such valuation shall be accepted as the true value for paying the provincial duties.

Value of articles to pay duty by how to be ascertained.

VII. And be it further enacted, That if upon the first entry of any article subject

Periods and
modes of pay-
ment of duties
retained.

ject to duty, the rates and duties imposed by any provincial Act or Acts shall not amount to the sum of twenty five pounds, then the said duties shall be paid by the importer or person making the entry thereof, before any permit shall be granted for the landing of the goods contained in such entry; but if the amount of such provincial duties shall amount to the sum of twenty five pounds, and not exceed fifty pounds, then the importer shall give bonds with at least one sufficient surety to be approved of by the Treasurer or Deputy Treasurer, in double the duties payable upon such goods, with a condition for the payment of the duties in three months; and if the said provincial duties shall amount to the sum of fifty pounds, and not exceed one hundred pounds, then the importer shall give bond in like manner for the payment of the duties, one half in three months, and the other half in six months; and if the said provincial duties shall amount to the sum of one hundred pounds, and not exceed two hundred pounds, then the importer shall give bond in like manner for the payment of the duties, one third in four months, one third in eight months, and the remaining third in twelve months; and if the said provincial duties shall amount to the sum of two hundred pounds and upwards, then the importer shall give bond in like manner conditioned for the payment of the duties, one third in six months, one third in twelve months, and the remaining third in eighteen months; all which bonds shall be executed by the importer with at least one good and sufficient surety in double the amount of such duties, and shall be taken in His Majesty's name and made payable to His said Majesty, His Heirs and Successors, and conditioned for the amount of the said duties respectively, at the time or times specified therein, to the Treasurer of the Province or to the Deputy Treasurer at the port or place where the same may be taken: Provided always, that in cases where by the provisions of this Act the importer or importers are entitled to have credit for payment of any duties upon giving bonds as aforesaid, the Treasurer or Deputy Treasurer shall be and they are hereby authorized to receive payment at the time of entry, if required, and to allow a discount or abatement therefrom at and after the rate of six per centum per annum, proportionable to the credit which the importer or importers would be entitled to have.

Discount for
prompt pay-
ment

(On refusal to
pay duties goods
to be seized and
sold.

VIII. And be it further enacted, That if the importer of such articles shall refuse to pay the duties imposed under and by virtue of any Act or Acts for raising a revenue in this Province, it shall and may be lawful for the Treasurer or Deputy Treasurer at the place where such articles shall be imported, and he is hereby respectively required to take and secure the same with the casks or other packages thereof, and to cause the same to be publicly sold within the space of twenty days at the most, after such refusal made, and at such time and place as such Treasurer or Deputy Treasurer shall by four or more days public notice appoint for that purpose: which articles shall be sold to the best bidder, and the money arising from the sale thereof, shall be applied in the first place in payment of the said duties, together with the charges that shall have been occasioned by such sale, and the overplus (if any) shall be paid to such importer or proprietor, or any other person authorized to receive the same.

Entry of goods
for exportation
in another ves-
sel without land-
ing.

IX. And be it further enacted, That every importer of any goods shall, within twenty days after the arrival of the importing ship, the same not being intended for exportation in the same ship to parts beyond the seas, make due entry inwards of such goods, and land the same, and in default of such entry and landing, it shall be lawful for the Treasurer or Deputy Treasurer to convey such goods to the King's or some special warehouse, and if the duties due upon such goods be not paid or secured within three months after such twenty days shall have expired,
together

together with all charges of removal and warehouse rent, the same shall be sold, and the produce thereof shall be applied first to the payment of freight and charges, next of duties, and the overplus, if any, shall be paid to the proprietor of the goods.

X. And be it further enacted, That it shall be lawful for the Treasurer or any Deputy Treasurer or provincial tide Surveyor, to go on board of any ship in any port in any part of this Province, and either before or after such ship comes to anchor, and to rummage and search all parts of such ships for dutiable goods, and freely to stay on board such ship so long as she shall remain in such port or place, and to search and examine the cargo, and to examine the matter upon oath touching the cargo and voyage, and if the master shall not truly answer the questions to be demanded of him in such examination, he shall forfeit the sum of one hundred pounds.

Searching vessels for dutiable articles

XI. And be it further enacted, That all boats, carriages and cattle made use of in the removal of any goods liable to forfeiture under this or any Act relating to the provincial revenue, shall be forfeited, and every person who shall assist or be otherwise concerned in the unshipping, landing or removal, or in the harbouring or concealing such goods, or into whose hands or possession the same shall knowingly come, shall forfeit treble the value thereof, or the penalty of one hundred pounds, at the election of the officer or person prosecuting; and the averment in any information or libel to be exhibited for the recovery of such penalty, that the officer or person proceeding has elected to sue for the sum mentioned in the information, shall be deemed sufficient proof of such election without any other or further evidence of such fact.

Removing or concealing goods liable to forfeiture

Penalty

XII. And be it further enacted, That it shall and may be lawful for the Treasurer or any Deputy Treasurer, to enter in the day time into any house, shop, or cellar or other building whatsoever, wherein such officer shall have reasonable cause to suspect or believe any goods to be, or to be concealed or deposited, which are liable to forfeiture under this or any Act relating to the provincial revenue; provided that before such entry made, information on oath shall be given to some one of His Majesty's Justices of the Peace for the County, or City and County where such house, shop, cellar or other building is situate, that such officer has reasonable cause to suspect and believe that goods liable to forfeiture as aforesaid are deposited or concealed therein, and immediately on such information being laid or given, such Justice shall, and he is hereby enjoined and authorized forthwith, but at some time, between sun rise and sun setting, to go with such officer to such house, shop or other building, and then and there to enter with such officer, or to authorize him to enter and search for such goods, if the doors be open, but if the doors be fastened and admission denied, then after first demanding to be admitted and declaring the purpose for which such entry is demanded, it shall be lawful for such Justice, and he is hereby required to direct and order such officer forcibly to enter into such house, shop, cellar or other building, and to search therein for any goods forfeited, and to seize and take away all goods liable to forfeiture under any Act relating to the provincial revenue.

Searching houses &c for dutiable goods, with a Justice of the Peace :

XIII. And be it further enacted, That under the authority of a writ of assistance granted by the Supreme Court of this Province, or the Chief Justice thereof, or any Judge thereof, or by the Inferior Court of Common Pleas, or any Justice of such Court, who are hereby authorized and required to grant such writ of assistance upon application made in term time, or in vacation, for that purpose, by the Treasurer of the Province or any Deputy Treasurer, and due cause shewn therefor, it shall be lawful for any officer of the revenue, taking with

Under the authority of a writ of assistance.

with him a peace officer, to enter any building or other place in the day time, and to search for and seize and secure any goods liable to forfeiture under any Act or Acts relating to the provincial revenue, and in case of necessity to break open any doors and chests, or other packages for that purpose; and such writ of assistance when issued, shall be deemed to be in force for and during the period specified in such writ.

Assaulting or obstructing revenue officers in duty.

Penalty

XIV. And be it further enacted, That if any person shall by force or violence assault, resist, oppose, molest, hinder, or obstruct any officer of the provincial revenue, or other person employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, such person being thereof convicted before any Court of Record in this Province, shall pay a fine not exceeding one hundred pounds, nor less than fifty pounds, in the discretion of the Court before whom such offender shall be tried; which fine shall be paid into the Province Treasury, for the use of the Province; and in case such fine be not paid, such person shall be imprisoned for such time not exceeding twelve months nor less than three months, at the discretion of the Court.

Suits for the recovery of penalties

XV. And be it further enacted, That no suit shall be commenced for the recovery of any penalty or forfeiture under any Act relating to the provincial revenue, except in the name of the Treasurer of the Province, or in the name of some Deputy Treasurer, or of His Majesty's Attorney General, or in his absence, of the Solicitor General of the Province; and if any question shall arise whether any person is an officer of the provincial revenue, or such other person as aforesaid, viva voce evidence may be given of such fact and may be deemed legal and sufficient evidence.

onus probandi to be on party claiming goods seized

XVI. And be it further enacted, That if any goods shall be seized for non-payment of duties, or any other cause of forfeiture, and any dispute shall arise whether the duties shall have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall be on the owner, or claimer of such goods, and not on the officer who shall seize and stop the same.

No claim to goods seized to be admitted unless entered in the name &c. of the owner.

XVII. And be it further enacted, That no claim to any thing seized under this or any Act relating to the provincial revenue, and returned in any of His Majesty's Courts of Record for adjudication, shall be admitted, unless such claim be entered in the name of the owner with his residence and occupation, nor unless oath to the property in such thing be made by the owner or by his attorney or agent by whom such claim shall be entered to the best of his knowledge and belief; and every person making a false oath thereto, shall be deemed guilty of a misdemeanour and shall be liable to the pains and penalties to which persons are liable for a misdemeanour.

No claim to be entered until security be given to pay costs.

XVIII. And be it further enacted, That no person shall be admitted to enter a claim to any thing seized in pursuance of this or any other Act relating to the provincial revenue, and prosecuted in any Court of the Province, until sufficient security shall have been given in the Court where such seizure is prosecuted, in a penalty not exceeding forty pounds, to answer and pay the costs of such claim if found against him, and in default of giving such security, such things shall be adjudged to be forfeited.

No revenue officer to be sued for any thing done in the exercise of his office, until

XIX. And be it further enacted, That no writ shall be sued out against nor a copy of any process served upon any officer of the provincial revenue, or other person as aforesaid, for any thing done in the exercise of his office; until one calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent to the party who intends

to

to sue out such writ or process; in which notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action and the name and place of abode of the attorney or agent; and no evidence of the cause of such action shall be produced except of such as shall be contained in such notice, and no verdict shall be given for the plaintiff unless he shall prove on the trial that such notice was given, and in default of such proof, the defendant shall receive in such action a verdict and costs.

after one month's notice &c.

XX. And be it further enacted, That every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in the place or district where the facts were committed, and the defendant may plead the general issue, and give the special matter in evidence, and if the plaintiff shall become nonsuited, or shall discontinue the action, or if upon a verdict or demurrer judgment shall be given against the plaintiff, the defendant shall receive treble costs, and have such a remedy for the same as any defendant can have in other cases where costs are given by law.

Actions to be brought within three months after cause thereof.

General issue

Costs.

XXI. And be it further enacted, That in case any information or suit shall be brought to trial on account of any seizure made under this or any other Act relating to the revenue, and a verdict shall be found for the claimant thereof, and the Judge or Court before whom the cause shall have been tried shall certify on the record that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure, wherein a verdict shall be given against the defendant, the plaintiff besides the thing seized or the value thereof, shall not be entitled to more than two pence damages nor to any costs of suit, nor shall the defendant be fined more than one shilling.

Verdict for claimant of goods seized.

Verdict for defendant.

XXII. And be it further enacted, That it shall be lawful for such officer, within one calendar month after such notice, to tender amends to the party complaining or his agent, and to plead such tender in bar to any action together with other pleas, and if the Jury shall find the amends sufficient they shall give a verdict for the defendant, and in such case or in case the plaintiff shall become nonsuited, or shall discontinue his action, or judgment shall be given for the defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only: Provided always, that it shall be lawful for such defendant by leave of the Court where such action shall be brought, at any time before issue joined to pay money into Court as in other actions.

Tender of amends.

XXIII. And be it further enacted, That in any such action if the Judge or Court before whom such action shall be tried shall certify upon the record that the defendant or defendants in such action acted upon probable cause, the plaintiff in such action shall not be entitled to more than two pence damages nor to any costs of suit.

Certificate of acting upon probable cause.

XXIV. And be it further enacted, That all commissions, deputations and appointments granted to any officers of the revenue in force at the time of the commencement of this Act, shall continue in force as if the same had been afterwards granted and made under and by authority of this Act, and that all bonds which shall have been given by any such officers and their respective sureties for good conduct or otherwise, shall continue and remain in full force and effect.

Appointments and bonds of officers to continue in force.

Appointment of
Deputy Treas-
urer

Securities.

Powers

Compensation.

Deputy Treas-
urer at Saint
John

Compensation

Tide Surveyors
and other Re-
venue officers to
be under the
control of the
Treasurer and
deputies.

Duties.

XXV. And be it further enacted, That it shall be the duty of the Treasurer of the Province for the time being, in places where a Deputy may be required for the due enforcement of this or any other Act relating to the revenue of this Province, to appoint fit persons to be approved of by the Lieutenant Governor and Commander in Chief, to be Deputy Treasurers in such port or place; which persons so appointed and approved of shall give good and sufficient security by bond to his Majesty for the faithful discharge of their duties respectively, that is to say: the Deputy Treasurer at Saint Andrews and Miramichi respectively in a sum not less than four thousand pounds; the Deputy Treasurer at Dalhousie in a sum not less than three thousand pounds; the Deputy Treasurer of Richibucto in the County of Kent in a sum not less than two thousand pounds; the Deputy Treasurer of Bathurst in a sum not less than two thousand pounds; the Deputy Treasurer at West Isles in a sum not less than one thousand pounds; and all other Deputy Treasurers respectively in a sum not less than five hundred pounds; and all such bonds shall also be executed by at least two good and sufficient sureties to be approved of by the Treasurer, and shall be taken in the name of His Majesty, His Heirs and Successors; and the said Deputy Treasurers now in office and all those who may hereafter be appointed shall be accountable to the Treasurer of the Province for the time being, when thereunto required, for all sums of money received by them under and by virtue of this or any other Act relating to the revenue of the Province; and all Deputy Treasurers whether appointed under this or any previous Act and now in force, shall have the same powers to the fullest extent in every respect to make seizures, and proceed to condemnation and sale, as are given to the Treasurer by virtue of this or any other Act; and each Deputy Treasurer shall and may retain for his services ten pounds for every hundred pounds which he shall receive, secure or shall come into his hands, under and by virtue of this or any other Act relating to the revenue of this Province, over and above his proportion of the seizures and forfeitures which he may make under and by virtue of this or any other Act relating to the provincial revenue: Provided always, that the sum so retained as aforesaid shall not in any one year exceed three hundred pounds for the services of any one Deputy.

XXVI. And be it further enacted, That it shall and may be lawful for the said Treasurer, in case of sickness or necessary absence from the City and County of Saint John, to appoint a fit person to act as his Deputy there, for whose acts the said Treasurer shall be responsible; which Deputy during his continuance in office shall have the same power and authority in every respect as the Treasurer hath by virtue of this or any other Act relating to matters of revenue where personally executing the duties of his office, but shall receive no compensation or allowance from the public Treasury for his services, except his proportion of the proceeds of any seizures which he may make or of any penalties and forfeitures which may be incurred by this or any other act during his continuance in office as aforesaid.

XXVII. And be it further enacted, That the tide surveyors and waiters and all other revenue officers who may be appointed by the Lieutenant Governor or Commander in Chief for the port of Saint John, or for any other port or place within the Province, shall in all respects be under the orders, directions and control of the Treasurer and Deputy Treasurers respectively for the places where such officers may be appointed; and the said tide surveyors and waiters, and other revenue officers, shall attend to the unloading of ships and vessels with dutiable articles, and shall not allow any such dutiable articles to be landed from any ship or vessel arriving at any port or place for which they

are

are respectively appointed, without a permit from the Treasurer or Deputy Treasurer, as the case may be; which permit to land dutiable articles shall be made by the Treasurer or Deputy Treasurer immediately upon the duties thereon being paid or secured agreeably to the provisions of this or any other Act relating to provincial revenue; and if any tide surveyor, waiter or other revenue officer attending the unloading of any vessel with dutiable articles, or shall discover any articles on board which have not been duly entered by the master in his report of the cargo on board such vessel, or in the report of the owner or consignee of such articles, or if any such article shall be by such officer found to be landed from such ship, or otherwise imported contrary to the provisions of this or any other Act for raising a revenue, it shall be the duty of such tide surveyors and waiters respectively, and other revenue officers respectively, and they are hereby required forthwith to take possession of such articles and detain the same, and make report thereof to the Treasurer or Deputy Treasurer at the port or place where such detention shall take place, and the said Treasurer or Deputy Treasurer shall immediately seize the said articles, and proceed against the same according to the provisions of this Act.

XXVIII. And be it further enacted, That for the recovery of all duties imposed by the provisions of any Acts of the General Assembly for raising a revenue, and for which the said Treasurer or Deputy Treasurer at the port or place has taken security by bonds as aforesaid, and which have not been paid at the several times limited for payment thereof respectively as aforesaid, the said Treasurer or Deputy Treasurer is hereby directed to transmit the same within thirty days to His Majesty's Attorney General for prosecution, and His Majesty's Attorney General is hereby required forthwith to cause process to be issued against all and every person or persons so standing indebted, and to pursue the same to final judgment and execution, [and] unless payment of the sum due and costs be previously made; and in case the said bonds shall not be transmitted to be prosecuted within thirty days after default in payment of the amount secured in such bond, the surety in such bond shall be discharged and recourse only to be had against the principal of the same, or against the Treasurer or Deputy Treasurer so neglecting to transmit the same for prosecution: Provided always, that all bonds entered into for the security of duties imposed by this Act shall be void, and may be cancelled or destroyed, unless such bonds shall be sued within one year from the time limited in such bonds for the payment of such duties or the last instalment due on the same, and if such bond shall not be prosecuted to final judgment and execution in three years from the time limited as last aforesaid, then and in such case such bonds shall be void.

Proceedings on bonds to secure duties not paid when due.

XXIX. And be it further enacted, That the Treasurer and the several Deputy Treasurers respectively shall make half yearly return to the office of the Provincial Secretary of the bonds by them respectively taken for the duties and then remaining unpaid, stating the names of the obligors, the amount secured, the dates of such bonds, the times when payments become due and the amount (if any) which has been paid thereon, and any other particulars which may be necessary, which returns shall be annually laid before the House of Assembly in the Treasurer's account; and the Treasurer or Deputy Treasurer who shall neglect to make such returns for a longer period than two months after the expiration of each and every period shall severally be liable to pay a penalty of fifty pounds, to be applied to the use of this Province.

Half yearly returns of bonds to be made to the office of the Provincial Secretary

Penalty.

XXX. And be it further enacted, That it shall and may be lawful for the Treasurer of the Province to appoint fit and proper persons in every such place and

Appointment of Collectors of duty on cattle and horses

Powers.

and places within the Province as he may judge meet and expedient; to be Collectors of duties on cattle and horses; and every person so appointed or who may have been appointed under any former Act relating to the revenue, are hereby authorized to detain and report to the Treasurer or Deputy Treasurer all such cattle and horses as may be found on any road, place or places, and so imported and brought as aforesaid, unless the owner or owners, person or persons having charge of and driving such cattle and horses, shall produce a separate certificate for each and every such horse or head of cattle from the Treasurer or one of his Deputies, that the duties have been paid or secured to be paid on such cattle and horses; and the said Collectors shall give bonds to the Treasurer in the sum of one hundred pounds, with two sufficient sureties in the sum of fifty pounds each, for the faithful discharge of their trust, and shall be allowed one half of the commission to be received by the Deputy Treasurer of the County in which such Collector shall reside; and also one half of the net proceeds of the sale of all cattle and horses so detained and forfeited under and by virtue of this Act.

Sureties.

Compensation.

Duties on horses &c. to be collected at Saint John, Saint Andrews, Saint Stephens and Woodstock only.

XXXI. And be it further enacted, That no duties on any horses or horned cattle shall be collected at any place in the Province, except at the office of the Treasurer of the Province, or the Deputy Treasurer at Saint Andrews, Saint Stephens and Woodstock; and all foreign horses and horned cattle which may be found within the Province, except when on the way to any of the said places, without a certificate from the said Treasurer, or some one of the said Deputy Treasurers, for each and every such horse, and for each and every head of such horned cattle, that the duty thereon had been paid either at the Deputy Treasurer's office at Saint Andrews, Saint Stephens or Woodstock, shall be seized and forfeited, and may be prosecuted to condemnation in manner and form as provided in and by the provisions of this Act.

Powers of Deputy Treasurers of Saint Stephens and Woodstock.

XXXII. And be it further enacted, That the Deputy Treasurers of Saint Stephens and Woodstock, shall have the same powers to the fullest extent as other Deputy Treasurers have under the provisions of this Act, as far as relates to horses, horned cattle, goods, wares and merchandize imported by inland navigation or by land.

Articles seized and sold by officers of Customs made liable to duty &c.

XXXIII. And be it further enacted, That all articles which are subject to duties under any Act for raising a revenue, and which having been seized and sold by the officers of His Majesty's Customs in any part of the Province, for having been illegally imported or smuggled, shall be liable to the same rates and duties as if the same had been legally imported and entered at the Treasurer's or any Deputy Treasurer's office, as required by this or any other Act relating to revenue; and the purchaser or purchasers of any such articles sold as aforesaid, shall within twenty four hours after such sale and purchase, and before any part of the articles so purchased shall be consumed, make report to the Treasurer or his Deputy at the place nearest the sale, in writing under affidavit, of the articles so purchased, and the duties arising thereon shall then be paid or secured to be paid in the same manner and subject to the same regulations as duties arising on such articles when legally imported; and upon the exportation of any such articles so purchased, reported, and upon which the duties have been paid or secured as aforesaid, the purchasers shall be entitled to the like drawbacks as hereinafter allowed upon the exportation of the like articles, subject always to the like regulations, provisions and restrictions as are hereinafter made and provided; and if any dutiable articles which may have been imported into the Province, or purchased from some resident merchant or trader for the use of His Majesty's army or navy, and upon which no duties have been paid, or upon which the duties may have been repaid, shall at any time be sold by order

Articles for the use of the Army or Navy sold by order of Government made liable to duty &c.

of

of the Government, the purchaser or purchasers shall report the same and pay or secure to be paid the same amount of duties as such articles are liable to when imported into the Province, and shall be entitled to the same drawbacks upon the exportation thereof, subject to the same regulations, provisions and restrictions as are hereinafter provided and made as hereinafter mentioned; and any purchaser of dutiable articles at any custom house sale, or at the sale of government stores as aforesaid, who shall refuse or neglect to make report of such articles so purchased, and to pay or secure the duties thereon, shall, if the same articles cannot be found, forfeit and pay the sum of one hundred pounds, and if the whole of the same are found, then in lieu of such penalty the said articles shall be forfeited, and may be seized, taken away and prosecuted, by order of the Treasurer or any Deputy Treasurer, and the proceeds thereof applied in manner directed by this Act.

Report of such articles to be made.

XXXIV. And be it further enacted, That any articles subject to duties by any Act for raising a revenue, which may be imported expressly for the use of His Majesty's army, navy or ordnance, and actually delivered to the Commissary or any authorized officer of government, shall be and the same are hereby exempted from the duties herein before imposed upon the like articles; and any such articles which may be supplied by any resident merchant or trader for the uses aforesaid, and actually delivered to the Commissary or any other authorized officer of government, shall also be exempt from the payment of any duties herein imposed, and if the duties thereon shall have been paid, then such resident merchant or trader shall receive back the amount of such duties, or if indebted to the Treasury, shall have credit for the same by deducting the amount from the gross amount of his bond, the instalments of which shall be regularly paid upon the balance thereof: Provided always, that before any such dutiable articles shall be exempted from the payment of duties, and before any re-payment of duties shall be made or credit given therefor, the Commissary or other authorized officer of government shall, if the said articles have been imported, produce the invoice or bill of lading of such articles to the Treasurer or his Deputy at the place of importation, and shall make and subscribe an affidavit before the said Treasurer or Deputy as aforesaid, that the several articles contained in such invoice or bill of lading are imported expressly for the use of His Majesty's army, navy or ordnance, and received into his charge for that purpose; and if any such articles shall be supplied for the like purpose by any resident merchant or trader, such resident merchant or trader shall report, and make and subscribe an affidavit before the Treasurer or his Deputy as aforesaid, that the articles mentioned in the report and affidavit were actually delivered to the Commissary or other authorized officer, and the said Commissary or other authorized officer shall also make and subscribe an affidavit before the Treasurer or Deputy Treasurer, that the articles mentioned in the said report and affidavit of the merchant or trader are actually delivered into his charge for the use aforesaid.

Articles imported or supplied by a resident Merchant for the Army, Navy or Ordnance, exempted from duty.

Evidence.

XXXV. And be it further enacted, That the quantity of all dutiable liquors and molasses shall be ascertained by Gunter's calipers, and shall be gauged by a sworn gauger or gaugers appointed by the Lieutenant Governor or Commander in Chief, which gaugers shall not gauge any dutiable articles in which they have any interest or property.

Gauging liquors and molasses.

XXXVI. And be it further enacted, That any person importing by inland navigation or by land, into any port of this Province, horses, horned cattle or any articles which are subject to a duty under this or any other Act or Acts of the General Assembly of this Province for raising a revenue, who shall neglect

Importation by inland navigation or by land of horses &c. and not reporting to the Treas-

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suror or Deputy
at Saint An-
drews, Saint
Stephens or
Woodstock.
Penalty.

to report the same and pay the duties thereon to the Treasurer of the Province, or the Deputy Treasurer at Saint Andrews, Saint Stephens or Woodstock, as the case may be, shall for each and every neglect or offence be liable to the same forfeitures and penalties as persons are who may be convicted of fraudulently landing any dutiable articles from on board of any ship or vessel arriving at any port or place in the Province, to be recovered and applied in the same manner as the penalties are in and by this or any Act relating to revenue, and all goods so imported as aforesaid may be seized by the Treasurer of the Province or any Deputy, as the case may be, and prosecuted to condemnation and sale in the same manner as goods seized and forfeited may be under and by virtue of this or any Act relating to revenue.

Importation by
inland naviga-
tion or by land
of horses &c.
and not report-
ing to the De-
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drews, Saint
Stephens or
Woodstock.
Penalty.

XXXVII. And be it further enacted, That if any person or persons shall import into this Province by inland navigation or by land any horses, horned cattle, or any goods, wares or merchandize of any description subject to duty under any of the revenue laws of this Province, and shall neglect to report the same and pay the duties on such articles so imported at the office of the Deputy Treasurer at Saint Andrews, Saint Stephens or Woodstock, such person or persons so offending shall be liable to the same penalty as persons are by this or any Act relating to revenue who shall land articles from any ship or vessel before report of the cargo of such ship or vessel, to be recovered in the like manner as the penalties are in and by this or any Act relating to revenue; and all horses, horned cattle, goods wares and merchandize of every kind, which may be seized for non-payment of the duties or for default made to the Deputy Treasurer as aforesaid, may be proceeded against in the same manner as seizures are in and by this or any Act relating to revenue.

Dutiable articles
to be deemed
condemned un-
less notice of
claim be given
within one
month

XXXVIII. And be it further enacted, That all dutiable articles which may be seized as having been imported contrary to the provisions of this or any other Act of the General Assembly for raising a revenue, shall and may be deemed and taken to be condemned for breach of any law or laws of this Province relating to revenue, unless the owner or owners of the articles so seized as forfeited, or the person from whom they were so seized or some person duly authorized by him, shall within one calendar month from the day of seizing the same, give notice in writing to the Treasurer or Deputy Treasurer at or nearest the place where such seizure shall have been made, that he claims the articles or things so seized: Provided always, that in case the articles so seized be live stock or dead meats, or any description of perishable articles, unless claim to the same shall be made and notice thereof given within forty eight hours after such seizure made, the same shall be taken and deemed to be forfeited, and sold at public auction after twenty four hours notice being given.

Proviso as to
perishable arti-
cles

XXXIX. And be it further enacted, That all articles seized as forfeited by virtue of this or any other Act relating to the revenue of this Province, and claimed by any person or persons agreeably to the provisions of the preceding section, and security given for prosecuting such claim with effect, shall and may be prosecuted to condemnation in the name of the Treasurer or Deputy Treasurers making such seizure, or by information of His Majesty's Attorney General or Solicitor General, before any two of His Majesty's Justices of the Peace residing near the place where such 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 or any other Act relating to revenue, together with the evidence taken before them upon such trial: Provided always, that in case the articles seized shall be of the value of twenty five pounds,

Prosecution of
articles seized to
be in the name
of the Treasurer
&c.

pounds, then the same shall be proceeded against in some of His Majesty's Courts of Record within the Province.

XL. And be it further enacted, That if any articles shall be seized as forfeited under the provisions of this Act or any Act hereafter to be made relating to revenue, it shall and may be lawful for the Treasurer or Deputy Treasurer making such seizure to deliver up the same to the claimant on security by bond with two sufficient sureties, to be approved of by such Treasurer or Deputy Treasurer, to answer double the value of the same in case of condemnation; and such bond shall be taken in the name of His Majesty, and shall be delivered to and kept in the custody of such Treasurer or Deputy Treasurer; and in case the goods shall be condemned, the value thereof shall be paid into the hands of such Treasurer or Deputy Treasurer, who shall thereupon cancel such bond.

Articles seized may be delivered up to the claimant on security.

XLI. And be it further enacted, That any penalty or forfeiture inflicted under and by virtue of this Act or any Act hereafter to be made, may be prosecuted, sued for and recovered by action of debt, bill, plaint or information in any of His Majesty's Courts of Record within this Province, in the name of the Treasurer or Deputy Treasurer, or in the name of His Majesty's Attorney or Solicitor General; and in every action or suit the person against whom judgment shall be given for any penalty or forfeiture under this Act shall pay costs of suit; and every such action or suit shall and may be brought within three years after the offence committed and not afterwards.

Prosecution of penalties or forfeitures.

XLII. And be it further enacted, That all forfeitures and penalties incurred and recovered under and by virtue of this Act shall be divided, paid and applied as follows, (that is to say,) after deducting the charges of prosecution from the proceeds thereof, one half part thereof to His Majesty for the use of the Province and for the support of the Government thereof, and the other moiety or half part thereof to the officer who shall inform and sue for the same.

Application of forfeitures and penalties.

XLIII. And be it further enacted, That the net proceeds of all articles seized and condemned under the provisions of this or any other Act relating to revenue shall be divided, paid and applied as follows, that is to say, one third part of the net produce shall be paid into the hands of the Collector of His Majesty's Customs at the port or place where such seizure shall be made, for the use of His Majesty, one third part to the Lieutenant Governor or Commander in Chief for the time being, and the other part to the person who shall seize and prosecute the same to conviction.

Application of proceeds of articles seized and condemned.

XLIV. And be it further enacted, That whosoever shall export or carry out of this Province by sea any articles chargeable with provincial duty, and upon which upon their entry inwards for home use the duties shall have been paid or secured, or which may have been purchased at any custom house sale or sale of government stores, shall be entitled to and shall be allowed a drawback or allowance of the whole amount of such duties; provided the goods shall be of the quantity or value for which a drawback of duty is hereinafter allowed; and provided also, that the regulations hereinafter contained shall be in all things observed in respect thereof.

Drawback allowed on exportation of dutiable articles

XLV. And be it further enacted, That a drawback aforesaid of the whole provincial duty upon articles not warehoused, or upon articles on which the duties upon those articles shall have been paid or secured, shall be allowed upon any quantity of wine not less than twenty five gallons if in wood, or if bottled not less than six dozen bottles; brandy, gin, hollands, geneva and whisky, not less than twenty five gallons; not less than one hundred gallons of rum or other spirituous liquors; not less than five hundred gallons of molasses; not less

Quantity to be exported to entitle to drawback defined.

less than ten hundred weight of brown sugar; not less than six hundred weight of loaf or refined sugar; not less than five hundred weight of dried fruits; not less than two hundred weight of coffee or pimento; and upon any amount not less than fifty pounds of the original or declared value of any articles charged with duty thereof, according to the value thereof at the time of importation, nor unless the requisite proof of their having been landed without the Province, to be produced at the office within twelve months from the time of exportation; and no drawback shall be allowed upon articles landed in any port of the United States eastward of Machias harbour; and provided also, that when satisfactory proof is lodged with the Treasurer or Deputy Treasurer of the exportation of any article subject to duty, the said duty shall not be exacted within twelve months after the exportation of such articles: Provided always, that no drawback shall be paid upon the exportation of any articles, unless the bond given for the duty upon such articles at the time of the original or first entry shall be paid, but the Treasurer or Deputy Treasurer shall and may endorse the amount of such drawback upon the bond.

Payment of drawback.

Evidence of exportation in same bottom, without landing.

XLVI. And be it further enacted, That the evidence to be required of the exportation of dutiable articles in the same bottom, shall be the affidavit of the master and of the owner or consignee before the Treasurer or one of his Deputies, and the affidavit of the master shall be as follows:

I A. B. do swear that the following articles, to wit, _____ are now actually on board the _____ whereof I am master, that the same were imported in the same vessel, and are the same that were mentioned in the entry and report of the said vessel and cargo at this office on the _____ day of _____, and that no part of the same are to be landed within the Province, to the best of my knowledge and belief.

And the owner or consignee of the same articles shall at the time and place, make and subscribe an affidavit that he is the owner or consignee of such articles, and that the contents of the affidavit made by the master are just and true to the best of his knowledge and belief; and when articles are not exported in the same bottom in which they were imported, shall make and subscribe an affidavit as follows, (to wit):

Not in same bottom

I A. B. do swear that the following articles, to wit, _____ were imported into the Province in the vessel called the _____ whereof I am master, and are the same mentioned and specified in the entry and report of the said vessel and cargo at this office on the _____ day of _____, and that no part thereof has been landed since the said entry and report; and that the same have been actually shipped on board the vessel called the _____ in the harbour of _____ whereof _____ is master.

And the owner or consignee of the same articles shall at the same time and place make and subscribe an affidavit that he is the owner or consignee of such articles, and that the contents of the affidavit made by the said master are just and true, and that the said articles are not to be landed within the Province to the best of his knowledge and belief; and the master of the vessel on board of which such articles have been re-shipped, shall at the same time make and subscribe an affidavit that the articles mentioned in the affidavit of the master of the vessel in which they were imported, are actually on board the ship or vessel of which he is master, and that the same or any part thereof are not to be again landed in the Province to the best of his knowledge and belief.

XLVII. And be it further enacted, That when any dutiable articles are exported

ported for drawback after having been landed in the Province, the evidence of such exportation shall be an affidavit made and subscribed by the owner or consignee of such articles before the Treasurer or Deputy Treasurer as follows, (to wit):

Evidence of exportation after landing.

I A. B. do swear that the articles by me now shipped on board the whereof is master, were lawfully imported [or purchased at a Custom House sale, or sale of Government Stores] in the whereof was master from , and that the duties thereon have been paid or secured to be paid by me at this office, and that the same or any part thereof are not intended to be re-landed in this Province, to the best of my knowledge and belief.

Also an affidavit made and subscribed by the master of the vessel in which the articles are to be exported as follows, (to wit):

I A. B. do swear that the articles shipped by as mentioned in his affidavit are now actually on board the whereof I am master, bound for , and that the same or any part thereof are not to be re-landed within the Province, to the best of my knowledge and belief.

Provided always, that before any drawback shall be paid, or a remission of duties upon articles exported in the same bottom, or transhipped into another vessel, and exported without being landed, obtained, it shall be incumbent on the owner or consignee of such articles to produce to the Treasurer or Deputy to whom the duties shall have been paid or secured, within one year from the time of exportation thereof, a certificate under the hand and seal of the Collector or principal officer of the Customs or of the revenue of the place to which the same were exported, or a certificate of two resident merchants of the place where such dutiable articles may have been landed, that such articles have been there actually landed, and he shall at the same time make and subscribe the following affidavit:

I A. B. do swear that the articles exported by me in the whereof was master, a certificate of the landing of which is by me now exhibited, have been actually landed at to the best of my knowledge and belief.

XLVIII. And be it further enacted, That if all or any of the articles reported for exportation without being landed, or which having been landed have been shipped for exportation, with a view to obtain a remission of the duties thereon, or to obtain the drawbacks allowed by this Act, have been landed or re-landed contrary to the true intent and meaning of this Act, all such articles so landed or re-landed, and such as may be on board at the time of discovering such intended fraud, shall be forfeited, and shall and may be seized and prosecuted to condemnation, and the proceeds of such forfeiture applied as in this Act directed; and if it shall be discovered within one year after the articles so reported for exportation, or which may have been shipped for exportation after having been landed, or after any drawbacks may have been paid or received, that the whole or any part thereof have been fraudulently re-landed within the Province, the owner or consignee of such articles, and the master or owner of the ship or vessel from which the same were re-landed, shall severally pay the sum of one hundred pounds, to be recovered and applied as hereinafter directed.

Landing articles exported for drawback.

Forfeiture.

Penalty.

XLIX. And be it further enacted, That the evidence required to obtain any drawback on horned cattle exported from this Province shall be a certificate of the Treasurer or Deputy Treasurer as the case may be, that the cattle upon which the drawback is claimed were on the importation of such cattle reported for exportation, also an affidavit shall be annexed in manner and form as follow, (to wit):

Evidence of exportation of horned cattle.

I A. B. do swear that the following [*here state the number and description of cattle*] now on board the whereof is master, bound for , and that they are the same as are mentioned in the annexed certificate, and were reported for exportation, and that the same are not intended to be re-landed in this Province, to the best of my knowledge and belief.

And also the affidavit of the master of the vessel mentioned in the owner's or consignee's affidavit and subscribed by him in form following, (to wit):

I A. B. do swear that the shipped by are now actually on board the whereof I am master, bound for , and that the same are not to be re-landed in this Province, with my knowledge or consent, unavoidable accident excepted.

Payment of drawback.

which affidavit and certificate shall be filed in the office where taken: Provided always, that no drawbacks shall be allowed and paid in less than one month after the sailing of the vessel in which the cattle for which the same are claimed were shipped, nor unless the cattle reported for exportation shall be actually exported within three months from the time of their importation: Provided always, that if any cattle shall be fraudulently re-landed in this Province after shipment for exportation as aforesaid, the same shall be forfeited, and may be sold forthwith without further process by the Treasurer or nearest Deputy Treasurer, and the proceeds applied, one half to the informer, the residue to His Majesty for the use of the Province; and the owner or consignee of such cattle, and the master of the vessel from which they have been fraudulently re-landed, shall severally forfeit and pay a fine of one hundred pounds.

Fraudulent re-landing.

Forfeiture.

Penalty.

Duties may be secured or articles warehoused.

L. And be it further enacted, That the importer or consignee of any goods or articles subject to duty under and by virtue of any Act of the General Assembly of this Province, the duties upon which would amount to twenty five pounds or upwards, may have his option either to secure the duties on the same in the manner prescribed in and by this Act or to warehouse such articles and pay the duties thereon from time to time as the same may be sold or entered for home consumption, and before delivery thereof as hereafter provided.

Entry of, and bond for articles to be warehoused

LI. And be it further enacted, That before the owner, agent or consignee of any such articles shall have the benefit of the option hereinbefore provided, it shall be the duty of the owner, importer or consignee of any such articles, to enter the same for warehousing, and to provide a good and sufficient warehouse to be approved of by the Treasurer or Deputy Treasurer as the case may be, and fitted and prepared to the satisfaction of the said Treasurer or Deputy Treasurer; and before any such articles shall be admitted into any such warehouse, the owner, importer or consignee of the same shall, instead of the bonds hereinbefore required, give bonds with two sufficient sureties to be approved of by the said Treasurer or Deputy Treasurer as the case may be, in double the amount of duties payable on such articles in such warehouse mentioned in the entry of the same, and for the payment of the duty on such articles or for the exportation thereof according to the account first taken of such articles upon the landing of the same, with the further condition that no part shall be taken out of such warehouse until cleared from thence upon due entry and payment of duty or upon due entry for exportation, and with the further condition that the whole of such articles shall be so cleared from such warehouse and the duties upon such deficiency (if any) of the quantity according to such first account shall be paid within two years from the date of the first entry thereof.

LII. And be it further enacted, That if any articles which have been entered
to

to be warehoused, shall not be duly carried and deposited in the warehouse or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation from the warehouse shall not be duly carried therefrom and shipped, or shall afterwards be re-landed except with the permission of the proper officer of the Treasury, such goods shall be forfeited.

Articles entered for warehousing and not deposited &c. forfeited.

LIII. And be it further enacted, That upon the entry outwards of any article to be exported from the warehouse or for removal from one bonded warehouse to another within the Province, the person entering the same shall give security by bond in treble the duty thereon, with two sufficient sureties to be approved by the Treasurer or Deputy Treasurer, conditioned that the same shall be landed at the place for which they be entered outwards, or be otherwise accounted for to the satisfaction of the said Treasurer or Deputy Treasurer: and all articles deposited in any warehouse or removed from one bonded warehouse to another within the Province pursuant to this Act, shall be taken out for home consumption or for exportation within two years from the date of the original report and entry of such articles.

Bond upon entry outwards of articles from warehouses.

LIV. And be it further enacted, That upon the entry of any goods of foreign growth or produce subject to provincial duties, and which are also subject to duties and intended to be warehoused under the provisions of any Act or Acts of the Imperial Parliament, the exporter of such goods may instead of paying or securing the provincial duties as directed in and by this Act, shall give bond with at least one good and sufficient surety to be approved of by the Treasurer or Deputy Treasurer, in double the amount of duties payable at the Treasury thereupon, with condition for safe depositing the goods in the warehouse and for payment of such duties before taking the same out of the warehouse for home consumption or for the exportation thereof, and with further condition that if the goods be not taken out of the warehouse in two years, the duties shall at the expiration of that period be paid.

Bond upon entry inwards of articles to be warehoused under Act of Parliament.

LV. And be it further enacted, That if any goods which shall have been so warehoused shall be fraudulently concealed in or removed from the warehouse except for exportation, without payment of the provincial duties imposed thereon, such goods shall be forfeited and may be seized and disposed of in the manner directed by this Act; and if any importer or proprietor of any goods warehoused or any person in his employ, shall by any contrivance fraudulently open the warehouse or gain access to the goods, such importer or proprietor shall forfeit and pay for every such offence the sum of fifty pounds.

Fraudulent removal &c. of warehoused articles.

LVI. And be it further enacted, That when any goods or chattels shall be seized as forfeited, and prosecuted to condemnation and sale by the Treasurer or any Deputy Treasurer under the provisions of this or any other Act relating to revenue, notice of such sale be given to the principal officer of the Customs nearest to where such condemnation and sale shall take place, and if it shall appear that such goods and chattels so condemned as forfeited are subject to duties by means and powers of any Act or Acts of the Imperial Parliament for the general regulation of trade, and that such duties have not been paid, then and in such case it shall be the duty of the Treasurer or Deputy Treasurer as the case may be, to deduct the amount of such Parliamentary duties from the proceeds of the sale of such goods and chattels so condemned and sold as aforesaid, and account for the same in the manner as if the amount thereof had been received by such principal officer of the Customs as aforesaid, and the residue of such proceeds shall be applied in the same manner as the proceeds of other seizures are under the provisions of this Act.

Notice of sale of articles seized to be given in the nearest officer of the Customs.

Prosecution of vessels, carriages, horses and cattle.

LVII. And be it further enacted, That all vessels and boats of fifteen tons and under, and all carriages, horses and cattle which may be seized under this or any other Act relating to the revenue of the Province, may be prosecuted upon information of the Treasurer or any Deputy Treasurer, or the commander of any revenue vessel, agreeably to the provisions of this Act.

Articles seized to be sold at public auction

LVIII. And be it further enacted, That all articles which shall have been seized, condemned and forfeited under and by virtue of this Act, shall, under the direction of the Treasurer or Deputy Treasurer at the port or place where such articles shall have been so seized, condemned and forfeited, be sold by public auction to the highest bidder, and the proceeds of such sales disposed of as is provided in and by this Act.

Oaths to be administered by the Treasurer and Deputies.

LIX. And be it further enacted, That the Treasurer of the Province and the Deputy Treasurers respectively are hereby authorized and empowered to administer all the oaths required to be made and taken for carrying the provisions of this or any other Act relating to the revenue of the Province into effect; and every person who shall be convicted of making a false oath to any of the particulars required of him to be sworn to, shall be liable to all the pains and penalties to which persons are liable for wilful and corrupt perjury.

Treasurer's Clerk may administer oaths.

LX. And be it further enacted, That the clerk in the office of the provincial Treasury, at the City of Saint John, appointed or to be appointed by the Treasurer of the Province, while in such office, is hereby empowered to administer all oaths required to be administered by the Treasurer of the Province upon entries, manifests, or other proceedings in the said office, in like manner as the Treasurer of the Province is authorized to administer the same; and any person who shall make a false oath before such clerk in such office shall be deemed guilty of perjury, and liable to the pains and penalties of the same: Provided always, that the Treasurer of the Province shall first publish in the Royal Gazette the name of such clerk.

Clerk's name to be Gazetted.

Liability to seizure to continue for two years

LXI. And be it further enacted, That the liability of any article or articles to seizure under and by virtue of this or any other Act relating to revenue shall be and continue for the term of two years from the time the same are imported or brought into the Province and no longer.

Recovery of duties saved

LXII. And be it further enacted, That the right of recovering any of the duties, penalties and forfeitures imposed, inflicted or incurred under the provisions of any former Act or Acts relating to revenue, and all securities taken by virtue of the same are hereby expressly saved.

Limitation

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

CAP. V.

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

Passed 8th March, 1836.

“**W**HEREAS the laws now in force relating to the fisheries in the County of Northumberland will expire on the tenth day of May next;”

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the thirty ninth year of the reign of his Majesty King George the Third, intituled “An Act for regulating the fisheries

fisheries in the County of Northumberland," and also an Act made and passed in the fifty sixth year of the same reign, intituled "An Act in amendment of an Act, intituled 'An Act for regulating the fisheries in the County of Northumberland,'" and also an Act made and passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled "An Act in further amendment of the laws for regulating the fisheries in the County of Northumberland," so far as the said several Acts are now in force, be and the same are hereby continued and declared to be in force until the tenth day of May which will be in the year of our Lord one thousand eight hundred and thirty eight.

56 G. 3, C. 3

4 G. 4, C. 23.
so far as in force.
continued

CAP. VI.

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."

Passed 8th March, 1836.

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 present Majesty, 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 force until the first day of May which will be in the year of our Lord one thousand eight hundred and forty.

1 W. 4, C. 37.
continued

CAP. VII.

An Act, to continue an Act, intituled "An Act to amend the Law relative to the sales of Spirituous Liquors by Tavernkeepers and Retailers within the County of Saint John, and for the more effectual prevention and punishment of drunkenness,"

Passed 8th March, 1836.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of His Majesty's reign, intituled "An Act to amend the law relative to the sale of spirituous liquors by tavernkeepers and retailers within the County of Saint John, and for the more effectual prevention and punishment of drunkenness," be and the same is hereby continued for the term of three years.

3 W. 4. C. 29,
continued.

CAP. VIII.

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

Passed 8th March, 1836.

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

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

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.

CAP. IX.

An Act, to establish the Road leading from Houlton to Woodstock one of the Great Roads of Communication in this Province.

Passed 8th March, 1836.

Road from
Houlton to
Woodstock
established as a
great road

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the road leading from Houlton, commencing at the boundary line between this Province and the State of Maine, through the Richmond settlement, to the great road leading through Woodstock in the County of Carleton, be and the same is hereby established one of the great roads of communication in this Province.

CAP. X.

An Act, in addition to an Act, intituled " An Act for the endowment of King's College at Fredericton in the Province of New Brunswick, and also to make new provisions for the establishment and support of Grammar Schools throughout the Province."

Passed 8th March, 1836.

Ch. 10 G 4
C 29

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 of this Province, the Counties of York and Charlotte, and the City and County of Saint John excepted, to be Trustees and Directors of 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 favor 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 Carleton;"

Ch. 10 G 4,
C. 29, S 7 and
13, extended to
County of Carle-
ton.

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 Carleton, in like manner as if the same had

had been particularly mentioned therein, any thing 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.

CAP. XI.

An Act, to continue an Act, intituled “ An Act to grant a bounty on the destruction of Bears in this Province.”

Passed 8th March, 1836.

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 late Majesty 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. 9 G. 4, C. 19, continued.

CAP. XII.

An Act, to amend and explain an Act passed in the fifth year of the present reign, intituled “ An Act to authorize and empower the Justices of the Peace for the County of Charlotte to lease a part of the public landing at Salt Water in the Parish of Saint Stephen.” 5 G. 4. C. 22.

Passed 8th March, 1836.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the power and authority granted to the Justices of the Peace for the County of Charlotte to lease a part of the public landing at Salt Water in the Parish of Saint Stephen, shall be performed and exercised by them in their General Sessions for the said County and not otherwise, and that this Act shall be deemed a part of the said recited Act as fully to all intents and purposes as if this Act were incorporated therein. Authority to lease the public landing at Salt Water, to be exercised in General Sessions.

CAP. XIII.

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

Passed 8th March, 1836.

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 present Majesty, 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. 4 W. 4, C. 43, continued.

CAP. XIV.

An Act, to provide for and reporting and publishing the decisions of the Supreme Court.

Passed 8th March, 1836.

“ **W**HEREAS it is an object of great importance to obtain correct reports of “ the decisions of the Supreme Court in cases heard and determined in “ the said Court;”

Lieutenant Governor to appoint a reporter of the decisions of the Supreme Court.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That his Excellency the Lieutenant Governor or Commander in Chief of this Province for the time being, by and with the advice of His Majesty's Executive Council, is hereby authorized to appoint some suitable person learned in the law, to be a reporter of the opinions, decisions and judgments which may from time to time be given, made and pronounced by the Supreme Court of Judicature in this Province, or the Judges thereof, in, upon or respecting causes pending or that may hereafter be pending therein; and that it shall be the duty of such reporter by his personal attendance or by any other means in his power, to obtain true and authentic reports of such opinions, decisions and judgments; and such reporter shall publish not less than two hundred copies of the same in pamphlets after each term of the said Court.

His duty.

Copy right secured to the author.

II. And be it enacted, That the sole liberty of printing and reprinting, and publishing such reports, shall be and the same is hereby vested in and secured to the author and compiler thereof, his heirs and assigns; and if any person shall print, reprint or publish any such reports without the consent of the author and compiler or proprietor thereof, he shall be liable to an action on the case at the suit of such proprietor, in which action such proprietor shall recover double the damages he may have sustained by any such infringement of the copy right hereby secured to him.

Reporter to receive fifty pounds annually from the Treasury.

III. And be it enacted, That in addition to any profits that may arise from the publication and sale of such reports, such reporter shall receive annually from the Province Treasury the sum of fifty pounds, to be paid by warrant of His Excellency the Lieutenant Governor or Commander in Chief for the time being, on the certificate of the Chief Justice of the said Court that such reporter has diligently performed the duties by this Act required of him for the year for which such allowance may be claimed.

Limitation

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

CAP. XV.

An Act, to authorize the Justices of the Peace for Queen's County to assess the inhabitants for erecting and building a Court House in said County.

Passed 8th March, 1836.

“ **W**HEREAS the building occupied as a Gaol and Court House in the “ County of Queen's is found insufficient for the purpose of a Court “ House, and it is expedient that a Court House should be built separate and apart from said building;”

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

That the Justices of the Peace for the said 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, be and they are hereby authorized and empowered to contract and agree with able and sufficient workmen for building and finishing a Court House in the said County, and to agree for such sum or sums of money as to them may seem meet in order to carry their object into effect; and the said Justices are hereby authorized and empowered to make a rate and assessment of any sum not exceeding six hundred pounds, as they in their discretion may deem necessary for the erecting and finishing a Court House in the said County; the said sum or sums to be assessed, levied, collected and paid in such proportions and in the same manner as any other County rates can or may be assessed, levied, collected and paid under and by virtue of any Act or Acts in force in this Province for assessing, levying and collecting of rates for public charges.

Justices in Sessions authorized to contract for building a Court House and assess for £600.

CAP. XVI.

An Act, to authorize the Justices of the Peace in the County of York to make *d* further provision for the payment of the Treasurer of that County.

Passed 8th March, 1836.

“**W**HEREAS by the law now in force, the Sessions of the respective Counties in this Province are precluded from allowing to the County Treasurers respectively for their services per annum, any sum exceeding fifteen pounds, which in the County of York has been found a very inadequate compensation for the service and responsibility of that office;”

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the said County or the major part of them, at any General Session to be holden in and for the said County, are hereby fully authorized and empowered from and after the passing of this Act, to make such additional annual allowance to the said County Treasurer over and above the said fifteen pounds per annum for his services, as they in their discretion may think right and proper, so always as the whole annual allowance of the Treasurer of the said County shall not exceed twenty five pounds, any thing in any other law or usage to the contrary notwithstanding.

Justices in Sessions authorized to allow the Treasurer £25 per annum for his services.

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

Limitation

CAP. XVII.

An Act, to authorize the Magistrates of the County of Charlotte to levy an assessment to pay off the County debt.

Passed 8th March, 1836.

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**

Justices in Sessions authorized to assess for

£1000 to pay
off the County
debt

General Sessions of the Peace hereafter to be holden therein, be and they are hereby authorized and empowered to make such rate and assessment of any sum not exceeding one thousand pounds, as they in their discretion may think necessary for the purpose of paying off the balance due for building the gaol of the said County, and also to pay the contingent expences 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. XVIII.

e

An Act, relating to Corporations.

Passed 8th March, 1836.

Acts of incor-
poration may be
amended or re-
pealed

BE it enacted by the Lieutenant Governor Legislative Council and Assembly, That all Acts of Incorporation which shall be passed during the present Session of the Legislature, or which shall be passed after the passing of this Act, shall at all times hereafter be liable to be amended, altered or repealed at the pleasure of the Legislature, in the same manner as if an express provision to that effect were therein contained.

CAP. XIX.

An Act, to make perpetual an Act, intituled “ An Act to provide for the punishment of cruelty to animals.”

Passed 8th March, 1836.

4 W. 4, C. 13.
made perpetual.

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 present Majesty, intituled “ An Act to provide for the punishment of cruelty to animals,” be and the same is hereby made perpetual.

CAP. XX.

An Act, to explain, amend and in addition to an Act, intituled “ An Act to make more effectual regulations relating to Pilots within this Province.”

Passed 9th March, 1836.

2 G. 4, C. 6.

“ WHEREAS by the seventh section of an Act made and passed in the “ second year of the reign of His late Majesty King George the “ Fourth, intituled “ An Act to make more effectual regulations relating to “ Pilots within this Province,” it is enacted “ that it shall and may be lawful for “ the Justices of the Inferior Courts of Common Pleas in term time, or for any “ two Justices of such Court in vacation, in such Counties respectively where “ such Pilots shall be appointed in manner hereinbefore directed, on complaint “ and proof made before them on the oath of one or more credible witness or “ witnesses, that any such Pilot has neglected or refused to comply with any of “ the regulations made or to be made as aforesaid for the government of Pilots “ within

“ within the same, to displace such Pilot so convicted of refusal, neglect or other
 “ improper conduct, and to declare him from that period not entitled to recover
 “ pilotage for any ship or vessel he may presume to pilot after such conviction :”
 “ And whereas doubts have arisen whether any authority is given by the said sec-
 “ tion to suspend or temporarily to remove or displace such Pilot or Pilots; for re-
 “ medy whereof,”

I. Be it enacted and declared, by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Justices of the Inferior Courts of Common Pleas in term time, or for any two Justices of the said Court in vacation, on complaint and proof made before them on the oath of one or more credible witness or witnesses, that any Pilot appointed for any port, harbour or place within their respective Counties, has neglected or refused to comply with any of the regulations made or to be made for the government of Pilots within the same, to suspend or temporarily remove or displace such Pilot so convicted of refusal, neglect or other improper conduct.

Pilots may be suspended or displaced by Justices of Common Pleas for misbehaviour.

II. And be it enacted, That if any Pilot or Pilots of any port, harbour or place in this Province having been lawfully displaced, suspended or temporarily removed from his or their office as Pilot, shall, before being restored thereto, presume directly or indirectly to act as a Pilot for the said port, harbour or place, it shall and may be lawful for any two Justices of the Peace of the County where such offence shall be committed, upon complaint to them made on the oath of one or more credible witness or witnesses, to issue their summons or warrant to bring the said offender or offenders before them, and if it shall appear to such Justices upon investigation that such offence has been committed, it shall and may be lawful for the said Justices to order and adjudge that the offender or offenders shall pay a fine not exceeding ten pounds, to be levied on the goods and chattels of the said offender or offenders, and for want of goods and chattels whereon to levy, it shall and may be lawful for such Justices, by warrant under their hands, to commit the said offender or offenders to gaol, there to remain without bail or mainprize for a space of time not exceeding twenty days unless the said fine and costs shall be sooner paid, which fine when paid shall be appropriated to the use of the poor of the Parish where such offence had been committed: Provided always, that nothing in this Act shall be construed to prevent any such Pilot so displaced, suspended or temporarily removed, from rendering assistance to ships or vessels in actual distress or danger.

Penalty for acting as Pilot before being restored to office

Recovery

Proviso.

CAP. XXI.

An Act, to regulate the fencing, occupation and grazing of the several marshes, lowlands and meadows in County of Westmorland.

Passed 8th March, 1836.

“ **W**HEREAS there are within the County of Westmorland several large
 “ tracts of marsh, lowland or meadows, which are held in severalty not
 “ subdivided with fences, but are occupied in common: And whereas many incon-
 “ veniences have arisen for the want of some general regulations for the inclosing,
 “ occupation and grazing of the same; for remedy whereof,”

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace in and for the said County at their General Sessions,

Justices in Sessions may regulate the fencing of marsh lands.

Sessions, be and they are hereby authorized and empowered, upon the application or by consent and concurrence of the proprietors of at least one half the quantity of any of the several tracts of marsh, lowlands or meadows within the said County, to regulate the manner in which the said tracts of marsh, lowlands or meadows shall be fenced and inclosed, and also to determine what lakes, swamps, creeks or rivers shall be considered and deemed lawful fences or inclosures of the same; and the said Justices shall have power and authority to fix and determine the number of gates which may be necessary to secure the said marshes, lowlands or meadows, whether the same lie on the public or private roads leading to, from or through said marshes, lowlands or meadows; and the Commissioners of sewers under whose care any of the said marshes, lowlands or meadows may be for the time being, are hereby authorized and required to cause to be carried into effect and operation the order of the said Justices relative to the said tracts of marsh, lowlands or meadows; and the said Commissioners are hereby authorized to assess the proprietors of the said marshes, lowlands or meadows the expense attending the same, to be assessed, levied and collected in the manner as described by an Act made and passed in the tenth and eleventh years of the reign of His late 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 in case any person or persons shall break down, injure or leave open any of the said gates or fences inclosing said marshes, lowlands or meadows, the said Commissioners of sewers are hereby authorized and required to sue the person or persons so offending before any Court of competent jurisdiction to try the same, and recover from the said offending person or persons over and above the actual damage done to said gates or fences, that is to say, for each and every offence the sum of ten shillings, and the monies arising therefrom shall be by the said Commissioners applied towards defraying the expense attending the maintaining the gates and fences inclosing said marshes, lowlands or meadows: Provided always, that nothing in this Act contained shall extend or be construed to extend to authorize the erection of any gate or gates in, upon or over any great road of communication within the said County of Westmorland, excepting on that part of the great road which crosses the Sackville great marsh in the said County.

Commissioners of sewers to carry the regulations into effect, and assess for the expense.

10 & 11 G. 4, c. 29.

Prosecute offenders.

Justices to regulate the occupation or grazing.

Penalty for breach.

Recovery.

II. And be it enacted, That the said Justices on application as aforesaid, shall be authorized and empowered to make such regulations for the occupation or grazing of such marshes, lowlands or meadows as shall be most expedient and agreeable to the nature and circumstances of the case; and if any neat cattle, horses, sheep or hogs shall be found going at large or grazing upon any of the said tracts of marshes, lowlands or meadows, contrary to any such regulations so made, the owner or owners thereof shall forfeit and pay to the informer for each and every head of neat cattle, horse or hog, the sum of five shillings, and for every sheep, the sum of one shilling; the same to be recovered before any one of His Majesty's Justices of the Peace for the said County, to be levied with the costs of prosecution upon the goods and chattels of the owner or owners of such neat cattle, horses, hogs or sheep; and it shall and may be lawful for any person or persons whomsoever, when finding any such cattle, horses, hogs or sheep going at large or grazing contrary to such regulations, to drive the same to any pound in the Parish where such offence shall be committed, and it shall be the duty of the keeper of the said pound to receive and detain such neat cattle, horses, hog or sheep, until the owner or owners shall pay for the use of the person so impounding said cattle, horses, hogs or sheep, the sum of five shillings for each head of neat cattle,

cattle, horse or hog, and the sum of one shilling for each sheep, also one shilling per day to the pound keeper for feeding each head of neat cattle, horse or hog, and three pence per day for feeding each sheep, together with the usual charges for impounding the same.

III. And be it enacted, That in case the owner or owners of such neat cattle, horses or sheep, or hogs so impounded, shall neglect or refuse to pay the aforesaid penalties and charges, then the said pound keeper having first given ten days previous notice of the sale, is hereby authorized to sell publicly the said neat cattle, horses, sheep or hogs, or so many of them as may be necessary for that purpose, and the overplus money arising from such sale shall be paid by the pound keeper to the owner or owners thereof whenever he or they shall appear to claim the same.

On neglect to pay penalty poundkeeper to sell trespassing cattle.

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

Limitation.

CAP. XXII.

An Act, in addition to the Acts regulating the truckage of Goods and the measurement of Coals and Salt.

Passed 8th March, 1836.

“**W**HEREAS in and by an Act made and passed in the tenth and eleventh years of the reign of His late Majesty King George the Fourth, intitled “An Act to authorize the Justices of the Peace in the several Counties in their General Sessions, to make regulations for carmen, waggoners and truckmen, and to establish the rates and fares to be taken for the cartage and truckage of goods in the several Towns throughout the Province, and also to regulate the measurement of coals and salt,” the mode of measuring coals and salt is pointed out, but no authority is given to the Justices to make regulations for carrying the same into effect; for remedy whereof,”

Preamble

10 & 11 G. 4.
C. 10.

I. 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 the several Counties, or the major part of them, at any General Sessions, from time to time, to make such rules and regulations for the measurement of coals and salt, under the provisions of the said Act, and to enforce the same under such penalty or penalties as to them shall seem meet: Provided always, that no fine for any one offence shall exceed the sum of forty shillings.

Justices to make penal regulations for measurement of coals and salt.

II. And be it enacted, That the several fines and penalties to be imposed under and by virtue of this Act, may be recovered and applied in the manner specified in the second section of the Act to which this is an amendment.

Recovery of penalties.

III. And be it enacted, That this Act shall be and continue in force for and during the continuance of the Act to which this is an amendment.

Limitation.

CAP. XXIII.

An Act, to authorize the Trustees and Directors of the Grammar School in the County of Northumberland to sell and dispose of the School House together with the land thereto attached.

Passed 8th March, 1836.

Preamble.

“**W**HEREAS the building heretofore occupied as a grammar school in the County of Northumberland is out of repair, too small and otherwise inconvenient, and the inhabitants have subscribed a sum of money towards the erection of a new building for that purpose: And whereas for the better accommodating the inhabitants it has been found desirable to alter the site thereof;

Authority given to sell the school house land

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Trustees and Directors of the said grammar school be and they are hereby authorized and empowered to grant, bargain and sell all and singular the lands and premises belonging to the said school, being a part of the lot number forty four, and all the estate, right, title and interest of the said Trustees and Directors in, to or out of the same: Provided always that nothing herein contained shall extend or be construed to extend to interfere with private rights.

Appropriation of the proceeds.

II. And be it enacted, That the money arising from such sale, shall after payment of the debts due by the said Trustees and Directors of the said school, be appropriated towards the erection and completion of a new school house in the said County.

CAP. XXIV.

An Act, to continue an Act relating to Parish Schools.

Passed 8th March, 1836.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of His present Majesty's reign, intituled “An Act relating to Parish Schools,” be and the same is hereby continued until the first day of April which will be in the year of our Lord one thousand eight hundred and thirty eight.

3 W 4. C 31. continued

CAP. XXV.

f An Act, to prevent disorderly riding on Streets and Highways in this Province.

Passed 8th March, 1836.

“**W**HEREAS the practice of horse racing and disorderly riding upon streets and highways in this Province, is dangerous and alarming to His Majesty's subjects passing and repassing therein; for prevention thereof,”

A Justice of the Peace may issue summons or warrant against persons for disorderly riding.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, if any person or persons shall be guilty of disorderly riding or horse racing upon any street or highway in this Province, whereby His Majesty's subjects passing and repassing therein might be obstructed or endangered, it shall and may be lawful for any one of His

f Refer to 9 G. 4, C. 8, regulating the manner of driving &c. upon the public Roads.

His Majesty's Justices of the Peace, within whose jurisdiction such offence shall be committed upon complaint thereof made to him upon oath, to issue his summons or warrant at his discretion to bring the party or parties so complained against before him, and shall examine upon oath any witness or witnesses who shall appear or be produced to give evidence touching such offence, which oath the said Justice is hereby authorized and required to administer; and if the said party or parties so complained against shall be convicted of such offence either by his or their own confession, or upon such evidence as aforesaid he or they so convicted shall forfeit and pay a sum not exceeding five pounds nor less than five shillings at the discretion of the said Justice, to be by him paid over to the overseers of the poor of the Town or Parish where such offence shall have been committed, for the use of the poor thereof, and if such fine together with the costs of prosecution, if so ordered by such Justice, shall not be paid either immediately after conviction, or within such time as the said Justice shall at the time of the said conviction appoint, it shall and may be lawful for the said Justice to commit the person or persons so convicted to the common gaol of the County wherein such offence had been committed, or to the next legally established lock-up house, there to remain without bail or mainprize, for a space of time not exceeding twenty days, unless such fine and costs be sooner paid: Provided always, that all prosecutions under this Act shall be made within two days after the offence had been committed and not afterwards.

Penalty on conviction.

Prosecutions to be within two days.

II. "And whereas many accidents happen and much inconvenience is sustained by the negligence or wilful misbehaviour of persons driving and riding upon the public streets or roads in this Province;" Be it therefore enacted, That all and every person and persons who shall drive any carriage, cart, waggon, dray, truck, sleigh, sled or other vehicle of any description, or shall ride upon any of the public streets or roads, and who shall meet or be overtaken by any other person or persons driving or riding on such streets or roads, do not on meeting or on being overtaken by such person or persons as aforesaid, keep his or her carriage or other vehicle as aforesaid, or his or her horse, on the left or near side of the street or road, thereby giving to such person or persons one half of the said street or road, or if any person or persons shall in any manner negligently or wilfully hinder or prevent any other person or persons from passing him or her, or any carriage or other vehicle as aforesaid under his or her care, upon such street or road, or by negligence or misbehaviour prevent, hinder or interrupt the free passage of any carriage or other vehicle as aforesaid, or of His Majesty's subjects, on any such street or road, or shall suffer his or her horse or horses, or other beast or beasts of draught, to proceed on such road without having some person to direct and govern such horse or horses, or other beast or beasts of draught, or shall be at such a distance from such carriage or other vehicle as aforesaid, or in such a situation whilst it shall be passing on such road as aforesaid that he or she cannot have the direction or government of such horse or horses, or other cattle drawing the same, or if any person or persons whatsoever driving any cart, waggon, sled or other vehicle of any description having any matter or things thereon, do not place and secure such matter or thing so that the same shall not project beyond the side of such cart or other vehicle as aforesaid in such manner as to obstruct or impede the passage of any person, horse, beast, carriage or other vehicle as aforesaid, every such person or persons so offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confession, the view of a Justice of the Peace, or by the oath of one or more credible witness or witnesses, before any Justice of the Peace of the County where such offence shall be committed or

Persons riding or driving not keeping on the left side of the road, or preventing any person from passing, or suffering their horses &c. to proceed without a driver, or not securing articles carried, to be liable to a penalty.

where

On default of payment to be committed.

Proviso as to loaded sleds or carriages.

Limitation.

where such offender shall be apprehended, shall for every such offence forfeit a sum not exceeding twenty shillings in case such person shall not be the owner of such horse, carriage or other vehicle of any description, or in case the offender be the owner of such horse, carriage or other vehicle as aforesaid, then a sum not exceeding forty shillings, over and above the damages occasioned by such offence and expenses; and in either of the said cases shall, in default of payment of such fine and the costs of prosecution, be committed to the common gaol of the County where such offence shall be committed or where such offender shall be apprehended, for any time not exceeding ten days, unless such fine and costs shall be sooner paid; all which penalties and forfeitures so recovered shall be paid and applied in the same manner as is hereinbefore provided in and by the first section of this Act; Provided always, that nothing herein contained shall extend or be construed to extend to compel the driver or owner of any such sled or carriages being laden to turn out or give one half of the road or street to any light or unloaded sled or carriage during the winter months, so always that the driver or owner of such laden carriage or sled shall upon request made for that purpose stop in some convenient place to let such light or unloaded carriage, sleigh, sled or other vehicle pass by.

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 and no longer.

CAP. XXVI.

An Act, to provide for the erecting of fences with gates across highways leading through the sand beaches and marshes in the County of Kent.

Passed 8th March, 1836.

Two Justices of the County upon petition of the proprietor or occupant of marsh lands for leave to erect fences with gates, to appoint Commissioners to report thereon to the General Sessions.

Sessions to make an order for the erection, if it

1. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That when any proprietor or occupant of any marsh land or sand beaches in the County of Kent over which any highway or public road passes, shall think it necessary or expedient for the protection of such marsh land or sand beaches, that a fence or fences should be erected across such road or highway with a swinging gate or gates therein, and with a fence or fences extending into the water from the place or places where such road or highway may require fencing, (if the same shall be at or near the shore or river or other water,) it shall be lawful for such proprietor or occupant to prefer a petition to any two Justices of the Peace in the said County, stating particularly the object and grounds of such application, and praying for permission to erect such fence or fences; upon the presenting whereof the said Justices are authorized and required forthwith, by order thereon endorsed, to appoint five substantial and disinterested freeholders of the said County, not resident in the Town or Parish in which such fence or fences is or are proposed to be erected, to be Commissioners to examine and report upon such petition, which Commissioners shall be sworn to the faithful discharge of their trust before the said Justices or either of them, a certificate of which shall be endorsed upon the same petition; and the said Commissioners shall thereupon proceed to view the said place or places where the said fence or fences are proposed to be erected, and to report thereon in writing to the then next Court of General Sessions of the Peace for the said County; and if it shall appear to the Justices of such Court from the report so made by the

the Commissioners or by any three of them, that it is necessary or expedient that the fence or fences prayed for should be erected, they are hereby authorized and required to make an order for the erection of such fence or fences with a good convenient swinging gate or gates in the same where such fence or fences cross the road, and to make such further order respecting the same as to them shall seem meet, and that it shall be lawful for the person or persons so petitioning, at his, her or their own expense to erect such fence or fences with such swinging gate or gates agreeably to the direction of the said Court.

II. And be it enacted, That if any person or persons shall break or throw down, or in any way destroy any fence or fences so to be erected or any part thereof, or shall block up and fasten or stake open, or take down or destroy any gate or gates which may be erected by virtue or in pursuance of this Act, such offender or offenders shall upon conviction thereof before any one of His Majesty's Justices of the Peace of the said County, upon the oath of one or more credible witness or witnesses, forfeit and pay the sum of twenty shillings for each and every offence; to be levied with cost of prosecution by warrant of distress and sale of the offender's goods, under the hand and seal of such Justice, directed to either of the constables within the said County, and for want of goods whereon to levy the same, the offender or offenders shall be committed to the common gaol of the County, there to remain for the space of five days unless the said sum with costs be sooner paid; which forfeiture when recovered shall be paid into the hands of the County Treasurer for the use of the County; and such offender or offenders shall be further liable for all damages sustained thereby, to be recovered with costs by action or actions at the suit of the party injured: Provided always, that if any gate or gates erected by virtue or in pursuance of this Act shall not be kept in good repair by the proprietor or proprietors thereof at his, her or their own expense, he, she or they shall have no benefit of this Act.

III. Provided always and be it enacted, That whenever it shall appear to the said Justices in General Sessions by the report of three or more of five Commissioners, (freeholders as aforesaid,) to be appointed and sworn in manner as aforesaid, that the reason for erecting any such fence or fences has ceased to exist, it shall and may be lawful for the said Justices in their General Sessions to order such fence or fences to be removed, and the proprietor or proprietors of such fence or fences shall not after such order have any further benefit or advantage from this Act, and the continuance of such fence or fences shall thereafter be considered and adjudged to be a nuisance upon the highway.

IV. And be it 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.

CAP. XXVII.

An Act, for the appointment of Firewards in the Parish of Woodstock.

Passed 8th March, 1836.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Lieutenant Governor or Commander in Chief for the time being, is hereby empowered, by and with the advice of His Majesty's Executive Council, from time to time, by warrant under his hand and seal, to appoint a sufficient number of prudent and discreet persons as Firewards, not exceeding,

exceeding nine, resident in that part of the Parish of Woodstock described as follows, (to wit): commencing at James Upham's lower line and running up the river Saint John to Charles Marvin's upper line or what is commonly called Lane's creek, thence back one mile and down until it strikes James Upham's lower line, and thence to the place of beginning; three of the Firewards shall reside at the upper corner, three at the creek, and three at the lower corner; who shall be sworn to the faithful discharge of their duty before one of His Majesty's Justices of the Peace of the County of Carleton, and a certificate thereof endorsed on the several warrants of appointment, for which warrants and certificates no fees shall be demanded or received from the person so appointed and sworn.

Firewards on duty to carry a staff and trumpet.

II. And be it enacted, That in order that the said Firewards may be distinguished from others when on duty at a fire, and to enable them to communicate their directions with more facility, they shall each carry a staff seven feet in length, coloured red, and also a speaking trumpet, painted white, with the name of the Parish and District painted on it in black letters.

To command assistance for extinguishing fires, removing goods, and preventing tumults.

III. And be it enacted, That whenever a fire shall break out in the said District or part of the said Parish described in the first section of this Act, and during the continuance thereof, the said Firewards are hereby authorized and required jointly or separately to command assistance for extinguishing the fire and removing household stuff, furniture, books, public stores, goods and merchandize out of any houses, store houses and other buildings actually on fire or in danger thereof, and to appoint persons to take care of the same, and also to require assistance to prevent the further spreading of the fire in the said District and to prevent tumults and disorders in the same; and the said Firewards respectively are hereby required, upon the notice of fire breaking forth in the said District (taking their badges and trumpets with them,) immediately to repair to the place and vigorously to exert their authority in requiring assistance, and to use their utmost endeavours to extinguish the fire and prevent its spreading, and to preserve and secure property and effects both public and private, and obedience is hereby required to be yielded to them, and each and every of them accordingly for that service, as well by the person or persons having the charge or management of any engine or engines in the said District as all other persons whomsoever."

On notice of fire to repair forthwith to the place and exert their authority.

Obedience to be yielded to them.

Penalty for disobeying the orders of a Fireward

Recovery

Application

IV. And be it enacted, That for every refusal or neglect of any person to obey the order of any Fireward in performing any of the duties and services hereinbefore mentioned, such person shall forfeit and pay the sum of forty shillings, to be recovered upon conviction before any one of His Majesty's Justices of the Peace of the County of Carleton on the oath of a Fireward or any other credible witness, and levied by distress and sale of the offender's goods and chattels, and for want of sufficient distress such offender shall suffer ten days imprisonment unless the penalty and costs be sooner paid; which penalty when recovered shall be paid into the hands of the Firewards of the said District or their Treasurer for the time being, to be applied by them towards defraying the necessary expense attending the keeping the engine or engines of the said District in a proper state of repair and equipment, and any other necessary expenses attending the keeping of the fire company of the said District in a proper state of organization."

Firewards may compel persons to form lines for conveying water.

V. "And whereas it is necessary that prompt and implicit obedience should "at all times during the raging of a fire be paid to the directions of the Firewards;" Be it enacted, That the said Firewards respectively, or any or either of

of them, shall have power, and they and every of them are hereby authorized when such necessity shall exist, to require and compel the persons present at any fire to fall in and form a line or ranks for the conveyance of water for extinguishing the fire, and to remain in such ranks as long as may be deemed necessary; and if any person present at a fire shall refuse to fall in or remain in any such rank when thereunto required by any Fireward, such person so offending shall for each and every offence forfeit and pay the sum of forty shillings, to be recovered, levied and applied in the manner specified and provided in and by the fourth section of this Act. Penalty.

VI. And be it enacted, That the Firewards or any two or more of them are hereby authorized and empowered from time to time and at all seasonable times in the day time to enter into any house, shop or other buildings within the limits of the said District, and to examine and inspect the manner in which any stove or stove pipes are set up, placed, fixed or carried, or any hearths, fire places or chimneys constructed or built, and if such stove or stove pipes, or such hearth, fire place or chimney shall be found (in the opinion and judgment of the said Firewards or any two of them, and in case more than two be present, the major part of those present) so set up, placed, fixed or carried, constructed or built as to be dangerous, such Firewards are hereby authorized and empowered to give directions in writing to prevent the continuance of fire in any such stove or any such hearth, fire place or chimney, until the same shall have undergone such alterations as shall be pointed out in writing by the same Firewards; and any person or persons who shall disobey any such directions of such Firewards shall for each and every offence forfeit and pay the sum of three pounds, to be recovered and applied in manner aforesaid. Firewards may inspect stoves, hearths, fire-places and chimneys, and order discontinuance of fire in them until altered.

VII. And be it enacted, That the Firewards of the said District shall at any meeting to be for the purpose holden, nominate and appoint, by warrant under the hands and seals of them or the hands and seals of the major part of them present, a sufficient number of able and discreet men willing to accept, not exceeding twenty in number for each engine, being inhabitants of the said District or part of the Parish of Woodstock aforesaid, to have the care, management and working of the said engine or engines, tools and instruments for extinguishing fires which may happen within the same, and to remove and displace all or any of them from time to time, and to nominate and appoint others in their stead, and fill up any vacancy which may happen at any time by death or removal or otherwise; and that the names of the said persons so appointed shall from time to time as the appointments shall be made be registered with the clerk of the Peace in the said County upon the certificate of the said Firewards, and to be called the Firemen of Woodstock, and are hereby enjoined and required to be ready at a call by night as well as by day to manage, work and use the engine or engines, tools and instruments for extinguishing fires which may happen to break out within the said District. Firewards to appoint persons to have the care and management of the engines and instruments for extinguishing fires

VIII. And be it enacted, That it shall and may be lawful for the Firewards for the time being of the said District, at any meeting to be holden at which the major part of them shall be present, to make and establish such rules, orders and regulations in respect of the government, conduct, duty and behaviour of the said Firemen in working, managing, exercising, trying and using the engine, tools and instruments, and to impose and establish such reasonable fines and penalties upon them or any of them for default or neglect of the duties and services thereby to be enjoined or required from them, as the said Firewards or the major part of them present met as aforesaid shall from time to time think meet, Firewards may make rules and regulations with penalties, for the government of the firemen

meet, so that the fine or penalty shall not exceed in any one instance the sum of forty shillings, to be recovered and applied as in the fourth section of this Act; which rules, orders and regulations shall be notified to the said firemen by putting the same up at the engine house, which engine house shall be erected near the new Episcopal Church in said District.

Carrying fire into a mill or lath machine except in lamps or lanterns.

Penalty.

IX. And be it enacted, That no person or persons shall carry fire into any mill or lath machine within the said District, or be allowed to use any fire in such mills or lath machines, except it be carried in well secured lamps or lanterns, and that any person or persons offending against the provision of this section shall be liable to forfeit and pay the sum of two pounds for each and every offence, to be recovered and applied as the fines in the fourth section of this Act.

Justices in Sessions may assess the district to purchase an engine &c.

X. And be it enacted, That the Justices of the Peace for the County of Carleton 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 two hundred pounds for the purpose of purchasing an engine and various tools and instruments for the better extinguishing of fires which may happen in said District; such assessment to be made in due proportion upon all and every the 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 other 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.

Householders to provide buckets and ladders for their houses

XI. And be it enacted, That as soon after the passing of this Act as the same can be procured, every householder in the said Town or Parish or in its immediate vicinity shall provide himself with two good leather buckets, of sufficient size to hold two and a half gallons of water, with the name of the proprietor thereof painted on the side of each of the said buckets, to be kept always ready in some convenient place in his house, and shall also provide himself with two good and sufficient ladders, one to reach from the ground to the roof of his house and the other to lay on the roof, and held at the top by two substantial iron hooks fastened to the end of such ladder, which shall extend down the roof until it meets the ladder standing on the ground, which said ladder every such householder shall keep stationary at his house in such convenient situation as will at all times afford a ready access to the top of his house when necessary; and that on every alarm of fire in the said District every householder in the said District knowing of such alarm, and not being a Fireward, shall forthwith carry his buckets so provided as above directed or cause the same to be carried to the place where the fire may be, to be there used as occasion may require; and every person wilfully refusing or neglecting to perform any of the duties by this section of this Act imposed, shall for every such offence forfeit and pay the sum of forty shillings, to be recovered and applied in like manner as the forfeitures mentioned in the fourth section of this Act are herein before directed to be recovered and applied.

On alarm of fire, buckets to be carried to the place and used as may be required.

Penalty.

Limitation.

XII. 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.

CAP. XXVIII.

An Act, to provide for the expenses of the Speaker and Members of the House of Assembly.

Passed 8th March, 1836.

“**W**HEREAS it is deemed expedient to provide for the services of the Speaker
“and defray the expenses of Members of the House of Assembly in at-
tending to their Legislative duties;”

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 Speaker of the House of Assembly, the sum of one hundred and fifty pounds for each and every Session of the General Assembly. Provision for the services of the Speaker.

II. And be it enacted, That there be allowed and paid out of the said Treasury to each and every Member of the House of Assembly for defraying the expenses of attendance in General Assembly, for each and every day's attendance the sum of fifteen shillings per day, such attendance to be certified by the Speaker. Expences of the members in attending.

III. And be it enacted, That for defraying the travelling charges of Members there be allowed and paid out of the said Treasury the sum of fifteen shillings per day, allowing twenty miles for each day's travel, to be also certified by the Speaker. For travelling charges.

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 of His Majesty's Executive Council, out of the monies in the Treasury or as payment may be made at the same. Money to be paid by warrant on the Treasury.

V. And be it enacted that this Act shall continue and be in force for and during the continuance of the present House of Assembly and no longer. Limitation.

CAP. XXIX.

An Act, in amendment of the Acts relating to Trespasses.

Passed 8th March, 1836.

“**W**HEREAS by an Act made and passed in the first year of the reign
“of His present Majesty, intituled “An Act to repeal all the Acts
“in force relating to trespasses, and to make more effectual provision for the
“same,” it is enacted, that the Justices in their General Sessions of the Peace
“may have power to make regulations for preventing trespasses by horses, sheep,
“swine, goats and neat cattle, but they are not empowered to levy a fine for any
“breach thereof, by reason of which the Act is ineffectual for the purposes in-
tended;” Preamble.
1 W. 4, C. 9

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices in their General Sessions of the Peace shall be and are hereby empowered, in addition to the sum to be paid to the hog reeve and pound keeper for their services, to order and direct that a fine of five shillings be levied on the owner for each horse, swine, goat or neat cattle, and sixpence for each sheep found going at large contrary to any regulations so made, to be specified in such regulations; which fines shall be collected by the pound keeper in the way he is directed to receive the fees of the hog reeve by the third section Justices in Sessions empowered to impose a fine on the owner of trespassing horses &c.
Recovery.

section of the Act of which this is an amendment, or by complaint to any Justice of the Peace, and when collected to be paid by the said Justice and pound keeper respectively into the hands of the overseers of the poor of such Town or Parish for the use of the poor thereof.

Impounded horses &c to be advertised for fourteen days, and failing the appearance of the owner, to be sold.

II. And be it enacted, That all horses, swine, sheep, goats and neat cattle impounded by virtue of this Act, or by virtue of the third section of the Act of which this is an amendment, shall be advertised at least fourteen days, and if no owner appears to pay the said fine and charges for taking up, keeping and advertising, then the pound keeper shall publicly sell the same, rendering the overplus after paying such fine and charges aforesaid to the owners thereof, and if no owner appears in fourteen days after such sale to demand the same, then the said overplus to be paid to the overseers of the poor of such Town or Parish for the use of the poor thereof.

CAP. XXX.

g An Act, to authorize certain persons to build a bridge across the Kennebecasis River in the Parishes of Hampton and Kingston, in King's County.

Passed 8th March, 1836.

“**W**HEREAS the erection of a free bridge across the river Kennebecasis “near the present line of great road would greatly increase the facilities “for travelling and be of great public benefit: And whereas certain persons are “willing and desirous of building such a bridge at their own expense on being le- “gally authorized so to do;”

Persons herein named and associates empowered to build a bridge over the Kennebecasis

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Azor Hoyt, Sylvester Z. Earle, Edwin Fairweather, Thomas Secord, Lyman C. L. Perkins, together with such other persons as may hereafter associate with them and their successors, be and they are hereby authorized to build a bridge over the Kennebecasis river in the Parishes of Hampton and Kingston, such bridge to be erected near the house of Lyman C. L. Perkins in Kingston, commencing on land of persons named in this Act, and crossing the said river to land of Thomas Secord also named in this Act, on the south side of the same river in the Parish of Hampton.

To be built of durable materials and admit the free passage of the water, rafts &c

II. And be it enacted that the said bridge be built of good and durable materials and so constructed as to admit the free passage of the waters of the Kennebecasis river and the free and navigable passage for rafts, logs and timber at any season of the year, and the said bridge to be at least twenty four feet wide.

Expenses to be borne by the persons named and associates, and passage over to be free.

III. And be it enacted, That the expenses of building the said bridge shall be borne by the persons named in this Act and their associates, and when the same shall be finished it shall be free for all persons at all times to pass and repass over the same with their teams and carriages without any expense whatever.

Construction of abutments and piers.

IV. And be it enacted, That the said bridge may be erected upon abutments to be placed at each end and with no more than six piers between the abutments, of such width and length as may be considered sufficient: Provided however, that the passage of the water shall not be obstructed more than sixteen feet by each pier, and that a space of not less than forty feet shall be left between the said piers.

V.

g Refer to 5 W. 4, (2d Sess) C. 8, authorizing the erection of a Toll Bridge over this River.

V. And be it enacted, That the persons named in this Act and their associates shall make a sufficient draw or slide in the said bridge for the passage of vessels navigating the said river Kennebecasis, with proper chains and pulleys for opening and closing the same.

Draw or slide for passage of vessels.

VI. And be it enacted, That when the said bridge and the draw or slide therein shall be fully finished and ready for use, the same shall become public property.

When completed to be public property.

VII. And be it enacted, That a plan and specification of the said bridge shall be submitted to the Supervisor of that District of the great road from Saint John to the Nova Scotia line in which Hampton ferry lies, or in case of his sickness or absence to such other person as the Lieutenant Governor or Commander in Chief shall for that purpose appoint, and such Supervisor or other person as aforesaid shall approve of the plan and specification and of the site of the said bridge before the same is commenced, and such Supervisor or other person as aforesaid shall and may from time to time as he shall see fit inspect and examine the material and work of the said bridge while the same is in progress and after the same is completed ; and the said persons authorized to build the said bridge shall not be deemed to have complied with the requisites of this Act until such Supervisor or other person as aforesaid shall have certified to the Lieutenant Governor or Commander in Chief, that the said bridge has been built and completed in all respects according to the provisions of this Act.

Plan and specification to be submitted for approval to the Supervisor &c.

VIII. Provided always and be it enacted, That if the said bridge shall not be erected and completed within three years from the passing of this Act, then this Act and every thing therein contained shall be null and void.

Bridge to be erected within three years.

CAP. XXXI.

An Act, to incorporate the Saint Andrews and Quebec Rail Road Company.

Passed 8th March, 1836.

“ **W**HEREAS the construction of a rail road from Saint Andrews in the Province of New Brunswick to Quebec in Lower Canada would be of great public utility : And whereas it is deemed advisable to grant encouragement to such enterprising persons as may be desirous and willing at their own cost and charges to make and maintain a rail road in the direction aforesaid by granting to them an Act of Incorporation ;”

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Honorable James Allanshaw, Colin Campbell, Beverley Robinson, John M^rMaster, John Wilson, Harris Hatch, Thomas Wyer, the Honorable William F. Odell, Alexander Rankin, James Rait, the Honorable Ward Chipman, Charles Simonds, Hugh Johnston, John R. Partelow, the Honorable Thomas Baillie, William Walker, James Douglas, Adam Jack, E. D. W. Ratchford, James W. Chandler, A. L. Street, E. N. Kendall, Samuel Frye, Samuel H. Whitlock, Richard M. Andrews, J. G. Woodward and Jeremiah M. Connell, all of the Province of New Brunswick, and Andrew Patterson, George Auldjo, George Pemberton, William Price, the Honorable George Moffat, William Walker, Henry Le Mesurier, James Leslie, all of the Province of Lower Canada, and such other persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby ordained, constituted and declared

Persons herein named and other proprietors of shares and their successors and assigns incorporated by the name of “ The Saint Andrews and Quebec Rail Road Company.”

declared to be a Corporation, body politic and corporate, by the name of the Saint Andrews and Quebec Rail Road Company, and shall by that name have perpetual succession and a common seal, and shall and may by the said name sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all Courts and places whatsoever, and shall also have power and authority to purchase, hold and enjoy lands, tenements and hereditaments for them and their successors and assigns, for making the said rail road and generally for the purposes of carrying the provisions of this Act into effect; and also that they the said Company or the major part of them shall from time to time and at all times during the continuance of this Act have full power and authority to constitute, make, ordain and establish such laws, regulations and ordinances as may be deemed necessary for the good rule and government of the said Corporation; provided that such laws, regulations and ordinances as may be deemed necessary be not contradictory or repugnant to the laws of this Province.

II. Be it enacted, That the capital stock of the Corporation hereby established shall not be less than the sum of seven hundred and fifty thousand pounds, to be paid in current money of this Province, the whole amount of the said capital stock to be divided into thirty thousand shares, which shares shall be vested in the several persons hereinbefore named and such other persons as may take shares in the said Corporation, their successors and assigns, in proportion to their respective shares and interest, which said shares shall be of the value of twenty five pounds each, four per cent. of which shall be paid at such time and place as the Directors of the said Company shall appoint, and the remaining ninety six per cent. in such parts and proportions and at such time and times as the said Directors shall determine, which amount shall not at any one period be more than ten per cent. on the amount of the capital or stock belonging to any individual, and that ninety days previous notice of such payment being required shall be given in one or more of the newspapers to be published in this Province; and every of the said shares shall be personal estate and transferable as such, and not of the nature of real property, and every such share shall entitle the holder thereof to a proportional part of the profits and dividends of the said Corporation: Provided always, that the money so to be raised as aforesaid is hereby directed and appointed to be laid out for and towards the making and completing and maintaining the said rail road, and other the purposes therewith connected mentioned in this Act, and to no other use or purpose whatsoever.

III. And be it enacted, That so soon as ten thousand shares of the said capital stock shall have been actually subscribed for and not before, it shall be lawful for the said Corporation and they are hereby authorized and empowered by themselves, their deputies, agents, officers and workmen, to make and complete a single or double line of rail road from Saint Andrews aforesaid to the boundary line of Lower Canada, with such deep cuttings, drains, embankments, bridges, viaducts, inclined planes, stationary steam engines, stopping places and passing places as may be expedient and necessary, and to erect such wharves, warehouses and stores on the line of the said rail road, and to purchase and acquire such locomotive steam engines and carriages, waggons, and other machinery and contrivances, and real or moveable property as may be necessary for the making and maintaining the said rail road, and for the transport of passengers and merchandize thereon, and may hold and possess the land over which the said rail road is to pass in the manner and under the provisions hereinafter set forth.

IV. And be it enacted, That for the purposes of this Act the said Corporation

By that name to have succession, a common seal, and may sue and be sued and hold lands.

Bye laws and regulations for the government of the company.

Not less than £750,000 to be the capital, divided into 30,000 shares.

Instalments payable on shares.

Shares to be personal estate and transferable as such

When 10000 shares are subscribed for, corporation may make a single or double line of rail road, erect wharves &c.

tion shall by some suitable engineer or engineers by them to be appointed, cause to be made and taken levels and surveys of the country and lands through which the said rail road is to be carried, together with the map or plan of the proposed line thereof and of the lands through which it is to pass, and also a book of reference for the said rail road, in which shall be set forth a description of the said several lands and the names of the owners and proprietors thereof, and in which shall be contained every thing necessary for the right understanding of the said map or plan; which said map shall be made in triplicate, and the three parts thereof shall be compared and certified as being exactly alike by the Surveyor General of the Province or his Deputy, who shall deposit one part thereof in the office of the Clerk of the Pleas of the Supreme Court of Judicature of this Province, one other in the office of the Secretary of this Province, and the remaining part he shall deliver to the said Corporation, and all persons shall have free access to the parts so deposited as aforesaid, and make extracts from or copies thereof as occasion may require, paying to the Secretary of the Province or to the said Clerk of the Pleas at the rate of sixpence currency for every hundred words, and the said part of the said map or plan and book of reference so certified, or a true copy or copies thereof, certified by the Clerk of the Pleas of the said Court or by the said Secretary of the Province, shall severally be and are hereby declared to be good evidence in all Courts of law or elsewhere.

Levels, surveys, maps and book of reference for the rail road to be made, and all persons to have access.

V. And be it enacted, That so soon as the said map and plan shall have been made, it shall be lawful for the said Corporation to apply to the several owners of the estates, lands and grounds through which such rail road is to be carried, and to agree with such owner for the purchase thereof and for the damages they may respectively suffer; and in case of disagreement between the said Corporation and the said owners or occupiers, or any of them, then such compensation and satisfaction shall be determined by three arbitrators, one to be chosen by the said Corporation and one by the owner or owners, occupier or occupiers of the private property in question, which two arbitrators so chosen shall choose a third arbitrator, and in case the said two first mentioned arbitrators shall not agree in the choice of the third arbitrator, then and in such case it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, upon application of the said Corporation, to appoint the third arbitrator, and the award of said arbitrators or any two of them shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such private property shall decline making any such agreement or appointing such arbitrator, then and in every such case the said Corporation shall make application to the Supreme Court of this Province, stating the grounds of such application, and such Court is hereby empowered and required from time to time, upon such application, to issue a writ or warrant directed to the Sheriff of the County in which such lands lie, or in case of his being a party interested then to the Coroner of the said County, and in case of the said Sheriff and of the said Coroner being both interested then to some person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons as the case may be, to summon and empanel a Jury of twelve freeholders within the said County who may be altogether disinterested, which Jury upon their oath, all which oaths as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such Jury is hereby empowered to administer, shall enquire, ascertain and assess the distinct sum or sums of money, or annual rent to be paid as the amount of compensation and satisfaction for the damages that may and shall be

Plan being made, Corporation to agree with the owners of the lands through which the road passes, for the purchase thereof

In cases of disagreement value to be settled by arbitrators or a Jury empanelled under the authority of the Supreme Court

sustained by such owner or owners, occupier or occupiers of such private property as aforesaid, and the inquisition, award or verdict of such Jury shall be returned and filed in the office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties, which amount so assessed as aforesaid, and the cost and expenses of such proceedings to be taxed and allowed by the said Supreme Court, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award or verdict shall be filed as aforesaid.

Expenses to be borne by the Corporation.

Corporation and their servants may enter upon any lands for the purposes of this Act, making compensation for damages.

VI. And be it enacted, That for the purposes aforesaid and for making and completing the said rail road, it shall be lawful for the said Corporation and their agents, servants and workmen, and they are hereby authorized and empowered to enter into and upon the lands and grounds belonging to His Majesty, His Heirs or Successors, or to any person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to make out and ascertain such parts thereof as they shall think necessary and proper for making the said rail road, and for constructing the other works and buildings therewith connected as aforesaid, and also to bore, dig, cut, trench, remove, take, carry away and lay any earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel or sand, or any other matter or thing which may be dug or got in making the said rail road, or out of any lands or grounds adjoining thereto, or which may be requisite or convenient for carrying on, continuing or repairing the said road, or other said works, or which may hinder, prevent or obstruct the making, using, completing or maintaining the same, and also to make, build, erect and set up in and upon the said rail road or upon the lands adjoining the same, so many bridges, drains, tunnels and other works as may be necessary for completing and maintaining the said rail road, and to carry and convey over such lands or grounds all such materials, tools, instruments and machinery as may be necessary for the said purpose, and also to contract, make and do all other matters and things which the said Corporation shall think necessary and convenient for making, effecting, preserving, improving, completing and using the said rail road, in pursuance of and within the true intent and meaning of this Act, they the said Corporation doing as little damage as may be in the execution of the several powers to them herein granted, and making satisfaction for all damage done and paying for all ground taken in the manner hereinbefore provided.

Corporation may make the rail road over land belonging to any person notwithstanding mistakes in the book of reference.

VII. Provided always and be it enacted, That the said Corporation may make the said intended rail road through, across and over the lands or grounds of any person or persons whomsoever whose name or names shall appear to have been by mistake omitted or inserted in the said book of reference, and where it shall appear that instead of the name or names of the owner or occupiers of such lands or grounds the name or names of some other person or persons to whom such last mentioned lands or grounds do not belong, hath or have been inserted by mistake therein: Provided always, that the said Corporation shall give at least three weeks notice to the person or persons possessing or occupying such lands or grounds of their intention of carrying the said rail road through the same.

Quantity of land to be taken up defined

VIII. Provided always and be it enacted, That the ground to be taken for the said rail road where the same shall pass through wilderness or forest land shall not be less than two hundred feet in breadth, and when the same shall pass through cultivated lands not to exceed one hundred feet in breadth, except such places as may be used as stopping places for taking in fuel or water, or for leaving or receiving goods, or as stations for fixed engines or other machinery, and for other purposes connected with the use of the said rail road on the line of the said rail road

road to be named and shewn on the plan and book of reference herein before mentioned, at which places respectively the extent of land to be taken as aforesaid shall not exceed five hundred feet in length by two hundred and fifty feet in breadth.

IX. And be it enacted, That after any lands shall be set out and ascertained in the manner aforesaid for making and completing the said rail road, and for other purposes and conveniences before mentioned, it shall and may be lawful for all bodies politic and corporate, communities, corporations aggregate and sole, guardians, curators and all other trustees whatever not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, idiots, femmes couvertes, persons beyond seas or other persons or persons who are or shall be possessed of or interested in any lands or grounds which shall be set out and ascertained as aforesaid, to contract for, sell and convey to the said Corporation all or any part of such lands and grounds as shall from time to time be set out and ascertained as aforesaid, and that all such contracts, agreements and sales shall be valid and effectual in law to all intents and purposes whatsoever, any law, usage or custom to the contrary thereof in any wise notwithstanding.

Lands necessary for the road being ascertained, bodies politic and corporate &c. may sell and convey the land to the Corporation.

X. And be it enacted, That not less than five Directors shall constitute a board for the transaction of business, of which the President shall always be one except in case of sickness or necessary absence, in which case the Directors present may choose one of their number as Chairman in his stead; that the President shall vote at the board as a Director, and in case of there being an equal number of votes for and against any question before them the President shall have a casting vote.

Board of Directors for the transaction of business.

XI. And be it enacted, That the number of votes which each Stockholder shall be entitled to on every occasion when in conformity to the provisions of this Act the votes of the Stockholders are to be given, shall be in the following proportion, that is to say, for one share and not more than two, one vote: for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; which said number of twenty votes shall be the greatest that any Stockholder shall be entitled to have; and all Stockholders may vote by proxy if they shall see fit, provided such proxy be a Stockholder and do produce from his constituent whom he shall represent or for whom he shall vote, an appointment to that effect in the following form:

Number of votes of stockholders ascertained.

I [or We] of , do hereby nominate, constitute and appoint of , to be my proxy, in my name and in my absence to vote or give my assent to or dissent from any business, matter or thing relative to the Saint Andrews and Quebec Rail Road Company, that shall be mentioned or proposed at any meeting of the said Company or any of the members thereof, in such manner as the said shall think proper and for the benefit of the said Company. In witness whereof, I [or We] have hereunto set hand and seal the day of in the year of our Lord one thousand eight hundred and

Stockholders may vote by proxy.

And whatever question, election of proper officers, or other matters or things shall be proposed, discussed or considered in any public meeting of the members of the said Corporation under the authority of this Act, shall be determined and decided by the majority of votes and proxies then and there present: Provided always, that

Questions &c. at meetings to be decided by the majority of votes and proxies.

that the same person shall not vote as a proxy for any number of persons who together shall be proprietors of more than one hundred shares.

First general meeting to be held at Saint Andrews when £250,000 of the capital is subscribed for.

Subsequent general meetings to be on the 1st of May, yearly.

Thirteen directors to be chosen.

Calling of special meetings and their powers

XII. And be it enacted, That the first general meeting of the said Corporation shall be held in Saint Andrews aforesaid as soon as two hundred and fifty thousand pounds of the capital stock of the said Corporation shall have been actually subscribed for, provided that thirty days previous notice thereof shall be given in the Royal Gazette or other newspaper printed at Fredericton, also in one of the newspapers published in the City of Saint John, and also in one or more newspapers, if any, published in Saint Andrews; and the same general meeting of the said Corporation and every subsequent general meeting shall be held at Saint Andrews aforesaid on the first Tuesday in May in each and every succeeding year; and at such first or at any subsequent general meeting, the members present or appearing by proxy shall choose by a majority of votes thirteen persons to be directors, (of whom five shall form a quorum for the transaction of all business which the said Directors shall have power and authority to transact,) being proprietors of at least ten shares each, to be Directors of the said Corporation for the purpose of managing the affairs and business thereof in the manner hereinafter directed and as shall from time to time be ordered by the said members in their general meetings; but if at any time it shall appear to any twenty or greater number of members of the said Corporation holding together at least two hundred shares therein, that for the more effectually carrying this Act into effect a special meeting of the said members is necessary, it shall be lawful for them to cause notice thereof to be given in the Royal Gazette or other newspaper published in Fredericton, also in one of the newspapers published in the City of Saint John, and also in one or more newspapers, if any, published in Saint Andrews, and in such other manner as the said Corporation shall in any general meeting thereof appoint with respect to such special meetings, declaring in such notice the time when and the place where such special meeting is to be so held in the town of Saint Andrews, the same not being less than thirty days after such notice shall have been first given, and likewise specifying in such notice the purpose for which such special meeting is called, and the members of the said Corporation are hereby authorized to meet pursuant to such notice, and to proceed to the execution of the powers by this Act given them with respect to the matters in such notice specified only; and all acts done in such matters by the authority of the majority of votes given at such special meeting, (such majority consisting of votes given by the holders of one third of the whole number of shares then subscribed for altogether,) shall be valid to all intents and purposes as if done at any meeting held in the manner hereinbefore appointed for the holding of general meetings; and it shall be lawful for the said Corporation at any such general or special meeting in case of the death, absence or removal of any Director, to name and appoint others in the room and stead of the Director or Directors so dying, absent or removed as aforesaid.

Directors to be subject to the examination and control of the meetings

No director except the chairman to have more than one vote at the board.

XIII. Provided always and be it enacted, That such Directors shall from time to time be subject to the examination and control of the said general meeting or other meetings of the said members as aforesaid, and shall pay due obedience to all such orders and directions in and about the premises as they shall from time to time receive from the said Corporation at any such general or other meeting, such orders and directions not being contrary to any express directions or provisions in this Act contained: Provided also, that no one Director of whatever number of shares he may be the proprietor shall have more than one vote in the Board of Directors except the Chairman who shall be chosen by and from among the said Directors,

Directors, and who in case of an equal division of members shall have the casting vote, although he may have given one vote before.

XIV. And be it enacted, That at every such general meeting the said Directors shall have power to call for, audit and settle all accounts of money laid out and disbursed on account of the said rail road, with the Treasurer, receiver or receivers, or other officer or officers to be by them appointed, or any other person or persons whomsoever employed by or concerned for or under them in and about the aforesaid rail road, and for that purpose shall have power to adjourn themselves over from time to time and from place to place as shall be determined by a majority of votes given in the manner aforesaid; and every general meeting of such Directors met together by the authority of this Act shall have power from time to time to make such call or calls of money from the members of the said Corporation to defray the expences of or to carry on the same as they from time to time shall find expedient and necessary for those purposes, so that no call do exceed the sum of ten pounds current money of this Province for every hundred pounds, and so as no calls be made but at intervals of one month at least from each other; which money so called for shall be paid to such person or persons and in such manner as the said general meeting or the said Directors shall from time to time appoint and direct for the use of the said undertaking; and such Directors by virtue of the orders which they shall receive from the general meeting shall have full power and authority to direct and manage all and every the affairs of the said Corporation as well as in purchasing and selling lands, liberties, privileges, easements, chattels and materials for the use of the said rail road as in employing, ordering and directing the work and workmen, and in appointing and removing under officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking; provided that no such purchase, bargain or other matter be done or transacted without the concurrence of the majority of the said Directors assembled; and every owner or owners of one or more part or parts, share or shares of the said undertaking shall pay his, her or their share or proportion of the monies to be called for as aforesaid at such time and place as shall be appointed, of which three weeks notice at least shall be given by inserting the same in the Royal Gazette or other newspaper published in Fredericton, also in one of the newspapers published in the City of Saint John, and also in one or more newspapers, if any, published in Saint Andrews, and in such other manner as the said Corporation shall at any general meeting direct or appoint, and if any person or persons shall neglect or refuse to pay his, her or their rateable or proportionable part or share of the said money to be called for as aforesaid, at the time and place appointed by such General Assembly or Directors, he, she or they so neglecting or refusing shall incur a forfeiture in the proportion of five pounds for every hundred pounds of the sum called for, and in case such person or persons shall neglect to pay his, her or their rateable or proportionable part or share of the said money to be called for as aforesaid, for the space of three calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they so neglecting shall forfeit his, her or their respective share or shares, part or interests in the said Corporation, undertaking and premises, and all the profit and benefit thereof, and such share and shares shall be sold by the Directors of the said Corporation by public auction after six weeks notice of such intended sale in the Royal Gazette or other newspaper published in Fredericton, also in one of the newspapers published in the City of Saint John, and also in one or more newspapers, if any, published in Saint Andrews, and the amount for which the same shall be sold after deducting

Directors at general meetings may audit and settle accounts

Power of Directors as to calling in stock, and managing the affairs

Owners of stock not paying at time appointed to forfeit five per cent, and on neglect for three months their stock to be sold.

deducting the expense of the sale shall be paid over to the person or persons whose share or shares shall be so forfeited and sold, and the purchaser shall immediately pay up the instalment for the non-payment of which the said share or shares shall have been sold, and if he fail immediately to pay such instalment the share or shares shall be again put up and sold.

At general meetings Directors or other officers may be removed, and rules and directions altered

XV. And be it enacted, That the said Corporation shall always have power and authority at any general meeting held as aforesaid to remove or displace any person or persons chosen as Directors in the manner aforesaid, or any other officer or officers under them, and to revoke, alter, amend or change any of the rules and directions hereinbefore prescribed and laid down with regard to their proceedings among themselves, as to the major part of them shall seem meet, (the method of calling general meetings and their time and place of meeting and voting, and appointing committees only excepted,) and shall have power to make such new rules, bye laws and orders for the good government of the said Corporation, for the good and orderly using the said rail road and of the works and property hereinbefore mentioned, and for the well governing of the engineers, workmen, waggonmen and other persons employed by the said Corporation in and about the said rail road, and the works and property therewith connected, as to the major part of such general meeting shall seem meet, which said rules, bye laws and orders being put into writing under the common seal of the said Corporation shall be published at least twice in the Royal Gazette or other newspaper published in Fredericton, also in one of the newspapers published in the City of Saint John, and also in one or more newspapers, if any, published in Saint Andrews, and affixed in the office of the said Corporation, and in all and every of the places where the dues are to be paid, and in like manner as often as any change or alteration shall be made to the same, and shall be binding upon and observed by all parties, and shall be sufficient in any Court of law to justify all persons who shall act under the same.

Rules Ac. to be published.

Shares may be sold.

XVI. And be it enacted, That it shall be lawful for the several members of the said Corporation to sell and dispose of any share or shares which they may have or hold, or to which he, she or they shall and may be entitled, subject to the rules and conditions herein mentioned; and any purchaser or purchasers shall for his, her or their security as well as that of such proprietor or proprietors, have a duplicate or duplicates of the deed of bargain and sale and conveyance made to him, her or them, and executed by such person or persons of whom, he she or they shall purchase the same, and also by the purchaser or purchasers, one part whereof duly executed both by the seller and purchaser shall be delivered to the said Directors or their clerks for the time being, to be filed and kept for the use of the said Corporation, and an entry thereof shall be made in a book or books to be kept by the said clerk for that purpose, for which no more than two shillings and sixpence currency will be paid, and the said clerk is hereby required to make such entry accordingly, and until such duplicate of such deed shall be so delivered unto the said committee and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said rail road or any interest for his share paid unto him, her or them, or any vote as a member or members.

Deed of sale to be executed by purchaser and proprietor, and a duplicate to be filed for the use of the Corporation.

Form of transfer.

XVII. And be it enacted, That every transfer of the said shares shall be in the form or to the purport and effect following: (that is to say,)

I A. B. in consideration of the sum of _____ paid to me by C. D. do hereby bargain, sell and transfer to the said C. D. his, (her or their) executors, administrators or assigns _____ share (or shares) in the undertaking of the Saint Andrews and

and Quebec Rail Road Company, to hold to him the said C. D. his heirs, executors, administrators and assigns, subject to the said rules and orders, and on the same conditions that I held the same immediately before the execution hereof, and I the said C. D. do hereby agree to accept the said share (or shares) of the said undertaking subject to the same rules, orders and conditions. Witness our hands and seals the day of in the year of our Lord one thousand eight hundred and

XVIII. And be it enacted, That it shall be lawful for the said Corporation, and they are hereby authorized and required from time to time to nominate and appoint a Treasurer or Treasurers and a Clerk or Clerks to the said Corporation, and to take such sufficient security for the due execution of their respective offices as the said corporation shall think proper, and from time to time to remove any such Treasurer or Clerk and appoint others in their place and stead, which said Clerk or Clerks shall in a proper book or books to be provided for that purpose, enter and keep a true and perfect account of the name and places of abode of the several members of the said Corporation, that is to say, of the several persons who shall from time to time become owners and proprietors of or entitled to any share or shares therein, and of all the other acts, proceedings and transactions of the said Corporation and of the said Directors under the authority of this Act; and whenever any such Clerk or Treasurer shall die or be removed from or quit the service of the said Corporation, it shall be lawful for the said Directors or a majority thereof to appoint some other fit person in the place of the Treasurer or Clerk so dying, removed or quitting such service, until the next general meeting, at which such appointment (if deemed proper) shall be confirmed or another Treasurer or Clerk appointed by the said Directors.

Corporation may appoint and remove their Treasurers and Clerks.

Clerks to keep an account of the names and places of abode of the members of the Corporation, and of the proceedings of the Corporation and Directors.

XIX. And be it enacted, That so soon as the said rail road shall be completed and opened or any part thereof, it shall be lawful for the said Corporation at all times thereafter to ask, demand, take and recover to and for their own proper use and behoof such rates, tolls or dues for any passenger conveyed and carried at the cost and charge of the said Corporation upon the said rail road, and for every ton of goods, chattels, wares and merchandize of any kind whatsoever so conveyed and carried upon the said rail road, such sum or sums of money as the said Corporation may think just and reasonable: Provided always, that if after the expiration of ten years from the time of completing the said rail road, the rates, tolls or dues that may be established by the said Corporation under and by virtue of this Act should be found excessive, it shall and may be lawful for the Legislature to reduce the said rates, tolls or dues, so as that the same shall not produce to the said Corporation a greater rate of net profit upon their capital stock than twenty five pounds annually for every hundred pounds of such capital stock; and in order that the true state of the affairs of the said Corporation shall be known, it shall be the duty of the President and Directors thereof to produce and lay before the several branches of the Legislature of this Province at the expiration of ten years after the said rail road shall have been completed as aforesaid, a just and true statement and account of the monies by them disbursed and laid out in making and completing the said rail road in manner aforesaid, and also of the amount of tolls and revenues of the said rail road, and of the annual expenditure and disbursements in maintaining and keeping up the same during the said ten years; the said several accounts and statements to be signed by the President and Treasurer of the said Corporation, and by such President and Treasurer attested to on oath before any one of His Majesty's Justices of the Peace for any County in this Province; and provided also, that it shall be the duty of the President

Rail road being completed tolls may be exacted

If the tolls be excessive, Legislature may reduce them.

President

sident and Directors of the said Corporation once in each and every year after the expiration of the said ten years to lay before the several branches of the Legislature a like statement and account verified on oath by the said President and Treasurer as aforesaid.

Payment of tolls
and recovery on
refusal to pay

XX. And be it enacted, That the said several rates and dues shall be paid to such person or persons at such place or places near to the said rail road, or within the said line or any intermediate space thereof, and in such manner and under such regulations as the said Corporation shall direct and appoint; and in case of refusal or neglect of payment of any such dues or rates or any part thereof on demand to the person or persons appointed to receive the same as aforesaid, the said Corporation may sue for and recover the same in any Court having jurisdiction to the amount of the sum to which such rates or dues shall amount, or the person or persons to whom the same ought to be paid may and he is and they are hereby empowered to seize and detain such goods, chattels, wares and merchandize for and in respect whereof such rates or dues ought to be paid, and detain the same until payment shall be made; provided that if payment of the said rates or dues shall not be made within three days after such seizure as aforesaid, that the said goods and chattels shall be sold at public auction, and after deducting the said rates or dues, costs and charges, the surplus (if any) to be returned to the owner or owners.

Land taken for
the rail road to
be fenced &c
from the adjoining
land at the
cost of the Cor-
poration.

XXI. And be it enacted, That the said Corporation shall within six calendar months after any land shall be taken for the use of the said rail road, at their own proper costs and charges, divide and separate, and keep constantly divided and separated the said rail road and the ground taken therefor or occupied by the said Corporation under the authority of this Act from the adjoining lands or grounds, by posts and rails, hedges, ditches, trenches, banks or other fences, sufficient to keep out sheep and other cattle, to be set and made on the lands or grounds, which shall be purchased by, conveyed to or vested in them as aforesaid, and shall at their own proper cost and charges from time to time maintain and support the said posts, rails, hedges, ditches, trenches, banks and other fences erected, set up and made as aforesaid, and also shall at their own charges, make erect, set up such and so many convenient gates, stiles in and over all the hedges and fences to be by them so made on the side of such rail road as aforesaid, and also such bridges, arches, and passages over, under or across the said rail road, and the land so taken and occupied as aforesaid, and of such dimensions as may be necessary and effectual for the owners and occupiers of the lands or grounds adjoining to the said rail road; and the said Corporation shall not make the said rail way to any trench or water course, or any work connected with the said rail road or any part thereof, in or across any common highway, public bridleway or footpath, until they shall at their own proper charges have made and perfected such bridges, passing places or arches over, across or under the places where the said rail road, trenches or water courses, or other works respectively, shall be intended to be made for such road, way or path, and of such dimensions and in such manner as may be found proper and effectual, and all such gates, stiles, bridges, arches and other works and conveniences so to be made, shall from time to time be supported, maintained and kept in sufficient repair by the said Corporation.

Temporary
roads to be
made where the
rail road crosses
a highway.

XXII. And be it enacted, That when and so often as it shall be necessary to cut into any highway in order to conduct the said rail road across or through the same, the said Corporation shall in the first place make a temporary road passing round and avoiding that part of the highway which is to be crossed by the said rail road, but as nearly in the line of the said highway as shall be possible, and
such

such temporary road shall be made as good and as convenient for carriages in all respects as the highway so to be crossed or passed, or by carrying the said rail road on a good and sufficient viaduct over the said highway, and shall be kept in the same state of repair during the whole time the former highway shall remain obstructed, and the said Corporation shall then proceed with all possible dispatch to carry the said rail road across the said highway, and after having done so shall restore to the said highway its former direction by continuing it across the said rail road either on a level with the top of the rail thereof or by means of a sufficient and commodious bridge over the said rail road having a rise on the roadway of not more than one foot in eighteen; and the said Corporation is hereby authorized and empowered to enter into and take, hold and use or to occupy for a limited time any land or grounds necessary for carrying the provisions of this section into effect under the provisions of this Act with respect to the taking, holding and using or occupying of other lands or grounds necessary for making and completing the said rail road, and in addition to the extent of land which they by the other sections of this Act are empowered to take for the said purpose, any thing in this Act to the contrary notwithstanding.

XXIII. And be it enacted, That if the said rail road shall cross and divide the lands of any person or persons so as to cut off that free communication which before existed from the said land and any highway, in such case the said Corporation shall make and maintain a crossing place, viaduct or bridge as might be used under the provisions of the preceding section for passing any highway, within half a mile of each and every land so divided, and shall make and maintain a good and sufficient road twenty five feet wide, (passing close to the fence dividing the said rail road from the neighbouring lands, from which such road shall also be divided by a fence made and kept in repair by the said Corporation,) from each end of the said crossing place, viaduct or bridge, to each detached portion of every land so divided, so that the proprietors of such land may have the power of passing from the said land to the said highway as they had before the said rail road was made, and the said Corporation is hereby empowered to take, hold and use, under the provisions made by this Act with respect to the taking, holding and using any other lands or grounds necessary for making and completing the said rail road, so much land as may be necessary for carrying the provisions of this section into effect, and in addition to the extent of land which they are by the other section of this Act empowered to take for the said purpose, any thing in this Act contained to the contrary notwithstanding.

Communication with a highway being cut off crossing places to be made

XXIV. And be it enacted, That the several and respective persons united into a Corporation as aforesaid for making the said rail road and other works as aforesaid, shall and they are hereby severally required to pay the respective sums which may be by them subscribed, to be advanced as aforesaid, towards making and completing the said rail road, and other works, or such portion of such sum as shall from time to time be called for by the said Corporation by virtue of the powers and directions of this Act, and also all persons who may hereafter subscribe and agree to advance and pay any money for the purposes aforesaid, are hereby required to pay the sum or sums of money which shall be by them respectively subscribed to be advanced, or such portion or portions thereof as shall from time to time be called for by the said Corporation, by virtue of the powers and directions of this Act, and in case any of the said several and respective persons who may have subscribed, or who shall hereafter subscribe, to advance and pay any sum or sums of money as aforesaid, shall neglect or refuse to pay the same at such time and times as shall be required by the said Corporation

Subscribers to the stock to pay when called upon, and failing their doing so may be sued.

as aforesaid, then and in such case it shall be lawful for the said Corporation to sue for and recover the same in any Court of law having competent jurisdiction.

Rail road to be completed within fifteen years

XXV. And be it enacted, That the said Corporation to entitle themselves to the privileges, benefits and advantages to them granted by this Act, shall and they are hereby required to make and complete the said rail road from Saint Andrews to the Province line in manner aforesaid, within fifteen years from the passing of this Act, and if the same shall not be so made and completed within the period before mentioned so as to be used for the conveyance and carriage of passengers, goods, chattels, wares and merchandize thereon, then this Act and every matter and thing therein contained shall cease and be utterly null and void.

Persons damaging the works to pay the damages and be liable to be proceeded against under 1 W. 4, C. 14.

XXVI. And be it enacted, That if any person or persons shall wilfully, maliciously and to the prejudice of the said Corporation, break, throw down, damage or destroy any wharf, bridge, fence, rail, support, engine, machine, machinery or other works or device erected, constructed or possessed under the authority of this Act, or do any other wilful act, hurt or mischief to disturb, hinder or prevent the carrying into execution, making, completing, supporting, maintaining and using the said rail road and other works, every such person or persons so offending shall forfeit and pay to the said Corporation the value of the damage proved by the oath of two or more credible witnesses to have been done, and such damage and the costs of suit in that behalf incurred, to be recovered by action in any Court of law in this Province having jurisdiction to the amount of the sum demanded as damages, and in case of default of payment such offender or offenders against whom judgment shall in such behalf have been rendered shall be committed to the common gaol for any time not exceeding three months, at the discretion of the Court by whom such judgment shall have been given, and shall also be liable to the punishment prescribed for felony in an Act made and passed in the first year of the reign of His present Majesty, intituled "An Act for the improving of the administration of justice in criminal cases."

Suits on account of any thing done under this Act to be commenced within six months, &c.

XXVII. And be it enacted, That if any suit shall be brought or commenced against any person or persons for any thing alledged to be done under the authority of this Act, or in execution of the powers and authorities, orders and directions hereinbefore given, granted or enacted, every such suit shall be brought or commenced within six calendar months next after the offence was committed, or in case there shall be a continuation of damages then within six calendar months next after the doing or committing of such damages shall cease and not afterwards, and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereon, and that the same was done under the authority of this Act, and if it shall appear to have been so done, or if any action or suit shall be brought or commenced after the time hereby limited for the bringing or commencing the same, or if the plaintiff or plaintiffs shall become non-suit or discontinue his, her or their action or suit after the defendant or defendants shall have appeared, or if judgment shall be given against such plaintiff or plaintiffs, the defendant or defendants shall have full costs and such remedy for the same as any defendant or defendants hath or have for costs of suit in other causes in law.

Yearly dividends of the profits to be made.

XXVIII. And be it enacted, That the Directors of the said Corporation shall make yearly dividends of the tolls, income and profits arising to the said Corporation, first deducting thereout the annual costs, charges and expenses of the said Corporation, as well for the repairs of the works belonging to them as for the salaries and allowances to their several officers and servants, and for such other purposes connected with the said Corporation as may be deemed proper by the said Directors.

XXIX.

XXIX. And be it enacted, That the joint stock or property of the said Corporation shall alone be responsible for the debts and engagements of the said Corporation, and that no person or persons who shall or may have dealings with the said Corporation shall on any pretence whatsoever have recourse against the separate property of any individual member or members of the said Corporation, or against their person or persons, further than is herein specially provided, and that may be necessary for the faithful application of the funds of this Corporation.

Joint stock to be alone responsible for the debts of the Corporation.

XXX. And be it enacted, That any joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or Prorogation of the General Assembly have free access to all the books and accounts of the same.

Committees of the Legislature to have access to the books of the Corporation.

XXXI. And be it enacted, That the said Corporation shall not directly or indirectly deal or trade in buying or selling gold or silver coins, or bills of exchange, or in lending money by way of discount, or engage in any banking operations whatsoever.

Corporation not to engage in banking operations.

CAP. XXXII.

An Act, to incorporate sundry persons by the name of the President, Directors and Company of the Saint Stephens Bank, in the County of Charlotte.

Passed 8th March, 1836.

“ **W**HEREAS it is thought that the establishment of a Bank at Saint Stephens would promote the interests of the Province by increasing the means of circulation ;”

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Nehemiah Marks, John Marks, Robert Lindsay, Ninian Lindsay, William Porter, John Porter, George M. Porter, Samuel Abbot, Henry Eastman, William P. Libby, Abner Hill, Stephen Hill, George S. Hill, John M'Allister, John M'Allister, Junior, Japhet Hill M'Allister, William Todd, Junior, Robert M. Todd, Dan Pineo, John L. Lovejoy, Stephen H. Hitchings, Robert Hitchings, Joseph N. Clarke, John Milliken, Aaron Upton, Alexander Campbell, Peter Stubs, Junior, George Abbot, William Andrews, Thomas Armstrong, Abner Hill, Junior, James Frink, Schuyler P. Frink, Thomas Wyer, Robert Watson, Alexander Grant, Freeman H. Todd and Charles Simonds, their associates, successors or assigns, be and they are hereby declared to be a body corporate, by the name of the President, Directors and Company of the Saint Stephens Bank in the County of Charlotte, and that they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments and rents, in fee simple or otherwise, and also goods and chattels, and all other things real, personal or mixt, and also to give, grant, let or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation ; and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law and equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner as any other person

Persons herein named, their associates, successors and assigns incorporated.

may possess lands &c.

sue and be sued,

son

have a common seal, and

make laws for the government of the Corporation.

Capital to be £25,000 in shares of £25 each

Corporation may possess lands &c. to the amount of £2,000.

When 300 shares shall have been subscribed a meeting of the stockholders to be called to make laws and choose Directors.

son or persons are in law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto; and also that they shall have one common seal to serve for the ensembling of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of attorney, and all and singular their affairs and things, touching and concerning the said Corporation; and also that they the said President, Directors and Company, or the major part of them, shall from time to time and at all times have full power, authority and license to constitute, ordain, make and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation, provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the laws and statutes of this Province.

II. And be it enacted, That the capital stock of the said Corporation shall consist of current gold and silver coins of the Province to the amount of twenty five thousand pounds; the sum of twelve thousand five hundred pounds, one half part thereof, to be paid in current gold and silver coins of the Province within one year from the passing of this Act, and the further sum of twelve thousand five hundred pounds within two years from the passing of this Act; the whole amount of said stock to be divided into shares of twenty five pounds each, making in the whole one thousand shares.

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

IV. And be it enacted, That whenever three hundred shares shall have been subscribed of the said capital stock, a general meeting of the Members and Stockholders of the said Corporation, or the major part of them, shall take place by notice in one or more of the public newspapers thirty days previous to such meeting, for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good management of the affairs of the said Corporation, as the Members and Stockholders of the said Corporation shall deem necessary, and also for the purpose of choosing nine Directors, being Stockholders and Members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations of the said bank, subject nevertheless to the rules and regulations hereinafter made and provided; at which general meeting the Members and Stockholders of the said Corporation, or the major part of them, shall determine the amount of payments to be made on each, also the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the said Corporation, shall be binding on the said Stockholders, their successors and assigns.

V. And be it enacted, That there shall be a general meeting of the Stockholders and Members of the said Corporation, to be annually holden on the first Monday in April in each and every year at Saint Stephens, at which annual meeting there shall be chosen by a majority of the said Stockholders and Members of the said Corporation nine Directors who shall be resident in the County of Charlotte, and continue in office for one year, or until others are chosen in their room; in the choice of which Directors the Stockholders and Members of the said Corporation shall vote according to the rule hereinafter mentioned; and the Directors, when chosen, shall, at their first meeting after their election, choose out of their number a President; Provided always, that not more than eight nor less than five of the Directors in office shall be re-elected at such annual meeting for the next succeeding twelve months, of which the President shall always be one.

Annual meeting to be held on first Monday in April.

Directors to be chosen.

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

Directors to appoint officers and servants.

All expenses to be paid from the corporate funds.

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

Board of Directors for business.

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

No Director to have a salary.

IX. And be it enacted, That no person shall be eligible as a Director unless such person is a Stockholder, and holding not less than ten shares of the capital stock of the said Corporation: Provided always, that the Stockholder so otherwise qualified be not a Director in any other Banking Company in this Province.

Qualification of Directors.

X. And be it enacted, That every Cashier and Clerk of the said Corporation before he enters upon the duties of his office, shall give bonds with two or more sureties to be approved of by the Directors, (that is to say,) every Cashier in a sum not less than five thousand pounds with a condition for his good and faithful behaviour, and every Clerk, with the like conditions and sureties, in such sum as the Directors shall deem adequate to the trusts reposed in them.

Cashier and Clerk to give bonds with sureties

XI. And be it enacted, That the number of votes which each Stockholder shall be entitled to on every occasion when in conformity to the provisions of this Act the votes of the Stockholders are to be given, shall be in the following proportion, (that is to say,) for one share and not more than four shares, one vote; for every four shares above four and not exceeding twenty, one vote, making five votes for twenty shares; for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares, which said number

Number of votes of stockholders regulated.

number

number of ten votes shall be the greatest that any Stockholder shall be entitled to have.

Stockholders may vote by proxy.

XII. And be it enacted, That all Stockholders resident within this Province or elsewhere may vote by proxy, provided that such proxy be a Stockholder and do produce sufficient authority in writing from his constituent or constituents so to act; provided that no Stockholder be entitled to hold more than three proxies.

Number of shares to be held by members of the Corporation.

XIII. And be it enacted, That no Member of the said Corporation during the first three months, to be accounted from and after the passing of this Act, shall be entitled to hold and subscribe for more than twenty shares of the said capital stock; and if the whole of the said capital stock shall not have been subscribed within the said three months so to be accounted as aforesaid, that then and in such cases it shall be lawful for any Stockholder or Stockholders to increase his, her or their subscriptions to fifty shares: Provided always, that no Stockholder shall be permitted to hold more than eighty shares in the whole, unless the same be acquired by purchase after the said Bank shall have commenced its operations; and provided also, that no Stockholder in the said Bank at any one time shall hold more than twenty per cent. of the capital stock.

Vacant Directorships how to be filled up.

XIV. And be it enacted, That the Directors be and they are hereby authorized to fill up any vacancy that shall be occasioned in the board by the death, resignation or absence from the Province for three months of any of its Members, but that in the case of the removal of a Director by the Stockholders for misconduct or mal-administration, his place shall be filled up by the said Stockholders; and the person so chosen by the Directors or the Stockholders shall serve until the next succeeding annual meeting of the Stockholders.

Notice to be given when Stockholders are to make payments.

XV. And be it enacted, That before any Stockholder shall be required to make payment of any instalment upon the amount of his subscription, fifty days previous notice shall be given by the Directors in two of the newspapers published in this Province, of the time and place of payment; and the Directors shall commence with the business and operations of the Bank of the said Corporation: Provided always, that no bank bill or bank notes shall be issued or put in circulation, nor any bill or note be discounted at the said Bank until the said sum of twelve thousand five hundred pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said Bank.

No bank bill to be issued or note discounted till £12,000 are paid in

Commissioners to be appointed to count the money in the vaults.

XVI. And be it enacted, That as soon as the sum of twelve thousand five hundred pounds shall have been paid in current gold and silver coins, and shall then be in the vaults of the said Bank, the President shall give notice thereof to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or the Commander in Chief for the time being, who is hereby authorized, by and with the advice of His Majesty's Executive Council, to appoint three Commissioners, not being Stockholders, whose duty it shall be to examine and count the money actually in the vaults, and to ascertain, by the oaths of the majority of Directors, that half the amount of its capital hath been paid in by the Stockholders towards payment of their respective shares and not for any other purpose, and that it is intended to have it there remain as part of the capital stock of the said bank; which investigation is hereby declared indispensable, and shall be made at the periods prescribed by the second section of this Act, when paying in the capital stock of the said Bank.

Shares to be assignable.

XVII. And be it enacted, That the shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf; but no assignment or transfer shall be valid or effectual, unless such assignment

assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, nor until such person or persons so making the same shall previously discharge all debts actually due and payable to the said Corporation; that in no case shall any fractional part of a share, or other than a complete share or shares be assignable or transferable; that whenever any Stockholder shall transfer in manner aforesaid all his stock or shares in the said bank to any other person or persons whatever, such Stockholder shall cease to be a Member of the said Corporation.

XVIII. And be it enacted, That the said Company shall not directly nor indirectly deal in anything excepting bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed; which said goods and stock so pledged shall be sold by the said Corporation at public sale at any time not less than thirty days after the period for redemption, and if upon such sale of goods or stock, there shall be a surplus after deducting the money lent together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

Corporation to deal only in bills of exchange, gold and silver, and in sale of goods or stock pledged.

XIX. And be it enacted, That the holders of the stock of the said bank shall be chargeable in their private and individual capacity, and shall be holden for the payment and redemption of all bills which may have been issued by the said Corporation, and also for the payment of all debts at any time due from the said Corporation, in proportion to the stock they respectively hold: Provided however, that in no case shall any one Stockholder be liable to pay a sum exceeding the amount of stock actually then held by him: Provided nevertheless, that nothing previously contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

Stockholders to be individually liable for the debts in proportion to, but not exceeding the amount of their stock.

XX. And be it enacted, That every bond, bank bill or bank note, or other instrument, by the terms or effect of which the said Corporation may be charged or held liable for the payment of money, shall specially declare in such form as the board of Directors shall prescribe that payment shall be made out of the joint funds of the said Corporation: Provided nevertheless, that nothing herein contained shall be construed to alter, change or diminish the responsibilities and liabilities imposed on Stockholders in their individual capacities by the nineteenth section of this Act.

Bonds, bills, notes &c. to declare payments to be from the joint funds of the Corporation.

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

Debts not to exceed twice the amount of capital paid in.

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

Half yearly dividends to be made.

XXIII. And be it enacted, That the books, papers, correspondence and funds of the said Corporation shall at all times be subject to the inspection of the Directors, but no Stockholder not a Director shall inspect the account of any individual with the said Corporation.

Books &c. to be subject to the inspection of the Directors.

XXIV.

Notes to be signed by the President and Cashier.

XXIV. And be it enacted, That all the bills or notes issued by the said Corporation shall be signed by the President for the time being, and countersigned and attested by the Cashier, and shall be printed and made in steel plates, and all bills and notes so signed and countersigned shall be binding on the said Corporation, and payable in specie at said Bank.

Amount of any altered notes to be paid to any bona fide holder.

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

Bank to be kept at Saint Stephen.

XXVI. And be it enacted, That the said Bank shall be kept and established at Saint Stephen or at such other place as the board of Directors may think it necessary to remove the said Bank on account of any great emergency for the security thereof.

Statement of affairs to be laid before the stockholders at the annual general meeting.

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

No loan on pledge of stock.

XXVIII. And be it enacted, That no loan shall be made by the said bank on the pledge of its own stock.

Joint committee of Legislature to have access to books and vaults

XXIX. And be it enacted, That any joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or Prorogation of the General Assembly have free access to all the books and vaults of the same.

General meetings may be called by Stockholders or Directors

XXX. And be it enacted, That any number of Stockholders not less than twelve, who together shall be proprietors of three hundred shares, shall have power, at any time, by themselves or their proxies, to call a general meeting of the Stockholders for purposes relating to the business of the said Corporation, giving at least thirty days previous notice in two newspapers published in the Province, and specifying in such notice the time and place of such meeting with the objects thereof; and the Directors or any five of them shall have the like power at any time, upon observing the like formalities, to call a general meeting as aforesaid.

(On dissolution, Directors to close the concerns

XXXI. And be it enacted, That on any dissolution of the said Corporation immediate and effectual measures shall be taken by the Directors then in office for closing all the concerns of the said Corporation and for dividing the capital and profits which may remain among the Stockholders in proportion to their respective interests, and in case any bills issued by the said Corporation shall remain unpaid, the holders of stock in the said Corporation as well as those who were Stockholders at the time of the notice of the said dissolution (which said notice shall take place by a publication of their intention so to do in the Royal

Gazette

Gazette twelve months previous to the said Corporation being allowed to carry the same into effect) shall be chargeable in their private and individual capacity for the payment and redemption thereof in proportion to the stock they respectively held or hold, subject however to the proviso mentioned in the nineteenth section of this Act: Provided however, that this liability shall continue for two years only from after the notice of such dissolution.

XXXII. And be it enacted, That the aggregate of all the debts due to the said Bank from the Directors thereof as principals, endorsers or sureties, shall not at any one time exceed thirty three and one third per centum of the capital stock.

Amount of aggregate debts of Directors to bank.

XXXIII. And be it enacted, That the Cashier of the said Bank shall semi-annually, that is to say, on the first Monday in January, and the first Monday in July in each and every year make a return in triplicate of the state of the said Bank as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the office of the Secretary of the Province, which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein, and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein; and the said return shall be made in the following form, viz :

Semi annual returns of state of bank to the Secretary's office

FORM OF RETURN.

State of Bank, on the Monday of 18 , 3 o'clock, P. M.

DUE FROM BANK.

Bills in circulation

Net profits on hand

Balance due to other Banks

Cash deposited, including all sums whatever due from the Bank not bearing interest, its bills in circulation, profits and balances due to other Banks excepted

Cash deposited bearing interest

Total amount due from the Bank

RESOURCES OF THE BANK.

Gold, silver and other coined metals in its banking house

Real estate

Bills of other Banks incorporated in this Province

Balances due from other Banks

Amount of all debts due, including notes, bills, of exchange, and all stock and funded debts of every description, excepting the balances due from other Banks

Total amount of the resources of the Bank

Date and amount of the last dividend, and when declared

Amount of reserved profits at the time of declaring the last dividend

Amount of debts due and not paid, and considered doubtful

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

Return of Stockholders to be made when required.

Copies to be laid before the Legislature.

of this Province as soon after the opening of any Session thereof as practicable, one of such respective returns as he may have received since the then last previous Session.

Lists of delinquents to be furnished to the President on discount days.

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

Disqualification of Directors for delinquency

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

Notes to be presented at the Bank before action.

XXXVI. And be it enacted, That no action shall be brought or maintained upon any bank bill or bank note which shall be issued by the said Corporation before such bill or note shall have been presented at the Bank for payment, and default in payment shall thereupon take place.

Shares to be personal estate.

XXXVII. And be it declared and enacted, That all and every the shares in the capital stock of the said Bank, and all the profits and advantages of such shares respectively shall be deemed and considered to be of the nature of and shall be personal estate and transmissible as such accordingly.

Shares in the stock to be liable to seizure under execution.

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

Limitation.

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

CAP. XXXIII.

An Act, to prescribe certain general regulations in respect to Corporations.

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Passed 8th March, 1836.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all and every share and interest of each and every Stockholder or Shareholder in the joint or capital stock of any joint stock Company, that already is, or during the present Session of the General Assembly or afterwards, may be incorporated by Act of Assembly or otherwise in this Province, whether the objects and operations of such joint stock Company relate to real or personal property, and with whatever powers such joint stock Company may be invested, in regard to holding and managing lands and real property, shall be deemed and considered to be of the nature of and shall be personal estate and transmissible as such accordingly.

Shares in joint stock Companies to be deemed personal estate and transmissible as such.

II. And be it enacted, That the shares in the capital stock of any such joint stock Company shall be liable to be seized and taken in execution and sold in like manner with other personal property: Provided always, that the Sheriff or other officer executing such execution, shall leave a copy of such execution certified by the Sheriff or his Deputy with the Clerk, Secretary, Treasurer or Cashier of such joint stock Company, and the shares in the capital stock of such joint stock Company so liable to such execution shall be deemed to be seized in execution when such copy is so left; and the sale shall be made within thirty days after such seizure; and on production of a bill of sale from the Sheriff, the Clerk, Secretary, Treasurer, Cashier or other officer of such Company, whose duty it may be to register the transfer of shares, shall transfer on the books of such Company the number of shares sold under such execution to the purchaser or purchasers thereof; and such transfer shall be valid and effectual, notwithstanding there may be any debt due to such Company from the person or persons whose shares may be so seized and sold; and the shares in the said capital stock of the judgment debtor named in such execution, shall be bound by such execution only from the time when such copy of the execution shall be so left with the Cashier: Provided always, that no fractional part of any such share or shares shall be seized and sold in execution.

Shares in the capital stock of any joint stock Company made liable to seizure in execution.

III. And be it enacted, That every such Clerk, Secretary, Treasurer or Cashier of such Company, shall upon the exhibiting to him of such certified copy of the execution as aforesaid, be bound to give to such Sheriff or other officer a certificate of the number of shares in such capital stock held by such judgment debtor named in such execution.

Clerk &c. of Company to give a certificate of the number of shares held by a judgment debtor.

IV. And be it enacted, That no joint stock Company that already is or hereafter may be incorporated by Act of Assembly or otherwise in this Province, unless expressly incorporated for banking purposes, shall possess or be deemed or construed to possess any power of discounting bills, notes or other evidences of debt, or of dealing or trading in buying or selling gold and silver coins or bullion, or bills of exchange or other negotiable instruments, or of issuing bills, notes or other evidence of debt, upon loan or for circulation, or of engaging in any banking operations whatever.

No incorporated Company unless incorporated for banking to engage in banking operations.

V. And be it enacted, That every Corporation which may during the present Session of the General Assembly or afterwards be erected or created by Act of Assembly, shall where no other provision is specially made, be able and capable to have succession by its corporate name for the period contained in the Act

Future Corporations may have succession, sue and be sued, use a common seal, purchase and convey real

and personal
estate, appoint
officers and
make bye laws.

Act of Incorporation, and to sue and be sued, complain and defend in any Court of law or equity, and to make and use a common seal and alter the same at pleasure, and to hold, purchase and convey such real and personal estate as the purposes for which it is incorporated may require, not exceeding the amount limited in the Act of Incorporation, and to appoint such officers and agents as the business of the Corporation may require, and to fix their compensation, and to define their duties and obligations, and to make bye laws and regulations not inconsistent with any law in force in this Province for the management of its property, the regulation of its affairs, and the assignment and transfer of its stock.

The proceeding
by original
against Corpora-
tions abolished

VI. And be it enacted, That from and after the passing of this Act, the proceeding by original against any Corporation shall be abolished, and the first process in every action to be brought against any Corporation shall be by writ of summons according to the form or to the effect following, that is to say :

Form of Sum-
mons.

William the Fourth, (&c.) To the Sheriff of Greeting: We command you, that you summon [*here insert the name of the Corporation,*] that he be before (&c.) on (&c.) to answer A. B. of a plea [*&c. as the case may be,*] and have there then this writ. Witness (&c.)

Service

And every such writ of summons may be served on the Mayor, President or other head officer, or on the Secretary, Clerk, Treasurer or Cashier of such Corporation.

CAP. XXXIV.

An Act, for altering the terms of holding the Court of the Governor and Council for causes of Marriage and Divorce.

Passed 8th March, 1836.

“**W**HEREAS it is expedient to alter the fixed and stated terms of holding the “ Court of the Governor and Council for causes of marriage and divorce;”

§1 G. 3, C. 5,
S. 6. repealed.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the sixth section of an Act made and passed in the thirty first year of the reign of King George the Third, intituled, “An Act for regulating marriage and divorce, and for preventing and punishing incest, adultery and fornication;” and also an Act made and passed in the forty eighth year of the same reign, for altering and amending the said recited Act, be and the same are hereby repealed.

Terms to be 2d
Tuesday in Feb-
ruary, and 3d
Tuesday in June
and October.

II. And be it enacted, That the fixed and stated terms of holding the Court of the Governor and Council for the purposes and causes mentioned in the said recited Act of the thirty first year of the reign of King George the Third, shall be and commence on the second Tuesday in February, the third Tuesday in June, and the third Tuesday in October in each and every year, and shall continue during the space of ten days.

CAP. XXXV.

An Act, to regulate Pawn Brokers within this Province.

Passed 8th March, 1836.

- 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 at their General Sessions have full power and authority, and they are hereby authorized and empowered to give and grant licences to such persons as they in their discretion shall think fit, being of good fame and character, to use, exercise and carry on the trade or business of a pawn broker in their respective Counties, and it shall and may be lawful for such Justices to ask, demand and receive for every such licence as aforesaid the sum of ten pounds for one year, and in that proportion for a less period of time, and that all sums so received shall be paid by the Clerks of the respective Counties into the hands of the respective County Treasurers, to be appropriated by the Justices towards defraying the necessary contingent expenses of the County, such Clerks retaining for their trouble ten shillings for each licence so granted. General Sessions to grant licences to Pawn Brokers demanding at the rate of £10 per annum.
- II. And be it enacted, That every person so licensed as aforesaid, shall at the time of taking such licence enter into recognizance with two good and sufficient sureties to His Majesty in the sum of one hundred pounds, conditioned for the observance of this Act, and to obey such rules and regulations as the said Justices in their General Sessions shall from time to time make and ordain to be observed by pawn brokers in their respective Counties; which rules and regulations the said Justices are hereby authorized and empowered to make and ordain. Pawn Brokers to enter into recognizance.
- III. And be it enacted, That no person shall use, exercise or carry on the trade or business of a pawn broker or deal in any way as a pawn broker within this Province without having such license as aforesaid, under the penalty of ten pounds for each and every offence. Penalty for acting as Pawn Broker without licence.
- IV. And be it enacted, That all persons who shall receive by way of pawn, pledge or exchange, any goods, wares or merchandize for the repayment of money lent thereon, shall be deemed pawn brokers, except such persons as shall lend money at six per cent. interest, without taking any other or greater profit for the loan thereof. Who shall be deemed Pawn Brokers.
- V. And be it enacted, That every pawn broker shall cause his christian and surname and the word "Pawn Broker" to be painted in large legible characters over the door on the outside of the shop or other place used by him for carrying on such business, on pain of forfeiting two pounds for every week such pawn broker shall use such shop or place without having the same there painted. Name and word "Pawn Broker" to be painted over the shop door.
- VI. And be it enacted, That every pawn broker may demand and take the following rates of profit over and above the principal sum advanced before he shall be obliged to re-deliver the goods pawned, viz. : for every pledge upon which there shall have been lent not exceeding two shillings and sixpence, one half-penny for any time not exceeding one calendar month, and the same for every calendar month afterwards including the current month in which such pledge shall be redeemed, although such month shall not be expired; if five shillings shall have been lent thereon, one penny; if seven shillings and sixpence, one penny halfpenny; if ten shillings, two pence; if twelve shillings and sixpence, two pence halfpenny; if fifteen shillings, three pence; if seventeen shillings and sixpence, three pence halfpenny; if twenty shillings, four pence; and in that proportion

proportion for any sum not exceeding forty shillings; and if exceeding forty shillings and not exceeding ten pounds, after the rate of three pence for every twenty shillings by the calendar month, including the current month aforesaid, and so in proportion for any fractional sum; which said several sums shall be in lieu of and taken as a full satisfaction for all interests due and charges for warehouse room or otherwise.

Rate of profits and price of a second note of articles pawned, to be posted in the shop.

VII. And be it enacted, That every pawn broker shall cause to be painted or printed in large legible characters the rate of profit allowed by this Act to be taken, and also the price of obtaining a second note or memorandum of the articles pawned where the former one has been lost, mislaid or destroyed, or fraudulently obtained, and place the same in a conspicuous part of the shop or place where such business is carried on, so as to be visible to and legible by persons pledging goods standing in the places provided for such persons coming to pawn or redeem goods.

Pawn Broker to keep regular books and deliver to persons pawning articles a note containing description of articles and substance of entry in his books.

VIII. And be it enacted, That every pawn broker shall keep a book in which shall be entered in a fair and regular manner at the time of each loan a description of the goods, article or thing so received in pawn, pledge or exchange, and the sum lent thereon with the day and year of pledging the same and the name and place of residence of the person by whom they were pawned, and the said pawn broker at the time of taking such pawn shall deliver to the person pawning the same a note or memorandum written or printed, and signed by such pawn broker, containing a description of the goods pawned and substance of the entry made in his book aforesaid, for which note or memorandum no charge shall be made; and such note or memorandum shall be produced to the pawn broker before he shall be obliged to re-deliver the goods pawned (except as is hereafter excepted).

Books to be subject to the inspection of Justices of the Peace.

IX. "And for the purpose of recovering goods which may have been lost or stolen and detecting offenders;" Be it enacted, That the book so kept by any pawn broker as aforesaid, shall at all reasonable times within the hours of business be open to the inspection of any Justice of the Peace within the respective Counties, and that any goods or other articles pawned as aforesaid shall be produced for the examination of such Justice if thereunto required; and if any pawn broker shall at any time refuse or neglect to exhibit such book for inspection as aforesaid, or to produce any goods or other articles pawned when thereunto required by any Justice of the Peace as aforesaid, he shall forfeit and pay the sum of two pounds for each and every offence.

Goods not redeemed within one year to be forfeited and then sold by auction.

X. And be it enacted, That all pawned goods shall be deemed forfeited if not redeemed within one year from the time of pawning the same, but that no pawn broker shall sell any goods so pawned until the same shall have remained in his or her custody one full year, and such goods shall then be sold at public auction and not otherwise, and that there shall be at least ten days notice of the time and place of such sale, with a description of the goods given in some public newspaper or posted up in the pawn office and at two other public places in the Town where such sale is to take place, and if any surplus shall remain of the monies arising from such sale after deducting the amount of loan with all interests due thereon, and the expenses of advertising and selling the same, such surplus shall be paid over by the pawn broker to the person who would be entitled to redeem the said pawn in case no such sale had taken place, and if any pawn broker shall neglect or be guilty of any offence against any of the provisions of this section, he shall forfeit and pay the sum of five pounds for each and every offence.

XI. And be it enacted, That every pawn broker shall enter in a book to be kept

kept for that purpose, a just and true account of the sale of all such goods, expressing the day of the month when pledged, the name of the person pledging, and the day when, and the money for which the same were sold, together with the name and abode of the auctioneer, and the expenses of such sale; and the person who pawned such goods, his executors or administrators shall be permitted to inspect the entry made of such sale; and if any pawn broker shall not have made such entry as aforesaid, or shall neglect or refuse to permit any person entitled thereto, to inspect such entry, or shall not have bona fide according to this Act sold such goods, or shall refuse to pay over the surplus arising from any such sale when demanded, he shall be liable to the penalty of five pounds for each and every offence.

A true account of all sales to be entered in a book, and to be liable to inspection.

XII. And be it enacted, That no pawn broker shall purchase, receive or take any goods in pledge from any person, knowing or believing him or her to be a minor, apprentice or servant, or to be intoxicated with liquor, nor receive any goods by way of pawn or pledge, nor purchase, take or receive any goods in the way of his trade or business, between the setting of the sun and rising of the same, under the penalty of five pounds for each and every offence.

Penalty for purchasing or receiving in pledge goods from minors &c. between sun rise and sun set.

XIII. And be it enacted, That if any goods shall be pawned or pledged for securing any money lent thereon, and within one year from the pawning thereof, the pawner being the real owner of such goods at the time of pawning thereof, shall tender to the pawn broker who lent on security of the said goods, the principal money borrowed thereon, and the profit according to the rates by this Act established, and such pawn broker shall thereupon, without reasonable cause, neglect or refuse to deliver back the said goods so pawned, to the person who borrowed the money thereon, his executors or administrators, in such case, on oath thereof made by such pawner, his executors or administrators, it shall be lawful for any Justice of the Peace where such pawn broker shall reside, on the application of such pawner, his executors or administrators, to cause such pawn broker to come before him, and shall inquire touching the premises; and if it shall be made to appear to the satisfaction of such Justice that a tender of the principal money due, and all profit thereon has been made to the said pawn broker within one year as aforesaid, then the said Justice shall, by order under his hand, direct the goods so pawned, forthwith to be delivered up to such pawner, his executors or administrators; and if such pawn broker shall neglect or refuse to deliver up or make satisfaction for such goods as aforesaid, as such Justice shall order, then the said Justice shall commit the said pawn broker, so refusing, to the common gaol of the County where the offence is committed, until he shall deliver up the said goods or make satisfaction for the value thereof to the party entitled to the redemption.

Pawn Brokers refusing to deliver back goods pawned on tender of proper amount, to be brought before a Justice, and on further refusal to deliver up or make satisfaction to be committed.

XIV. And be it enacted, That the person who shall produce the note or memorandum which shall have been given by any pawn broker as aforesaid, and require a delivery of the goods named thereon, shall be deemed, so far as concerns the person who has the goods in pledge, the owner, and any pawnbroker who shall deliver any goods to the person producing such note or memorandum, shall be indemnified and saved harmless, unless he shall have had previous notice from the real owner not to deliver such goods to the person producing such note or memorandum, or notice that the same are suspected to have been fraudulently or feloniously taken or obtained, or that the said note or memorandum hath been lost, mislaid or fraudulently obtained from the owner thereof.

Person producing note and requiring delivery of goods to be deemed their owner.

XV. And be it enacted, That in case any such note or memorandum shall be lost, mislaid, destroyed or fraudulently obtained from the owner, and the goods mentioned

A second note of goods pledged to be given, the mentioned

first being lost
 &c. and on
 proof before a
 Justice as to
 ownership, goods
 may be redeemed

mentioned therein shall remain unredeemed, the pawn broker with whom such goods were pledged, shall at the request of the persons representing himself to be the owner, deliver to such person a copy of the note or memorandum of the articles so pledged from the book of entries kept by such pawn brokers, and if the person shall thereupon prove his property in or right to the said goods as therein mentioned to the satisfaction of some Justice of the Peace, and verify on oath the particular circumstances of the loss, destruction or fraudulent obtaining of the original note or memorandum, and such Justice shall certify the same under his hand, then and in such case the said pawn broker shall suffer the persons so proving such property to redeem such goods on leaving with him such copy of the said note or memorandum with the affidavit so certified as aforesaid.

Rights of the
 Corporation of
 the City of Saint
 John reserved,
 and the like
 powers as to
 granting licences
 extended to them.

XVI. And be it enacted, That nothing herein contained shall extend or be construed to extend to interfere with the Mayor, Aldermen and Commonalty of the City of Saint John in granting licences to pawn brokers in the City of Saint John as has been heretofore accustomed, but that such pawn brokers shall be under the same restrictions, pains and penalties, and under the like regulations in every other respect as are provided in and by this Act; and the said Mayor, Aldermen and Commonalty are hereby vested with the like power as to granting licences to pawn brokers in the City of Saint John as are hereby given and granted to the Justices of the Peace in the several Counties, but that the amount of licence money and all fines and penalties arising in the City of Saint John shall be paid into the hands of the Chamberlain of the said City for the public use of the said Mayor, Aldermen and Commonalty.

Licences may be
 revoked

XVII. And be it enacted, That it shall and may be lawful for the Courts of General Session in the several Counties, and for the said Mayor, Aldermen and Commonalty of the City of Saint John, to revoke and annul any licence to any pawn broker by them respectively granted in case of conviction of any of the offences under this Act or for any other satisfactory cause appearing unto them.

Recovery of
 penalties

XVIII. And be it enacted, That the several and respective penalties imposed by this Act, shall and may be recovered upon complaint made to any one of His Majesty's Justices of the Peace in the County where such offence shall be committed, or if in the City of Saint John, before the Mayor, Recorder or any of the Aldermen of the City, or any Justice of the Peace for the said City and County, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods or chattels, under the hand and seal of such Justice, directed to any constable of the Town, Parish or City where such offence shall 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 such distress, it shall and may be lawful for such Justice to issue his warrant under his hand and seal to commit such offender to the common gaol of the County where such offence shall have been committed, there to remain without bail or mainprize for such time not exceeding thirty days as such Justice shall think fit, unless such penalty and forfeiture together with the costs and charges shall be sooner paid.

Limitation

XIX. 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.

CAP. XXXVI.

An Act, for more effectually securing the liberty of the subject by enforcing the execution of writs of Habeas Corpus.

Passed 8th March, 1836.

“ WHEREAS the writ of Habeas Corpus hath been found by experience Preamble.
 “ to be an expeditious and effectual method of restoring any person to
 “ his liberty who hath been unjustly deprived thereof: And whereas the Justices
 “ of the Supreme Court in this Province have and are accustomed to exercise the
 “ same power and authority as the Justices of the Court of King’s Bench in
 “ England, in awarding, as well in vacation as in term time, writs of Habeas
 “ Corpus ad subjiciendum under the seal of the said Court, in cases where any
 “ person is confined or restrained of his or her liberty as well for some criminal or
 “ supposed criminal matter, as otherwise: And whereas enforcing obedience to
 “ such writs and preventing delays in the execution thereof, will be advantageous
 “ to the public;”

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That if the person or persons to whom any such writ of Habeas Corpus shall be directed, upon service of such writ, either by the actual delivery thereof to him, her or them, or by leaving the same at the place where the party shall be confined or restrained, with any servant or agent of the person or persons so confining or restraining, shall wilfully neglect or refuse to make a return or pay obedience thereto, he, she or they shall be deemed guilty of a contempt of the said Court; and it shall be lawful to and for the Justice before whom such writ shall be returnable, who may be either the Justice awarding the said writ or any other Justice of the said Supreme Court, upon proof made by affidavit of wilful disobedience of the said writ, to issue a warrant under his hand and seal, for the apprehending and bringing before him, or before some other Justice of the same Court, the person or persons so wilfully disobeying the said writ, in order to his, her or their being bound to the King’s Majesty with two sufficient sureties, in such sum as in the warrant shall be expressed, with condition to appear in the said Court, at a day in the ensuing term to be mentioned in the said warrant, to answer the matter of contempt with which he, she or they are charged; and in case of neglect or refusal to become bound as aforesaid, it shall be lawful for such Justice to commit such person or persons so neglecting or refusing to any County gaol, there to remain until he, she or they shall have become bound as aforesaid; or shall be discharged by order of the Court in term time or by order of one of the Justices of the Court in vacation; and the recognizance or recognizances to be taken thereupon shall be returned and filed in the said Court, and shall continue in force until the matter of such contempt shall have been heard and determined, unless sooner ordered by the Court to be discharged; provided that if such writ shall be awarded, so late in the vacation by any one of the said Justices, that, in his opinion, obedience thereto cannot be conveniently paid during such vacation, the same shall and may, at his discretion, be made returnable in the said Court, at a day certain in the next term; and the said Court shall and may proceed thereupon, and award process of contempt in case of disobedience thereto, in like manner as upon disobedience to any writ originally awarded by the said Court: Provided also, that if such writ shall be awarded by the said Supreme Court in term, but so late that in the judgment of the Court obedience thereto cannot be conveniently paid during such term, the same shall and may, at the Neglect to make return to or obey a writ of Habeas Corpus deemed a contempt of Court.
Proceedings thereupon.
 discretion

discretion of the said Court, be made returnable at a day certain in the then next vacation, before any Justice of the same Court, who shall and may proceed thereupon in such manner as by this Act is directed concerning writs issuing in and made returnable during the vacation.

Justice may examine into the truth of the fact set forth in the return and cause of confinement.

Confined person may be let to bail if the truth of the facts stated in the return be doubtful.

Writ, &c to be transmitted into the Court.

Court to examine into the fact.

Like proceedings may be had although writ be awarded by the Court.

Court or Justice may order payment of charges and expenses, and for non-payment award process of contempt.

II. And be it further enacted, That although the return to any such writ of Habeas Corpus shall be good and sufficient in law, it shall be lawful for the Justice before whom such writ may be returnable to proceed to examine into the truth of the facts set forth in such return, and into the cause of such confinement or restraint, by affidavit or by affirmation (in cases where an affirmation is allowed by law), and to do therein as to justice shall appertain; and if such writ shall be returned before any one of the said Justices, and it shall appear doubtful to him on such examination, whether the material facts set forth in the said return, or any of them be true or not, in such case it shall and may be lawful for the said Justice to let to bail the said person so confined or restrained, upon his or her entering into a recognizance with one or more sureties, or in case of infancy or coverture, or other disability, upon security by recognizance in a reasonable sum, to appear in the said Supreme Court, upon a day certain in the term following, and so from day to day as the Court shall require, and to abide such order as the Court shall make in and concerning the premises; and such Justice shall transmit into the same Court the said writ and return, together with such recognizance, affidavits and affirmations; and thereupon it shall be lawful for the said Court to proceed to examine into the truth of the facts set forth in the return, either in a summary way by affidavit or affirmation (in cases where by law affirmation is allowed), or by directing one or more issues for the trial of the facts set forth in the said return or any of them, and to order and determine touching the discharging, bailing or remanding the party, as to justice shall appertain.

III. And be it further enacted, That the like proceeding may be had in the Court for controverting the truth of the return to any such writ of Habeas Corpus awarded as aforesaid, although such writ shall be awarded by the said Court itself or be returnable therein.

IV. And be it further enacted, That it shall and may be lawful for the Court or Justice proceeding on any such writ of Habeas Corpus to make such order in regard to the payment of the charges and expenses of bringing up the party so confined and restrained, and for carrying him or her back to his or her place of confinement in case of remanding, as to such Court or Justice shall upon examination thereof seem meet, and for non-payment thereof to award process of contempt, whereupon such proceedings shall be had as in other cases of contempt for non-payment of costs.

CAP. XXXVII.

An Act, imposing duties upon certain articles imported into this Province for the purpose of Revenue.

Passed 16th March, 1836.

“ **WE**, His 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 His Majesty’s Government within this Province, have freely and voluntarily resolved to give and grant to the King’s most

“ most excellent Majesty the several rates and duties 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 thirty six, there be and are hereby granted to the King's most excellent Majesty, his heirs and successors, for the use of this Province and for the support of the Government thereof, the several rates and duties hereinafter mentioned on the following articles, which may be 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 Foreign port or place, or which may be saved from any wrecked or stranded ship or vessel, viz. :

For and upon all rum, spirits, gin, hollands, geneva, whisky and cordials, one shilling and sixpence per gallon ;

Duties on imported articles granted to His Majesty, for the use of the Province and support of the Government.

For and upon brandy, two shillings per gallon ;

Brandy

For and upon all wines, the sum of ninepence per gallon, and further twenty five per cent. upon the true and real value thereof at the place from whence they were imported ;

Wines.

For and upon all molasses, one penny per gallon ;

Molasses.

For and upon all shrub, santa or lime juice, sixpence per gallon ;

Shrub, Santa or Lime Juice.

For and upon every hundred weight of dried fruits, five shillings ;

Dried Fruits.

For and upon all coffee, loaf or refined sugar, one penny per pound ;

Coffee, Sugars.

For and upon all brown or Muscovado sugar, on the quantity mentioned in the original invoice, allowing twenty five per cent. for tare and wastage, two shillings and sixpence per hundred weight ;

For and upon every foreign horse, two pounds ten shillings ;

Horses.

For and upon every foreign ox, one pound ;

Oxen.

For and upon every foreign cow or other horned cattle, three pounds ten shillings ;

Cows.

For and upon every hundred pounds of foreign dead fresh meats of all kinds, six shillings and eight pence ;

Dead fresh Meats.

For and upon the following foreign manufactured articles when not imported from the United Kingdom, upon every hundred pounds of the real value thereof, the rates and duties following (that is to say) :

Foreign manufactured articles.

For and upon all chairs, clocks, clock cases, clock movements or machinery, watches, and upon every description of household furniture, pictures, mirrors or looking glasses, twenty five pounds ;

For and upon all soap and candles, ten pounds ;

For and upon all tobacco, five pounds ;

And for and upon all other foreign articles manufactured or not manufactured, not hereinbefore enumerated or described, when not imported from the United Kingdom, upon every hundred pounds of the real value thereof, ten pounds ; excepting nevertheless :

Non-enumerated articles.

Bees wax, bristles, books printed and pamphlets, beans, barley, bread, cotton wool, cordage, canvas, dye woods, felt, flour and meal of all kinds (buckwheat excepted), grass seeds and all other kind of seeds and plants, hides, horse hair, horns, hemp, indigo, iron, india rubber, indian corn, liquors otherwise charged with duty, lumber of all kinds, leaf tobacco, lignumvitæ, mahogany logs or boards, meats (dried or salted), mill saws, oats, pitch, peas, rosin, rice, rye, salt, tar, turpentine, tallow, tea, vinegar, wheat ;

Exceptions.

For

British manu-
factures.

For and upon all articles of 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 wreck or stranded ship or vessel, for every hundred pounds of the real value thereof, the sum of two pounds ten shillings; excepting nevertheless:

Exceptions.

Anchors, barley (pot or pearl), beef, bacon, books (printed), bread, bunting; coals, copper (bolt and sheet), copper spikes and nails, canvas, coal tar, cordage, duck, felt patent, fishing nets, fishing hooks, fishing lines and twines, flour and meal of all kinds, iron (bolt, square, flat, pig or sheet), iron block bushes, loaf or refined sugar (otherwise charged with duty), lead (bar and sheet), mineral salt, malt, machinery for mills or steam boats, mathematical instruments of all kinds, maps, oakum, pork, printing paper, steel, salt, spikes and sheathing nails, ships tackle and apparel, sheathing paper, tin in sheets or block, zinc;

Colonial leather
and malt liquor.

For and upon all leather or any other article made of leather, and on malt liquor, not being of foreign manufacture or the manufacture of the United Kingdom; imported or brought into this Province, five pounds for and upon every one hundred pounds of the value thereof at the place of the last shipment;

British East In-
dia Silk or Cot-
ton manufac-
tures, Pepper
and Spices.

And for and upon all articles manufactured of silk or cotton in the British East India possessions, upon pepper and all description of spices from whatever place imported, two pounds ten shillings upon every one hundred pounds of the value of the said articles at the place of the last shipment;

Duties to be
paid notwith-
standing duties
imposed under
Acts of Parlia-
ment

All which duties shall be paid by the importer or importers of such articles respectively, notwithstanding any duties which are or may be imposed and collected under any Act or Acts of the Imperial Parliament, and shall be collected and secured by the means and under the regulations and penalties, and shall be drawn back on exportation or warehoused in the way and manner provided by an Act of the present Session of the General Assembly for collecting the revenue of the Province.

Goods in Ware-
house and on
which duties
have not been
secured, to be
liable to duties
imposed by this
Act.

II. And be it further enacted, That all goods which 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 the provincial duties hereby imposed on the like goods and merchandize.

Duties to be re-
paid or Ware-
house bonds
cancelled as to
goods exported
for the deep sea
or whale fishery.

III. And be it further enacted, That when any articles that shall have been warehoused or on which duties have been paid under this or any other or 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.

Limitation

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

CAP. XXXVIII.

An Act, to appropriate a part of the public Revenue to the payment of the ordinary services of the Province.

Passed 16th March, 1836.

[Omitted in this edition.]

CAP.

CAP. XXXIX.

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

Passed 16th March, 1836.

[Omitted in this edition.]

CAP. XL.

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

Passed 16th March, 1836.

[Omitted in this edition.]

CAP. XLI.

An Act, relating to insolvent confined Debtors.

Passed 16th March, 1836.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the tenth and eleventh years of the reign of His late Majesty King George the Fourth, intituled "An Act to repeal all the Acts now in force for the support and relief of confined debtors, and to make more effectual provisions for the same;" also an Act made and passed in the first year of the reign of His present Majesty, intituled "An Act to amend the laws in force relating to insolvent confined debtors;" also an Act made and passed in the second year of the same reign, intituled "An Act to continue and amend the Acts relating to the support and relief of confined debtors;" also an Act made and passed in the third year of the said last mentioned reign, intituled "An Act further to amend the Acts relating to the support and relief of confined debtors," be and the same are hereby severally repealed.

10 & 11 G. 4,
C. 30.

1 W. 4, C. 43.

2 W. 4, C. 13.

3 W. 4, C. 18,
repealed.

II. And be it enacted, That whenever any person may be confined within any gaol or the limits thereof within this Province for any debt, damages or costs, whether on mesne or final process, and such person so confined shall be unable to provide or obtain his or her necessary support, it shall and may be lawful for such person, immediately or at any time after the said debtor may be put in confinement, to make application to any Judge of the Supreme Court of this Province, or any Justice of the Inferior Court of Common Pleas, together with any Justice of the Peace, being of the Quorum, and in the County where such person shall be confined, for a weekly support or maintenance; and such Judge or Justices (after fourteen days previous notice to the plaintiff or person at whose suit such person may be confined, his or her attorney) shall examine on oath such person so confined as to his or her ability to support himself or herself, and if on examination, to be taken in writing on oath as aforesaid, to be filed in the office of the clerk of the Court out of which such process may have issued, it shall appear to such Judge or Justices that such person is utterly unable to support himself or herself, and has no property whatever real or personal, of what nature or kind soever, except necessary bedding, wearing apparel, kitchen utensils,

Confined debtors may apply for an order for maintenance to a Judge of the Supreme Court, or a Judge of the Common Pleas and a Justice of the Quorum.

If on examination on oath he be found unable to support himself, &c. an order for maintenance to be made.

sils, and necessary tools of his trade or occupation, not exceeding in value in the whole fifteen pounds, and that such confined person hath not at any time since he or she was served with the first or mesne process in the suit in which he or she may have been confined, or since he or she had notice of the said suit having been commenced, made over, assigned, transferred or put out of his or her possession or power, either directly or indirectly, any property whatsoever, whether real or personal, for the purpose of defrauding such plaintiff or giving any undue preference to any other plaintiff or creditor, that then it shall be lawful for such Judge or Justices to make an order for the party at whose suit such person may be confined, to pay a weekly sum of five shillings to be applied for the support of such person, which sum shall be paid weekly, and the first payment be made at the time such Judge or Justices may in such order direct; and after such order made, it shall be the duty of such party without any further notice to pay such weekly support agreeably to such order, and in case of failure thereof, it shall and may be lawful for any such Judge or Justices as aforesaid, on such failure being made known to him or them, to make an order under his or their hands, directed to the Sheriff or Gaoler, to discharge the said person out of confinement by reason of such suit, and such person shall be forthwith discharged by the said Sheriff or Gaoler without any claim or detention for or by reason of any Sheriff's fees, Gaoler's fees, board found or provided, or any other pretence whatsoever; provided that nothing in this Act shall prevent any plaintiff from prosecuting his or her suit if on mesne process to final judgment, or from taking out fieri facias against the goods and chattels, lands and tenements of such defendant, or from recovering in any other manner the amount of the judgment obtained in the suit, so always that the person of any debtor so discharged shall be freed from arrest in any proceedings or actions upon such judgment.

On failure of payment an order for discharge to be made.

Not to prevent Plaintiff from proceeding in final judgment or taking out fieri facias.

Maintenance to be paid to the Gaoler.

III. And be it enacted, That such allowance shall be paid to the gaoler of the County in which such debtor may be confined, at any time during the day (between sunrise and sunset) such allowance becomes due, for the use and support of such confined debtor.

Persons not strictly entitled to the benefit of this Act, after one year, may apply to the Supreme Court for relief.

IV. "And whereas it is expedient in certain cases to authorize and empower the Supreme Court of Judicature of this Province to grant relief or discharge to confined debtors, who by the strict provisions of this Act may not be entitled to the benefit thereof;" Be it therefore further enacted, That when any person may have been confined in any gaol or limits thereof in this Province for the space of one year at the suit of any person for either debt, costs or damages, such confined person may apply to the said Supreme Court in term time, on affidavit of the circumstances, for relief or discharge, which said Court on notice having been given of such application to the adverse party or his attorney may enquire into the matter on affidavit or otherwise, and if it shall thereupon appear to said Court that the person so confined has no property whatever, real or personal, within his possession, power or control, wherewith he can satisfy such demand or any part thereof, or support himself in custody, such Court may in its discretion make an order either for the maintenance or discharge of such person so confined, in the same manner as any Judge of such Court may do by virtue of this Act, and which order or discharge shall in all respects have the like force and effect as any order or discharge made by any Judge pursuant to the directions of this Act.

After receipt of weekly allowance for one year, debtor to

V. And be it enacted, That any person who may have received such weekly allowance for the space of one year, shall immediately thereafter be entitled to his or her discharge from confinement at the suit of the party who may have paid the

the same; and in such case the said Judge or Justices of the Peace who made the order for such weekly support, or any other Judge or Justice of the Peace as aforesaid, is hereby authorized and required to discharge such person from custody at the suit of the party who may have paid the support: Provided always, that in case of such discharge the party shall be entitled to the same remedy by proceeding to final judgment or taking out execution against goods, chattels, lands and tenements as is provided in the second section of this Act.

be discharged
from confinement

VI. And be it enacted, That each and every defendant committed to gaol in execution upon any judgment recovered before any Justice of the Peace in such Justice's Court shall be entitled to the benefit of this Act; and such Justices or any other Justice of the Peace of the County in the gaol of which the defendant shall be confined, upon such application, notice and examination as are prescribed in the cases mentioned in this Act, shall make the like orders for the relief of such defendant in every respect as if the execution against such defendant had issued out of either of the Courts before mentioned in this Act.

Provisions of Act
extended to judg-
ment debtors in
the Court of a
Justice of the
Peace.

VII. And be it enacted, That upon the application of any such person to any such Judge or Justices as aforesaid for such support, such Judge or Justices is hereby authorized and required to make an order under his or their hand, directed to the Sheriff or Gaoler in whose custody such person may be confined, to bring up such person before him or them, at the time and place in such order to be specified, for the purpose of being examined as is provided, in the second section of this Act, and such Sheriff or Gaoler shall not be liable to any action for escape or other suit for or on account of such order according to the true intent and meaning of this Act.

Sheriff or Gaoler
to bring the
debtor before the
Judge or Justice.

VIII. And be it enacted, That in any case where it shall be made to appear to the satisfaction of any Judge or Justices who may have ordered support to any person or to any other Judge or Justice of the Court out of which the process may have issued upon which such person may be confined, after such support ordered, that such person has the means of providing his or her necessary support, whether from property possessed at the time or since obtained, or by any other means, in either such cases, upon application made to him or them, such Judge or Justices shall be and are hereby authorized and empowered, by order under his or their hand and seal, to suspend the payment of such support for a stated time, or until further orders given in that behalf by such Judge or Justices, or by the Court out of which the process shall have issued: Provided always, that in case the said Judge or Justices shall direct the suspending or withholding support until further order from the Court is given in that behalf, it shall and may be lawful for such Court at the next or any future sitting to hear and determine upon the same, and make such order as to such Court may appear fit and proper; provided that such Court shall not direct the payment of any greater support than by this Act is authorized; and further provided, that no order shall be made for suspending the payment of support without due notice being given to the confined person of the application for that purpose being made, in order that such person may attend if he or she think proper, and any Judge or Justices aforesaid may order and direct the Sheriff or Gaoler to cause such person to be brought before him or them for that purpose in the same manner as directed in and by the seventh section of this Act.

Weekly allow-
ance may be
stopped if after
order made it
shall appear that
the debtor has
means of support-
ing himself.

IX. And be it enacted, That if it shall at any time be made out to the satisfaction of any Judge or Justices as aforesaid, that the person so applying for or having support under this Act (and having the benefit of the gaol limits), can either by labour or otherwise earn or procure his or her necessary support or maintenance,

Maintenance
may be refused
or suspended if
the debtor can
earn it.

nance,

nance, such Judge or Justices shall and may refuse to make such order for support as aforesaid, or in case the same be made to suspend the same in the manner as is provided in the eighth section of this Act.

Attendance of witnesses or production of books &c. to be enforced by subpoenas.

X. And be it enacted, That when any plaintiff or defendant shall have occasion to compel the attendance of any witness or witnesses to testify or give evidence before the Judge or Justice to or before whom any application, examination or other proceeding may be had under this Act, it shall and may be lawful for such plaintiff or defendant to issue a subpoena, or if need be a subpoena duces tecum, out of the Court from which the process under which the person is confined may have issued, commanding and requiring the attendance of such witness, and the production of books and papers before such Judge or Justices at the time and place in such subpoena to be specified; which said subpoena shall be served and the witness paid or tendered his reasonable expenses in the same manner as if the subpoena had issued from such Court in the ordinary manner, and the witness or person served therewith shall be subject to the same punishment by such Court, or liable to the like damages in all respects to the party injured for wilfully refusing or neglecting to obey such subpoena as in any other case he would be liable or subject to.

Debtor may assign his property to other creditors, if confining creditor refuse to take it or the proceeds.

XI. And be it enacted, That when any person so confined shall be possessed of money or debts at the time of his or her confinement or afterwards, and shall have offered to pay or assign the same to the party at whose suit such person may be confined, or in case there be several parties to them respectively, in part payment of and in proportion to such demand or demands, or when such confined person shall be possessed of either real or personal property, (excepting nevertheless wearing apparel, bedding and tools to the value of fifteen pounds as before excepted,) and shall have offered to convey and assign the same to the party or parties at whose suit or suits such person may be confined, at a fair price to be agreed upon, in part payment and in proportion as aforesaid, and in case of disagreement as to the price or value of such property shall have offered to pay in manner aforesaid the proceeds arising from the sale of such property, which said property shall be sold at public auction by such confined person, after having first advertised the time and place of the sale thereof for the space of fourteen days and given the party or parties respectively or their attorneys notice of such sale, and the said party or parties shall have refused to accept and receive the said payment or assignments, or the said proceeds arising from the sale of the said property as aforesaid, that then it shall and may be lawful for the said person so confined to assign or pay over the same to any other bona fide creditor or creditors, and that when such party or parties may have received such assignment or payment from such confined person as aforesaid, or when the confined person in case of refusal by such party or parties may have assigned or paid the same to other bona fide creditors as aforesaid, that then in either of such cases the said confined person shall be entitled to the benefit of this Act in all respects the same as if such person had no such debt or property at the time of confinement or application.

After assignment debtor to have the benefit of his Act

Justices to designate the Gaol limits.

XII. And be it enacted, That the Justices of the Peace in the several and respective Counties shall and they are hereby authorized and empowered, at any General or Special Sessions to be holden in the respective Counties, to designate certain limits around the several and respective gaols in this Province without any reference to gaol yards, which limits shall in no case be less than forty rods nor exceed one hundred and sixty rods from any gaol: Provided always that nothing in this section shall be construed to extend to prevent the Justices of the Peace for the County of Charlotte in General Sessions to extend the limits of the gaol in that

that County, so as to allow persons confined therein to attend divine service on sabbath days in the Town plat of the Town of Saint Andrews.

XIII. And be it enacted, That when any person is confined in any gaol in this Province either upon mesne process or execution, the Sheriff in whose custody such person may be is hereby authorized and empowered to permit such person to go about and have his liberty within the limits designated for such gaol as provided in the twelfth section of this Act, upon a bond being given to the Sheriff, by the name of his office, by such person with two sufficient sureties to the satisfaction of the Sheriff in double the amount of the sum for which such person shall be in confinement, upon condition thereunder written that such defendant shall not go or be at large out of such limits, or escape at any time while he has the liberty of the same as aforesaid, any law or custom to the contrary notwithstanding; and the Sheriff shall be entitled to demand and receive for making such bond five shillings and no more, and such bond shall be in the form following, that is to say :

Sheriff may permit prisoners to have liberty within the limits upon bond.

Fee.

Know all men by these presents, that We Sheriff of the County [or City and County] of are held and firmly bound to in the sum of lawful money of New Brunswick, to be paid to the said Sheriff or to his certain attorney, executors, administrators or assigns, for which payment to be well and truly made, we bind ourselves and each of us by himself for and in the whole, our and each and every of our heirs, executors and administrators firmly by these presents. Sealed with our seals. Dated this day of in the year of the reign of our Sovereign Lord of the United Kingdom of Great Britain and Ireland, &c. &c. and in the year of our Lord one thousand eight hundred and

Form of bond.

Whereas the above named Sheriff as aforesaid, hath given permission to the above bounden , a person confined in the gaol of the County [or the City and County] above mentioned, to go about and have his liberty within the limits of such gaol: Now the condition of the above obligation is such, that if the said shall not go or be at large out of the said limits of such gaol, or escape at any time while he has the liberty of the same as aforesaid, then this obligation is to be void, otherwise to remain in full force and virtue. Signed, sealed and delivered in the presence of

Which said bond the said Sheriff or his Deputy, at the request of the plaintiff in such suit or his attorney, shall assign to the said plaintiff in such action, by endorsing the same and attesting to it under his hand and seal in the presence of two or more credible witnesses, and if the said bond or assignment be forfeited, the plaintiff in such action after such assignment made may bring an action and sue therefor in his own name; and the Court where the action is brought may by rule or rules of the same Court give such relief to the plaintiff and defendant in the original action and to the obligors in the said bond as is agreeable to justice and reason, and that said rule or rules of the said Court shall have the nature and effect of a defeazance to such bond.

Bond to be assigned to Plaintiff.

XIV. And be it enacted, That no Sheriff shall be liable to any action of escape or other suit or information for or on account of any liberty that may be granted to any confined debtor, under the provisions and according to the true intent and meaning of this Act: Provided always, that if any confined person shall go or be at large in any manner or by any means not authorized by this Act, the Sheriff shall then be liable to all intents and purposes in the same manner as if this Act had not been made.

Sheriff not liable to action of escape for liberty given under this Act.

XV. " And whereas it is expedient that creditors may have power to discharge " debtors

Creditor may consent to discharge his debtor in custody on execution without losing the benefit of the judgment.

“ debtors without losing the benefit of judgment obtained against such debtors;” Be it therefore enacted, That it shall and may be lawful for any creditor or creditors, at whose suit any debtor or debtors is, are or shall be in prison, and taken or charged in execution for any sum of money, by writing signed by such creditor or creditors or by one of them, for and in behalf of himself or herself and the others of them (being complainants in the same action), to signify or declare his, her or their consent to the discharge of such debtor or debtors from the prison in which he, she or they is, are or shall be confined in execution at the suit of such creditor or creditors, without losing the benefit of the judgment upon which such execution issued, except as is hereinafter provided, and that notwithstanding the discharge of any debtor or debtors in pursuance of such consent as aforesaid, the judgment upon which such debtor or debtors was or were taken or charged in execution, shall continue and remain in full force to all intents and purposes, except as is hereinafter provided; and it shall be lawful for such creditor or creditors at any time to take out execution on every such judgment against the lands, tenements, hereditaments, goods and chattels of such debtor or debtors, or any of them, (other than and except the necessary apparel and bedding of him, her or them, or his, her or their families and the necessary tools of his, her or their trade or occupation, not exceeding the value of fifteen pounds in the whole,) or to bring an action or actions on every such judgment, or to bring any action or use any remedy for the recovery of his, her or their demand against any other person or persons liable to satisfy the same, in such and the same manner as such creditor or creditors could or might have had or done, in case such debtor or debtors had never been taken or charged in execution upon such judgment: Provided always, that no debtor or debtors who shall be discharged in pursuance of this Act, shall at any time afterwards be taken or charged in execution, or convicted upon any judgment hereinbefore declared to continue and remain in full force, or in any action which may be brought on any such judgment, and that no proceeding by fieri facias, action or otherwise shall be had against any bail in the action on which such judgment was obtained.

Hail discharged.

Executors and Administrators may consent to the discharge of debtors.

XVI. And be it enacted, That the executors and administrators of any such creditor as aforesaid, shall and may consent to the discharge of any debtor or debtors to their testator or intestate in such and the same manner, and with the same advantages and consequences in all respects as such creditors if living might or could have done in pursuance of this Act, and such executors and administrators respectively shall not by reason of any such discharge, in pursuance of this Act, be deemed guilty of devastavit, or be chargeable with the debt due from the person or persons so discharged.

Debtor to be set at liberty after consent of creditor in writing being produced, &c.

XVII And be it enacted, That every Sheriff, gaoler or keeper in whose prison, gaol or custody, any debtor or debtors is, are or shall be confined or detained in execution, shall and every of them is hereby required within twenty four hours next after such consent in writing of any creditor or creditors as hereinbefore mentioned shall have been produced to, and left with such Sheriff, gaoler or keeper, or his deputy or agent, at such prison or gaol, (the hand writing or mark of such creditor or creditors to such consent in writing being duly proved by affidavit of some credible person to be thereunto annexed, and to be sworn before one of the Judges of the Court out of which the execution against such debtor or debtors issued, or a Commissioner duly authorized to take affidavits in the County where such debtor or debtors shall be confined,) to discharge and set at liberty the debtor or debtors to whose discharge such consent shall be signified or declared as aforesaid, if he, she or they are in custody only upon the execution issued

issued at the suit of the creditor or creditors signifying and declaring such consent.

XVIII. And be it enacted, That in all cases wherein a writ of fieri facias shall be issued upon any judgment obtained, or to be obtained in any Court in the Province, it shall not be lawful for the Sheriff or other officer executing such writ, to seize or levy upon the necessary apparel and bedding of the debtor or debtors, against whom such judgment shall be obtained, or of his, her or their family or families, the necessary tools of his, her or their trade or occupation, in satisfaction of such judgment: Provided always, that such apparel, bedding and tools so to be exempted from being seized or levied upon as aforesaid, shall not exceed the value of fifteen pounds in the whole to any one debtor, which value shall be ascertained by the oath of three disinterested freeholders in the County, to be appointed by such Sheriff or other officer to appraise the same, which oath the said Sheriff is hereby authorized and empowered to administer.

Sheriff not to levy on the apparel, bedding or tools of a debtor if the same do not exceed £15 in value.

XIX. And be it enacted, That every person who shall be convicted of making or taking a false oath to any of the matters hereinbefore described or required to be sworn to, shall be deemed guilty of perjury, and shall be liable to all the pains and penalties to which persons are liable for wilful and corrupt perjury.

False swearing under this Act deemed perjury.

XX. And be it enacted, That in case any confined person may have been discharged in consequence of the weekly support ordered agreeably to the provisions of this Act not having been paid, or after a twelve months confinement agreeably to this Act, all persons whosoever shall be indemnified and are hereby freed and discharged against and from all suits, actions and prosecutions, informations or judgments whatsoever, that may be had, moved, prosecuted or adjudged against them or any of them for or by reason or on account of such person having been discharged as aforesaid.

All persons indemnified if debtor be discharged on account of maintenance ordered not being paid, or after 12 months confinement.

XXI. And be it enacted, That any gaol limits already established in any County or City and County in this Province by virtue of any Act or Acts now in force, shall remain to all intents and purposes until others be established agreeably to this Act.

Present Gaol Limits to be continued until others be established.

XXII. And be it enacted, That any debtor having the liberty of the gaol limits under the provisions of this Act, may render himself or be rendered by his sureties or one of them to close custody in the gaol in discharge of the limit bond, in like manner as a principal may render himself or be rendered in discharge of his bail in cases of special bail, and upon such render being made the obligation of the said bond shall become void.

Debtor may render himself or be rendered in discharge of limit or bail bond.

XXIII. And be it enacted, That an Act made and passed at the Session of the General Assembly holden in the ninth and tenth years of the reign of King George the Fourth, intituled "An Act to authorize the extension of the gaol limits in the City of Saint John," be and the same is hereby declared to be continued and in force for and during the continuance of this Act.

9 & 10 G. 4, C. 7, continued.

XXIV. 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.

Limitation.

Refer to 9 & 10 G. 4, C. 26, and 2 W. 4, C. 2, as to Gaol Limits in Fredericton; and to 1 W. 4, C. 31, as to Gaol Limits in Charlotte.

CAP. XLII.

k An Act, to establish the road leading from Connick's, at Waweig in the County of Charlotte, to the lower bridge over the river Saint Croix, as one of the great roads of communication.

Passed 16th March, 1836.

Road from Connick's, at Waweig, to Saint Croix, established one of the great roads.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the road leading from Connick's at Waweig, round the head of Oak Point Bay, and thence through the Parish of Saint Stephen, in the County of Charlotte, to the lower bridge over the river Saint Croix, be and the same is hereby established one of the great roads of communication in this Province.

CAP. XLIII.

An Act, for the limitation of actions and suits relating to real property and for simplifying the remedies for trying the rights thereto.

Passed 16th March, 1836.

Meaning of the words in the Act :

" Land "

Persons through whom another claims.

" Person."

Number and gender

No land to be recovered but within 20 years after the right of action accrued.

When the right shall be deemed to have accrued; in the case of an estate in possession ;

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the words and expressions hereinafter mentioned which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows, (that is to say) : the word " land " shall extend to messuages and all other corporeal hereditaments whatsoever, and also to any share, estate or interest in them or any of them, whether the same shall be a freehold or chattel interest ; and the person through whom another person is said to claim shall mean any person by, through or under, or by the act of whom, the person so claiming became entitled to the estate or interest claimed as heir, issue in tail, tenant by the curtesy of England, tenant in dower, successor, special or general occupant, executor, administrator, legatee, husband, assignee, appointee, devisee or otherwise ; and the word " person " shall extend to a body politic, corporate, or collegiate and to a class of creditors or other persons, as well as an individual ; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing ; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

II. And be it further enacted, That no person shall make an entry or bring an action to recover any land but within twenty years next after the time at which the right to make such entry or to bring such action shall have first accrued to some person through whom he claims ; or if such right shall not have accrued to any person through whom he claims, then within twenty years next after the time at which the right to make such entry or to bring such action shall have first accrued to the person making or bringing the same.

III. And be it further enacted, That in the construction of this Act, the right to make an entry or bring an action to recover any land shall be deemed to have first accrued at such time as hereinafter is mentioned, (that is to say) : when the person claiming such land, or some person through whom he claims, shall in respect of the estate or interest claimed have been in possession or in receipt

receipt of the profits of such land, and shall while entitled thereto have been dispossessed or have discontinued such possession or receipt, then such right shall be deemed to have first accrued at the time of such dispossession or discontinuance of possession, or at the last time at which any such profits were or was so received; and when the person claiming such land shall claim the estate or interest of some deceased person who shall have continued in such possession or receipt in respect of the same estate or interest until the time of his death, and shall have been the last person entitled to such estate or interest who shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time of such death; and when the person claiming such land shall claim in respect of an estate or interest in possession granted, appointed or otherwise assured by any instrument (other than a will) to him, or some person through whom he claims, by a person being in respect of the same estate or interest in the possession or receipt of the profits of the land, and no person entitled under such instrument shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time at which the person claiming as aforesaid, or the person through whom he claims, became entitled to such possession or receipt by virtue of such instrument; and when the estate or interest claimed shall have been an estate or interest in reversion or remainder, or other future estate or interest, and no person shall have obtained the possession or receipt of the profits of such land in respect of such estate or interest, then such right shall be deemed to have first accrued at the time at which such estate or interest became an estate or interest in possession; and when the person claiming such land, or the person through whom he claims, shall have become entitled by reason of any forfeiture or breach of condition, then such right shall be deemed to have first accrued when such forfeiture was incurred or such condition was broken.

on dispossession :

on abatement or death,

on alienation ;

in case of future estates ;

in cases of forfeiture or breach of condition.

IV. Provided always, That when any right to make an entry or to bring an action to recover any land by reason of any forfeiture or breach of condition shall have first accrued in respect of any estate or interest in reversion or remainder, and the land shall not have been recovered by virtue of such right, the right to make an entry or bring an action to recover such land shall be deemed to have first accrued in respect of such estate or interest at the time when the same shall have become an estate or interest in possession, as if no such forfeiture or breach of condition had happened.

If advantage of forfeiture is not taken by re-maundersman he shall have a new right when estate comes into possession

V. Provided also, That a right to make an entry or to bring an action to recover any land, shall be deemed to have first accrued in respect of an estate or interest in reversion at the time at which the same shall have become an estate or interest in possession by the determination of any estate or estates in respect of which such land shall have been held or the profits thereof shall have been received, notwithstanding the person claiming such land, or some person through whom he claims, shall at any time previously to the creation of the estate or estates which shall have determined, have been in possession or receipt of the profits of such land.

Reversioner to have a new right.

VI. And be it further enacted, That for the purposes of this Act an administrator claiming the estate or interest of the deceased person of whose chattels he shall be appointed administrator, shall be deemed to claim as if there had been no interval of time between the death of such deceased person and the grant of the letters of administration.

An administrator to claim as if he obtained the estate without interval.

VII. And be it further enacted, That when any person shall be in possession or in receipt of the profits of any land as tenant at will, the right of the person entitled

In the case of a tenant at Will, the right to be deemed to have

accrued at the end of one year.

entitled subject thereto, or of the person through whom he claims, to make an entry or bring an action to recover such land shall be deemed to have first accrued either at the determination of such tenancy, or at the expiration of one year next after the commencement of such tenancy, at which time such tenancy shall be deemed to have determined: Provided always, that no mortgagor or cestuique trust shall be deemed to be a tenant at will, within the meaning of this clause, to his mortgagee or trustee.

No person after a tenancy from year to year to have any right but from the end of the first year or last payment.

VIII. And be it further enacted, That when any person shall be in possession or in receipt of the profits of any land, as tenant from year to year or other period, without any lease in writing, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or bring an action to recover such land shall be deemed to have first accrued at the determination of the first of such years or other period, or at the last time when any rent payable in respect of such tenancy shall have been received (which shall last happen).

When rent amounting to 20s. reserved by a lease in writing, shall have been wrongfully received, no right to accrue on the determination of the lease

IX. And be it further enacted, That when any person shall be in possession or in receipt of the profits of any land by virtue of a lease in writing, by which a rent amounting to the yearly sum of twenty shillings or upwards shall be reserved, and the rent reserved by such lease shall have been received by some person wrongfully claiming to be entitled to such land in reversion immediately expectant on the determination of such lease, and no payment in respect of the rent reserved by such lease shall afterwards have been made to the person rightfully entitled thereto, the right of the person entitled to such land subject to such lease, or of the person through whom he claims, to make an entry or to bring an action after the determination of such lease shall be deemed to have first accrued at the time at which the rent reserved by such lease was first so received by the person wrongfully claiming as aforesaid; and no such right shall be deemed to have first accrued upon the determination of such lease to the person rightfully entitled.

A mere entry not to be deemed possession.

X. And be it further enacted, That no person shall be deemed to have been in possession of any land within the meaning of this Act merely by reason of having made an entry thereon.

No right to be preserved by continual claim. Possession of one coparcener, &c not to be the possession of the others.

XI. And be it further enacted, That no continual or other claim upon or near any land shall preserve any right of making an entry or of bringing an action.

XII. And be it further enacted, That when any one or more of several persons entitled to any land as coparceners, joint tenants or tenants in common, shall have been in possession or receipt of the entirety, or more than his or their undivided share or shares of such land or of the profits thereof, for his or their own benefit, or for the benefit of any person or persons other than the person or persons entitled to the other share or shares of the same land, such possession or receipt shall not be deemed to have been the possession or receipt of or by such last mentioned person or persons or any of them.

Acknowledgment in writing equivalent to possession or receipt of rent.

XIII. Provided always and be it further enacted, That when any acknowledgment of the title of the person entitled to any land shall have been given to him or his agent in writing signed by the person in possession or in receipt of the profits of such land, then such possession or receipt of or by the person by whom such acknowledgment shall have been given shall be deemed according to the meaning of this Act to have been the possession or receipt of or by the person to whom or to whose agent such acknowledgment shall have been given at the time of giving the same, and the right of such last mentioned person or any person claiming through him to make an entry or to bring an action to re-

cover such land shall be deemed to have first accrued at and not before the time at which such acknowledgment, or the last of such acknowledgments if more than one, was given.

XIV. Provided also and be it further enacted, That when no such acknowledgment as aforesaid shall have been given before the time appointed for this Act to take effect, and the possession or receipt of the profits of the land shall not at the time of this Act taking effect have been adverse to the right or title of the persons claiming to be entitled thereto, then such person or the person claiming through him may, notwithstanding the period of twenty years herein before limited shall have expired, make an entry or bring an action to recover such land at any time within five years next after the time appointed for this Act to take effect.

When possession is not adverse at the time of passing the Act, the right shall not be barred until after five years.

XV. Provided always and be it further enacted, That if at the time at which the right of any person to make an entry or bring an action to recover any land shall have first accrued as aforesaid, such person shall have been under any of the disabilities hereinafter mentioned, (that is to say,) infancy, coverture, idiotcy, lunacy, unsoundness of mind or absence beyond seas, then such person or the person claiming through him may, notwithstanding the period of twenty years hereinbefore limited shall have expired, make an entry or bring an action to recover such land at any time within ten years next after the time at which the person to whom such right shall first have accrued as aforesaid shall have ceased to be under any such disability or shall have died, (which shall have first happened).

Persons under disability to be allowed ten years.

XVI. Provided nevertheless and be it further enacted, That no entry or action shall be made or brought by any person who, at the time at which his right to make an entry or to bring an action to recover any land shall have first accrued, shall be under any of the disabilities hereinbefore mentioned, or by any person claiming through him, but within forty years next after the time at which such right shall have first accrued, although the person under disability at such time may have remained under one or more of such disabilities during the whole of such forty years, or although the term of ten years from the date at which he shall have ceased to be under any such disability, or have died, shall not have expired.

But no action shall be brought beyond forty years after the right accrued.

XVII. Provided always and be it further enacted, That when any person shall be under any of the disabilities hereinbefore mentioned at the time at which his right to make an entry or to bring an action to recover any land shall have first accrued, and shall depart this life without having ceased to be under any such disability, no time to make an entry or to bring an action to recover such land beyond the said period of twenty years next after the right of such person to make an entry or to bring an action to recover such land shall have first accrued, or the said period of ten years next after the time at which such person shall have died, shall be allowed by reason of any disability of any other person.

No further time to be allowed for a succession of disabilities

XVIII. And be it further enacted, That no part of the British Provinces of Nova Scotia, (including Cape Breton,) Lower Canada, Upper Canada, Prince Edward Island and Newfoundland, nor of the United States of America, shall be deemed to be beyond seas within the meaning of this Act.

What parts shall not be deemed beyond seas.

XIX. And be it further enacted, That when the right of any person to make an entry or bring an action to recover any land to which he may have been entitled for an estate or interest in possession shall have been barred by the determination of the period hereinbefore limited, which shall be applicable in such case, and such person shall at any time during the said period have been entitled

When the right to an estate in possession is barred, the right of the same person to future estates shall also be barred.

to

to any other estate, interest, right or possibility in reversion, remainder or otherwise in or to the same land, no entry or action shall be made or brought by such person or any person claiming through him to recover such land in respect of such other estate, interest, right or possibility, unless in the meantime such land shall have been recovered by some person entitled to an estate, interest or right, which shall have been limited or taken effect after or in defeasance of such estate or interest in possession.

Where tenant in tail is barred, remainderman shall not recover

XX. And be it further enacted, That when the right of a tenant in tail of any land to make an entry or to bring an action to recover the same shall have been barred by reason of the same not having been made or brought within the period hereinbefore limited, which shall be applicable in such case, no such entry or action shall be made or brought by any person claiming any estate, interest or right which such tenant in tail might lawfully have barred.

Possession adverse to a tenant in tail shall run on against the remainderman

XXI. And be it further enacted, That when a tenant in tail of any land entitled to recover the same shall have died before the expiration of the period hereinbefore limited, which shall be applicable in such case, for making an entry or bringing an action to recover such land, no person claiming any estate, interest or right which such tenant in tail might lawfully have barred, shall make an entry or bring an action to recover such land but within the period during which if such tenant in tail had so long continued to live he might have made such entry or brought such action.

Limitation as to suits in equity

XXII. And be it further enacted, That no person claiming any land in equity shall bring any suit to recover the same but within the period during which by virtue of the provisions hereinbefore contained he might have made an entry or brought an action to recover the same respectively if he had been entitled at law to such estate, interest or right in or to the same as he shall claim therein in equity.

In cases of express trust the right not to accrue until conveyance

XXIII. Provided always and be it further enacted, That when any land shall be vested in a Trustee upon any express trust, the right of the cestuique trust or any person claiming through him to bring a suit against the Trustee or any person claiming through him to recover such land, shall be deemed to have first accrued according to the meaning of this Act at and not before the time at which such land shall have been conveyed to a purchaser for a valuable consideration, and shall then be deemed to have accrued only as against such purchaser and any person claiming through him.

As to cases of fraud.

XXIV. And be it further enacted, That in every case of a concealed fraud the right of any person to bring a suit in equity for the recovery of any land of which he, or any person through whom he claims may have been deprived by such fraud, shall be deemed to have first accrued at and not before the time at which such fraud shall or with reasonable diligence might have been first known or discovered; provided that nothing in this clause contained shall enable any owner of lands to have a suit in equity for the recovery of such lands or for setting aside any conveyance of such lands on account of fraud against any bona fide purchaser for valuable consideration who has not assisted in the commission of such fraud, and who at the time that he made the purchase did not know and had no reason to believe that any such fraud had been committed.

Saving the jurisdiction of equity.

XXV. Provided always and be it further enacted, That nothing in this Act contained shall be deemed to interfere with any rule or jurisdiction of Courts of Equity in refusing relief on the ground of acquiescence or otherwise to any person whose right to bring a suit may not be barred by virtue of this Act.

Mortgagor to be barred at the

XXVI. And be it further enacted, That when a mortgagee shall have obtained

tained the possession or receipt of the profits of any land comprised in his mortgage, the mortgagor or any person claiming through him shall not bring a suit to redeem the mortgage but within twenty years next after the time at which the mortgagee obtained such possession or receipt, unless in the meantime an acknowledgment of the title of the mortgagor or of his right of redemption shall have been given to the mortgagor, or some person claiming his estate, or to the agent of such mortgagor or person, in writing signed by the mortgagee or the person claiming through him; and in such case no such suit shall be brought but within twenty years next after the time at which such acknowledgment, or the last of such acknowledgments if more than one, was given; and when there shall be more than one mortgagor or more than one person claiming through the mortgagor or mortgagors, such acknowledgment if given to any of such mortgagors or persons, or his or their agent, shall be as effectual as if the same had been given to all such mortgagors or persons; but where there shall be more than one mortgagee, or more than one person claiming the estate or interest of the mortgagee or mortgagees, such acknowledgment signed by one or more of such mortgagees or persons, shall be effectual only as against the party or parties signing as aforesaid, and the person or persons claiming any part of the mortgage money or land by, from or under him or them, and any person or persons entitled to any estate or estates, interest or interests, to take effect after or in defeasance of his or their estate or estates, interest or interests, and shall not operate to give to the mortgagor or mortgagors a right to redeem the mortgage as against the person or persons entitled to any other undivided or divided part of the money or land; and where such of the mortgagees or persons aforesaid as shall have given such acknowledgment shall be entitled to a divided part of the land comprised in the mortgage, or some estate or interest therein, and not to any ascertained part of the mortgage money, the mortgagor or mortgagors shall be entitled to redeem the same divided part of the land on payment, with interest, of the part of the mortgage money which shall bear the same proportion to the whole of the mortgage money as the value of such divided part of the land shall bear to the value of the whole of the land comprised in the mortgage.

end of twenty years from the time when the mortgagee took possession, or from the last written acknowledgment.

XXVII. And be it further enacted, That at the determination of the period limited by this Act to any person for making an entry or bringing any action or suit, the right and title of such person to the land, for the recovery whereof such entry, action or suit respectively might have been made or brought within such period, shall be extinguished.

At the end of the period of limitation the right to be extinguished.

XXVIII. And be it further enacted, That the receipt of the rent payable by any tenant from year to year or other lessee, shall as against such lessee or any person claiming under him (but subject to the lease), be deemed to be the receipt of the profits of the land for the purposes of this Act.

Receipt of rent deemed receipt of profits.

XXIX. And be it further enacted, That no writ of right or writ in nature of a writ of right, and no other action real or mixed (except a writ of right of dower, or writ of dower unde nihil habet, or an ejectment), shall be brought after the thirty first day of December one thousand eight hundred and thirty six.

Real and mixed actions abolished after 31st December 1836

XXX. And be it further enacted, That no action or suit, or other proceeding, shall be brought to recover any sum of money secured by any mortgage, judgment or lien, or otherwise charged upon or payable out of any land at law or in equity, or any legacy, but within twenty years next after a present right to receive the same shall have accrued to some person capable of giving a discharge for or release of the same, unless in the mean time some part of the principal

Money charged upon land and legacies to be deemed satisfied at the end of twenty years, if there shall be no interest paid or acknowledged.

ment in writing
in the meantime.

cipal money or some interest thereon shall have been paid, or some acknowledgment of the right thereto shall have been given in writing signed by the person by whom the same shall be payable or his agent, to the person entitled thereto or his agent; and in such case no such action or suit or proceeding shall be brought but within twenty years after such payment or acknowledgment, or the last of such payments or acknowledgments if more than one, was given.

No arrears of
dower to be re-
covered for more
than six years.

XXXI. And be it further enacted, That no arrears of dower nor any damages on account of such arrears, shall be recovered or obtained by any action or suit for a longer period than six years next before the commencement of such action or suit.

Commencement
of Act.

XXXII. And be it further enacted, That this Act shall commence and take effect on the first day of January one thousand eight hundred and thirty seven.

CAP. XLIV.

7 G. 4. C. 12.

An Act, in addition to an Act, 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."

Passed 16th March, 1836.

“WHEREAS seamen in cases of dispute may be exposed to great inconvenience, expense and delay in obtaining payment of their wages; for remedy thereof,”

In cases of wages
not exceeding
£20, master or
owner of vessel
may be summoned
by a Justice
of the Peace, and
such order for
payment be made
as may be just.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all cases of wages not exceeding twenty pounds which shall be due and payable to a seaman for his services in any ship or vessel, it shall be lawful for any Justice of the Peace in any part of this Province residing near to the place where the ship or vessel shall have ended her voyage, cleared at the custom house or discharged her cargo, or near to the place where the master or owner upon whom respectively the claim is made shall be or reside, upon complaint on oath or affirmation (in the case of persons allowed by law to affirm in civil cases), to be made to such Justice by any such seaman or on his behalf, to summon such master or owner to appear before him to answer such complaint, and upon the appearance of such master or owner, or in default thereof, on due proof of his having been so summoned, such Justice is hereby empowered to examine upon the oath or affirmation (in the case of persons allowed by law to affirm in civil cases), of the parties and their respective witnesses (if there be any), touching the complaint and the amount of wages due, and to make such order for payment thereof as shall to such Justice appear reasonable and just; and in case such order shall not be obeyed within two days next after the making thereof, it shall be lawful for such Justice to issue his warrant to levy the amount of the wages awarded to be due by distress and sale of the goods and chattels of the party on whom such order for payment shall be made, rendering to such party the overplus (if any shall remain of the produce of the sale) after deducting thereout all the charges and expenses incurred by the seaman in making and hearing of the complaint as well those incurred by the distress and levy and in the enforcement of the Justice's order, and in case sufficient distress cannot be found it shall be lawful for the said Justice to cause the amount of the said wages and expenses to be levied on the ship in respect of the services on board which the wages are claimed, or the tackle and apparel thereof,

Payment may be
enforced by dis-
tress and sale and
commitment to
gaol.

and

and if such ship shall not be within the jurisdiction of such Justice, then he is hereby empowered to cause the party upon whom the order of payment shall be made to be apprehended and committed to the common gaol of the County, there to remain without bail until the payment shall be made of the amount of the wages so awarded, and of all costs and expenses attending the recovery thereof, and the award and decision of such Justice as aforesaid shall be final and conclusive as well on every such seaman as on the owner and master of the ship.

II. And be it enacted, That if any suit for the recovery of a seaman's wages shall be instituted against the ship, or the master or owner thereof, in the Vice Admiralty Court, or against the master or owner in any Court of Record in this Province, and if it shall appear to the Judge in the course of such suit that the plaintive might have had as effectual a remedy for the recovery of his wages by complaint to a Justice of the Peace as hereinbefore provided, then and in every such case it shall be lawful for such Judge, and he is hereby required to certify to that effect, and thereupon no costs of suit shall be awarded to the plaintiff.

If suit be brought in the Vice Admiralty Court or any Court of Record, plaintiff to have no costs if a remedy could be had by application to a Justice of the Peace.

CAP. XLV.

An Act, to amend and explain an Act, intituled "An Act to alter the names of certain parts of three Parishes in the County of York, and to erect two separate Parishes therein." 3 W. 4, C. 38.

Passed 16th March, 1836.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all and singular the islands in the River Saint John, lying and being in front of the Parish of Dumfries in the County of York shall be deemed and taken to be part and parcel of the said Parish of Dumfries, any law, usage or custom to the contrary notwithstanding.

Islands in front of the Parish of Dumfries to be deemed parts thereof.

CAP. XLVI.

An Act, in addition to 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 Milltown, and its immediate vicinity." 5 W. 4, C. 36.

Passed 16th March, 1836.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That so soon after the passing of this Act as the same can be procured, every householder in the district of Milltown mentioned and described in the Act to which this is an addition shall provide himself or herself with two good leather buckets, of sufficient size to hold two and a half gallons of water each, with the name of the proprietor thereof painted on the side of each of the said buckets to be kept always ready in some convenient place in his, her or their house, and shall also provide himself, herself or themselves with two good and sufficient ladders, one to reach from the ground to the roof of his, her or their house, and the other to lay on the roof thereof, and secured at the top by two substantial iron hooks fastened to the end of such ladder, which

Householders to provide themselves with two buckets and with ladders to afford access to the top of the house.

Buckets to be carried or sent to the place on fire.

Penalty for neglect.

Limitation.

which shall extend down the roof until it meets the ladder standing on the ground, which said ladders every such householder or householders shall keep stationary at his, her or their house in such convenient situation as will at all times afford a ready access to the top of his, her or their house or houses when necessary; and that on every alarm of fire in the said District every householder in the said District knowing of such alarm and not being a Fireward, shall forthwith carry his or their buckets so provided as above directed or cause the same to be carried to the place where the fire may be, to be by them used as occasion may require; and every person wilfully refusing or neglecting to perform any of the duties by this Act imposed, shall for every such offence forfeit and pay the sum of forty shillings, to be recovered and applied in like manner as the forfeitures mentioned in the fourth section of the Act to which this is an addition are directed to be recovered and applied.

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

CAP. XLVII.

An Act, in addition to "An Act for regulating Juries and declaring the qualifications of Jurors."

Passed 16th March, 1836.

“ WHEREAS in and by an Act made and passed in the twenty sixth year of the reign of his late Majesty King George the Third, intituled "An Act for regulating Juries and declaring the qualifications of Jurors," no provision is made respecting the qualification or summoning of Jurors on writs of inquiry and other inquests: And whereas it is expedient to make provision by law for the summoning such Jurors and for regulating their fees ;”

26 G. 3, C. 6. No person to be summoned as a Juror on any inquest, &c. who is not qualified to serve as such upon trials in Courts of law.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That no person or persons shall be liable to be summoned or empannelled to serve as a Juror or Jurors in any County in this Province upon any inquest or inquiry to be taken or made by or before any Sheriff or Coroner in any civil suit, by virtue of any writ of inquiry issuing out of any of the Courts of this Province, or by virtue of any other legal authority or power whatsoever, who shall not be duly qualified to serve as Jurors upon trials in any Court of law within this Province.

Persons summoned and not appearing and serving on inquests before Sheriffs or Coroners to be fined.

II. And be it enacted, That if any person or persons having been duly summoned to serve on a Jury in any County in this Province upon any inquest or inquiry before any Sheriff as aforesaid or Coroner shall not after being openly called three times appear and serve on such Jury, every such Sheriff or in his absence the under Sheriff, and every such Coroner, are hereby authorized and empowered (unless some reasonable excuse shall be proved on oath or affidavit) to impose such fine upon every person so making default as they shall respectively think fit, not exceeding ten shillings; and every such Sheriff, under Sheriff and Coroner respectively, shall immediately after taking any such inquisition make out and sign a certificate containing the christian and surname, the residence and trade or calling of every person so making default, together with the amount of the fine imposed and the cause of such fine, and shall transmit such certificate to the Clerk of the Court out of which the writ of inquiry in such case shall have issued within thirty days after imposing such fine, and every

Certificate of defaulters to be transmitted to the Clerk of the Court.

every such Clerk is hereby required within such time as aforesaid, to enter the fines so certified on a roll or schedule in same manner as all other fines imposed by such Courts respectively on Jurors are entered, and the same shall be levied and applied in like manner and subject to the like powers, provisions and penalties in all respects as is provided by an Act made and passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled "An Act to provide for the more effectual recovery of fines imposed upon Jurors and officers attending the Courts of Justice in this Province." 8 G. 4, C. 19.

III. And be it enacted, That no person or persons who shall after the passing of this Act serve on any such Jury in any County of this Province, upon any inquest or inquiry before any Sheriff or Coroner, shall be allowed to take for serving on such Jury more than the sum of money which such Sheriff, or in his absence the under Sheriff, or such Coroner shall think just and reasonable, not exceeding the sum of two shillings and sixpence. Jurors not to receive more than two shillings and sixpence for serving.

IV. And be it enacted, That from and after the passing of this Act no person shall be qualified to serve as a petit Juror unless he be possessed of real or personal estate of the value of fifty pounds. Qualification of Petit Jurors.

V. "And whereas from the increased business in the Supreme Court, it may sometimes be necessary to require the attendance of a second Jury for the trial of causes at the Circuit Courts or Sittings;" Be it enacted, That it shall and may be lawful, whenever the same shall appear to be necessary, for any Judge of the said Supreme Court to issue a precept under his hand and seal, directed to the Sheriff of any County or City and County in this Province, commanding such Sheriff to summon twenty four men duly qualified for that purpose to appear and serve as Jurors for the trial of causes both civil and criminal at any Circuit Court or Sittings, as the case may be, on a day to be named in such precept, which day shall in no case be earlier than the sixth day after the day appointed for the opening and commencement of such Circuit Court or Sittings; and such Sheriff shall cause such persons to be duly summoned, and shall return a panel of such Jurors to the Court on the day named in the precept; and such Jurors being duly summoned according to law shall give their attendance, and shall be charged and bound in such and the like manner, and upon like pains and penalties for non appearance and non attendance, or for any misdemeanor or default at the Court to which they may be summoned, as if summoned and returned upon the first panel of Jurors for the trial of causes at such Court. A Judge of the Supreme Court may issue a precept for summoning a second Jury at the Circuit Courts or sittings.

CAP. XLVIII.

An Act, to amend the Law relating to the summary practice in the Inferior Courts of Common Pleas.

Passed 16th March, 1836.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in any summary action in any of the Inferior Courts of Common Pleas within this Province, wherein the plaintiff may be entitled to judgment by default under the provisions of the sixth section of an Act made and passed in the thirty fifth year of the reign of His Majesty King George the Third, intituled "An Act to regulate the terms of the sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the jurisdiction of the same, and Defendant may be let in to defend as in action not summary after interlocutory judgment.

and for the summary trials of certain actions," the Court in which such action shall have been instituted, or any Judge thereof, may let in the defendant to appear and defend in like manner and upon such terms as in actions not summary by the practice of the said Courts may be done after interlocutory judgment, any thing in the said sixth section of the said Act or in any other Act to the contrary thereof in any wise notwithstanding.

Matter in bar to action may be given in evidence under general issue, notice of such matters being given to Plaintiff's Attorney.

II. And be it enacted, That in all summary actions in the said Courts any matters in bar to the action, which in actions not summary ought to be pleaded specially, may be given in evidence under the general issue, provided that notice in writing of such matters be given to the plaintiff's attorney at the same time with the plea, and infancy or coverture of the defendant shall not in any summary action in the said Courts be given in evidence unless such notice thereof be given, and that notice of trial shall be given as in other cases.

Costs where proceedings are had as in actions not summary where they ought to be summary.

III. And be it enacted, That if any plaintiff proceed according to the practice of the said Courts in actions not summary in any case in which by the provisions of the several Acts of Assembly of this Province the proceedings ought to be summary, he shall not be entitled in any such case to more costs than if he had proceeded in a summary manner, unless he obtains the order of the Court in which such action shall be prosecuted for larger costs upon good cause shewn therefor, any law, statute or usage to the contrary notwithstanding.

Trial fee to be taxed as costs.

IV. And be it enacted, That in every such summary action which may be tried by a Jury a fee of one guinea shall be taxed as costs in the cause for the successful party.

CAP. XLIX.

An Act, for rendering a writing necessary to the validity of certain promises and engagements.

Passed 16th March, 1836.

No action to be maintained upon promises not in writing, to pay debts &c. contracted during infancy :

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That no action shall be maintained whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification after full age of any promise or simple contract made during infancy, unless such promise or ratification shall be made by some writing signed by the party to be charged therewith : Provided always, that nothing herein contained shall apply to any such promise or ratification made before the time appointed for this Act to take effect.

Not upon assurances as to character, credit &c.

II. And be it further enacted, That no action shall be brought whereby to charge any person upon or by reason of any representation or assurance made or given concerning or relating to the character, conduct, credit, ability, trade or dealings of any other person, to the intent or purpose that such other person may obtain money or goods upon credit, unless such representation or assurance be made in writing signed by the party to be charged therewith : Provided also, that nothing herein contained shall apply to any such representation or assurance made before the time appointed for this Act to take effect.

26 G. 3, C. 14

III. " And whereas by an Act of Assembly passed in the twenty sixth year of the reign of King George the Third, intituled " An Act for prevention of " frauds and perjuries," it is among other things enacted, that no contract for the " sale of any goods, wares and merchandizes for the price of ten pounds sterling " or upwards, shall be allowed to be good except the buyer shall accept part of " the

“the goods so sold and actually receive the same, or give something in earnest to bind the bargain or in part of payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract or their agents thereunto lawfully authorized: And whereas it has been held that the said recited enactments do not extend to certain executory contracts for the sale of goods, which nevertheless are within the mischief thereby intended to be remedied, and it is expedient to extend the said enactments to such executory contracts;” Be it enacted, That the said enactments shall extend to all contracts for the sale of goods of the value of ten pounds sterling and upwards made after the time appointed for this Act to take effect, notwithstanding the goods may be intended to be delivered at some future time or may not at the time of such contract be actually made, procured or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery.

Enactments of 26 G. 3. C. 14, extended to contracts for sale of goods deliverable at a future time, &c.

IV. And be it further enacted, That no acceptance of any inland bill of exchange shall be sufficient to charge any person unless such acceptance (if made after the time appointed for this Act to take effect) be in writing on such bill, or if there be more than one part of such bill, on one of the said parts.

Acceptance of inland Bills of Exchange to be in writing.

V. And be it further enacted, That this Act shall commence and take effect on the first day of January one thousand eight hundred and thirty seven.

Commencement of Act.

CAP. L.

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 House of Correction, and to raise a sum of money for erecting and completing the same.

Passed 16th March, 1836.

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 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 and house of correction, for such sum and sums of money not however exceeding in the whole the sum of four thousand pounds, and in such manner and form as shall be approved of by the said Justices.

Power given to contract for erecting a Gaol and House of correction, for a sum not exceeding £4,000.

II. And be it further 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, viz :

Justices in General Sessions empowered to borrow £1,000.

Number.

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 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 sixth year of the reign of His Majesty King William the Fourth, intituled " An Act to authorize the Justices of the Peace in and for the City and County of Saint John, to erect a building for the common gaol and house of correction in the said City, 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 thirty

By order of the Sessions.

C. D. Clerk.

A. B. presiding Justice.

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.

Certificates or Notes to be negotiable

III. And be it further 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 from the same annually, to be paid by the Treasurer of the said County out of the assessments hereinafter mentioned.

An annual assessment to be made until the loan under 9 G 4. C. 2. be paid off ; and thereafter an assessment of not exceeding £100 per annum to be made to discharge loan under this Act.

IV. And be it further 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 late 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," is fully paid off and discharged ; and from and after the time of the payment and discharge of the total amount of such loan so contracted by virtue of the same Act, it shall and may be lawful for the said Justices, and they are hereby authorized and required to make a rate and assessment of 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 any other County rates for public charges are or may be assessed, levied, collected and paid under and by virtue of any Act or Acts which at the time of making such assessments may be in force in the Province, for the assessing, levying and collecting of rates for public charges.

To be assessed as other County rates.

Money to be applied after payment of interest to the discharge of the principal according to the numbers of the notes.

V. And be it further enacted, That the monies so to be assessed as aforesaid, shall from time to time be applied, after discharging the yearly interests 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 month's public notice by advertisement in one

of the newspapers published in the said City, for calling in such and so many of the 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 named in the said notice the interest on such certificates or notes shall cease.

Notice of calling in notes for payment to be given.

VI. And be it further enacted, That the said 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.

County Treasurer to have one per centum for his services.

CAP. LI.

An Act, relating to the limitation of personal actions.

Passed 16th March, 1836.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all actions of debt for rent upon an indenture of demise, all actions of covenant or debt upon any bond or other specialty, and all actions of debt or scire facias upon any judgment or recognizance, and also all actions of debt upon any award where the submission is not by specialty, and all actions for penalties, damages or sums of money given to the party grieved by any Statute or Act of Assembly now or hereafter to be in force, that shall be sued or brought, shall be commenced and sued within the time and limitation hereinafter expressed and not after; that is to say, the said actions of debt for rent upon an indenture of demise, or covenant or debt upon any bond or other specialty, actions of debt or scire facias upon any judgment or recognizance, within ten years after the passing of this Act, or within twenty years after the cause of such actions or suits, but not after; the said actions by the party grieved one year after the passing of this Act or within two years after the cause of such actions or suits, but not after; and the said other actions, within three years after the passing of this Act or within six years after the cause of such actions or suits, but not after; provided that nothing herein contained shall extend to any action given by any statute when the time for bringing such action is or shall be by any statute specially limited.

Limitation of action of debt on specialties &c.

II. And be it further enacted, That if any person or persons that is or are or shall be entitled to any such action or suit, or to such scire facias, is or are or shall be at the time of any such cause of action accrued within the age of twenty one years, feme covert, non compos mentis or beyond the seas, then such person or persons shall be at liberty to bring the same actions so as they commence the same within such times after their coming to or being of full age, discoverd, of sound memory or returned from beyond the seas, as other persons having no such impediment should according to the provisions of this Act have done; and that if any person or persons against whom there shall be any such cause of action is or are or shall be at the time such cause of action accrued beyond the seas, then the person or persons entitled to any such cause of action shall be at liberty to bring the same against such person or persons within such times as are before limited after the return of such person or persons from beyond the seas: Provided always, that if any acknowledgment shall have been made either by writing signed by the party liable by virtue of such indenture, specialty, judgment or recognizance, or his agent, or by part payment or part satisfaction on account of any principal or interest being then due thereon, it shall and may be lawful for the person or persons entitled to such actions to bring his or their action for the money remaining

Remedy for infants, femes covert, &c.

Absence of defendants beyond seas provided for.

Proviso in case of acknowledgment in writing, or by part payment

remaining unpaid and so acknowledged to be due within twenty years after such acknowledgment by writing or part payment or part satisfaction as aforesaid, or in case the person or persons entitled to such action shall at the time of such acknowledgment be under such disability as aforesaid or the party making such acknowledgment be at the time of making the same beyond the seas, then within twenty years after such disability shall have ceased as aforesaid, or the party shall have returned from beyond seas as the case may be; and the plaintiff or plaintiffs in any such action on any indenture, specialty, judgment or recognizance, may by way of replication state such acknowledgment, and that such action was brought within the time aforesaid in answer to a plea of this statute.

The limitation after judgment reserved.

III. And nevertheless be it enacted, if in any of the said actions judgment be given for the plaintiff, and the same be reversed by error, or a verdict pass for the plaintiff, and upon matter alleged in arrest of judgment the judgment be given against the plaintiff, that he take nothing by his plaint, writ or bill, that in all such cases the party plaintiff, his executors and administrators as the case shall require, may commence a new action or suit from time to time within a year after such judgment reversed or such judgment given against the plaintiff, and not after: Provided always, that nothing in this section shall extend to or affect any contract, promise or agreement made and subsisting before the passing of this Act.

IV. " And whereas by an Act of Parliament passed in England in the twenty first year of the reign of King James the First, and in force in this Province, intituled " An Act for limitation of actions and for avoiding of suits at law," it was among other things enacted, that all actions of account and upon the case, other than such accounts as concern the trade of merchandize between merchant and merchant, their factors or servants, all actions of debt grounded upon any landing or contract without specialty, and all actions of debt for arrearages of rent, should be commenced within three years after the end of the then present Session of Parliament or within six years next after the cause of such actions or suits, and not after: And whereas various questions have arisen in actions founded on simple contract as to the proof and effect of acknowledgments and promises offered in evidence for the purpose of taking cases out of the operation of the said enactments, and it is expedient to prevent such questions and to make provision for giving effect to the said enactments and to the intention thereof;" Be it further enacted, That in actions of debt or upon the case grounded upon any simple contract, no acknowledgment or promise by words only made after the passing of this Act shall be deemed sufficient evidence of a new or continuing contract whereby to take any case out of the operation of the said enactments of the said Act of Parliament, or to deprive any party of the benefit thereof, unless such acknowledgment or promise shall be made or contained by or in some writing to be signed by the party chargeable thereby, and that where there shall be two or more joint contractors, or executors or administrators of any contractor, no such joint contractor, executor or administrator shall lose the benefit of the said enactments so as to be chargeable in respect or by reason only of any written acknowledgment or promise made and signed by any other or others of them: Provided always, that nothing herein contained shall alter or take away or lessen the effect of any payment of any principal or interest made by any person whatsoever: Provided also, that in actions to be commenced against two or more such joint contractors, or executors or administrators, if it shall appear at the trial or otherwise that the plaintiff, though barred by the recited Act of Parliament of the twenty first year of King James the First or this Act, as to one or more of such joint contractors, or executors or administrators, shall nevertheless

In actions of debt or upon the case, no acknowledgment shall be deemed sufficient unless it be in writing or by part payment

Proviso for the case of joint contractors

theless be entitled to recover against any other or others of the defendants by virtue of a new acknowledgment or promise, or otherwise, judgment may be given and costs allowed for the plaintiff as to such defendant or defendants against whom he shall recover, and for the other defendant or defendants against the plaintiff.

V. And be it further enacted, That if any defendant or defendants in any action on any simple contract shall plead any matter in abatement, to the effect that any other person or persons ought to be jointly sued, and issue be joined on such plea, and it shall appear at the trial that the action could not by reason of the said recited Act of Parliament of the twenty first year of King James the First or this Act be maintained against the other person or persons named in such plea or any of them, the issue joined in such plea shall be found against the party pleading the same. Pleas in abatement.

VI. And be it further enacted, That no endorsement or memorandum of any payment written or made after the passing of this Act upon any promissory note, bill of exchange or other writing, by or on the behalf of the party to whom such payment shall be made, shall be deemed sufficient proof of such payment so as to take the case out of the operation of the said recited Act of Parliament of the twenty first year of King James the First or of this Act. Indorsement of payment.

VII. And be it further enacted, That the said recited Act of Parliament of the twenty first year of King James the First and this Act shall be deemed and taken respectively to apply to the case of any debt alleged by way of set off on the part of any defendant, either by plea, notice or otherwise, according to the nature of such debt, whether by record, specialty or simple contract. Debts alleged by way of set off.

VIII. And be it further enacted, That all parts of the world beyond the limits of this Province shall be deemed to be beyond the seas within the meaning of this Act and of the said recited Act of the Parliament of England passed in the twenty first year of the reign of King James the First, and of an Act of Parliament passed in England in the fourth year of the reign of Queen Anne and in force in this Province, intituled "An Act for the amendment of the Law and the better advancement of Justice," so far as relates to personal actions. All parts beyond the limits of the Province deemed beyond seas

CAP. LII.

An Act, to make provision for carrying on the affairs of the Savings Bank at *m* Saint John.

Passed 16th March, 1836.

“ WHEREAS in consequence of the difficulties in which the Bank for savings established in the City of Saint John has lately been involved, it is expedient to make some further provision by Act of Assembly for carrying on the affairs of the said institution ;”

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the acting trustees and managers of the said institution or some two or more of them are hereby authorized and required, within two months after the passing of this Act, to call a meeting of the members of the said institution, and of any persons desirous to become members thereof, giving at least fourteen days notice in two of the newspapers published in the said City of the time and place of such meeting, and such meeting shall be deemed to be the annual meeting of the members Trustees and managers to call a meeting of the members of the institution and of others within two months from the passing of this Act.

Persons assembled may choose Trustees and Managers, and alter and amend the rules and regulations.

6 G. 4, C. 4.

members of the said institution for the present year under the rules and regulations for the management thereof deposited and filed in the office of the Clerk of the Peace for the City and County of Saint John; and it shall be lawful for such persons so assembled at such meeting, or at any adjourned meeting, to choose trustees and managers, and to alter and amend the said rules and regulations, or to make new rules and regulations for the management of the said institution: Provided always, that any rules and regulations so to be made shall be conformable to the provisions of an Act made and passed in the sixth year of the reign of King George the Fourth, intituled "An Act to encourage the establishment of Banks for savings in this Province," and shall be entered, deposited and filed in the manner directed in and by the said Act.

CAP. LIII.

n An Act, to enable the Governor and Trustees of the Madras School to dispose of certain parts of their Lands.

Passed 16th March, 1836.

“ WHEREAS the Governor and Trustees of the Madras School in New Brunswick are seized and possessed of divers wilderness and uncultivated lands in this Province, and it is expedient when it would be for the benefit of the institution that they should have power to sell and dispose of the same, and to invest the proceeds in manner hereafter mentioned;”

Governor and Trustees may dispose of any of their wilderness lands or the timber growing thereon.

Conveyance under the Corporation seal to be valid.

Proceeds to be invested in other lands or kept out at interest on landed securities

Proviso as to lands granted for any particular school.

Leases with covenants for renewal may be made.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That whenever it shall appear to the said Governor and Trustees to be clearly for the benefit and advantage of the institution to sell and dispose of any of their wilderness and uncultivated lands in any part of the Province, or to sell any timber growing on such lands, that they shall be and are hereby authorized and empowered so to do; and any sale and conveyance thereof, or of any part thereof, in fee simple or otherwise, made under the seal of the said Corporation, shall be good and valid, any law or usage to the contrary notwithstanding.

II. And be it enacted, That all the monies and proceeds arising from such sales, shall be invested and laid out by the said Governor and Trustees in the purchase of other lands for the purposes of the institution, or shall be put and kept out at interest upon good and sufficient landed securities, and the annual income and interest arising therefrom be applied by the said Governor and Trustees to and for the purposes of the institution: Provided always, that when any land shall have been granted or conveyed to the said Governor and Trustees for the use or benefit of any particular school or schools, the proceeds thereof shall be invested or the interest applied for the use and benefit of such particular school or schools.

III And be it enacted, That any lease made by the said Governor and Trustees of any of their lands, tenements and hereditaments for any term not exceeding twenty one years may be made with such covenant or covenants for the renewal of the same as the said Governor and Trustees may think for the advantage of the institution, and may agree upon with the person or persons who may take such lease; and good and valid leases of any land leased with such covenants of renewal therein, may be made under the seal of the said Corporation, any law or usage to the contrary notwithstanding.

CAP. LIV.

An Act, to enable the Corporation of King's College to dispose of certain parts of o
their Lands.

Passed 16th March, 1836.

“**W**HEREAS the Chancellor, President and Scholars of King's College at
“ Fredericton, in the Province of New Brunswick, hold certain wilder-
“ ness and uncultivated lands in the neighbourhood of Fredericton, and it would be
“ for the benefit of the said College if a certain proportion of such lands were sold,
“ and the proceeds thereof invested in the manner hereinafter mentioned;”

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly,
That it shall and may be lawful for the College Council of the said College from
time to time as they shall judge it to be for the advantage of the said College, to
sell and dispose of in fee simple such parts and portions of the said wilderness and
uncultivated lands as they shall in their discretion select and allot for that purpose,
for such price and upon such terms of payment as the said College Council may
agree upon; and good and valid conveyances of any land so sold may be made
by the said Corporation of King's College under the seal of the said College, any
law or usage to the contrary notwithstanding: Provided always, that the aggregate
of any lands which may be sold and disposed of under the provisions of this Act,
shall not exceed one fourth part in quantity of such wilderness and uncultivated
lands; and provided also, that it shall not be lawful for the College Council to sell
any of the said lands in lots to exceed one hundred acres each, and that in no case
shall lots be sold adjoining to or bounded by each other; and further provided, that
the sale of the said lands shall be made by public auction, thirty days previous notice
of the time and place of such sale to be first given in one or more of the public news-
papers in this Province.

College Council
may sell the wil-
derness land of
the Corporation.

Proviso as to
quantity and situ-
ation of land to
be sold.

Sales to be made
by public auc-
tion.

II. And be it enacted, That all the monies and proceeds arising from such sales
shall be put and kept out at interest by the said Corporation of King's College, upon
good and sufficient landed securities, and the annual income and interest arising
therefrom be applied to and for the uses and purposes of the institution.

Proceeds to be
kept out at inter-
est on landed se-
curity.

III. “ And whereas the said Chancellor, President and Scholars hold a block
“ of land in the town plat of Fredericton, comprising town lots from number
“ ninety nine to number one hundred and sixteen, both inclusive, which form the
“ whole of the block known by the number seven in the said town plat as described
“ in the royal grant of certain lots in the said town plat, passed under the great
“ seal of the Province of New Brunswick to Cornelius Ackerman and others,
“ bearing date the seventh day of August in the year of our Lord one thousand
“ seven hundred and eighty eight, and the plan to the same grant annexed; and
“ beneficial leases of the lands comprised in the said block cannot be made with-
“ out covenants for renewing such leases, and doubts exist whether any such
“ covenants would be valid;” Be it therefore enacted, That the said College
Council shall be and they are hereby authorized and empowered to lease the
said block of land in the said town plat of Fredericton, either in the whole or in
such lots or parcels as the said College Council may from time to time think fit,
for any term or terms not exceeding twenty one years, for and upon such rents and
with such covenant or covenants for the renewal of such lease or leases as the said
College Council may think for the advantage of the institution, and may agree
upon with the person or persons who may take such leases; and good and valid
leases of any land so leased with such covenants therein may be made by the said

College Council
authorized to
grant lease-, with
covenants of re-
newal, of block
number seven in
Fredericton, in
the whole or in
parts.

Corporation

Corporation of King's College, under the seal of the said College, any law or usage to the contrary notwithstanding.

Power in preceding section extended as to any wilderness land.

IV. And be it enacted, That the powers given to the College Council in the next preceding section of this Act shall extend and be construed to extend to authorize the said College Council to lease any part of the wilderness lands belonging to said College upon the same terms, reservations and conditions as they are authorized to lease the lots contained in block number seven by any of the provisions of this Act.

CAP. LV.

An Act, to incorporate the Central Fire Insurance Company of New Brunswick.

Passed 16th March, 1836.

“**W**HEREAS the great increase of wealth and combustible property in the Province for several years past renders an increase in the facilities for protecting the same expedient and necessary;”

Persons herein named, their associates, successors and assigns incorporated;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Amasa Coy, John M. Wilmot, Joseph Gaynor, Nehemiah Meritt, Jeremiah M. Connell, Thomas C. Everitt, Thomas T. Smith, Henry George Clopper, Charles D. Everitt, John Simpson, Francis E. Beckwith, Asa Coy, Justin Spahn, H. Fisher, Junior, Henry Blakslee, George Sears, John T. Smith, Charles Connell, Junior, Charles Perley, Robert Chestnut, William D. Hartt, Thomas Leavitt, Lemuel A. Wilmot and Charles Fisher, their associates, successors or assigns, be and they are hereby declared to be a body politic and corporate by the name of the Central Fire Insurance Company of New Brunswick, and that they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments, rents, in fee simple or otherwise, and also goods and chattels, and all other things real, personal or mixed, and also to give, grant, convey, let or assign the same or any part thereof in any legal method or manner, and to do and execute all other things in and about the same as they shall think advisable and necessary for the benefit and advantage of the said Corporation; and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law or equity or any other place or places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner to all intents and purposes as any other person or persons are in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto; and also that they have one common seal to serve for the ensembling of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers, warrants of attorney, and all and singular their affairs and things touching and concernig the said Corporation.

may possess lands, &c ;

sue and be sued, and

have a common seal

Amount of capital and how payable

II. And be it enacted, That the capital or joint stock of the said Corporation shall consist of the sum of fifty thousand pounds current money of the Province, to be paid according to the legal value thereof, at the several times of the payment of the same; ten thousand pounds, being the one fifth part thereof, to be paid within six months after the passing of this Act and the remaining four fifths, or forty thousand pounds to be paid at such time or times and in such parts or portions as the Directors for the time being or a majority of them shall from time to

to time think necessary ; the whole amount of such capital or stock to be divided into shares of ten pounds each, making in the whole five thousand shares.

III. And be it enacted, That all the subscribers for stock or shares in the said Corporation shall previous to the day of the election of Directors pay into the hands of such person or persons as the persons incorporated by the first section of this Act or the major part of them, or in case of the death of any of them of the major part of the survivors, may direct, a deposit of not less than two per cent. not exceeding five per cent. upon the amount of capital or stock of the said Corporation for which they have subscribed, due notice being given at the time of the notice calling the first meeting of the Members and Stockholders of the Corporation of the time or several periods of time when, of the place and places where, and person or persons to whom the said deposit shall be paid ; and the said deposit shall be taken and allowed to every subscriber who shall pay it as part and out of the first twenty per cent. of the capital stock required to be paid in under and by virtue of this Act, and every subscriber who shall neglect or refuse to pay in the said deposit shall for every share he shall neglect or refuse to pay in be deemed a defaulter, and the said share or shares shall be forfeited to the Corporation, and no subscriber shall upon any pretence whatever vote at the first meeting for the choice of Directors upon any share or shares he has not paid the said deposit.

Subscribers to stock to make a deposit previous to the election of Directors.

IV. And be it enacted, That every Stockholder or subscriber shall pay into the hands of the Directors for the time being, or into the hands of such person or persons, or into the Cashier or Cashiers, Treasurer or Treasurers of such body corporate or bodies corporate, as the Directors or a majority of them shall appoint, within the aforesaid six months, one fifth part or twenty per centum on the whole amount of his or her share or shares, including the deposit mentioned in the third section of this act, and shall give to the President and Directors hereinafter mentioned good and sufficient security or securities, either by bond and mortgage on real estate or by bond with two or more good and sufficient sureties, renewable at least as often as once in three years, to the satisfaction of the said President and Directors for the time being, which securities shall be made and taken, and kept and continued from time to time, to the satisfaction of such persons as the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of the Executive Council, shall appoint to examine and report upon the funds and securities of the said Company, that the residue of the whole amount of his or her share or shares shall be paid from time to time, and in such parts or portions as to them the said President and Directors shall seem advisable ; provided that the amount so to be called in shall not at any one time exceed twenty per centum on the whole amount of capital or stock belonging to any individual, and that not less than fifty days notice of such payment being required shall be given in one or more of the newspapers published in this Province : Provided always, that the said Corporation shall not go into operation until the said sum of ten thousand pounds shall have been paid, and shall then be in the vault or office of the said Corporation or Company, and that as soon as the said sum shall have been so paid the President shall give notice thereof to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, who is hereby authorized, by and with the advice of His Majesty's Executive Council, to appoint three Commissioners, not being Stockholders, whose duty it shall be to examine and count the money actually in the vault or office, and to ascertain by the oaths of a majority of the Directors (which oaths any one of His Majesty's Justices of the Peace for the

Twenty per cent. on the stock to be paid within six months, and security given for the remainder.

Securities to be taken to the satisfaction of persons to be appointed by the Governor in Council.

Subsequent payments not to exceed 20 per cent. at one time.

Corporation not to commence operations until £10,000 be paid in, to be ascertained by Commissioners.

the County of York is hereby authorized to administer) that one fifth part of the amount of the capital of the said Company hath been paid in by the Stockholders towards the payment of their respective shares and not for any other purpose.

A general meeting to be called to make Bye Laws, and choose Directors.

V. And be it enacted, That a general meeting of the Members and Stockholders of the said Corporation or the major part of them shall take place in Fredericton, by notice in the Royal Gazette and in one of the papers published in the City of Saint John fourteen days previous to such meeting, which notice Charles Fisher, Esquire, Barrister at Law, or in case of his death, neglect or refusal, any other of the persons incorporated in and by the first section of this Act is hereby authorized and empowered to give, for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good order and management of the affairs of the said Corporation as they shall deem necessary, and also for the purpose of choosing nine Directors being Members and Stockholders of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors shall as soon thereafter as may be convenient meet together and choose out of their number a President, and shall also appoint at the same time or at any future meeting a Secretary and so many and such other officers, clerks, servants and agents for carrying on the said business as they shall deem requisite and necessary, and shall at the same time or at any future meeting accept and receive what remains due of the first instalment of the twenty per centum on each subscriber or stockholder's share or subscription, and shall take from such subscriber such securities for the remainder of their subscriptions as is hereinbefore pointed out, and shall commence the operations of the said Insurance Company subject to the rules and regulations as hereinafter provided, and shall continue and serve to be Directors aforesaid until the first annual meeting for the choice of Directors as is hereafter made and provided, or until others are chosen in their room; provided that the laws and ordinances at any time made shall be in no wise contrary or repugnant to the laws and statutes of this Province.

Directors to choose a President, appoint a Secretary &c., receive instalments and take securities, &c.

Annual general meeting to be on 1st Tuesday in March

Directors to be chosen

Directors to choose a President.

Five Directors to be re-elected

Powers of Directors.

VI. And be it enacted, That there shall be a general meeting of the Stockholders and Members of the said Corporation held annually on the first Tuesday in March in each and every year at Fredericton, at which annual meeting there shall be chosen by a majority of the said Stockholders and Members of the said Corporation then met, out of the said Stockholders and Members nine Directors, 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 hereinafter mentioned; and the Directors when chosen or the major part of them shall at the first meeting after their election choose out of their number a President, who is to be chosen by a majority of votes, each Director having one vote; Provided always, that five of the Directors in office shall be re-elected at such annual meeting for the next succeeding year, of which the President shall always be one.

VII. And be it enacted, That the Directors for the time being shall have power to do and execute all the matters and things contained in the preceding sections of this Act as far as the same may be left unexecuted by the Directors therein mentioned, and that they shall manage the whole concerns of the said Corporation agreeably to this Act of Incorporation and such bye laws, rules and regulations as the Stockholders and Members thereof may from time to time establish, and also do and execute all other matters and things that may be necessary and requisite for the benefit of the Corporation, and also shall have power to appoint such officers, clerks and agents, and establish such agencies, as they or the major part of them shall think necessary for executing the business of the said Corporation, and

and shall allow the said officers, clerks, agents and servants such compensation for their respective services as to them the said Directors shall appear reasonable and proper, all which together with the expenses of buildings, house rent and all other contingencies shall be defrayed out of the funds of the said Corporation.

All expenses to be paid from the Corporation funds.

VIII. And be it enacted, That not less than three Directors shall constitute a board for the transaction of business, of which the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose one of their board as chairman for the time being; that the President shall vote at the board as a Director, and in case there be an equal number of votes for and against any question before them, the President shall have a casting vote.

Board of Directors for business.

IX. And be it enacted, That no Director shall be entitled to any salary or emolument for his services, but that the Members and Stockholders of said Corporation for the time being may make such compensation to the President as to them shall appear reasonable and proper.

No Director to have a salary.

Compensation to President.

X. And be it enacted, That no person shall be eligible as a Director unless such person is a Stockholder and holds not less than twenty shares of the capital stock of the said Corporation.

Qualification of Directors.

XI. And be it enacted, That the number of votes to which each Stockholder shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the Stockholders are to be given shall be in the following proportion: for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; which said number of twenty votes shall be the greatest that any Stockholder shall be entitled to have; and that every person may vote by proxy, provided such proxy be a Stockholder and previous to voting produce a sufficient authority from his constituent or constituents so to act; and provided further, that no Stockholder shall hold more than five proxies.

Votes of Stockholders regulated.

Persons may vote by proxy.

XII. And be it enacted, That if it should so happen that the Directors should not be chosen on the first Tuesday in March in any years aforesaid, it shall and may be lawful to choose them on any other day between the hours of twelve at noon and three in the afternoon of said day, upon giving fourteen days notice of the time and place of meeting, which shall take place in Fredericton; and in case any Director should disqualify himself by the sale, disposal or transfer of his shares or of any of them, so as to reduce his interest in said stock to less than twenty shares required for the qualification of a Director, or in case of the removal of a Director by the Stockholders for misconduct or mal-administration, his place shall be filled up by the said Stockholders, fourteen days notice of the time and place of meeting being first given, and in case of any vacancy among the said Directors by death, resignation or absence from the Province for three months, the said Directors shall or may fill up the same by choosing one of the Stockholders, and the person so chosen by the said Stockholders or Directors shall serve until another be chosen in his room.

How Directors to be chosen when not chosen at the annual meeting.

Filling up vacancies.

XIII. And be it enacted, That as soon as the said first instalment of ten thousand pounds shall have been actually paid in manner and form as is herein before provided, on account of the subscriptions to the said stock, notice thereof shall be given in one or more of the newspapers published in this Province, and

On payment of £10,000, notice to be given, and the business to be commenced.

the Directors shall commence with the business and operations of the said Corporation: Provided always, that no insurance shall be effected nor shall any policy be signed in manner as is hereinafter provided, until the sum of ten thousand pounds shall be actually paid and received on account of the subscriptions to the capital or stock of the said Corporation.

Corporation empowered to insure on houses &c.

Losses to be settled by the Directors and paid within 90 days.

XIV. And be it enacted, That the said Corporation shall have power and authority to make insurance on houses, mills, manufactories, buildings, ships or other vessels on the stocks, or in the rivers or in port, merchandize, monies, goods, wares and effects against loss or damage by fire, and to fix the premium and terms of payment; and all policies of insurance by them made shall be subscribed by the President, or in case of his death, absence, sickness or inability, by any two of the Directors, and countersigned by the Secretary of the said Corporation, or in case of the sickness, absence or inability of the Secretary, by such person or persons as the Directors or a majority of them may appoint to act in his stead, and shall be binding and obligatory upon the said Corporation and Company; and that all losses duly arising under any policy so subscribed and countersigned shall and may be adjusted and settled by the board of Directors, and the same shall be binding on the said Corporation, and shall be paid to the assured within ninety days from such adjustment: Provided always, that the said Directors shall not in any case make insurance on any single building or goods contained therein to an amount exceeding three thousand pounds.

Execution of Policies entered into by agents.

XV. And be it enacted, That all policies entered into in behalf of the said Company and Corporation by any agent or agents duly appointed by the Directors or a majority thereof, shall, in addition to the signing and countersigning required by the thirteenth section of this Act, be also countersigned by the said agent or agents, and especially mention in the said policy the invalidity of such policy without such additional countersigning, and no policy entered into by any agent or agents of the said Company or Corporation shall be obligatory upon the said Company or Corporation without these requisites are complied with.

Directors to make half yearly dividends of the profits.

XVI. And be it enacted, That it shall be the duty of the Directors of the said Corporation or a quorum thereof to make half yearly dividends of all the profits, rents, premiums and interest of the said Corporation, payable at such time and place as the Directors or a quorum thereof shall appoint, of which they shall give thirty days previous notice in one or more of the newspapers published in this Province: Provided always, that the monies received for premium of risks which shall be undetermined and outstanding at the time of the making of such dividends shall not be considered as part of the said profits of the said Company; and provided further, that if the amount of capital or stock paid as by this Act is required shall be by any means reduced to a sum less than ten thousand pounds, then in such case no dividend or dividends whatsoever shall be declared or made until a sum equal to the said sum of ten thousand pounds shall be vested for the use of the said Company.

Capital paid in being reduced to less than £10,000 no dividend to be made.

Corporation may possess real estate to the value of £5,000.

Proviso for collateral security.

XVII. And be it enacted, That the said Corporation shall have full power and authority to take, receive, hold, possess and enjoy in fee simple, any lands, tenements and real estate, and rents, to any amount not exceeding five thousand pounds: Provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate or chattels to any amount whatsoever, by mortgage taken as a collateral security for the payment of any sum or sums of money advanced by or debts due to the said Corporation,

ration, or for the security of the payment of the amount of such part of the capital or stock of the said Corporation that shall at any time or times remain unpaid.

XVIII. And be it enacted, That the capital or stock of the Company collected at each instalment, and at the times and manner hereinbefore provided, shall be by the said Directors invested and disposed of in such public funds, or to such public or corporate bodies or associations, or joint companies as may be deemed advisable, and in the event of there being no public funds or public or corporate bodies, or associations, or joint companies, in which the same can be safely vested or to whom the same can be advantageously and safely lent and disposed of, then it shall and may be lawful for the said Directors or a majority of them to apply and dispose thereof by letting the same out at interest, either upon the security of lands or other property or otherwise, as they may think fit: Provided always, that no monies of the said Corporation shall be put out at interest nor any security taken for the same, either by bond or mortgage, or bill or note, or otherwise, for a shorter period than one year; and further provided, that as long as the amount of the said first instalment of ten thousand pounds or any part thereof shall be at the disposal of the said Directors, and shall be required for the use of the Province, then it shall be obligatory upon the said Directors to loan the said sum of ten thousand pounds or any part thereof to the Province or the Treasurer thereof for the public use of the Province, at the rate of not exceeding six per centum per annum; and further provided, that nothing herein contained shall be construed to extend to deprive the Directors of their right of calling upon the Province for the payment of the said sum of ten thousand pounds, or any part thereof they may require to meet any extraordinary loss the surplus fund hereinafter provided and any disposable fund of the Corporation may not sufficiently provide for or discharge, or to call in the same upon the dissolution of the said Corporation.

Investment of capital.

XIX. And be it enacted, That the Directors of the said Corporation shall not at any half yearly dividend of the profits, rents, and premiums and interest of the said Company, divide or pay, or cause or permit to be divided or paid any greater or larger dividend than will amount to the rate of six pounds per centum on the total amount of capital stock collected and actually invested and disposed of as is provided in and by this Act; and also that the sum at any time divided and paid shall not exceed two thirds of the net amount of the actual gains and earnings of the said Company gained or earned since the making of the then last dividend: Provided always, that whenever the capital or stock actually invested as by this Act is required, and the surplus fund shall together amount to the sum of twenty five thousand pounds, then the Directors of the said Company may, if they think the same advisable, divide and pay the whole of the net amount of the gains and earnings of the said Company at each half yearly dividend, any thing herein contained to the contrary thereof in any wise notwithstanding.

Half yearly dividend not to exceed six per cent. nor two thirds of the earnings.

The whole earnings may be divided when the capital invested amounts to £25,000.

XX. And be it enacted, That it shall and may be lawful to and for the Directors of the said Corporation to use, apply and dispose of the monies arising in the course of the dealing of the said Corporation, and all the profits, rents, premiums and interest thereof, by letting the same out at interest, either upon the security of lands or other property, or otherwise, as the Directors thereof may think fit, any thing contained in this Act to the contrary notwithstanding: Provided always, that no monies of the said Corporation shall be put out at interest, nor any security taken for the same, either by mortgage, bill, bond, note or otherwise, for a shorter period than one year.

Investment of money accruing in the course of dealings of the Corporation.

Corporation not to engage in banking operations.

XXI. And be it enacted, That the said Company or Corporation shall not directly or indirectly deal or trade in buying or selling gold or silver coins or bullion, or bills of exchange, or other negotiable instruments, or any goods, wares, merchandize or commodity whatsoever, or deal in the lending of money, or in bills of exchange or other negotiable instruments by way of discount or otherwise, or engage in any banking operations whatsoever: Provided always, that nothing herein contained shall be construed to extend to prevent the Company from hiring or lending its funds arising either from the payment of any instalments or from the accumulation of its profits, rents, preminiums and interest, agreeably to the terms and provisions of the seventeenth and nineteenth sections of this Act, any thing herein contained to the contrary thereof in any wise notwithstanding.

Shares to be assignable.

XXII. And be it enacted, That the shares, capital or stock of the said Company shall be assignable or transferable, according to such rules and regulations as may by the Members and Stockholders be established in that behalf, but no assignment or transfer shall be valid or effectual, unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, and in no case shall any fractional part of a share be assignable or transferable, and that whensoever any Stockholder shall transfer in manner aforesaid all his or her stock or shares in the said Corporation to any other person or persons whomsoever, such person shall cease to be a member of the said Corporation, and the person or persons so purchasing shall become a member of the said Corporation in his or her stead, and be entitled to all the privileges as such.

Liability of the President and Directors in case of losses equal to the capital.

XXIII. And be it enacted, That in case of any loss or losses taking place, which shall be equal to the capital or stock of the said Company, and the President and Directors after knowing of such loss or losses taking place, shall make any further policy of insurance, they and their estates jointly and severally shall be accountable for the amount of any and every loss which shall take place under such policy or policies so made.

Joint stock only responsible for debts and engagements.

XXIV. And be it enacted, That the joint stock or property of the said Corporation shall be responsible for the debts and engagements of the said Corporation, and that no person or persons who shall or may have dealings with the said Corporation shall on any pretence whatsoever have recourse against the separate property of any present or future member or members of the said Corporation, or against their person or persons, further than has been hereinbefore provided and that may be necessary to secure the faithful application of the funds of this Corporation.

Bonds for residue of the capital may be renewed or changed.

XXV. And be it enacted, That the bonds and other securities of what nature or kind soever, taken for the payment of the residue of the said capital or stock as is hereinbefore directed, shall from time to time be renewed or changed and other and further security or securities for the same be given as is provided in and by the fourth section of this Act; and in case of any refusal or delay to renew or change any such security or securities, or to give or grant other and further security or securities therefor to the satisfaction of the said Directors or a majority thereof, within thirty days after notice thereof given, then and in such case it shall and may be lawful to and for the said Directors or a majority thereof, to cause such proceedings both in law or in equity, or either, as may be deemed requisite, to be taken for the recovery of the amount of such several security and securities, or it shall and may be lawful to and for the said Directors or a majority thereof, if they shall think fit, to declare the shares in the said capital

In case of refusal may be prosecuted or shares forfeited.

pital or stock for the amount of the residue of which such security or securities shall have been given, forfeited to the said Company, together with all deposits, instalments, interests, profits or dividends thereto belonging or appertaining, and that such stock so forfeited shall be sold by public auction for and on account of the said Company, and the purchaser or purchasers thereof shall give such security or securities for the payment of the amount due to the said Company on account of such forfeited shares at the time of such forfeiture as is hereinbefore provided, and shall likewise be subject to all the provisions of this Act, any thing herein contained to the contrary thereof in any wise notwithstanding.

XXVI. And be it enacted, That the books, papers, correspondence, and all other matters and things belonging to the said Corporation, shall at all times be subject to the inspection of the Directors or any of them, but no Stockholder not a Director shall inspect the account of any individual or corporate body with the said Company.

Books &c. to be open to the inspection of the Directors.

XXVII. And be it enacted, That the Directors shall at the general meeting to be holden on the first Tuesday in March in every year lay before the Stockholders for their information an exact and particular statement in triplicate of the then state of the affairs and business of the said Company agreeably to the several regulations of this Act, and such other rules and regulations as may by the Members and Stockholders of the Corporation be made by virtue hereof, so as the same may contain a true account of the whole of the affairs of the said Corporation; which statement in triplicate as aforesaid shall be signed by the Directors and attested on oath by the Secretary, or in case of his sickness, absence or inability to attend, by such person or persons as the Directors or any quorum thereof may appoint to act in his stead, and shall be transmitted to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Legislature: Provided always, that the rendering of such statement shall not extend to give any right to the Stockholders not being Directors to inspect the accounts of any individual or individuals with the said Corporation.

Statement of affairs to be laid before the annual meeting.

To be transmitted for the information of the Lieutenant Governor and the Legislature.

XXVIII. And be it enacted, That any joint committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or prorogation of the General Assembly, have free access to all the books and accounts of the same.

Joint committee of Council and Assembly to have access to the books, &c.

XXIX. And be it enacted, That any number of Stockholders not less than twenty, who together shall be proprietors of one thousand shares, shall have power at any time by themselves or their proxies to call a general meeting of the Stockholders for any purpose relating to the business of the said Corporation, other than a dissolution thereof, giving at least thirty days notice in two of the newspapers published in this Province, and specifying in such notice the time and place of such meeting with the objects thereof, and the Directors or any five of them shall have the like power at any time (upon observing the like formalities) to call a general meeting as aforesaid.

Calling of general meetings not for the dissolution of the Corporation.

XXX. And be it enacted that any number of Stockholders not less than thirty who together shall be proprietors of three thousand five hundred shares shall have the power at any time by themselves or their proxies to call a general meeting of the Stockholders for the purpose of taking into consideration the propriety of dissolving the said Company, giving at least three months previous notice in one or more of the newspapers published in this Province, and specifying in such notice the time and place of such meeting with the objects thereof; and

Calling of general meetings for the purpose of dissolving the Corporation.

and should it be agreed upon at such meeting that the said Company or Corporation should be dissolved, such Stockholders are hereby authorized and empowered to take all legal and necessary ways and means to dissolve the said Company; and upon such or any other dissolution of the said Company, the Directors then in office shall take immediate and effectual measures for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the Stockholders in proportion to their respective interests.

Annual statement of affairs for the information of the Legislature.

XXXI. And be it enacted, That the Secretary of the said Company shall on the first Thursday in January in each and every year, make a return in triplicate of the state of the affairs of the said Company as they existed at three of the clock in the afternoon of that day, and shall forthwith transmit the same to the office of the Secretary of the Province, which return shall specify the aggregate amount of the risks at that time taken by the said Company, the amount of losses incurred during the preceding year, the amount of capital actually paid in, and how the same has been invested and secured, also a particular statement of the manner in which the residue of the capital has been secured, the amount of the dividends for the preceding year, and when declared, together with the amount of surplus profits then belonging to the said Company, and how the same have been invested and secured, the amount of real estate owned by said Company, together with a particular statement of all other the affairs of the said Corporation, which return shall be signed by the Secretary of the said Company, who shall make oath or affirmation, before some Magistrate qualified to administer oaths, to the truth of said return according to the best of his knowledge and belief, and the Secretary of the said Company shall also at the time hereinbefore mentioned make a return under oath of the names of the Stockholders and the amount of stock owned by each, and a majority of the Directors of the said Corporation, shall certify and make oath or affirmation before the same Magistrate as the said Secretary, that the books of the said Company indicate the state of facts so returned by their Secretary, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province as soon after the opening of the Session thereof as practicable, such returns as aforesaid as he may have received since the then last previous Session.

Insurances to the amount of £200,000 may be made when the capital of £50,000 is provided and secured

XXXII. And be it enacted, That when the said Corporation shall have provided and secured the said capital or joint stock of fifty thousand pounds as aforesaid, it shall and may be lawful for them to cause insurances to be made on houses, buildings, stores, goods, wares and merchandize within this Province, from loss and damage by fire to the value of two hundred thousand pounds and no more, and the whole of the said capital or joint stock shall be pledged and liable to make good all and every loss which may happen upon all or any of the said policies; and in case the said Corporation shall at any time make any insurances beyond the said sum of two hundred thousand pounds, each of the members of the said Corporation shall be liable in their own persons and estates for his share or proportion of such sums insured beyond the said sum of two hundred thousand pounds.

Liability of Stockholders when insurances exceed £200,000

Limitation

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

CAP. LVI.

An Act, to incorporate sundry persons by the name of the President, Directors and Company of the City Bank.

Passed 16th March, 1836.

“**W**HEREAS it is thought that the establishment of another Bank in the “City of Saint John would promote the interests of the Province by “increasing the means of circulation ;”

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Nehemiah Merritt, James Hendricks, Robert W. Crookshank, Thomas Leavitt, Henry Boyer Smith, John Robertson, Nathan S. Demill, John Walker, Hugh Johnston, Charles Simonds, Thomas Wyer, Charles Hazen, E. D. W. Ratchford, John Ward, Junior, Edward B. Chandler, their associates, successors or assigns, be and they are hereby declared to be a body corporate by the name of the President, Directors and Company of the City Bank, and that they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments and rents in fee simple or otherwise, and also goods and chattels, and all other things real, personal or mixed, and also to give, grant, let or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation ; and also that they shall be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of law and equity or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto ; and also that they shall have one common seal to serve for the ensembling of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation ; and also that they the said President, Directors and Company, or the major part of them, shall from time to time and at all times have full power, authority and licence to constitute, ordain, make and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation ; provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant to the laws and statutes of this Province.

Persons herein named, their associates, successors and assigns incorporated.

may possess lands, &c. ;

sue and be sued ;

have a common seal, and

make Bye Laws for the government of the Corporation.

II. And be it enacted, That the capital stock of the said Corporation shall consist of current gold and silver coins of the Province to the amount of one hundred thousand pounds ; the sum of fifty thousand pounds, one half part thereof, to be paid in current gold and silver coins of the Province within one year from the passing of this Act, and the remaining half of all the shares of the said capital stock shall be paid in such instalments, and at such days and times as the Directors of the said Bank may find occasion to require the same, thirty days notice being previously given in two of the newspapers in this Province of the time and place of such payment ; the whole amount of said stock to be divided into shares of fifty pounds each, making in the whole two thousand shares ; and provided also, that the whole of the capital stock shall be called in within five years after the passing of this Act.

Capital to be £100,000.

£50,000 to be paid in within one year from passing of Act, residue within five years.

III.

Corporation may
possess lands
&c to the value
of £3,000.

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

When 400
shares are sub-
scribed for, a
meeting to be
called to choose
Directors and
make Bye Laws
&c

IV. And be it enacted, That whenever four hundred shares shall have been subscribed of the said capital stock, a general meeting of the Members and Stockholders of the said Corporation, or of the major part of them, shall take place by notice in one or more of the public newspapers thirty days previous to such meeting, for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good management of the affairs of the said Corporation as the Members and Stockholders of the said Corporation shall deem necessary, and also for the purpose of choosing thirteen Directors being Stockholders and Members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations of the said Bank, subject nevertheless to the rules and regulations hereinafter made and provided; at which general meeting the Members and Stockholders of the said Corporation, or the major part of them, shall determine the amount of payments to be made on each share, also the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the said Corporation shall be binding on the said Stockholders, their successors and assigns.

Annual meeting
for choice of
Directors to be
held on 1st
Tuesday in May.

V. And be it enacted, That there shall be a general meeting of the Stockholders and Members of the said Corporation to be annually holden on the first Tuesday in May in each and every year at the City of Saint John, at which annual meeting there shall be chosen by a majority of the said Stockholders and Members of the said Corporation thirteen Directors who shall be resident in the City or County of Saint John, and continue in office for one year, or until others are chosen in their room; in the choice of which Directors the Stockholders and Members of the said Corporation shall vote according to the rule hereinafter mentioned; and the Directors when chosen shall at their first meeting after their election choose out of their number a President: Provided always, that seven 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.

Directors to
choose a Presi-
dent.

Directors to ap-
point officers,
& clerks &c

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

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

Board of Directors for business.

No note to be excluded by one vote.

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

No Director to have a salary.

Compensation to President.

IX. And be it enacted, That no person shall be eligible as a Director unless such person is a Stockholder and holding not less than ten shares of the capital stock of the said Corporation: Provided always, that the Stockholder so otherwise qualified be not a Director in any other banking company in this Province.

Qualification of Directors.

X. And be it enacted, That every Cashier and Clerk of the said Corporation before he enters upon the duties of his office shall give bonds with two or more sureties to be approved of by the Directors, (that is to say), every Cashier in a sum not less than ten thousand pounds with a condition for his good and faithful behaviour, and every Clerk with the like condition and sureties in such sum as the Directors shall deem adequate to the trusts reposed in them.

Cashiers and Clerks to give security.

XI. And be it enacted, That the number of votes which each Stockholder shall be entitled to on every occasion, when in conformity to the provisions of this Act the votes of the Stockholders are to be given, shall be in the following proportion, (that is to say), for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes to ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; which said number of ten votes shall be the greatest that any Stockholder shall be entitled to have.

Votes of Stockholders regulated.

XII. And be it enacted, That all Stockholders resident within this Province or elsewhere may vote by proxy, provided that such proxy be a Stockholder and do produce sufficient authority in writing from his constituent or constituents so to act; provided that no Stockholder be entitled to hold more than five proxies.

Stockholders may vote by proxy.

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

Number of shares to be held by Stockholders.

XIV. And be it enacted, That the Directors be and they are hereby authorized to fill up any vacancy that shall be occasioned in the board by the death, resignation or absence from the Province for three months of any of its members, but that in the case of the removal of a Director by the Stockholders for misconduct or mal-administration, his place shall be filled up by the said Stockholders,

Mode of filling up vacant Directorships.

and the person so chosen by the Directors or Stockholders shall serve until the next succeeding annual meeting of the Stockholders.

Notice to Stockholders of payments being required.

Banking operations not to be commenced till £50,000 are paid in.

Commissioners to be appointed by the Lieutenant Governor to count the money in the vaults, &c

XV. And be it enacted, That before any Stockholder shall be required to make payment of any instalment upon the amount of his subscription, fifty days previous notice shall be given by the Directors in two of the newspapers published in this Province of the time and place of such payment, and the Directors shall commence with the business and operations of the Bank of the said Corporation: Provided always, that no bank bill or bank notes shall be issued or put in circulation, nor any bill or note be discounted at the said Bank until the said sum of fifty thousand pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said Bank.

XVI. And be it enacted, That so soon as the sum of fifty thousand pounds shall have been paid in current gold and silver coins, and shall then be in the vaults of the said Bank, the President shall give notice thereof to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or the Commander in Chief for the time being, who is hereby authorized, by and with the advice of His Majesty's Executive Council, to appoint three Commissioners not being Stockholders, whose duty it shall be to examine and count the money actually in the vaults, and to ascertain by the oaths of the majority of Directors that half the amount of its capital hath been paid in by the Stockholders towards payment of their respective shares and not for any other purpose, and that it is intended to have it there remain as part of the capital stock of the said Bank, which investigation is hereby declared indispensable, and shall be made at the periods prescribed by the second section of this Act when paying in the capital stock of the said Bank.

Shares to be assignable

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

Corporation to deal in bills of exchange, gold and silver or in sale of goods or stock pledged

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

Liability of Stockholders in their private capacity

XIX. And be it enacted, That the holders of the stock of the said Bank shall be chargeable in their private and individual capacity and shall be holden for the payment and redemption of all bills which may have been issued by the said Corporation, and also for the payment of all debts at any time due from the said Corporation in proportion to the stock they respectively hold: Provided however, that in no case shall any one Stockholder be liable to pay a sum exceeding the

the amount of stock actually then held by him : Provided nevertheless, that nothing previously contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

XX. And be it enacted, That every bond, bank bill, or bank note or other instrument, by the terms or effect of which the said Corporation may be charged or held liable for the payment of money, shall specially declare in such form as the board of Directors shall prescribe that payment shall be made out of the joint funds of the said Corporation : Provided nevertheless, that nothing herein contained shall be construed to alter, change or diminish the responsibilities and liabilities imposed on Stockholders in their individual capacities by the nineteenth section of this Act.

Bonds, bills, notes &c to declare payment to be from the joint funds of the Corporation.

XXI. And be it enacted, That the total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill or note, or other contract whatsoever, deposits excepted, shall not exceed twice the amount of the capital stock actually paid in by the Stockholders, and in case of any excess, the Directors under whose administration and management the same shall happen, shall be liable for such excess in their individual and private capacities : Provided always, that the lands, tenements, goods and chattels of said Corporation shall also be liable for such excess.

Debts not to exceed twice the amount of capital paid in.

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

Directors to make half yearly dividends.

XXIII. And be it enacted, That the books, papers, correspondence and funds of the said Corporation shall at all times be subject to the inspection of the Directors, but no Stockholder not a Director shall inspect the account of any individual with the said Corporation.

Books &c. to be subject to the inspection of the Directors.

XXIV. And be it enacted, That all the bills or notes issued by the said Corporation shall be signed by the President for the time being, and countersigned and attested by the Cashier, and shall be printed and made in steel plates ; and all bills or notes so signed and countersigned shall be binding on the said Corporation, and payable in specie at the said Bank.

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

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

Corporation to pay to bona fide holder the original amount of any altered note.

XXVI. And be it enacted, That no action shall be brought or maintained upon any bank bill or bank note which shall hereafter be issued by the said Corporation before such bill or note shall have been presented at the Bank for payment and default in payment shall thereupon take place.

No action to be had on any bank bill until after presentment at the Bank.

XXVII. And be it enacted, That the said Bank shall be kept and established at Saint John, or at such other place as the board of Directors may think it necessary to remove the said Bank on account of any great emergency for the security thereof.

Bank to be kept at Saint John.

XXVIII. And be it enacted, That no loan be made by the said Bank on the pledge of its own stock, and that the aggregate of all the debts due to the said Bank from the Directors thereof, as principals, endorsers or sureties, shall not at any one time exceed thirty three and one third per centum of the capital stock.

No loan on pledge of stock. Debts of Directors to Bank.

XXIX. And be it enacted, That the Directors shall at the general meeting to be

be

Statement of affairs to be laid before the Stockholders at the annual general meeting.

Duplicate for Lieutenant Governor and Legislature.

Joint committee of Council and Assembly to have access to the books and vaults.

Stockholders or Directors may call general meetings.

On dissolution of Corporation, Directors to close the concerns.

Liability for bills issued and not paid.

Cashier to make semi-annual returns of the state of the bank to the Provincial Secretary's office.

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

XXX. And be it enacted, That any joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or prorogation of the General Assembly, have full access to the accounts, books and vaults of the same.

XXXI. And be it enacted, That any number of Stockholders, not less than twelve, who together shall be proprietors of five hundred shares, shall have power at any time by themselves or their proxies to call a general meeting of the Stockholders for purposes relating to the business of the said Corporation, giving at least thirty days previous notice in two of the newspapers published in the Province, and specifying in such notice the time and place of such meeting, with the objects thereof; and the Directors or any five of them shall have the like power at any time upon observing the like formalities to call a general meeting as aforesaid.

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

XXXIII. And be it enacted, That the Cashier of the said Bank shall semi-annually, that is to say, on the Monday preceding the first Tuesday in May and the Monday preceding the first Tuesday in November in each and every year, make a return in triplicate of the state of the said Bank as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the office of the Secretary of the Province, which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein, and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein, and the said return shall be made in the following form, viz. :

FORM

FORM OF RETURN.

State of _____ Bank, on the _____ day of _____ 18 _____, 3 o'clock, P. M.

DUE FROM BANK.

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

RESOURCES OF THE BANK.

Gold, silver and other coined metals in its banking house
 Real estate
 Bills of other Banks incorporated in this Province
 Balances due from other Banks
 Amount of all debts due, including notes, bills of exchange, and all stock and
 funded debts of every description, excepting the balances due from other Banks
 Total amount of the resources of the Bank
 Date and amount of the last dividend and when declared
 Amount of reserved profits at the time of declaring the last dividend
 Amount of debts due and not paid, and considered doubtful

Which return shall be signed by the Cashier of said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths to the truth of said return according to the best of his knowledge and belief; and the Cashier of the said Bank shall also make return under oath whenever required by the Legislature of the names of the Stockholders and the amount of stock owned by each; and a majority of the Directors of said Bank shall certify and make oath or affirmation before the same Magistrate as the said Cashier, that the books of said Bank indicate the state of facts so returned by their Cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province as soon after the opening of any Session thereof as practicable one of such respective returns as he may have received since the then last previous Session.

Return of stockholders to be made when required.

Secretary to lay the returns before the Legislature.

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

Delinquent sheet to be furnished to the President on discount days.

No Director on the delinquent sheet to sit at the board.

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

Disqualification of Directors for delinquency.

XXXVI.

Shares in the stock to be deemed personal estate

XXXVI. And be it declared and enacted, That all and every the shares in the capital stock of the said Bank, and all the profits and advantages of such shares respectively shall be deemed and considered to be of the nature of and shall be personal estate and transmissible as such accordingly.

Shares to be liable to seizure in execution.

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

Limitation.

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

CAP. LVII.

p An Act, to provide for the further increase of the capital stock of the Bank of New Brunswick, and to amend and continue the Act for incorporating the said Bank.

Passed 16th March, 1836.

“**W**HEREAS it is expedient further to increase the capital stock of the Bank of New Brunswick, and to make more effectual provisions for the regulation of the same, and to extend the term of its charter;”

Power given to increase the capital stock by £50,000 in sums not less than £12,500 at one time.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Stockholders of the said Bank shall be and they are hereby empowered and authorized from time to time hereafter at any general meeting to be for that purpose called and holden to increase the capital stock of the said Bank by such additional amounts not less at any one time than twelve thousand five hundred pounds, and not exceeding in all the sum of fifty thousand pounds, as they may deem expedient; which additional stock shall be divided into shares of fifty pounds each: Provided always that the whole of such additional stock shall be called in within five years from the passing of this Act.

Additional shares to be sold by auction.

II. And be it enacted, That the additional shares in the capital stock of the said Bank to be from time to time created by such increase shall be sold and disposed of at public auction to the highest bidder, at such times and places as the Stockholders of the said Bank at such general meeting as aforesaid shall appoint, sixty

sixty days notice of such sales respectively being first given at least in four public newspapers printed at Saint John, Fredericton, Saint Andrews and Miramichi respectively.

III. And be it enacted, That ten per cent. of the additional shares which may be sold from time to time as aforesaid, and of any advance or premium at which they may be respectively sold, shall be paid down at the times of such sales respectively, and the remainder thereof shall be paid into the said Bank within four months after the sale thereof, and the whole of such advance or premium, if any, after first deducting thereout the charges of such sale, shall be divided in equal proportion to and among all the shares in the capital or stock of the said Bank, as well the additional as the former shares, and such dividend of the said advance or premium, if any, shall be declared and paid by the said Directors within thirty days after the payment into the said Bank of the purchase money of the said additional sums as the same shall from time to time take place; and banking operations may take place upon each respective amount of such additional stock so called in when the Directors or a majority of them, together with the Cashier of the said Bank, shall have signed and verified by oath and filed in the office of the Secretary of the Province a certificate that such amount of capital stock at any time called in has actually been paid into the said Bank in current gold and silver coins of the Province and not before.

Payment of additional stock, and division of the advance.

Banking operations may take place on additional stock when certificate of payment on oath is lodged in the Secretary's office.

IV. And be it enacted, That in case of any default of payment of any of the said shares and the advance or premium at which they may have been sold at the days and times where the same should have been made according to the provision of this Act, the said instalment of ten per cent. so paid in on such shares shall be forfeited and be divided among the Stockholders in like manner and at the same time or times as the advance or premium at which the shares may be respectively sold, it shall and may be lawful for the Directors of the said Bank for the time being forthwith to sell and dispose of the said shares in the payment of which default may be so made, at their discretion to the best advantage, and payment thereof shall be immediately made, and any advance or premium thereon shall be divided in the manner before mentioned.

On default of payment of shares at the proper periods, instalment and advance paid to be forfeited and shares re-sold.

V. And be it enacted, That all and every the additional shares in the said capital or stock, created under and by virtue of the provisions of this Act, and the holders thereof, shall at all times be subject and liable to all and singular the rules and regulations, clauses and provisions of an Act made and passed in the sixtieth year of the reign of King George the Third, intituled "An Act to incorporate sundry persons by the name of the President, Directors and Company of the Bank of New Brunswick," save and except as hereinafter amended, and of this or of any other Act or Acts of Assembly made or to be made relating to the said Bank.

Holders of additional stock to be liable to the provisions of the Act of 60 G. 3. C. 13.

VI. And be it enacted, That no action shall be brought or maintained upon any bank bill or bank note already issued or which shall hereafter be issued by the said Corporation before such bill or note shall have been presented at the Bank for payment, and default in payment shall thereupon take place.

No action to be had on any bank bill before presentment at the Bank.

VII. And be it enacted, That any number of Stockholders not less than fifteen, who together shall be proprietors of two hundred shares, shall have power at any time by themselves or their proxies to call a general meeting of the Stockholders for any purpose relating to the business of the said Corporation, giving the notice for such general meeting required by the first recited Act of the sixtieth year of the reign of King George the Third, any thing in the said recited Acts to the contrary notwithstanding.

Power of Stockholders to call general meetings.

VIII. And be it enacted, That the holders of the stock in the said Bank shall be

Liability of
Stockholders for
the Corporation
debts.

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

No loan to be
made on pledge
of stock.

IX. And be it enacted, That from and after the expiration of one year from the passing of this Act no loan shall be made by the said Bank on the pledge of its own stock.

Debts of Direc-
tors to the Bank
limited

X. And be it enacted, That the aggregate of all the debts due to the said Bank from the Directors thereof as principals, endorsers or sureties, shall not at any one time exceed thirty three and one third per centum of the capital stock.

Shares made
liable to seizure
in execution.

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

Semi-annual re-
turns of state of
Bank to be made
to the Provincial
Secretary's office.

XII. And be it enacted, That the Cashier of the said Bank shall semi-annually, that is to say, on the first Monday in January and the first Monday in July, in each and every year, make a return in triplicate of the state of the said Bank as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the office of the Secretary of the Province; which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein, and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein, and the said return shall be made in the following form, viz:

FORM OF RETURN.

State of Bank, on the Monday of 18 , 3 o'clock, P. M.

DUE FROM THE BANK.

Bills in circulation
Net profits on hand
Balance due to other Banks

Cash

Cash deposited, including all sums whatever due from the Bank not bearing interest, its bills in circulation, profits and balances due to other Banks excepted
 Cash deposited bearing interest
 Total amount due from the Bank

RESOURCES OF THE BANK.

Gold, silver and other coined metals in its banking house
 Real estate
 Bills of other Banks incorporated in this Province
 Balance due from other Banks
 Amount of all debts due, including notes, bills of exchange, and all stock and funded debts of every description, excepting the balances due from other banks
 Total amount of the resources of the Bank

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

Which return shall be signed by the Cashier of said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths to the truth of the said return according to the best of his knowledge and belief; and the Cashier of the said Bank shall also make return under oath, whenever required by the Legislature, of the names of the Stockholders and the amount of stock owned by each; and a majority of the Directors of the said Bank shall certify and make oath or affirmation before the same Magistrate as the said Cashier that the books of the said Bank indicate the state of facts so returned by their Cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before each branch of the Legislature of this Province, as soon after the opening of any Session thereof as practicable one of such respective returns as he may have received since the then last previous Session.

Return of Stockholders to be made when required.

Returns to be laid before the Legislature.

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

Delinquent sheet to be furnished to the President on every discount day.

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

XIV. And be it enacted, That in the event of any Director continuing a delinquent as aforesaid for ninety consecutive days at any one time, such continued delinquency shall disqualify such Director from holding his seat, and it shall be the duty of the President and other Directors forthwith to proceed in filling up the vacancy in like manner as in the case of death or absence from the Province.

Disqualification of Directors for delinquency.

XV. And be it enacted, That no note or bill offered for discount at the said Bank shall be refused or excluded by a single vote.

No note for discount to be excluded by a single vote.

XVI. And be it further enacted, That the said hereinbefore recited Act of the sixtieth year of the reign of King George the Third shall be and remain in force in all respects except as hereinbefore altered or amended, and shall further continue

60 G. 3, C. 13, as amended, continued till 1st May, 1860.

tinue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.

This Act and
6 G. 4, C. 5,
continued.

XVII. And be it further enacted, That this Act and an Act made and passed in the sixth year of the reign of King George the Fourth, intituled "An Act to increase the capital stock of the Bank of New Brunswick," shall be and continue in force for and during the continuance of the said recited Act of the sixtieth year of the reign of King George the Third, and no longer.

Shares in capital
stock to be
deemed personal
estate

XVIII. And be it declared and enacted, That all and every the shares in the capital stock of the said Bank, whether original or additional stock, and all the profits and advantages of such shares respectively, shall be deemed and considered to be of the nature of and shall be personal estate, and be transmissible as such accordingly.

Commencement
of Act.

XIX. And be it enacted, That this Act shall not be in operation or in force until the first day of March next.

CAP. LVIII.

g An Act, to increase the capital stock of the Central Bank of New Brunswick, and to amend the Act incorporating the same.

Passed 16th March, 1836.

Preamble.

“ **W**HEREAS from the increase of business and trade in this Province, “ and from the present limited capital of the Central Bank of New Brunswick, it is found expedient to increase the said capital stock and to amend “ the act of incorporation ;”

Capital stock in-
creased.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the capital or stock of the Central Bank of New Brunswick shall be increased by a sum not exceeding thirty five thousand pounds, making the said capital stock in the whole not exceeding the sum of fifty thousand pounds, which additional capital or stock shall be divided into one thousand four hundred shares of twenty five pounds each.

Additional shares
to be sold at
public auction
at times and
manner herein
mentioned.

II. And be it enacted, That the said additional shares in the capital or stock of the said Bank shall be sold and disposed of by public auction to the highest bidder in separate lots of four shares each, at the times and in manner following, that is to say: such sum as the Directors for the time being shall appoint, not less than ten thousand pounds, making four hundred shares, on or before the fifteenth day of May next after the passing of this Act, and the remaining sum of twenty five thousand pounds, making one thousand shares, (if so much shall remain unsold,) at such time or times as the said Directors for the time being shall appoint; provided that no such sale shall take place of a less sum than five thousand pounds at one time nor after the period of five years from the passing of this Act.

Amount of stock
sold at the ex-
piration of five
years, with the
present capital
to be the capital
of the Bank.

III. And be it enacted, That in case the Directors of the said Bank for the time being shall not deem it advisable or expedient to sell stock to the full amount of thirty five thousand pounds as provided for by the second section of this Act, that then and in such case the amount actually sold at the expiration of the said term of five years from the time of the passing of this Act, in addition to the present capital of fifteen thousand pounds shall be deemed and taken to be the capital stock of the said Bank.

IV.

IV. And be it enacted, That the said Directors shall give, at least fifty days notice of the time and place of any sale of stock under and by virtue of the provisions of this Act; and cause the same to be published as speedily as may be in four public newspapers printed at Fredericton, Saint John, Saint Andrews and Miramichi, in which notice shall be particularly specified the time when such stock with the advance or premium thereon will be required to be paid into the Bank.

Notice of the time and place of the sale of stock to be given.

V. And be it enacted, That the whole amount of such advance or premium (if any there be), first deducting thereout the charges of such sale, shall be divided in equal proportions to and among all the shares in the capital or stock of the said Bank as well the additional as the original shares, and such dividend of the said advance or premium shall be declared and paid by the said Directors immediately after the payment into the Bank of the purchase money of the said additional shares; and banking operations may take place upon each respective amount of such additional stock so called in when the Directors or a majority of them, together with the Cashier of the said Bank, shall have signed and verified by oath and filed in the office of the Secretary of the Province a certificate that such amount of capital stock at any time called in has actually been paid into the said Bank in current gold and silver coins of the Province, and not before.

Dividend of advance to be made among all the stockholders.

Banking operations may take place on additional stock when a certificate on oath is lodged in the Secretary's office.

VI. And be it enacted, That in case of default of payment of any of the said shares and the advance or premium at which they may have been sold on the day or days when the same shall be notified to be paid as aforesaid, it shall and may be lawful for the Directors of the said Bank for the time being forthwith to sell and dispose of the said shares in the payment of which default shall be so made, at their discretion, to the best advantage, and any advance or premium thereon shall be divided in the manner hereinbefore mentioned.

On default of payment shares to be resold.

VII. And be it enacted, That whenever any question shall require to be decided by the Directors under the provisions of this Act, the board shall be constituted and the votes taken in the manner prescribed in and by the seventh section of the Act incorporating the said Bank.

Board of Directors to decide questions under this Act to be constituted as in 4 W. 4, C. 44. S. 7.

VIII. And be it enacted, That the said additional shares hereby created and the holders thereof shall at all times be subject and liable to all and singular the rules and regulations, clauses and provisions of an Act made and passed in the fourth year of the reign of His present Majesty King William the Fourth, intituled "An Act to incorporate sundry persons by the name of the President, Directors and Company of the Central Bank of New Brunswick," and of the bye laws of the said Corporation, and of this Act, and any other Act or Acts of Assembly to be made and passed relating to the said Bank.

Additional shares and holders to be subject to the provisions of 4 W. 4, C. 44, &c.

IX. "And whereas by the twenty first section of the said hereinbefore recited Act, it is enacted that the total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, note or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the Stockholders;" Be it therefore enacted, That nothing in the said section shall extend or be construed to extend to any money deposited in the said Bank.

Limitation as to debts not to include deposits.

X. "And whereas in and by the thirty third section of the hereinbefore recited Act, the Cashier of the said Bank is required semi-annually, (that is to say), on the first Monday in January and the first Monday in June in each and every year, to make a return of the state of the said Bank as it existed at two of the clock in the afternoon of the said days respectively, and forthwith transmit the same to the Secretary of the Province: And whereas that part of the said thirty third section above recited is inconsistent in part and in other respects difficult to be complied with;" Be it therefore enacted, That from and after the passing

Semi-annual returns of state of

Bank in lieu of those required in 33d S. of 4 W. 4, C. 44.

passing of this Act, the said Cashier shall semi-annually, (that is to say,) on the first Monday in December and the first Monday in June in each and every year, make a return in triplicate of the said Bank as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same in triplicate to the Secretary of the Province, and in case of the sickness or unavoidable absence of the said Cashier, then and in such case it shall and may be lawful for the said Cashier to make the said return so soon after the time and times required in and by this section as he possibly can: Provided always, that nothing herein contained shall be construed to extend to alter the nature, character or manner of making the said return, or otherwise to repeal the said thirty third section of the said recited Act, except as is herein specially provided.

Delinquent sheet to be made up to 3 o'clock instead of 2 o'clock as required in the 34th section of 4 W. 4, C. 44

XI. "And whereas also in and by the thirty fourth section of the said recited Act, the Cashier of the said Bank is required to furnish the President or Chairman of the said Bank with a true list of all delinquent promisers, endorsers and sureties made up to two o'clock on the day preceding the discount day, which list shall be called a delinquent sheet: And whereas the making up of the said list or delinquent sheet at two o'clock has been found inconvenient;" Be it therefore enacted, that from and after the passing of this Act, the said Cashier shall make up the said delinquent sheet to three of the clock in the afternoon of the day preceding the discount day, and furnish the same to the President or Chairman of the said Bank agreeably to the terms and provisions of the said thirty fourth section of the said Act.

No action to be had on any note until after presentment at the Bank.

XII. And be it enacted, That no action shall be brought or maintained upon any bank bill or bank notes already issued, or which shall hereafter be issued by the said Corporation, before such bill or note shall have been presented at the Bank for payment, and default in payment shall thereupon take place.

Shares in the capital stock to be deemed personal estate.

XIII. And be it declared and enacted, That all and every the shares in the capital stock of said Bank, whether original or additional stock, and all the profits and advantages of such shares respectively, shall be deemed and considered to be of the nature of and shall be personal estate, and transmissible as such accordingly.

Shares made liable to seizures in execution.

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

Limitation.

XV. And be it enacted, That this Act shall continue and be in force and effect for and during the continuance of the Act to which this is an amendment.

CAP. LIX.

An Act, to incorporate the Shediac and Saint John Rail Road Company.

Passed 16th March, 1836:

“**W**HEREAS it has been deemed expedient to incorporate a Company for the purpose of establishing a rail road from some point at or near the harbour of Shediac to the Bay of Fundy;”

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That William Wiley, Thomas Prince, Henry Blacklee, J. L. Bedell, James Whitney, Ezekiel Barlow, George Scoullar, Ichabod Lewis, John Humphrey, Stephen H. Shaw, William Steadman, William Chapman, John Charters, William L. Smith, Daniel Hanington, E. B. Chandler, William Milne and William Hanington, their associates, successors and assigns, shall be and they are hereby declared to be a body corporate by the name of the Shediac and Saint John Rail Road Company, and by that name shall have perpetual succession, and a common seal, and all the privileges and franchises incident to a Corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same by new subscriptions in such manner and form as they may think proper, if such enlargement shall be found necessary to fulfil the intention and purposes of this Act, and of purchasing, taking and holding to them, their successors and assigns in fee, or for any less estate, such lands, tenements, hereditaments and estate, real and personal, and such ships, steam boats, vessels, goods and chattels as shall be necessary to them in the prosecution of their business as a rail road Company, and of suing and being sued, and doing all other matters and things which a body politic and corporate may lawfully do: Provided always, that the capital stock of the said Company shall not at any time exceed the sum of one hundred and fifty thousand pounds.

II. And be it enacted, That the capital or stock of the said Corporation shall consist of the sum of twenty thousand pounds of current money of this Province, which shall be divided into eight hundred shares of twenty five pounds each; and that five per cent. of the said capital stock shall be paid in within three years from the passing of this Act, and the residue in such parts and instalments as may be required for the service of the Company.

III. And be it enacted, That whenever four hundred shares of the said capital stock shall have been subscribed, a general meeting of the Stockholders shall take place, by notice in one or more of the newspapers published in the City of Saint John, thirty days previous to such meeting; in order to organize the said Company; and to choose seven Directors and such other officers as may be necessary to conduct the business of the Company, who shall serve until the first annual meeting and until like officers shall be chosen; and the said Company may then or at any subsequent meeting make, ordain and establish such bye laws and ordinances as may be thought necessary for the good rule and government of the said Corporation, provided the same be not contradictory to the laws of this Province or those in force within the same.

IV. And be it enacted, That the Stockholders shall meet annually at the City of Saint John on the second Tuesday in April of each year, of which at least thirty days notice shall be given in one or more of the newspapers aforesaid, at which annual meeting there shall be chosen by a majority thereof seven Directors, who shall continue in office one year or until others are chosen in their room; provided that the omission to meet and elect as aforesaid shall work no forfeiture, but the Stockholders may be afterwards called together for that purpose by the Directors.

Persons herein named, their associates, successors and assigns incorporated.

To have perpetual succession, a common seal, and privileges of a Corporation; may enlarge the capital,

Hold real and personal estate, and do all other things which a body corporate may do.

Capital to be £20,000.

Five per cent. to be paid within three years, residue when required.

When 400 shares are subscribed, a general meeting to take place to organize the Company, choose Directors &c.

Annual meeting for choice of Directors to be on the 2d Tuesday in April.

Proviso for omissions to meet.

V.

Directors to choose a President.

Board of Directors for business.

Qualification of Directors.

Votes of Stockholders regulated

Vacant Directorships how filled up.

Joint stock to be alone responsible for the debts.

Shares in the stock to be assignable.

Company may enter upon lands, making satisfaction for the damage.

In case of disagreement between the Corporation and owners of the

V. And be it enacted, That the Directors shall at the first meeting after their election choose one of their number President of the Company; and that not less than four Directors shall constitute a board for the transaction of business; that in the absence of the President the Directors may choose one of their number Chairman for the time being; that the President or such Chairman shall vote at the board as a Director, and in case there be an equal number of votes for and against any question before them the President or Chairman shall have a casting vote.

VI. And be it enacted, That no person shall be eligible as a Director unless such person is a Stockholder and holds not less than ten shares of the capital stock and is of the full age of twenty one years; that the number of votes to which each Stockholder shall be entitled on every occasion when the votes of the Stockholders are to be given shall be in the proportion following, that is to say, for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares, but no person or persons, co-partnership, body politic or corporate, being a Member or Members of the said Company shall be entitled to a greater number than twenty votes; and that absent Members may vote by proxy, provided such proxy be a Stockholder and produce sufficient authority in writing; that in case any Director shall be removed by the Stockholders for misconduct or mal-administration, his place shall be filled up by them, fourteen days notice of the time and place of meeting for such purpose being first given; and in case of a vacancy among the Directors by death, resignation, or disqualification by sale of stock, the remaining Directors may fill up such vacancy by choosing one of the Stockholders, and the person so chosen by the Stockholders or Directors shall serve until another be chosen in his room.

VII. And be it enacted, That the joint stock or property of the said Corporation shall alone be responsible for the debts and engagements of the same.

VIII. And be it enacted, That the shares in the said stock shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid and effectual unless the same shall be entered or registered in a book to be kept by the Directors for that purpose; that in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable; that whenever any Stockholder shall transfer in manner aforesaid all his stock or shares in the said Company he shall cease to be a Member of the said Corporation.

IX. And be it enacted, That the said Company shall have power and authority by themselves or their superintendents, engineers, artists and workmen, to enter in and upon and occupy for that purpose all or any granted or ungranted land which shall be necessary and suitable for constructing a rail road from some point at or near the harbour of Shediac on the Gulf of Saint Lawrence to the waters of the Bay of Fundy at or near some point on the Petitcodiac or Memramkook River in the County of Westmorland, doing as little damage as possible thereto, and to construct, make and erect such rail road, satisfying the several owners and occupiers of such land for the damage done thereto; and in case of disagreement between the said Corporation and the said owners or occupiers or any of them, the amount of compensation shall be determined by three arbitrators,

one to be chosen by the said Corporation and one by the owner or occupier of the land in question, which two arbitrators so chosen shall choose a third, and in case of their not agreeing in such choice within ten days after their appointment, then it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, to appoint the third arbitrator, and the award of the said arbitrators or any two of them shall be final and conclusive as to the matters referred to them; and in case the said Company and the owners or occupiers of such land should decline appointing such arbitrators, then either of the said parties may apply to the Supreme Court of Judicature of this Province, and such Court is hereby empowered and required to issue a writ or warrant in such form as they may prescribe, directed to the Sheriff of the County where such lands lie or to such disinterested person or persons as the said Court may appoint; commanding such Sheriff or other person or persons as the case may be, to summon, empanel and swear a Jury of twelve disinterested persons qualified to act as petit Jurors in such County, to ascertain and report to the said Court what damages (if any) have been sustained by the owners or occupiers of such land by reason of such rail road, which report being confirmed by the said Court shall be final and conclusive unless sufficient cause to the contrary shall be made appear to the said Court within the term next after the filing of such report, and in case the proceedings on such writ or warrant shall be set aside by the said Court for any defect, irregularity or misconduct, the parties shall be at liberty to proceed de novo, and the amount of damages so ascertained and the costs and expenses of the proceedings shall be taxed and allowed by the said Supreme Court, and shall be borne by the said Corporation: Provided also, that if any person owning land or any other property which shall be affected by this Act be feme covert, under age, non compos mentis or out of the Province, then and in either of such cases the said Company shall within one year make representation thereof to the said Supreme Court, who shall proceed thereon in the same manner and to the same effect as is directed by this Act in other cases: Provided also, that the ground to be taken for the said rail road when the same shall pass through wilderness or forest land shall not be less than two hundred feet in breadth, and when the same shall pass through cultivated lands not to exceed one hundred feet in breadth, except such places as may be used as stopping places for taking in fuel or water, or for leaving or receiving goods, or as stations for fixed engines or other machinery, and for other purposes connected with the use of the said rail road in the line of the said rail road, at which places respectively the extent of land to be taken as aforesaid shall not exceed five hundred feet in length by two hundred and fifty feet in breadth.

X. And be it enacted, That the said Company, the superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, waggons and other carriages, and beasts of burthen or draught, may enter upon the lands contiguous to the said rail road, whether granted or ungranted, giving or publishing notice to the occupiers thereof (if any), and from thence take and carry away any stone, ground, sand, earth or other material necessary to the construction of the said rail road, doing as little damage as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done thereon; the amount of such damages if the parties cannot agree to be ascertained in like manner in all respects as provided for by the ninth section of this Act in other cases.

XI. And be it enacted, That a toll be and is hereby granted for the sole benefit of the said Corporation on all passengers and property of all descriptions which may be conveyed or transported upon such rail road, at such rates per

land, compensation, to be determined by arbitrators or a jury empanelled under the authority of the Supreme Court.

Proviso for the disability of owners.

Proviso as to extent of land to be occupied.

Company may enter upon lands contiguous to the rail road, and take materials, making compensation.

Company may demand tolls.

If the tolls be excessive the Legislature may reduce them

mile as may be established from time to time by the Directors of the said Corporation; the transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads and all other matters and things in relation to the use of the said road, shall be in conformity to such rules, regulations and provisions as the Directors shall from time to time prescribe and direct; and such rail road may be used by any person who may comply with such rules and regulations: Provided always, that if after the expiration of six years from the time of completing the said rail road, the rates, tolls or dues that may be established by the said Corporation under and by virtue of this Act should be found excessive, it shall and may be lawful for the Legislature to reduce the said rates, tolls or dues, so as that the same shall not produce to the said Corporation a greater rate of net profit upon their capital stock than twenty pounds annually for every hundred pounds of such capital stock; and in order that the true state of the affairs of the said Corporation shall be known, it shall be the duty of the President and Directors thereof to produce and lay before the several branches of the Legislature of this Province, at the expiration of six years after the said rail road shall have been completed as aforesaid, a just and true statement and account of the monies by them disbursed and laid out in making and completing the said rail road in manner aforesaid, and also of the amount of tolls and revenues of the said rail road, and of the annual expenditure and disbursements in maintaining and keeping up the same during the said six years; the said several accounts and statements to be signed by the President and Treasurer of the said Corporation, and by such President and Treasurer attested to on oath before any one of His Majesty's Justices of the Peace for any County in this Province; and provided also, that it shall be the duty of the said President and Directors of the said Corporation, once in each and every year after the expiration of the said six years, to lay before the several branches of the Legislature a like statement and account, verified on oath by the said President and Treasurer as aforesaid.

Company may erect wharves,

and may make assessment upon the shares.

On default of payment shares to be sold

XII. And be it enacted, That the said Corporation are hereby authorized to make and erect such wharves, warehouses, depots, toll houses and other buildings, either at the termination of the said rail road or along the line thereof, as may be necessary for the purposes of the same, and shall also have power to levy and collect assessments upon the shares from time to time of such sums of money as may be required for the business of the Company, and whenever any assessment shall be made by the Stockholders, it shall be the duty of the Treasurer to give notice requiring payment thereof within thirty days; and if any Stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertize all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of sale; and all shares upon which the assessment is not then paid with interest from the time the same became due shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share, and the expence of advertizing and selling, the residue (if any) shall be paid over to the person or owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser: Provided always, that no assessment shall be made except by a vote of the Stockholders and a majority of all the shares.

Rail road to be so constructed as not to obstruct the use of any private

XIII. And be it enacted, That if the said rail road in the course thereof shall cross any private way or public highway, the said Corporation shall so construct the same so as not to obstruct the safe and convenient use of such way; and

and for that purpose the said Corporation shall have power to raise or lower such public or private way in such manner that the said rail road, if necessary, may pass on, over or under the same, and that the said Company shall constantly maintain in good repair all bridges, with their abutments and embarkments, which they may construct for the purpose of passing the rail road over or under any public highway or private way.

XIV. And be it enacted, That no suit or action shall be brought or prosecuted by any person or persons for any act, matter or thing done under the authority of this Act, unless such suit or action shall be commenced within six months next after the offence shall have been committed or cause of action accrued, and the defendant or defendants in such suit or action may plead the general issue, and give this Act and the special matter in evidence, and that the same was done in pursuance and by authority of this Act.

XV. And be it enacted, That when such rail road shall be completed, the said Corporation shall and may, (if they deem it expedient,) procure, own and manage such steam boats or vessels as may be necessary to ply in the waters of the Bay of Fundy or of the Gulf of Saint Lawrence, or both, in connexion with the said rail road, and for that purpose shall exercise and possess all the powers, privileges and authorities necessary for the management of the same, in as full and ample a manner as they are hereby authorized to do with respect to the said rail road.

XVI. And be it enacted, That if at any time hereafter it shall be deemed expedient by the Legislature of this Province to purchase the said rail road and steam boats (if any) connected therewith, the Stockholders shall be entitled to receive from the Treasury of the Province the amount of the appraised value of such rail road, steam boats and other property therewith connected, such appraisement to be made in such manner as may be prescribed by an Act of the Legislature for that purpose, and on payment of such appraised value to the Stockholders of the said Company, the corporate rights hereby granted shall thereupon cease and determine, excepting so far as the same may be necessary in the settlement of the concerns of the said Company.

XVII. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the undertaking, break, injure or destroy any of the works to be made by virtue of this Act, every such person shall be judged guilty of felony, and every person so offending and being thereof lawfully convicted shall be liable to the punishment prescribed for felony in an Act made and passed in the first year of the reign of His present Majesty, intituled "An Act for improving the administration of justice in criminal cases."

XVIII. And be it enacted, That all meetings of the said Corporation shall be held at the City of Saint John, and shall be called by giving notice of the same fourteen days at least prior to such meeting, and that special meetings may be called by the Secretary under the authority of the Directors or of the Shareholders representing not less than two hundred shares of stock, and that all notices required to be given by this Act shall be deemed sufficient if published in one or more of the newspapers printed in the City of Saint John.

XIX. And be it enacted, That the said Corporation to entitle themselves to the privileges, benefits and advantages to them granted by this Act, shall and they are hereby required to make and complete the said rail road within six years from the passing of this Act, and if the same shall not be so made and completed within the period before mentioned so as to be used for the conveyance and carriage of passengers, goods, chattels, wares and merchandize thereon,

then this Act and every matter and thing therein contained shall cease and be utterly null and void.

CAP. LX.

An Act, to incorporate the Bay Verte Canal Company.

Passed 16th March, 1836.

“**W**HEREAS it has been deemed expedient to incorporate a Company for “the purposes of cutting and making a Canal from the head of the Bay “of Fundy to Bay Verte;”

Persons herein named, their associates, successors and assigns incorporated.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That William Botsford, A. E. Botsford, Charles F. Allison, George Aulton, Joseph Avard, Junior, Joseph Wells, George Chappel, Bill Chappel, Thomas Trenholm, Thomas Robson, Edward B. Chandler, John R. Partelow, William Crane, Joseph F. Allison, William End, Daniel Hanington, J. A. Street, Philip Palmer, J. M. Wilmot, Lewis Burns, Jedediah Slason, Peter Stewart, their associates, successors and assigns, shall be and they are hereby declared to be a body corporate by the name of the Bay Verte Canal Company, and by that name shall have perpetual succession and a common seal, and all the privileges and franchises incident to a Corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same by new subscriptions in such manner and form as they may think proper, if such enlargement shall be found necessary to fulfil the intention and purposes of this Act, and of purchasing, taking and holding to them, their successors and assigns in fee, or for any less estate, such lands, tenements, hereditaments and estate real and personal, and goods and chattels, as shall be necessary to them in the prosecution of their business as a Canal Company, and of suing and being sued, and doing other matters and things which a body politic and corporation may lawfully do.

To have perpetual succession, a common seal, and all privileges of a Corporation.

Capital to be £100,000.

Five per cent. to be paid in within three years, residue when required.

When 1000 shares are subscribed, a meeting to take place to organize the Company, choose Directors &c.

II. And be it enacted, That the capital or stock of the said Corporation shall consist of the sum of one hundred thousand pounds of current money of this Province, which shall be divided into five thousand shares of twenty pounds each, and that five per cent. of the said capital stock shall be paid in within three years from the passing of this Act, and the residue in such parts and instalments as may be required for the service of the Company.

III. And be it enacted, That whenever one thousand shares of the said capital stock shall have been subscribed, a general meeting of the Stockholders shall take place, by notice in one or more of the newspapers published in the City of Saint John, thirty days previous to such meeting, in order to organize the said Company, and to choose seven Directors and such other officers as may be necessary to conduct the business of the Company, who shall serve until the first annual meeting and until like officers shall be chosen; and said Company may then or at any subsequent meeting make, ordain and establish such bye laws and ordinances as may be thought necessary for the good rule and government of the said Corporation, provided the same be not contradictory to the laws of this Province or those in force within the same.

Annual meeting for choice of Directors to take place at

IV. And be it enacted, That the Stockholders shall meet annually in the Parish of Sackville in the County of Westmorland, on the first Wednesday in June of each and every year, of which at least thirty days notice shall be given in

in one or more of the newspapers aforesaid, at which annual meeting there shall be chosen by a majority thereof, seven Directors, who shall continue in office one year or until others are chosen in their room, provided that the omission to meet and elect as aforesaid shall work no forfeiture, but the Stockholders may be afterwards collected together for that purpose by the Directors.

Sackville on the first Wednesday in June.

V. And be it enacted, That the Directors shall at the first meeting after their election choose one of their number President of the Company; and that not less than four Directors shall constitute a board for the transaction of business, that in the absence of the President the Directors may choose one of their number Chairman for the time being, that the President or such Chairman shall vote at the board as a Director, and in case there be an equal number of votes for and against any question before them, the President or Chairman shall have a casting vote.

Directors to choose a President.
Board of Directors for business.

VI. And be it enacted, That no person shall be eligible as a Director unless such person is a Stockholder and holds not less than ten shares of the capital stock, and is of the full age of twenty one years; that the number of votes to which each Stockholder shall be entitled on every occasion when the votes of the Stockholders are to be given, shall be in the proportion following, that is to say, for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares, which said number of twenty votes shall be the greatest that any Stockholder shall be entitled to have, and that absent members may vote by proxy, provided such proxy be a Stockholder and produce sufficient authority in writing; that in case any Director shall be removed by the Stockholders for misconduct or mal-administration his place shall be filled up by them, fourteen days notice of the time and place of meeting for such purpose being first given, and in case of a vacancy among the Directors by death, resignation or disqualification by sale of stock, the remaining Directors may fill up such vacancy by choosing one of the Stockholders, and the person so chosen by the Stockholders or Directors shall serve until another be chosen in his room.

Qualification of Directors.

Votes of Stockholders regulated.

Vacant Directorships how to be filled up.

VII. And be it enacted, That the joint stock or property of the said Corporation shall alone be responsible for the debts and engagements of the same.

Joint stock alone responsible for the debts.

VIII. And be it enacted, That the shares in the said stock shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid and effectual unless the same shall be entered or registered in a book to be kept by the Directors for that purpose, that in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable; that whenever any Stockholder shall transfer in manner aforesaid, all his stock or shares in the said Company he shall cease to be a member of the said Corporation.

Shares to be assignable.

IX. And be it enacted, That the said Company shall have power and authority by themselves or their superintendents, engineers, artists and workmen to enter in and upon and occupy for that purpose all the land which shall be necessary and suitable for constructing and making a Canal from the Au Lac Harbour at the head of the Bay of Fundy to the waters of the Bay Verte, doing as little damage as possible thereto, and to dig and make such Canal, satisfying the several owners and occupiers of such land for the damage done thereto; and

Company may enter upon lands necessary to make their Canal, making satisfaction to the owners.

in

In case of disagreement, compensation to be settled by arbitrators or a jury empannelled under the authority of the Supreme Court.

in case of disagreement between the said Corporation and the said owners or occupiers or any of them, the amount of compensation shall be determined by three arbitrators, one to be chosen by the said Corporation and one by the owner or occupier of the land in question, which two arbitrators so chosen shall choose a third, and in case of their not agreeing in such choice within ten days after their appointment, then it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being to appoint the third arbitrator, and the award of the said arbitrators or any two of them shall be final and conclusive as to matters referred to them, and in case the said Company and the owners or occupiers of said land should decline appointing such arbitrators, then either of the said parties may apply to the Supreme Court of Judicature of this Province, and such Court is hereby empowered and required to issue a writ or warrant in such form as they may prescribe, directed to the Sheriff of the County where such lands lie, or to such disinterested person or persons as the said Court may appoint, commanding such Sheriff or other person or persons (as the case may be) to summon, empanel and swear a Jury of twelve disinterested persons qualified to act as petit Jurors in such County, to ascertain and report to the said Court what damages (if any) have been sustained by the owners or occupiers of such land by reason of such Canal, which report being confirmed by the said Court shall be final and conclusive, unless sufficient cause to the contrary shall be made appear to said Court within the term next after the filing of such report, and in case the proceedings on such writ or warrant shall be set aside by the said Court for any defect, irregularity or misconduct, the parties shall be at liberty to proceed de novo, and the amount of damages so ascertained, and the costs and expenses of the proceedings, shall be taxed and allowed by the said Supreme Court, and shall be borne by the said Corporation; and provided also, that if any person owning land or any other property which shall be affected by this Act, be feme covert, under age or non compos mentis, or out of the Province, then and in either of such cases the said Company shall within one year make representation thereof to the said Supreme Court, who shall proceed thereon in the same manner and to the same effect as is directed by this Act in other cases.

Proviso for the disability of owners.

Company may enter upon lands contiguous to the Canal and take materials therefrom, making compensation.

X. And be it enacted, That the said Company, their superintendents, engineers, artists, workmen and labourers, with their tools, instruments, carts, waggons and other carriages, and beasts of burden or draught, may enter upon the lands contiguous to the said Canal, whether granted or ungranted, giving or publishing notice to the occupiers thereof (if any,) and from thence take and carry away any stone, gravel, sand, earth or other material necessary to the construction of the said Canal, doing as little damage as possible, and repairing any breaches they may make in the inclosure thereof, and making amends for any damages that may be done thereon, the amount of such damages if the parties cannot agree to be ascertained in like manner in all respects as provided for by the ninth section of this Act in other cases.

Company may demand tolls.

XI. And be it enacted, That the said Company or such person or persons as they shall from time to time appoint as toll collectors or their deputies are hereby authorized to demand and receive toll of and from the person having charge of any boat, ark or other vessel passing through the said Canal, the rates of which toll shall be regulated and established by the said Company; and the toll collectors appointed as aforesaid shall be and they are hereby authorized not to permit the passage of any boat or vessel through the said Canal until the tolls fixed by the Company are first paid or discharged by the owner, shipper or supercargo,

supercargo, or may bring suit from the same against the owner, shipper, supercargo or captain of such boat or vessel before any competent tribunal, in the name of the said Company: Provided always, that if after the expiration of six years from the time of completing the said canal, the rates, dues or tolls that may be established by the said Corporation under and by virtue of this Act should be found excessive, it shall and may be lawful for the Legislature to reduce the said rates, tolls or dues, so as that the same shall not produce to the said Corporation a greater rate of net profit upon their capital stock than twenty pounds annually for every hundred pounds of said capital stock; and in order that the true state of the affairs of the said Corporation shall be known, it shall be the duty of the President and Directors thereof to produce and lay before the several branches of the Legislature of this Province, at the expiration of six years after the said Canal shall have been completed as aforesaid, a just and true statement and account of the monies by them disbursed and laid out in making and completing the said Canal in manner aforesaid, and also of the amount of tolls and revenues of the said Canal, and of the annual expenditure and disbursements in maintaining and keeping up the same during the said six years; the said several accounts and statements to be signed by the President and Treasurer of the said Corporation, and by such President and Treasurer attested to on oath before any one of His Majesty's Justices of the Peace for any County in this Province; and provided also, that it shall be the duty of the said President and Treasurer of the said Corporation once in each and every year after the expiration of the said six years to lay before the several branches of the Legislature a like statement and account verified on oath by the said President and Treasurer as aforesaid.

If the tolls be excessive Legislature may reduce them.

XII. And be it enacted, That the said Corporation are hereby authorized to make and erect such wharves, warehouses, depots, toll houses and other buildings, either at the terminations of the said Canal or along the line thereof as may be necessary for the purposes of the same, and shall also have power to levy and collect assessments upon the shares from time to time of such sums of money as may be required for the business of the Company, and whenever any assessment shall be made by the Stockholders it shall be the duty of the Treasurer to give notice requiring payment thereof within thirty days; and if any Stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction giving at least thirty days notice of the time and place of sale, and all shares upon which the assessment is not then paid with interest from the time the same became due shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchasers: Provided always, that no assessment shall be made except by a vote of the Stockholders and a majority of all the shares.

Company may erect wharves, &c.;

and make assessments upon the shares.

(In default of payment shares to be sold.

No assessment to be made except by vote of Stockholders.

XIII. And be it enacted, That the said Company shall so make and construct said Canal as not to obstruct or impede the use and passage of any public road which may cross the same, and in all places where said Canal may cross or interfere with any such public road it shall be the duty of such Company to make or cause to be made a good and sufficient causeway or bridge over such Canal sufficient for all the purposes of such road, and the same to maintain and keep in repair, and if said Company shall neglect or refuse to make such causeway

Provisions for the use and passage of public roads which the canal may cross.

or bridge as soon as practicable, or when made keep the same in repair; they shall be liable to pay the penalty of forty shillings for every day the same shall be neglected or refused after having been notified in writing by the Commissioners of roads of the Parish wherein such causeway or bridge or the repair thereof is required, to be sued for and recovered by the said Commissioners in an action of debt with costs in any Court of competent jurisdiction, and when recovered such penalties to be applied for the use of the public road in such Parish, and such Company moreover shall be liable to an action or actions at the suit of any person who may be aggrieved thereby.

Owners of lands through which the Canal may pass may erect bridges.

XIV. And be it enacted, That the owner or owners of any land through which said Canal passes shall not be prevented from constructing bridges over said Canal agreeably to the form and structure of the bridges which may be constructed by said Company.

Actions for any thing done under this Act to be commenced within six months.

XV. And be it enacted, That no suit or action shall be brought or prosecuted by any person or persons for any act, matter or thing done under the authority of this Act unless such suit or action shall be commenced within six months next after the offence shall have been committed or cause of action accrued, and the defendant or defendants in such suit or action may plead the general issue and give this Act and the special matter in evidence, and that the same was done in pursuance and by authority of this Act.

Province may purchase the Canal, paying the stockholders the value to be appraised as may be prescribed in an Act of the Legislature.

XVI. And be it enacted, That if at any time hereafter it shall be deemed expedient by the Legislature of this Province to purchase the said Canal, the Stockholders shall be entitled to receive from the Treasurer of the Province the amount of the appraised value of said Canal and works therewith connected, such appraisements to be made in said manner as may be prescribed by an Act of the Legislature for that purpose, and on payment of such appraised value to the Stockholders of the said Company, the corporate rights hereby granted shall thereupon cease and determine, excepting so far as the same may be necessary in the settlement of the concerns of the said Company.

Wilfully destroying or damaging works adjudged felony, and to be punished as in 1 W. 4, C. 14.

XVII. And be it enacted, That if any person or persons shall wilfully and maliciously and to the prejudice of the undertaking break, injure or destroy any of the works to be made by virtue of this Act, every such person shall be judged guilty of felony, and every person so offending and being thereof lawfully convicted shall be liable to the punishment prescribed for felony in an Act made and passed in first year of the reign of His present Majesty, intituled "An Act for the improving the administration of justice in criminal cases."

Place of holding and mode of calling meetings.

XVIII. And be it enacted, That all meetings of the said Corporation shall be held at the Parish of Sackville aforesaid, and shall be called by giving notice of the same fourteen days at least prior to such meeting, and that special meetings may be called by the Secretary under the authority of the Directors or of the Shareholders representing not less than two hundred and fifty shares of stock, and that all notices required to be given by this Act shall be deemed sufficient if published in one or more of the newspapers printed in the City of Saint John.

Canal to be completed within ten years, otherwise Act to be void.

XIX. And be it enacted, That the said Corporation to entitle themselves to the privileges, benefits and advantages to them granted by this Act shall and they are hereby required to make and complete the said Canal with all necessary embankments, locks, gates, dams, piers, booms, wharves and sluices within ten years from the passing of this Act; and if the same shall not be so made and completed within the period before mentioned so as to be used for the conveyance of vessels, boats, timber and other articles, then this Act and

and every matter and thing therein contained shall cease and be utterly null and void.

CAP. LXI.

An Act, to incorporate the Lancaster Mill Company.

Passed 16th March, 1836.

“**W**HEREAS a joint stock Company or association hath lately been formed
 “ within this Province, which hath already invested considerable sums
 “ of money therein, the members of which are desirous of introducing a large amount
 “ of foreign capital into the Country for manufacturing purposes: And whereas it
 “ hath been deemed expedient to afford protection and encouragement to the said
 “ association by granting them an Act of Incorporation; therefore,”

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly,
 That Moses H. Perley, Isaac Gage, Nathan Howe, Edward Howe, Calvin
 Spaulding, John Gardner and Robert Gardner, their associates, successors and
 assigns, shall be and they are hereby erected into a body politic and corporate by the
 name of the Lancaster Mill Company, and by that name shall have all the general
 powers and privileges made incident to a Corporation by Act of Assembly in this
 Province.

r Persons herein
 named, their
 associates, suc-
 cessors and as-
 signs incorpo-
 rated, with the
 powers and pri-
 vileges incident
 to a Corporation.

II. And be it enacted, That the capital stock of the said Corporation shall be
 one hundred thousand pounds of current money of New Brunswick, and shall be
 divided into one thousand shares of one hundred pounds each to be paid in at such
 times and in such instalments as the business of the said Company shall require;
 provided that fifteen per cent. of the said capital stock amounting to fifteen thousand
 pounds shall be actually paid in and invested in the business of the said Corporation
 within three years from the passing of this Act; and provided also, that the said
 Corporation shall when necessary have leave to extend the said capital stock to
 the sum of three hundred thousand pounds of like current money, and shall
 have power to increase the number of shares accordingly, or to assess such in-
 crease upon the original number of shares; and provided also, that the said Cor-
 poration shall not be entitled to purchase any property real or personal or to incur
 any debts until the said fifteen per cent. of the capital stock as aforesaid shall be
 paid in.

Capital to be
 £100,000.

£15,000 to be
 invested within
 three years.
 Proviso for in-
 crease of capital.

No property to
 be purchased or
 debts incurred
 until £15,000 be
 paid in.

III. And be it enacted, That the first meeting of the said Corporation shall be
 held at the City of Saint John, and shall be called by Moses H. Perley, Esquire,
 or in case of his death, neglect or refusal, by any two of the said Company, by giving
 notice in one or more of the public newspapers printed in the said City at least twenty
 days previous to such meeting, for the purpose of establishing bye laws, choosing five
 Directors, and such other officers as may be necessary for the management of the
 affairs of the said Company, which Directors and officers so chosen shall serve
 until the first annual meeting or until others are chosen in their stead, and shall
 have full power and authority to manage the concerns of the said Corporation subject
 to the rules and regulations hereinafter made and provided.

First meeting
 for establishing
 Bye Laws and
 choosing Direc-
 tors.

IV. And be it enacted, That a general meeting of the Stockholders of the said
 Corporation shall be held at the City of Saint John on the second Tuesday in
 May in each and every year, for the purpose of choosing five Directors and such
 other officers as may be necessary for the management of the affairs of the said
 Corporation;

Annual meeting
 for choosing
 Directors, &c.
 to be held on
 second Tuesday
 in May at Saint
 John.

Directors to choose a President.

Board of Directors for business.

Qualification of Directors.

Votes of Stockholders regulated.

Shares to be assignable.

Should Directors not be chosen on second Tuesday in May they may be chosen on any other day.

Vacant Directorships how filled up.

Joint stock alone responsible for the debts.

Company may assess the shares.

On default of payment shares to be sold.

Corporation; which Directors so chosen shall remain in office for one year or until others are chosen in their place, and shall at the first meeting after their election choose one of their number President of the said Company; Provided always, that not less than three Directors do form a quorum for the transaction of business, and in case of the absence of the President the Directors shall have power to appoint one of their number Chairman for the occasion.

V. And be it enacted, That no person shall be eligible as a Director unless such person is a Stockholder and holds not less than five shares of the capital stock of the said Corporation and is of the full age of twenty one years.

VI. And be it enacted, That the number of votes to which each Stockholder shall be entitled on every occasion when in conformity to the provisions of this Act, the votes of the Stockholders are to be given shall be in proportion of one to each share of stock; and that absent Stockholders may vote by proxy, provided such proxy be a Stockholder and produce sufficient authority in writing.

VII. And be it enacted, That the shares of the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, and no assignment or transfer shall be valid and effectual unless the same shall be entered and registered in a book to be kept by the Directors for that purpose; that in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable, that whenever any Stockholder shall transfer in manner aforesaid all his stock or shares in the said Company he shall cease to be a member of the said Corporation.

VIII. And be it enacted, That if it should so happen that the said Directors or other officers should not be chosen on the said second Tuesday in May in any year as aforesaid, it shall and may be lawful to choose them on any other day between the hours of twelve at noon and three in the afternoon of such day, on giving fourteen days notice of the time and place of such meeting in one or more of the newspapers published in the City of Saint John; and in case any Director shall be removed by the Stockholders for misconduct or mal-administration his place shall be filled up by the Stockholders, fourteen days notice of the time and place of meeting for such purpose being first given; and in case of any vacancy among the Directors by death, resignation or disqualification by sale and transfer of stock, then and in either of such cases the said Directors shall and may fill up such vacancy by choosing one of the Stockholders, and the person so chosen by the Stockholders or Directors shall serve until another be chosen in his room.

IX. And be it enacted, That the joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

X. And be it enacted, That the said Company shall have power to levy and collect assessments upon the shares from time to time of such sums of money as may be deemed necessary for carrying on the business of the said Company, and whenever any assessment shall be made by the Stockholders of the Company it shall be the duty of the Treasurer to give notice thereof in a newspaper printed in the City of Saint John, requiring payment of the same within thirty days; and if any Stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertize all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale, and all shares upon which the assessment is not then paid with interest from the time such assessment became due shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate

certificate or certificates of the shares so sold shall be made out and delivered to the purchaser: Provided always, that no assessment shall be made except by a vote of the Stockholders and by a majority of all the shares.

XI. And be it enacted, That all meetings of the said Company shall be called by public notice being given of the time and place in a newspaper printed in the City of Saint John seven days at least before the time of such meeting; and that special meetings may be called by the Secretary under the authority of the Directors or by the Shareholders representing not less than two hundred and fifty shares of stock, upon giving the like notice. Mode of calling meetings.

XII. Provided always and be it enacted, That unless fifteen thousand pounds of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said Directors or a majority of them, which oath any Justice of the Peace is hereby authorized to administer, shall be filed in the office of the Secretary of the Province before the expiration of 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 the said three years. Act to be void unless £15,000 be paid in within three years and certificate thereof lodged in the Secretary's office.

CAP. LXII.

An Act, for the incorporation of the Saint John Stage Coach Company.

Passed 16th March, 1836.

“**W**HEREAS it is thought that the establishment of a Company for the purpose “of running Stage Coaches from the City of Saint John to the different parts of this Province would be highly beneficial to the public;”

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That E. D. W. Ratchford, George A. Lockhart, Thomas P. Crane, William Wilson, John C. Vail, John Lockhart, Oliver Vail, George Pittfield, Ichabod Lewis, George B. Easterbrooks, Thomas S. Sayre, Joseph F. Allison, James S. Morse, William End and James S. White, and all and every such other person or persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby erected into a Company, and declared to be a body politic and corporate by the name of the Saint John Stage Coach Company, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province. s Persons herein named, their associates, successors and assigns incorporated, with the privileges incident to a Corporation.

II. And be it enacted, That the capital stock of the said Corporation shall consist of the sum of ten thousand pounds, the whole amount of the said stock to be divided into four hundred shares of twenty five pounds each. Capital to be £10,000.

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 said Directors or a majority of them (which oath any Justice of the Peace is hereby authorized to administer), shall be filed in the office of the Secretary of the Province before the expiration of 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 the said three years. Act to be void if one fifth of the capital be not invested within three years.

CAP. LXIII.

An Act, to incorporate the Saint John Hotel Company.

Passed 16th March, 1836.

† Persons herein named, their associates, successors and assigns incorporated with the privileges incident to a Corporation.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That William H. Street, Ezekiel Barlow, Thomas Hendricks, William Walker, H. Bowyer Smith, Nehemiah Merritt, Charles C. Stewart, Charles Ward, Henry Gilbert, James Whitney, John Robertson, Moses H. Perley, John G. Woodward, John Wishart and Thomas L. Nicholson, their associates, successors and assigns, be and they are hereby declared to be a body politic and corporate by the name of the Saint John Hotel Company, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

Capital to be divided into 1000 shares, and members to have a certificate of their shares.

II. And be it enacted, That the property of the said Corporation shall be divided into one thousand shares, and every member of the said Corporation shall have and be entitled to have a certificate under the seal of the said Company and signed by the President and Secretary thereof, certifying his property in such shares as shall be expressed in the certificate.

Shares to be assignable.

III. And be it enacted, That the shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid and effectual unless the same shall be entered and registered in a book to be kept by the Directors for that purpose; that in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable; that whenever any Stockholder shall transfer in manner aforesaid all his stock or shares in the said Company he shall cease to be a member of the said Corporation.

When 300 shares are subscribed a meeting to be called.

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

Bye Laws to be established and Directors chosen.

Directors to choose a President.

Annual meeting for choice of Directors to be held on first Monday in May

V. And be it enacted, That a general meeting of the Stockholders and Members of the said Corporation shall be annually holden on the first Monday in May in each and every year at the City of Saint John, at which annual meeting there shall be chosen of the said Members five Directors, (duly qualified according to the rules and regulations of the said Company,) who shall continue in office for one year or until others are chosen in their place, and the Directors when chosen shall at their first meeting choose out of their number a President.

Directors to appoint officers, allow them

VI. And be it enacted, That the Directors for the time being shall and may appoint

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

compensation and exercise powers prescribed in the Bye Laws.

VII. And be it enacted, That every person owning a share in the capital stock of the said Corporation shall be a Member thereof and be entitled to vote at all meetings of the said Company, and Members may give as many votes as they own shares, and absent Members may vote by proxy, such proxy being a Stockholder and authorized in writing.

Owners of shares to be members and entitled to vote.

Votes by proxy.

VIII. And be it enacted, That the President and Directors of the said Corporation may from time to time assess upon each share such sum or sums of money as shall be judged by the said Company necessary for raising a capital for the payment of any debts of the said Corporation and for the purchase of such real and personal property, and the designing, erecting, building, making and setting up of such buildings, fences, gardens, yards and appurtenances as may be deemed necessary for carrying into full effect the objects of the said Company, to be paid to their Treasurer at such time or times and by such instalments as shall be deemed requisite and proper: Provided always, that when any such assessment shall be made or ordered notice shall be given thereof by the Secretary in one or more public newspapers published in the City of Saint John, requiring payment at such time or times as may for that purpose be appointed; and if the proprietor of any share or shares shall neglect or refuse to pay to the Treasurer the amount of any such assessment or instalment thereof duly assessed or ordered as aforesaid, it shall be the duty of the Treasurer to advertize such delinquent share for sale at public auction, giving at least thirty days notice of the time and place of such sale in one or more public newspapers published in the City of Saint John, and all shares upon which the assessment or instalment thereof shall then remain unpaid shall be sold to the highest bidder, and such sale shall be a legal transfer of the shares so sold to the purchaser or purchasers thereof, and shall be recorded accordingly by the Secretary, and such purchaser or purchasers shall be entitled to receive a certificate in the manner prescribed in and by the second section of this Act, provided that the whole capital or stock of said Corporation shall not exceed the sum of twenty five thousand pounds.

Directors to assess shares to carry into effect the objects of the Company.

On default of payment shares to be sold.

Capital not to exceed £25,000.

IX. Provided always and be it enacted, That unless twenty 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 signed and verified on oath by the said Directors or a majority of them, which oath any Justice of the Peace is hereby authorized to administer, shall be filed 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 the said three years.

Act to be void if twenty per cent. of the capital be not invested with in three years.

CAP. LXIV.

An Act, to incorporate the Fredericton Hotel and Stage Coach Company.

Passed 16th March, 1836.

Persons herein named, their associates, successors and assigns incorporated ;

to have perpetual succession and a common seal ; may sue and be sued ;

may make Bye Laws ;

may possess real and personal property for public accommodation ;

may establish lines of stages,

and let to hire horses, &c

Capital to be £15,000, and members to have a certificate of their shares

Shares may be alienated by the proprietor thereof

When 500 shares are subscribed a meeting to be called to choose Directors

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That James Taylor, George F. S. Berton, Benjamin Wolhaupter, John A. Beckwith, Ephraim A. Lombard, James Willox, Henry G. Clopper and Stephen Miller, their associates, successors and assigns, be and they are hereby declared to be a body politic and corporate by the name of the Fredericton Hotel and Stage Coach Company, and by that name shall have perpetual succession and a common seal, and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law or equity, and in all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever ; and also that the said persons, their associates, successors and assigns or the major part of them, shall from time to time and at all times have full power, authority and licence to constitute, ordain, make and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation ; provided that such laws and ordinances be not contradictory or repugnant to the laws and statutes of this Province and those in force within the same ; and also that the said Company may have, get, receive, purchase, procure, erect, build, make and set up, take, possess and enjoy lands, tenements, hereditaments, houses, out houses, barns, buildings, stables, yards, gardens and farms, in fee simple or otherwise, for the purposes of a house or houses for public accommodation, convenience and entertainment, to be situated in the Town of Fredericton ; and also may have, get, procure and possess horses, sleighs, sleds, coaches, carriages and other vehicles for the carriage and conveyance of passengers, goods and merchandize, and may establish and get up lines of stages and stage coaches for such purpose, and may contract for the carriage of the public mails, and may establish livery stables, and let, hire horses, carriages and vehicles at their discretion, and in such manner as they shall see fit, and the same discontinue, and all and every the rents, issues and profits thereof and therefrom coming and arising.

II. And be it enacted, That the capital stock of the said Company shall consist of fifteen thousand pounds to be divided into one thousand shares and numbered in progressive order, beginning at number one, and every Member of the said Corporation shall have and be entitled to have a certificate under the seal of the said Corporation and signed by the President and Secretary thereof, certifying his property in such shares as shall be expressed in the certificate.

III. And be it enacted, That any share or shares may be alienated by the proprietor thereof, by deed under his hand and seal acknowledged before one of His Majesty's Justices of the Peace for any County in this Province, and recorded by the Secretary of the Corporation in a book to be by him kept for that purpose, and any purchaser named in such deed so recorded shall on producing the same to the Secretary and delivering up to him the former certificate be entitled to receive a new certificate in form aforesaid.

IV. And be it enacted, That when five hundred shares of the stock of and in the said Corporation shall have been subscribed, a general meeting of the subscribers shall and may be held at Fredericton aforesaid, and shall and may be called by George F. S. Berton, Barrister at Law, or in case of his death or neglect or refusal by any two of the said Stockholders, by publishing notice thereof for

for thirty days in the Royal Gazette, at which or at any subsequent meeting to be for that purpose holden, five Directors (who shall be Members and Stockholders of and in the said Corporation to such an extent as by the laws and regulations of the said Corporation may be provided) shall be elected, which Directors at their first meeting after such election shall choose one of their number to be President of the said Company, and shall serve until the first annual meeting for the choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations thereof, subject nevertheless to the laws and regulations which may from time to time be made by the said Corporation.

Directors to choose a President and commence operations.

V. And be it enacted, That a general meeting of the Stockholders and Members of the said Corporation shall be annually holden on the second Monday in January in each and every year at Fredericton, at which annual meeting there shall be chosen of the said Members five Directors (duly qualified according to the rules and regulations of the said Company), who shall continue in office for one year or until others are chosen in their room; Provided always, that three of the Directors in office shall be re-elected at such annual meeting for the next succeeding year, and the Directors when chosen at their first meeting shall choose out of their number a President.

Annual meeting for choice of Directors to be held on second Monday in January.

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

Directors to appoint officers, allow them compensation, and exercise powers prescribed in the Bye Laws.

VII. And be it enacted, That every person owning a share in the capital stock of the said Company shall be a Member thereof and be entitled to vote at all meetings of the said Company, and Members may give as many votes as they own shares; and absent Members may vote by proxy, such proxy being a Stockholder and authorized in writing.

Overseers of shares to be members and entitled to vote. Votes by proxy.

VIII. And be it enacted, That the President and Directors of the said Corporation may from time to time assess upon each share such sum or sums of money as shall be judged by the said Company necessary for raising a capital for the payment of any debts of the said Corporation and for the purchase of such real and personal property, and the erecting, building, making and setting up of such buildings, fences, gardens, yards, farms and appurtenances as may be deemed necessary for carrying into full effect the objects of the said Company, to be paid to their Treasurer at such time or times and by such instalments as may be deemed requisite and proper: Provided always, that when any such assessment shall be made or ordered, notice thereof shall be given by the Secretary in the Royal Gazette, requiring payment at such time or times as may for that purpose be appointed; and if the proprietor of any share or shares neglect or refuse to pay to the Treasurer the amount of any such assessment or assessments, or instalment thereof, duly assessed or ordered as aforesaid, it shall be the duty of the Treasurer to advertize such delinquent's shares for sale at public auction, giving at least thirty days notice of the time and place of such sale in the Royal Gazette aforesaid, and all shares upon which the assessment or assessments or instalment thereof shall then remain unpaid shall be sold to the highest bidder, and such sale shall be a legal transfer of the shares so sold to the purchaser or purchasers

Directors may assess shares to carry into effect the objects of the Company.

On default of payment shares to be sold.

chasers thereof, and shall be recorded accordingly by the Secretary, and such purchaser or purchasers shall be entitled to receive a certificate in the form prescribed in and by the second section of this Act.

Act to be void if one fifth of the capital be not invested within three years.

IX. 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 said Directors or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer,) shall be filed in the office of the Secretary of the Province before the expiration of 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 the said three years.

Limitation.

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

CAP. LXV.

An Act, to incorporate the Restook Upper Mill Company.

Passed 16th March, 1836.

“ WHEREAS extensive water powers are presented by the falls and various rapids on the river Restook, and the erection of mills thereon for the manufacture of lumber will be convenient to the country and advantageous to the commercial interests of the Province ;”

Persons herein named, their associates, successors and assigns incorporated, with the privileges incident to a Corporation.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Samuel Frye, Harris Hatch, Nehemiah Marks, James Taylor, George F. S. Ber- ton, John A. Beckwith, Francis E. Beckwith, Thomas Wyer, James Campbell, Moses Vernon, James Vernon and Thomas Jones, their associates, successors and assigns, be and they are hereby created and declared to be a body politic and corporate by the name of the Restook Upper Mill Company, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

First meeting to be held in Fredericton, and called by notice in the Royal Gazette.

II. And be it enacted, That the first meeting of the said Corporation shall and may be held at Fredericton in the County of York, and shall and may be called by James Taylor, or in case of his death or neglect or refusal by any two of the said Company, by publishing notice thereof in the Royal Gazette or in some other newspaper published in Fredericton, at which or at any subsequent meeting to be for that purpose holden five Directors (being Members and Stockholders of and in the said Corporation to such an extent as by the laws and regulations of the said Company may be provided) shall be chosen ; which Directors so chosen shall serve until the first annual meeting for the choice of Directors and until other persons are elected in their room, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations thereof, subject nevertheless to the laws and regulations which may from time to time be made by the said Corporation.

Five Directors to be chosen.

Directors to manage the affairs until others are chosen.

Capital to be £50,000.

III. And be it enacted, That the capital stock of the said Company shall be fifty thousand pounds, and shall be divided into one thousand shares of twenty five pounds each, to be paid by the Stockholders at such time or times and by such instalments from time to time as may be assessed and ordered by the said Company

Company and the President and Directors thereof as hereinafter directed: Provided nevertheless, and it is hereby expressly required that fifteen per cent. of the said capital stock shall be paid in current money of this Province within three years after the passing of this Act; and provided that the said Corporation shall not be entitled to purchase any property, real or personal, or to incur any debts until the said fifteen per cent. of the capital stock of the said Company as aforesaid, being the sum of seven thousand five hundred pounds, be paid in.

Fifteen per cent. to be paid within three years.

Proviso as to purchasing property or incurring debts.

IV. And be it enacted, That the said Corporation may and they are hereby authorized whenever the whole amount of the said capital or sum of fifty thousand pounds shall have been paid in and expended for the purposes contemplated by this Act, at any general meeting of the said Corporation, from time to time to increase the said capital stock to any amount or amounts, (not to exceed in the whole the sum of one hundred thousand pounds,) by an assessment or assessments upon the shares in the capital stock of the said Company, to be made and ordered and paid in as hereinafter directed.

Capital may be increased.

V. And be it enacted, That all the shares in the said Company shall be numbered in progressive order, beginning at number one, and every member of the said Company shall have a certificate under the seal of the said Corporation, and signed by the President and Secretary thereof, certifying his property in such share as shall be expressed in the certificate.

Shares to be numbered in progressive order, and owner to be entitled to a certificate.

VI. And be it enacted, That there shall be a general meeting of the Shareholders and Members of the said Corporation to be annually holden at Fredericton aforesaid, at such time as shall for that purpose be appointed by the bye laws and regulations of the said Corporation; at which annual meeting there shall be chosen of the said members five Directors, being Members and Shareholders in the said Corporation to such an extent as may be provided and required in and by the bye laws and ordinances of the said Company, who shall continue in office for one year or until others are chosen in their room; which Directors when chosen shall at their first meeting after their election choose out of their number a President.

Annual meeting for choice of Directors to be held at Fredericton, at the times prescribed in the Bye Laws.

Directors to choose a President.

VII. And be it enacted, That every person owning a share in the capital stock of the said Corporation shall be a member thereof and be entitled to vote at all meetings of the same, and members may give as many votes as they own shares, and that absent members may vote by proxy, such proxy being a Shareholder and authorized in writing.

Owners of shares to be members and entitled to vote.

Votes by proxy.

VIII. And be it enacted, That the President and Directors of the said Corporation may from time to time assess upon each share such sum or sums of money as shall be judged by such Corporation necessary for raising a capital or for the increase thereof for the payment of any debts of the said Corporation, and for the purchase of such real and personal property, and the erecting, building, making, setting up and procuring such buildings, dams, mills, ships, boats, vessels, machinery and other things as may be deemed necessary and requisite for carrying on the business of the said Company: Provided always, that such assessment or assessments shall not in the whole exceed the amount of the capital stock appointed by this Act, or the increased amount thereof if the same shall be increased as hereinbefore directed.

Directors may assess the shares to carry on the business of the Company.

IX. And be it enacted, That when any such assessment or assessments shall at any time or times be made or ordered, notice thereof shall be given by the Secretary in the Royal Gazette, requiring payment at such time or times as may for that purpose be appointed; and if the proprietor of any share or shares shall neglect or refuse to pay to the Treasurer the amount of any such assessment

Notice of assessments to be given, and on default of payment shares to be sold.

ment

ment or assessments, or instalment thereof duly assessed or ordered as aforesaid, it shall be the duty of the Treasurer to advertize such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale in the Royal Gazette aforesaid, or some other newspaper published in Fredericton; and all shares upon which the said assessment or instalment thereof is not then paid shall be sold to the highest bidder, and such sale shall be a legal transfer of the share or shares so sold to the purchaser or purchasers and shall be recorded accordingly by the Secretary, and such purchaser or purchasers shall be entitled to receive a certificate as prescribed in and by fifth section of this Act.

Act to be void if fifteen per cent. be not invested within three years.

X. Provided always 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 signed and verified on oath by the said Directors or a majority of them, which oath any Justice of the Peace is hereby authorized to administer, shall be filed 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 the said three years.

CAP. LXVI.

An Act, to incorporate the Woodstock and Fredericton Stage Coach Company.

Passed 16th March, 1836.

“ WHEREAS it is thought that the running of Stage Coaches on the great roads in this Province will be highly beneficial and great accommodation to the public, and that it would be essential to the success of the undertaking that an Act of Assembly incorporating a Company for that purpose should be granted ;”

Persons herein named, their associates, successors and assigns incorporated, with the privileges incident to a Corporation.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Henry Jones, John Teggert, George E. Ketchum, Hiram Gould and Allen Munson, and all and every such other person or 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 Woodstock and Fredericton Stage Coach Company, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

Coaches between Fredericton and Woodstock to run to and from the Court House in Carleton, and stop five minutes on the north side of the Meduxnick creek.

II. And be it enacted, That any line of Coaches established by the said Company or any Coach or Coaches run by the said Company between Fredericton and Woodstock, shall run to and from the Court House in the said County of Carleton, stopping not less than five minutes each and every time the said Coaches run between Fredericton and Woodstock aforesaid, at some convenient place or places on the north side of the Meduxnick creek near the bridge in the said Parish of Woodstock, for the purpose of landing or receiving passengers, luggage, or delivering or receiving for carriage letters, papers and all other things.

Capital to be £1000.

III. And be it enacted, That the capital stock of the said Corporation shall be one thousand pounds, the whole amount of the said stock to be divided into one hundred shares of ten pounds each.

IV.

IV. Provided always and be it enacted, That unless one half 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 the said three years.

Act to be void if one half of the capital be not invested within three years.

CAP. LXVII.

An Act, to incorporate the Restook Lower Mill Company.

Passed 16th March, 1836.

“ **W**HEREAS the falls at the river Restook and other parts of the said river “ afford extensive water power for driving mills and machinery, and the “ erection of mills there for the manufacture of lumber and other purposes will be advan- “ tageous to the commercial interests of this Province ;”

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That George F. S. Berton, Joseph Gaynor, George J. Dibblee, James Willox, James Taylor, Ephraim H. Lombard and William End, their associates, successors and assigns, be and they are hereby created and declared to be a body politic and corporate by the name of the Restook Lower Mill Company, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

x Persons herein named, their associates, successors and assigns incorporated, with the privileges incident to a Corporation.

II. And be enacted, That the first meeting of the said Corporation shall and may be held at Fredericton in the County of York, and shall and may be called by George F. S. Berton, Esquire, or in case of his death or neglect or refusal by any two of the said Company, by publishing notice thereof for thirty days in the Royal Gazette at Fredericton, or in some other newspaper published in Fredericton, at which meeting or at any subsequent meeting to be for that purpose holden, five Directors (being Members and Stockholders of and in the said Corporation to such an extent as by the laws and regulations of the said Company may be provided) shall be chosen, which Directors so chosen shall serve until the first annual meeting for the choice of Directors, and until other persons are elected in their room, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations thereof, subject nevertheless to the laws and regulations which may from time to time be made by the said Corporation.

First meeting to be held in Fredericton and to be called by notice in the Royal Gazette.

Five Directors to be chosen.

Directors to manage the affairs until others are chosen.

III. And be enacted, That the capital stock of the said Company shall be forty eight thousand pounds and shall be divided into nine hundred and sixty shares of twenty five pounds each, to be paid by the Stockholders at such time or times and by such instalments from time to time as may be assessed and ordered by the said Company and the President and Directors thereof as hereinafter directed : Provided nevertheless and it is hereby expressly required that fifteen per cent. of the said capital stock shall be paid in current money of this Province within three years after the passing of this Act ; and provided that the said Corporation shall not be entitled to purchase any property real or personal, or to incur any debts until the said fifteen per cent. of the capital stock as aforesaid shall be paid in.

Capital to be £48,000.

Fifteen per cent. to be paid within three years.

Proviso as to purchasing property or incurring debts.

IV.

x Refer to C. 33, S. 5.

Capital may be increased.

IV. And be it enacted, That the said Corporation may and they are hereby authorized whenever the whole amount of the said capital or sum of forty eight thousand pounds shall have been paid in and expended for the purposes contemplated by this Act, at any general meeting of the said Corporation, from time to time to increase the said capital stock to any amount or amounts (not to exceed in the whole the sum of one hundred thousand pounds) by an assessment or assessments upon the shares in the property of the said Company, to be made, ordered and paid in as is hereinafter directed.

Shares to be numbered in progressive order, and owner to be entitled to a certificate.

V. And be it enacted, That all the shares in the said Company shall be numbered in progressive order, beginning at number one, and every member of the said Company shall have a certificate under the seal of the said Corporation and signed by the President and Secretary thereof, certifying his property in such share as shall be expressed in the certificate.

Annual meeting for choice of Directors to be held at Fredericton at the times prescribed in the Bye Laws

VI. And be it enacted, That there shall be a general meeting of the Shareholders and Members of the said Corporation to be annually holden at Fredericton aforesaid at such time as shall for that purpose be appointed by the bye laws and regulations of the said Corporation, at which annual meeting there shall be chosen of the said members five Directors, being Members and Shareholders in the said Corporation to such an extent as may be provided and required in and by the bye laws and ordinances of the said Company, who shall continue in office for one year or until others are chosen in their room; which Directors when chosen shall at their first meeting after their election choose out of their number a President.

Directors to choose a President.

Owners of shares to be members and entitled to vote.

VII. And be it enacted, That every person owning a share in the capital stock of the said Corporation shall be a member thereof, and be entitled to vote at all meetings of the same, and members may give as many votes as they own shares, and that absent members may vote by proxy, such proxy being a Stockholder and authorized in writing.

Votes by proxy.

Directors may assess the shares to carry on the business of the Company.

VIII. And be it enacted, That the President and Directors of the said Corporation may from time to time assess upon each share such sum or sums of money as shall be judged by such Corporation necessary for raising a capital or for the increase thereof for the payment of any debts of the said Corporation, and for the purchase of such real and personal property, and the erecting, building, making, setting up and procuring such buildings, dams, mills, boats, machinery and other things as may be deemed necessary and requisite for carrying on the business of the said Corporation: Provided always, that such assessment or assessments shall not in the whole exceed the amount of the capital stock appointed by this Act or the increased amount thereof if the same shall be increased as hereinbefore directed.

Notice of assessments to be given, and on default of payment shares to be sold.

IX. And be it enacted, That when any such assessment or assessments shall at any time or times be made or ordered, notice thereof shall be given by the Secretary in the Royal Gazette, requiring payment at such time or times as may for that purpose be appointed, and if the proprietor of any share or shares shall neglect or refuse to pay to the Treasurer the amount of any such assessment or assessments, or instalment thereof, duly assessed or ordered as aforesaid, it shall be the duty of the Treasurer to advertize such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale in the Royal Gazette aforesaid or some other newspaper published in Fredericton, and all shares upon which the said assessment or instalment thereof shall not be then paid shall be sold to the highest bidder, and such sale shall be a legal transfer of the shares so sold to the purchaser or purchasers, and

and shall be recorded accordingly by the Secretary, and such purchaser or purchasers shall be entitled to receive a certificate as prescribed in and by the fifth section of this Act.

X. Provided always 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 signed and verified on oath by the said Directors or a majority of them, which oath any Justice of the Peace is hereby authorized to administer, shall be filed in the office of the Secretary of the Province before the expiration of three years after passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of the said three years.

Act to be void if fifteen per cent. of the capital be not paid within three years.

CAP. LXVIII.

An Act, to incorporate the Tobique Mill Company.

Passed 16th March, 1836.

“ WHEREAS the extensive erection of mills at the river Tobique for the manufacture of lumber will be of public utility: And whereas the amount of capital necessary to be invested in such a speculation renders it essential that the Company engaged therein should be incorporated;”

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That George F. S. Berton, James Taylor, John F. Taylor, William H. Street, William P. Ranney, John A. Beckwith, Ephraim H. Lombard and Thomas W. Howe, their associates, successors and assigns, be and they are hereby created and declared to be a body politic and corporate by the name of the Tobique Mill Company, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

y Persons herein named, their associates and assigns incorporated, with the privileges incident to a Corporation.

II. And be it enacted, That the first meeting of the said Corporation shall and may be held at Fredericton in the County of York, and shall and may be called by George F. S. Berton, Esquire, or in case of his death or neglect or refusal, by any two of the said Company, by publishing notice thereof for thirty days in the Royal Gazette, at which or at any subsequent meeting to be for that purpose holden, five Directors (being Members and Stockholders of and in the said Corporation to such an extent as by the laws and regulations of the said Company may be provided) shall be chosen, which Directors so chosen shall serve until the first annual meeting for the choice of Directors and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations of the said Company, subject nevertheless to the laws and regulations which may from time to time be made by the said Company.

First meeting to be held in Fredericton, and to be called by notice in the Royal Gazette.

Five Directors to be chosen.

III. And be it enacted, That there shall be a general meeting of the Stockholders and Members of the said Corporation to be annually holden at such time and place as by the laws and regulations of the said Company may be appointed, at which annual meeting there shall be chosen five Directors, being Members and Stockholders of and in the said Company to such an extent as by the laws and regulations of the said Company may be required, who shall continue in office for one year or until others are chosen in their room; and the Directors

Annual meeting for choice of Directors to be held at time prescribed in the Bye Laws.

Directors to choose a president. when

when chosen shall at their first meeting after their election choose one of the number to be the President of the said Company.

Owners of shares to be members and entitled to vote.

IV. And be it enacted, That every person owning a share in the capital stock of the said Company shall be a member thereof, and be entitled to vote at all meetings of the same, and members may give as many votes as they own shares, and that absent members may vote by proxy, such proxy being a Stockholder and authorized in writing.

Votes by proxy.

Stock to be divided into 3000 shares.

V. And be it enacted, That the property of the said Corporation shall be divided into three thousand shares and numbered in progressive order, beginning at number one; and that every member of the said Company shall have a certificate under the seal of the said Corporation and signed by the President and Secretary thereof, certifying his property in such share as shall be expressed in the said certificate.

Members to have certificates of their shares.

Capital to be £75,000.

VI. And be it enacted, That the capital stock of the said Corporation shall consist of the sum of seventy five thousand pounds, to be paid in such money as shall at the time of the several payments hereinafter expressed be a legal tender in this Province; fifteen thousand pounds being one fifth part thereof to be paid within three years after the passing of this Act, and the remainder of said stock or sixty thousand pounds 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 or stock to be divided into shares of twenty five pounds each, making in the whole three thousand shares; and provided that the said Corporation shall not be entitled to purchase any property, real or personal, or to incur any debts until the said sum of fifteen thousand pounds be paid in.

£15,000 to be paid in within three years, residue when required.

No property to be purchased or debts contracted till £15,000 be paid in.

Capital may be increased when the capital of £75,000 shall have been paid in and expended.

VII. Provided always and be it further enacted, That so soon as the said capital stock of seventy five thousand pounds shall have been paid in and expended for the purposes by this Act provided, it shall and may be lawful for the said Stockholders at any general meeting to be for that purpose called to increase the said capital stock from time to time in such sums as they may deem expedient, to a sum not exceeding two hundred and fifty thousand pounds, to be assessed upon the several Stockholders of the said Company in proportion to their respective shares.

Directors may assess the shares to raise a capital to pay the debts &c.

VIII. And be it enacted, That the President and Directors of the said Company shall and may from time to time assess upon each share such sum or sums of money as shall be judged by such Corporation necessary for raising a capital for the payment of any debts of the said Corporation and for the purchase of such real and personal property, and the erecting, building, making, setting up, procuring and maintaining such buildings, dams, erections, machinery, ships, boats, vessels and all other things whatsoever as may be deemed necessary for carrying on the business of the said Company, which said sum or sums of money so to be assessed shall be paid to the Treasurer of the said Company at such time or times and by such instalments as shall be deemed requisite and proper, and may be directed thereby: Provided always, that when any such assessment shall be made or ordered, notice thereof shall be given by the Secretary in the Royal Gazette or some other newspaper published in Fredericton, requiring payment at such time or times as may for that purpose be appointed; and if the proprietor of any share or shares shall neglect or refuse to pay to the Treasurer the amount of any such assessment or assessments, or instalment thereof, at the time fixed for the payment of the same, it shall be the duty of the Treasurer to advertize such delinquent's share or shares for sale at public

On default of payment shares to be sold.

public auction, giving at least thirty days notice of the time and place of such sale in the Royal Gazette or some other newspaper published as aforesaid, and if the amount of such assessment or instalment be not then or sooner paid, such share or shares shall be sold to the highest bidder, and such sale shall be a legal transfer of the share or shares so sold to the purchaser or purchasers thereof, and shall be recorded accordingly by the Secretary, and such purchaser or purchasers shall be entitled to receive a certificate as prescribed in and by the fifth section of this Act.

IX. And be it enacted, That the joint property and stock of the said Company shall alone be responsible for the engagements and debts of the said Company.

Joint stock alone responsible for the debts.

X. And be it enacted, That an annual statement of the affairs and amount of property of the said Company shall be made previous to the general meeting of the said Company in every year, shewing the amount assessed and paid in by the proprietors of shares and the amount and value (as near as may be) of the funds and property of the said Company, and the amount of debts due from such Company, which statement shall be certified as correct by the President and Secretary and Treasurer of the said Company under oath, each swearing to the best of his knowledge and belief respectively, and such statement shall be forthwith published in the Royal Gazette or some other newspaper as aforesaid.

Annual statement of the affairs to be made up and published.

XI. Provided always and be it enacted, That unless the sum of fifteen thousand pounds of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said Directors or a majority of them (which oath any Justice of the Peace is hereby authorized to administer), shall be filed in the office of the Secretary of the Province before the expiration of 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 the said three years.

Act to be void if £15,000 be not invested within three years.

CAP. LXIX.

An Act, to incorporate the Saint Stephen's Whale Fishing Company.

Passed 16th March, 1836.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That William Porter, John Porter, George M. Porter, John Marks, Nehemiah Marks, Robert Lindsay, Thomas Wyer, Ninian Lindsay, John Millikin, Robert M. Todd, John M'Allister, William Todd, Junior, William Andrews, Alexander Grant, James Rait, James Douglas, George S. Hill, their associates, successors and assigns, shall be and are hereby erected into a Company, and declared to be a body politic and corporate by the name of the Saint Stephen's Whale Fishing Company, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

2 persons herein named, their associates, successors and assigns incorporated, with the privileges incident to a Corporation.

II. And be it enacted, That the capital stock of the said Corporation shall consist of current money of the Province to the amount of fifty thousand pounds, which shall be divided into five thousand shares of ten pounds each, and that twenty per cent. of the said capital stock shall be paid in within twelve calendar months after the passing of this Act at such time and place as the President and

Capital to be £50,000.

Twenty per cent. to be paid in within twelve months, residue in instalments when required.

Directors

Directors of the said Company may appoint, and the residue in such parts and instalments as may be required by the said President and Directors for the service of the Company at such times and places as they may appoint, at least one month's notice being by them previously given for all the payments in one of the newspapers published in the County of Charlotte and also in one of the newspapers published in the City of Saint John: Provided always, that no larger amount than ten per cent. of the said capital stock shall be called in or required to be paid at any one time subsequent to the first instalment.

When 2500 shares are subscribed, a meeting to be held for making laws and choosing Directors.

III. And be it enacted, That whenever two thousand and five hundred shares of the said capital stock shall have been subscribed, a general meeting of the Members and Stockholders, or the major part of them, shall take place by notice in one or more newspapers published as aforesaid thirty days previous to such meeting, for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good management of the affairs of the Corporation as they shall deem necessary, and for the purpose of choosing seven Directors being Stockholders and Members of the Corporation, under and in pursuance of the rules and regulations hereinafter made and provided, which Directors so chosen shall serve until the first annual meeting for choice of Directors and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations of the said Company, subject nevertheless to the rules and regulations hereinafter made and provided.

Annual meeting for choosing Directors to be held on the first Monday in September.

IV. And be it enacted, That there shall be a general meeting of the Stockholders and Members of the said Corporation to be annually holden on the first Monday in September in each and every year at the Parish of Saint Stephen in the said County of Charlotte, at which annual meeting there shall be chosen by a majority thereof seven Directors, who shall continue in office one year or until others are chosen in their room, in the choice of which Directors the Stockholders shall vote according to the rules hereinafter mentioned, and the Directors when chosen shall at the first meeting after their election choose out of their number a President: Provided always, that four of the Directors in office shall be re-elected at each annual meeting for the next succeeding twelve months, of whom the President shall always be one.

Board of Directors for business.

V. And be it enacted, That not less than five Directors shall constitute a board for the transaction of business, of which the President shall always be one excepting in cases of sickness or necessary absence, in which case the Directors present may choose one of their board as Chairman for the time being, that the President or such Chairman shall vote at the board as a Director, and in case there be an equal number of votes for or against any question before them, the President or Chairman shall have a casting vote.

Qualification of Directors.

VI. And be it enacted, That no person shall be eligible as a Director unless such person is a Stockholder and holds not less than twenty five shares of the capital or stock of the said Corporation, and is of the full age of twenty one years.

Votes of Stockholders regulated.

VII. And be it enacted, That the voting of the Stockholders shall in all cases be regulated as follows: for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty shares, one vote, making ten votes for thirty shares; for every eight shares above thirty and not exceeding seventy, one vote, making fifteen votes for seventy shares; for every twelve shares above seventy and not exceeding one hundred and thirty, one vote, making twenty votes for one hundred and thirty shares, which said number of twenty votes shall be the greatest any Stockholder shall be entitled

to have, and that all Stockholders may vote by proxy, such proxy being a Stockholder and producing sufficient authority in writing from his constituents.

VIII. And be it enacted, That if it should so happen that the said Directors should not be chosen on the said first Monday of September in any year as aforesaid, it shall and may be lawful to choose them on any other day between the hours of twelve at noon and three in the afternoon of such day, upon giving fourteen days notice of the time and place of such meeting in two of the newspapers published as aforesaid, which meeting shall take place in the said parish of Saint Stephen; and in case any Director shall be removed by the Stockholders for misconduct or mal-administration his place shall be filled up by the said Stockholders, fourteen days notice of the time and place of meeting being first given as herein before provided, and in case of any vacancy among the said Directors by death, resignation or absence from the Province for three months, or in case any Director shall disqualify himself by the sale, disposal and transfer of his shares or any of them, so as to reduce his interest in the Corporation to less than twenty five shares required for the qualification of a Director, then and in either of such cases the said Directors shall and may fill up the vacancy by choosing one of the Stockholders, and the persons so chosen by the Stockholders or Directors shall serve until another be chosen in his room.

When Directors are not chosen at the annual meeting another meeting may be called for the purpose.

Vacant Directorships how to be filled up.

IX. And be it enacted, That so soon as twenty per cent. of the capital stock shall have been actually paid in on account of subscriptions to the said stock, then the President and Directors of the said Company may commence operations under this Act, and proceed with the business and affairs of the Company.

Twenty per cent. being paid in, operations may be commenced.

X. And be it enacted, That the joint stock or property of the said Corporation shall alone in the first instance be responsible for the debts and engagements of the said Corporation, and that no creditor or person or persons having any demands against the said Corporation for or on account of any dealings with the said Corporation, shall have recourse against the separate property of any Shareholder on account thereof except in case of deficiency or where the joint stock of the said Corporation shall fall short of or not be equal to the payment of any debt, due or demand against the same, that then and in such case the goods and chattels, lands and tenements of each Shareholder shall and may be levied upon and seized respectively to satisfy such debt or demand to the extent of double the amount of the share or shares or interest of such Shareholder in the joint stock of the said Corporation but no more; and that such double amount or so much as may be necessary to satisfy such debt, due or demand shall and may be levied and seized by process of execution in the same suit in which such debt, due or demand may be recovered against the said Corporation.

Liability of joint stock and Stockholders for the Corporation debts.

XI. And be it enacted, That the books, papers, correspondence and all other matters or things belonging to the Corporation shall at all times be subject to the inspection of the Directors or any of them, but no Stockholder not a Director shall inspect the account of any individual or corporate body with the said Corporation.

Books &c. to be subject to the inspection of the Directors.

XII. And be it enacted, That the shares in the said stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf, but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered or registered in a book to be kept by the Directors for that purpose; that in no case shall any fractional part of a share be assignable or transferable or other than a complete share or shares; that whenever any Stockholder shall transfer in manner aforesaid all his stock or shares in the said Company he shall cease to be a member of the said Corporation.

Shares to be assignable.

Statement of affairs to be laid before the Stockholders at the annual meeting.

Triplicates for the Governor and Legislature.

Provisions for calling extraordinary meetings of the Stockholders.

Limitation

XIII. And be it enacted, That the Directors shall at the general meeting to be holden in every year lay before the Stockholders for their information an exact and particular statement of the then state of the affairs and business of the said Company agreeably to the several regulations and rules made therefor, so as the same do contain a true account of the affairs of the said Company, which statement shall be signed by the Directors, and attested by the Secretary, and such statement in triplicate, in like manner signed and attested, shall be transmitted to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Legislature of the Province: Provided always, that the rendering of such statement shall not extend to give any right to the Stockholders to inspect the account of any individual or corporate body with the said Company.

XIV. And be it enacted, That any number of Stockholders not less than forty who together shall be proprietors of one thousand shares, shall have power at any time by themselves or their proxies to call a general meeting of the Stockholders for purposes relating to the business of the said Corporation, giving at least thirty days notice in two of the newspapers published as aforesaid, and specifying in such notice the time and place of such meeting with the objects thereof, and the Directors or any four of them shall have the like power at any time (upon observing the like formalities) to call a general meeting as aforesaid.

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

CAP. LXX.

An Act, to incorporate the Chamcook Mill and Factory Company.

Passed 16th March, 1836.

“**W**HEREAS it is considered that an extensive manufacture 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 incorpo- “ rating a Company for these purposes should be granted, and will tend materially to “ benefit the trade of this Province ;”

α Persons herein named, their associates, successors and assigns incorporated, with the powers and privileges incident to a Corporation

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That John Wilson, James Rait, James Parkinson, 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, 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 £10,000

II. And be it enacted, That the capital stock of the said Corporation shall consist of the sum of ten thousand pounds, the whole amount of the said stock to be divided into four hundred shares of twenty five pounds each.

III.

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.

Act to be void if one fifth of the capital be not invested within three years.

CAP. LXXI.

An Act, to incorporate the Fredericton Mill and Manufacturing Company.

Passed 16th March, 1836.

“**W**HEREAS the investment of capital in the erection of mills for the purpose “of manufacturing lumber will greatly increase the commercial prosperity “of the Province;”

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That James Taylor, Henry Richards, Joseph Gaynor, George F. S. Berton, George Hayward, Thomas O. Miles, and their associates, 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 Fredericton Mill and Manufacturing 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.

b Persons herein named, their associates, successors and assigns incorporated, with the privileges incident to a Corporation.

II. And be it enacted, That the capital stock of the said Corporation shall consist of the sum of fifty thousand pounds, to be paid in such money as shall at the time of the several payments hereinafter expressed be a legal tender in this Province; fifteen per 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 to 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 shares of twenty five pounds each, making in the whole two thousand shares.

Capital to be £50,000.

Five per cent. to be paid in before property be purchased or debts incurred.

III. Provided always and be it further enacted, That so soon as the said capital stock shall have been paid in and expended for the purposes of this Corporation, it shall and may be lawful for the said Stockholders at any general meeting to be for that purpose called to increase the said capital stock from time to time in such sums as they may deem expedient to a sum not exceeding seventy five thousand pounds.

Capital may be increased.

IV. Provided always and be it further 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 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 the said three years.

Act to be void if fifteen per cent. be not invested within three years.

CAP. LXXII.

An Act, to incorporate the Portland Mills and Manufacturing Company.

Passed 16th March, 1836.

c Persons herein named, their associates, successors and assigns incorporated, with the privileges of a Corporation

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That James Rait, Henry Richards, John Garrison Woodward, Thomas Barlow, William Leavitt, William Walker, Elisha D. W. Ratchford, David Hatfield, Edward J. Budd, James William Boyd and James Peters, Junior, and all and every such other person or 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 a body politic and corporate by the name of the Portland Mills and Manufacturing Company, and by that name shall have all the general powers and privileges made incident to Corporations by Act of Assembly in this Province.

Capital to be £75,000.

II. And be it enacted, That the capital or stock of the said Corporation shall consist of the sum of seventy five thousand pounds, to be paid in such money as shall be at the time of the several payments hereinafter expressed 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 to incur any debts, and the remainder of said stock to be paid at such time and times and in such parts or portions as the Directors for the time being shall think necessary; the whole amount of such capital or stock to be divided into shares of fifty pounds each, making in the whole fifteen hundred shares: Provided always and be it further enacted, that so soon as the said capital stock of seventy five thousand pounds shall have been paid in and expended for the purposes of this Corporation, it shall and may be lawful for the Stockholders at any general meeting to be for that purpose called to increase the said capital stock from time to time in such sums as they may deem expedient to a sum not exceeding five hundred thousand pounds, to be assessed upon the several Stockholders of the said Company in proportion to their respective shares.

Fifteen per cent to be paid in before purchase of property or incurring of debts.

Capital may be increased.

III. Provided always 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 signed and verified on oath by the Directors or a majority of them (which oath any Justice of the Peace is hereby authorized to administer) shall be filed in the office of the Secretary of the Province before the expiration of three years after passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

Act to be void unless fifteen per cent. of the capital be paid in within three years

CAP. LXXIII.

An Act, to incorporate the New Brunswick Mill Company.

Passed 16th March, 1836.

“**W**HEREAS the extensive erection of mills at the branches, tributary rivers “and streams of the river Miramichi, for the manufacture of lumber for “exportation will be of public utility: And whereas the amount of capital necessary to be “invested in such a speculation, renders it essential that the Company engaged therein “should be incorporated ;”

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Samuel Cunard, Joseph Cunard, Edward Cunard, Henry Cunard, George Wildes, William Bowman, Alexander M'Gregor, Charles Martineau, Thomes Boies, Nathaniel Blake, Joseph Blake, John L. Blake, John Turner, James Pennington, Ira Wadleigh, Duncan Bruce, John Anderson, George Garrow, William C. M'Dougall, J. Stuart M'Goun, Robert Hodgson, Francis Peabody, Peter Duff, John Russ, Robert Rogers, Charles F. Bennett, Stephen W. Deblois, Thomas Houldsworth Brooking, Asher Robins, Joel Whitney, William Thomas, Duncan M'Gregor, James G. Rennie, Jesse Wentworth, James M'Bride, Thomas Williams, Robert Pack, Charles D. Archibald, Robert R. Wakeham, Eli Hoskins and Mynie Emerson, their associates, successors and assigns, be and they are hereby created and declared to be a body politic and corporate by the name of the New Brunswick Mill Company, and by that name shall have perpetual succession and a common seal, and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law or equity in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever; and also that they shall be persons able and capable in the law to have, get and receive, purchase, procure, erect, build, set up, take, possess and enjoy houses, lands, tenements, hereditaments, mills, mill dams, booms, water privileges, rents and profits, in fee simple or otherwise, and also goods and chattels and all other things real, personal and mixed, and also to give, grant, let, assign or convey the same or any part or parts thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation: Provided always, that nothing herein contained shall extend or be construed to extend to authorize the erection of any dams, mill dams or water courses, canals, sluices or works of any water kind or description which shall or may in any way take away or interfere with any public or private right; and also that the said Company, their associates, successors or assigns, or the major part of them, shall from time to time and at all times have full power, authority and licence to constitute, ordain, make and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation, provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or of this Province.

II. And be it enacted, That the first meeting of the said Corporation shall and may be held at Boies Town in the County of Northumberland, and shall and may be called by Alexander M'Gregor, or in case of his death or neglect or refusal by any two of the said Company, by publishing notice thereof for thirty days in the Royal Gazette at Fredericton and in some newspaper in the County of Northumberland, at which or at any subsequent meeting to be for that purpose holden, nine Directors (being Members and Stockholders of and in the said Corporation to such an extent as by the laws and regulations of the said Company may be provided) shall be chosen; which Directors so chosen shall serve until the first annual meeting for the choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations of the said Company, subject nevertheless to the laws and regulations which may from time to time be made by the said Corporation.

III. And be it enacted, That the capital stock of the said Corporation shall be one hundred thousand pounds, and shall be divided into five thousand shares of twenty pounds each, twenty five per cent. of which amount to be paid as the first instalment of the Stockholders in current money of this Province, and so soon as it shall appear to the Directors and Treasurer of the said Company that twenty five thousand pounds of the whole stock shall have been paid in by all or part of

Persons herein named, their associates, successors and assigns incorporated;

To have perpetual succession, and a common seal;

may possess real and personal property;

[Public and private rights reserved.]

may make Bye Laws.

First meeting to be held at Boies Town.

Nine Directors to be chosen.

Directors to manage the affairs until others are chosen.

Capital to be £100,000.

Company to commence operations when £25,000 are paid in.

the

Shares to be numbered, and owners entitled to a certificate.

the said Stockholders, then the said Company shall be allowed to commence their operations under this Act as a body corporate; and all the shares in the said Company shall be numbered in progressive order, beginning at number one, and that after the first meeting of the said Corporation each member holding shares in the said Company's stock shall be entitled to a certificate under the seal of the said Corporation and signed by the Secretary and Treasurer thereof, certifying his property in such share or shares as shall be expressed in such certificate.

Capital may be increased.

IV. Provided always and be it further enacted, That so soon as the said capital stock of one hundred thousand pounds shall have been paid in and expended for the purposes by this Act provided, it shall and may be lawful for the said Stockholders at any general meeting to be for that purpose called to increase the said capital stock from time to time in such sums as they may deem expedient, to a sum not exceeding two hundred and fifty thousand pounds, which additional capital stock shall be divided into shares of twenty pounds each.

Annual meeting for choice of Directors to be held on first Wednesday in February.

V. And be it enacted, That there shall be a general meeting of the Stockholders and Members of the said Corporation to be annually holden on the first Wednesday in February (such meeting to continue for such number of successive days as its business may require) in each and every year at Boies Town, at which annual meeting there shall be chosen of the said members nine Directors, who shall continue in office for one year or until others are chosen in their stead (provided always, that five of the Directors in office shall be re-elected at such annual meeting for the next succeeding year); and the Directors when chosen shall at their first meeting after their election choose out of their number a President.

Directors to choose a President.

Owners of shares to be members and entitled to vote.

VI. And be it enacted, That every person owning a share in the capital stock of the said Company shall be a member thereof and be entitled to vote at any meeting of the same, and members may give as many votes as they own shares; and that absent members may vote by proxy, such proxy being a Stockholder and authorized in writing.

Votes by Proxy.

Directors may assess the shares

VII. And be it enacted, That the President and Directors of the said Corporation may from time to time assess upon each share such sum or sums of money as shall be judged by such Corporation necessary for raising a capital for the payment of any debts of the said Corporation, and for the purchase of such real and personal property, and the erection, building, making and setting up of such buildings, dams, and other erections and machinery as may be deemed necessary for carrying on the business of the Corporation, to be paid to their Treasurer at such time or times and by such instalments as shall be deemed requisite, provided that such assessment or assessments shall not in the whole exceed the amount of the capital stock appointed by this Act or to be increased as hereinbefore directed, and also that when any such assessment shall be made or ordered, notice thereof shall be given by the Secretary in the Royal Gazette requiring payment at such time or times as may for that purpose be appointed; and if the proprietor of any share or shares shall neglect or refuse to pay to the Treasurer the amount of any such assessment or assessments or instalments thereof duly assessed or ordered as aforesaid, it shall be the duty of the Treasurer to advertise such delinquent's shares for sale at public auction, giving at least thirty days notice of the time and place of such sale in the Royal Gazette aforesaid, and all shares upon which the said assessment or instalment thereof is not then paid shall be sold to the highest bidder, and such sale shall be a legal transfer of the shares so sold to the purchaser or purchasers, and shall be recorded accordingly by the Secretary, and such purchaser or purchasers shall be entitled to receive a certificate as prescribed in and by the third section of this Act: Provided always, that no Stockholder

On default of payment shares to be sold.

holder shall in any case be assessed in a greater sum than twenty pounds in the whole for each share.

VIII. And be it enacted, That the joint stock or property of the said Corporation shall alone be responsible for the debts and engagements of the said Corporation; and that no person or persons who shall or may have dealings with the said Corporation shall on any pretence whatever have recourse against the private property of any individual member or members of the said Corporation or against their person or persons further than is herein specially provided and that may be necessary to the faithful application of the funds of this Corporation.

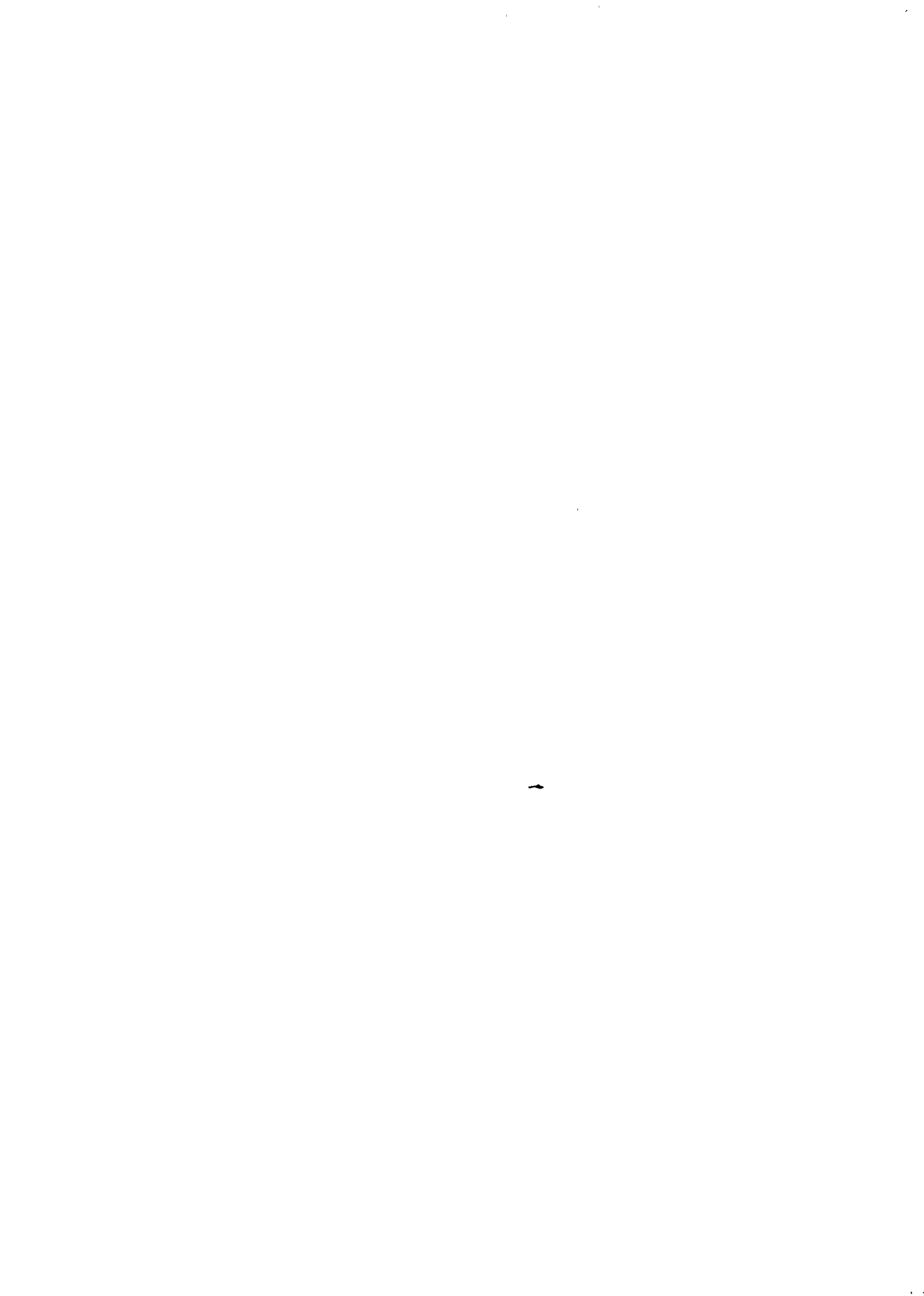
Joint Stock alone responsible for the Corporation debts.

IX. And be it enacted, That an annual statement of the affairs and amount of property of the said Company shall be made previous to the general meeting of the said Company in every year, shewing the amount assessed and paid in by the proprietors of shares and the amount and value as near as may be of the funds and property of the said Company and the amount of debts due from such Company, which statement shall be certified as correct by the President, Secretary and Treasurer of the said Company under oath, each swearing to the best of his knowledge and belief respectively, and such statement shall be forthwith published in the Royal Gazette and some other newspaper as aforesaid.

Statement of the affairs to be made up annually and published.

X. Provided always and be it enacted, That unless twenty five thousand pounds of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said Directors or a majority of them (which oath any Justice of the Peace is hereby authorized to administer) shall be filed in the office of the Secretary of the Province before the expiration of 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 the said three years.

Act to be void if £25,000 be not invested within three years.



APPENDIX.

No. 1.

TABLE OF COURTS.

SUPREME COURT.

TERMS.

Hilary Term, 1st Tuesday in February. Appointed by Ordinance.
Trinity Term, 2d Tuesday in June. Established by 5 W. 4, c. 37, p. 753.
Michaelmas Term, 2d Tuesday in October. Appointed by Ordinance.

SITTINGS OF NISI PRIUS IN YORK,

APPOINTED BY THE JUSTICES OF THE SUPREME COURT, UNDER THE ACT OF ASSEMBLY, 5 W. 4, c. 37, p. 753.

After Hilary Term, 3d Tuesday in February.
" Trinity Term, 4th Tuesday in June.
" Michaelmas Term, 4th Tuesday in October.

CIRCUITS ESTABLISHED BY ACT OF ASSEMBLY.

Saint John, 2d Tuesday in January.	1 Vict. c. 4.
" 1st Tuesday in August.	<i>ib.</i>
Charlotte, 4th Tuesday in April.	<i>ib.</i>
" Tuesday after the 4th Tuesday in October.	<i>ib.</i>
King's, 4th Tuesday in January.	<i>ib.</i>
Kent, last Tuesday in August.	<i>ib.</i>
Westmorland, 1st Tuesday in September.	<i>ib.</i>
Northumberland, 2d Tuesday in September.	<i>ib.</i>
Gloucester, Wednesday before the 1st Tuesday in September.	1 Vict. (1838,) c. 14,
Carleton, last Tuesday in September.	1 Vict. c. 4.
Sunbury, last Tuesday in February.	<i>ib.</i>
Queen's, first Tuesday in March.	1 Vict. (1838,) c. 14.

COURT OF CHANCERY.

This Court is considered to be always open, and sits regularly on the first Tuesday in every month, and oftener when required.

COURT OF GOVERNOR AND COUNCIL.

TERMS ESTABLISHED BY ACT OF ASSEMBLY, 6 W. 4, c. 34.

2d Tuesday in February. 3d Tuesday in June. 4d Tuesday in October.

COURTS OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURTS OF COMMON PLEAS.

Counties.	Terms.	Established by	Page.
Westmorland,	3d Tuesday in June.	58 G. 3, c. 1,	237.
"	3d " " November.	4 G. 4, c. 28,	311.
Additional Terms,	1st " " April.	3 G. 4, c. 6,	283.
"	2d " " September.	42 G. 3, c. 3,	141.
York,	2d " " January.	Original Charter.	
"	2d " " June.	do.	
Additional Terms,	3d " " March.	45 G. 3, c. 2,	149.
"	2d " " October.	35 G. 3, c. 2,	114.
Charlotte,	2d " " April.	34 G. 3, c. 4,	110.
"	3d " " September.	34 G. 3, c. 4,	110.
Additional Terms,	2d " " July.	35 G. 3, c. 2,	114.
"	2d " " December.	35 G. 3, c. 2,	114.
Sunbury,	3d " " January.	Original Charter.	
"	3d " " June.	do.	
Additional Terms.	4th " " March.	45 G. 3, c. 10,	153.
"	3d " " October.	35 G. 3, c. 2,	114.
Queen's,	4th " " January.	31 G. 3, c. 9,	85.
"	4th " " June.	31 G. 3, c. 9,	85.
Additional Terms,	4th " " April.	35 G. 3, c. 2,	114.
"	4th " " October.	35 G. 3, c. 2,	114.
King's,	1st " " March.	3 G. 4, c. 12,	285.
"	1st " " July.	31 G. 3, c. 9,	85.
Additional Terms,	1st " " May.	35 G. 3, c. 2,	114.
"	1st " " November.	35 G. 3, c. 2,	114.
Northumberland,	3d " " March.	2 G. 4, c. 11,	275.
"	4th " " August.	2 G. 4, c. 11,	275.
Additional Terms,	2d " " June.	2 G. 4, c. 11,	275.
"	1st " " November.	56 G. 3, c. 8,	224.
Kent,	2d " " January.	9 G. 4, c. 12,	423.
"	4th " " June.	9 G. 4, c. 12,	423.
Additional Terms,	1st " " April.	7 G. 4, c. 31,	388.
"	1st " " September.	7 G. 4, c. 31,	388.
Gloucester,	2d " " January.	7 G. 4, c. 31,	387.
"	last " " July.	9 G. 4, c. 18,	425.
Additional Terms,	1st " " April.	3 W. 4, c. 10,	594.
"	last " " October.	5 W. 4, c. 7,	730.
Carleton,	4th " " January.	5 W. 4, (2d Sess.) c. 5,	777.
"	4th " " June.	5 W. 4, (2d Sess.) c. 5,	777.
Additional Terms,	1st " " March.	1 W. 4, c. 50,	559.
"	1st " " October.	1 W. 4, c. 50,	559.
Saint John,	3d " " March.	31 G. 3, c. 9,	85.
"	1st " " June.	Charter.	
"	1st " " September.	do.	
"	1st " " December.	do.	

No. 2.

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THE

CHARTER

OF THE

CITY OF SAINT JOHN.

GEORGE the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth. To all to whom these presents shall come, or may in any wise concern, Greeting.

Whereas our loving subjects the inhabitants of the Town or District of Parr, lying on the east side of the River Saint John, and of Carleton on the west side thereof, at the entrance of the River Saint John aforesaid, both which Districts are in our Province of New Brunswick, in America, have by their petition to our trusty and well beloved Thomas Carleton, Esquire, our Governor and Commander in Chief in and over our said Province, represented that they have, by their exertions, conquered many of the difficulties attending the settlement of a new country; and that they are anxious to remove the remaining evils they at present labour under, part of which flow from the want of a regular Magistracy for the able and orderly government of the Districts they inhabit: And whereas they have also represented, that they humbly conceive one important step towards this desirable end, would be granting them a charter of Incorporation, under the sanction of which they might be enabled to ordain such bye-laws and regulations as their peculiar wants and rapid growth urgently call for: That the advantages to be derived from a charter, empowering them to establish such ordinances as are requisite for the good government of a populous place are so obvious, they think it necessary only to hint at them; but that the speedy administration of justice both civil and criminal, will be so greatly aided by the erecting a Mayor's Court and Quarter Sessions, they humbly hope this consideration alone will be sufficient to induce a compliance with their request; and have confidently promised that their prudent use of the liberties so to be granted them will justify the favour. And whereas our said loving subjects, impelled by the foregoing reasons, have humbly petitioned the said Thomas Carleton, Esquire, our Governor aforesaid, for a Charter comprehending the said districts on both sides of the river Saint John, erecting the whole into one City, to be called the City of Saint John, and conferring on the Corporation the several powers and privileges usually granted to mercantile towns for the encouragement of commerce, and found by experience conducive to the protection and support of the upright part of the community; as by the said petition, recourse being thereunto had, may more fully and at large appear.

Now therefore know ye, That having taken the same into our royal consideration, and being willing, as well for the reasons above set forth as for divers other good causes and considerations us moving, to comply with the reasonable request and humble petition of our said loving subjects, of our especial grace, certain knowledge and mere motion, we have given and granted, and by these presents for us, our heirs and successors, do give and grant unto our said loving subjects the inhabitants of the said Districts, as they are hereby united, that the said Districts, and all the lands and waters thereto adjoining or running in, by or through the same, bounded by a line to commence and beginning near Fort-Howe, at Portland Point, at low water mark, and thence running a direct line to a small point or ledge of land at the causey by the old saw mill, thence east north east until a direct line shall strike the creek running through Hazen's marsh on the east side of the eastern District aforesaid, thence along the course of the said creek to its mouth, thence by a line running south nineteen degrees west into the bay, until it meets a line running east from the south point of Partridge Island, and along the said line to the said point, thence by

Preamble.

Bounds and name
of the City.

a direct line to a point on the shore which is at the south east extremity of a line running south forty-two degrees east from the River Saint John to the Bay of Fundy, and terminating the Town lots of the western District aforesaid, thence along the said line north forty-two degrees west to the River Saint John aforesaid, and continuing the said course across the said river until it meets the opposite shore, and from thence along the north shore of the said river at low water mark to Portland Point aforesaid, and every part and parcel thereof, are and shall forever hereafter be a City incorporate of a Mayor, a Recorder, six Aldermen and six Assistants, by the name of the City of Saint John. And the said Districts and every part thereof, as well the land as the water, and the land covered with water, within the lines, limits and boundaries aforesaid, a City incorporate in right and name, by the name of the City of Saint John, we do really and fully create, make, ordain, constitute, declare and confirm by these presents. And further of our especial grace we have given, granted, ordained, constituted, appointed and declared, and by these presents, for us, and our heirs and successors, do give, grant, ordain, constitute, appoint and declare, that the Inhabitants of the said city of Saint John, and the Mayor, Recorder, Aldermen, and assistants thereof, are, and from henceforth forever hereafter shall be one body corporate and politic in deed, fact and name, by the name of the Mayor, Aldermen and Commonalty of the City of Saint John; and them by the name of the Mayor, Aldermen and Commonalty of the City of Saint John, we do really and fully create, make, ordain, constitute, appoint and declare, by these presents; and that by the name of the Mayor, Aldermen and Commonalty of the City of Saint John, they may have perpetual succession. And that they and their successors forever by the name of the Mayor, Aldermen and Commonalty of the City of Saint John, be and forever hereafter shall be persons able and in law capable to have, get, receive, take, possess and enjoy houses, lands, tenements, rents, reversions, remainders, royalties, franchises, jurisdictions, pre-eminences, immunities and hereditaments, to them and their successors in fee simple, or for term of life or lives or years or otherwise, and also goods and chattels, and all other things whatsoever whether real, personal or mixt: and also to give, grant, let, set or assign the same or any part thereof; and to do and execute all other things in and about the same, as they shall think necessary, fit or good for the benefit and advantage of the said City and the inhabitants thereof: And also that they be and for ever shall be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, before us, our heirs and successors, and in all or any of our courts of law and equity, and other places whatsoever, and before our or any of our judges, justices, ministers, and other person and persons whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner as any other person or persons whatsoever, being persons able and in law capable may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, by any lawful ways or means whatsoever; and that they and their successors forever shall have a Common Seal, to serve for the ensembling of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreements, assignments, powers and warrants of attorney, and all and singular their affairs and things touching or concerning the said Corporation; and the same seal they shall have power from time to time, as they shall think proper, to break, change, alter and new make, so as that at the same time there doth not exist any more than one Common Seal for the purposes aforesaid.

Name of the body
incorporate.

Shall have perpet-
tual succession.

Shall have a Com-
mon Seal.

Shall be divided
into six wards.

And further we do ordain and appoint by these presents, that for the better government of the said city, the same shall for ever hereafter be and remain divided into six wards, in the following manner, to wit, four of the said wards which shall be on the east side of the said harbour shall be separated from the other two which lie on the western side thereof, by a line to be run through the middle of the said harbour, and of the bay at the entrance of the same: (1) And the said four wards on the eastern side of the said harbour, shall be separated from each other by a south line commencing at the north end of the said city in the middle of Sidney-street, and to run south through the middle of the said street, and to continue the same course into the bay until it comes to the line of the limits of the said City; and by a line east and west to be run and continued through the middle of Duke-street until it reaches the middle of the harbour aforesaid on the west side of the said four wards, and until it comes to the line of the eastern limits of the said City. And the said two wards on the western side of the said harbour shall be separated from each

(1) By the Prov. Stat. 43 Geo. 3, c. 3, the four wards on the eastern side of the harbour are divided by lines drawn from the harbour to the rear of the City through the centre of King's street, Duke street, and Saint James and Stormont street; and by the same Statute, that part of the City lying to the northward of King's street, is to be forever called and known by the name of King's Ward; and that part between King's street and Duke street, is to be forever called and known by the name of Queen's Ward; and that part between Duke street and Saint James and Stormont Street, is to be forever called and known by the name of Duke's Ward; and the residue thereof, lying to the southward of Saint James and Stormont street, is to be forever called and known by the name of Sidney Ward.

each other by a direct line to be run from the line terminating the town lots on the south west limits, and continued through the middle of Rodney-street until it reaches the middle of the harbour aforesaid. And we do further ordain that the north west ward on the east side of the said harbour shall forever be called King's Ward; and that the south west ward on the east side of the said harbour shall be forever called Queen's Ward; and that the north east ward on the east side of the said harbour shall be forever called Sidney Ward; and that the south east ward on the east side of the said harbour shall be forever called Duke Ward; and that the westernmost ward on the west side of the said harbour shall forever be called Guy's Ward; and that the easternmost ward of the said west side of the harbour shall forever be called Brook's Ward.

And we do further of our special grace, certain knowledge and mere motion, for us, our heirs and successors, will, ordain, give and grant that there be, and forever hereafter shall and may be, one Mayor, one Recorder, six Aldermen, six assistants, one Sheriff, one Coroner, one Common Clerk, one Chamberlain, one High Constable, six Constables and two Marshals, appointed, nominated, elected, chosen and sworn, out of the freeholders or freemen, inhabitants of the said City, in manner and form as herein after is particularly mentioned. And for the better execution of our will, gift and grant in this behalf, we have assigned, named, constituted and made, and by these presents for us, our heirs and successors, do assign, name, constitute and make our trusty and well beloved Gabriel G. Ludlow, Esquire, one of our Council for our said Province of New Brunswick, to be the present Mayor of the same City, to do and execute all things which unto the office of Mayor of our said City doth or may belong or in any wise appertain; to continue, and be continued in, and to execute the said office of Mayor until another fit person shall be appointed and sworn in the said office. And we do moreover, for us, our heirs and successors, give and grant unto the said Mayor and his successors, and to the Mayor of the said City for the time being, and to each of them forever, full power and authority to depute and appoint the Recorder of the said City for the time being, in the place of the Mayor of the said City, for the time being, and as his deputy in all matters and respects to act and do all things which to the office of the Mayor of the said City, within the limits, liberties and precincts thereof, do or ought to belong, during the sickness or in the absence of the said Mayor, for the time being. And we do hereby will and grant, that every such Recorder, so to be deputed and appointed, after taking such oath as herein after is directed for every such deputy to take, shall have as full power and authority to act and do, in the sickness or absence of the Mayor of the said City for the time being, all and singular those things which to the office of Mayor of the said City belong or shall belong or appertain, to all intents and purposes as the Mayor of the said City, for the time being, by virtue of these presents, or otherwise hath, shall or ought to have. And we do further for us, our heirs and successors, will, ordain and grant, that in case it shall so happen that the said present Mayor of the said City, or any of his successors, or any of the Mayors of the said City for the time being, shall die, before any other fit person shall be appointed and sworn Mayor of the said City in their respective rooms and places, then, in every such case, upon the death of such Mayor, such Recorder for the time being, who shall have been so appointed and sworn to act in the place of or as deputy to such Mayor, shall be and is hereby appointed and declared Mayor of the said City, and to continue and be continued in, and to execute the same office of Mayor of the said City, from the death of such Mayor so dying, until another fit person shall be appointed and sworn Mayor of the said City, in such manner as in and by these presents is hereafter directed for the said Mayor of the said City, to be appointed and sworn; and so as often as such case shall happen; which accession of the said Recorder to the office of Mayor of the said City, shall not operate as a *supersedes* to the authority or commission of the Recorder of the said City, but the said Recorder shall hold, exercise and enjoy, as well the office of Mayor as the office of Recorder of the said City, until another fit person be appointed and sworn Mayor of the said City.

And further we have assigned, ordained, named and constituted and by these presents for us, our heirs, and successors, do assign, ordain, name and constitute our well beloved Ward Chipman, Esquire, to be the present Recorder of the said City, to do and execute all things which unto the office of Recorder of the said City do or may belong or in any manner appertain, and to continue and be continued in and exercise the said office of Recorder, until another fit person shall be appointed and sworn in the said office. And further we have named, ordained and constituted, and by these presents for us, our heirs and successors do ordain and constitute our beloved Bartholomew Crannell, Esquire, to be the present Clerk of the said City, who shall be, and be called, the Common Clerk of the said City, who by himself or his sufficient deputy and deputies, is hereby authorized to do, act and execute, all and singular those things which any Common Clerk of or in any City, Borough or Town incorporated, any where in that part of our kingdom

Grant that there be one Mayor, one Recorder, six Aldermen, six Assistants, one Sheriff, one Coroner, one Common Clerk, one Chamberlain, one High Constable, six Constables and two Marshals.

Mayor.

Power to the Mayor or to appoint the Recorder his Deputy.

In case of the death of the Mayor, the Recorder to be Mayor until another is appointed.

Recorder.

Clerk.

of Great Britain called England, by virtue of his office, or which such Common Clerk of the said City of Saint John, by virtue of these our letters may, can or ought to do; and to continue and be continued in the said office of Common Clerk until another fit person shall be appointed and sworn in the said office. And we do further, for us, our heirs and successors, assign, name, constitute, ordain and appoint George Leonard, Thomas Menzies, William Paine, William Pagan, Stephen Hoyt and John Holland, Esquires, inhabitants of the said City of Saint John to be the present Aldermen of the said City, and John Colvill, Munson Jarvis, Richard Seaman, Fitch Rogers, John Ness, and Adino Paddock, Gentlemen, to be the present Assistants of the said City; to wit, the said George Leonard to be Alderman, and John Colvill to be Assistant, for King's Ward; the said Thomas Menzies to be Alderman, and the said Munson Jarvis to be Assistant, for Duke's Ward; the said William Paine to be Alderman, and the said Richard Seaman to be Assistant, for Sidney Ward; the said William Pagan to be Alderman, and the said Fitch Rogers to be Assistant, for Queen's Ward; the said Stephen Hoyt to be Alderman, and the said John Ness to be Assistant, for Brook's Ward; and the said John Holland to be Alderman, and the said Adino Paddock to be Assistant, for Guy's Ward. And we do hereby nominate and appoint the said George Leonard to be the present Chamberlain and Treasurer of the said City; and James Stewart and Amos Arnold to be the present Marshals and Serjeants at Mace of the said City; and Ebenezer Holly to be the present High Constable of the said City. And we do also hereby appoint Lodwick Cypher to be Constable of King's Ward, James Birmingham to be Constable of Queen's Ward, Philip Henriques to be Constable of Sidney Ward, James M'Neal to be Constable of Duke's Ward, William Cooper to be Constable of Brook's Ward, John M'Gill to be Constable of Guy's Ward, in the said City. And we do for us, our heirs and successors, assign, ordain and constitute William Sanford Oliver, an inhabitant of the said City, to be the present Sheriff of the said City, to hold, exercise, enjoy and execute the said office of Sheriff, until the first Tuesday in April next, and from thence until another fit person shall be appointed and sworn in the said office. And we do further assign, ordain and constitute John Hazen, an inhabitant of the said City, to be the present Coroner of the said City, to do and execute all things which unto the office of Coroner of the said City, do, shall or may belong, and to continue and be continued in the said office of Coroner, and execute the same office, until another fit person shall be appointed and sworn in the said office.

And we do hereby will and ordain, that each and every the before named Aldermen, Assistants, Chamberlain, Coroner, High Constable and Marshals, and all and every the before named Constables, on their being respectively sworn in their respective offices as hereafter is directed, shall continue in their respective offices, until the first Tuesday in April next ensuing the date hereof, and from thence until other fit persons be respectively chosen, appointed and sworn, in their respective rooms and places, in manner and form as is herein after directed. And we do also further ordain, order and declare, for us, our heirs and successors, that as well the before named Sheriff, as every other person and persons hereafter to be appointed for or to the office of Sheriff of the said City, before he or they shall be permitted to exercise the said office, shall each of them give and enter into bond, to us, our heirs and successors, with two or more sureties, in a penalty not less than one thousand pounds, conditioned for the faithful and due execution of the said office, in such manner as the Governor and Commander in Chief of our said Province of New Brunswick, for the time being, shall think fit to appoint; and the before named Sheriff on his giving such security and having taken such an oath as hereafter is directed, shall continue in the said office until the third Tuesday in April next, and from thence until another fit person is appointed and sworn into the said office, and has given such security as aforesaid. And we do further hereby will and ordain, that the said Mayor, Recorder, Common Clerk, Sheriff and Coroner, hereby appointed, shall and may continue in and hold, exercise and enjoy, their said respective offices, for and during our good pleasure, and their residence within the said City of Saint John, and until another fit person or persons shall be sworn in his or their stead respectively, and no longer. And further we do, will, and ordain, and for us, our heirs and successors, do hereby grant to the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors, that in all appointments and grants from time to time hereafter to be made by us, our heirs and successors, of the offices of Mayor, Recorder, Common Clerk, Sheriff and Coroner of the said City, the person to be appointed Mayor of the said City shall be a fit, discreet and reputable freeholder and inhabitant of the said City; and that the persons to be appointed Recorder of the said City and Common Clerk of the said City, and each and every of them, shall be fit, discreet and reputable inhabitants and freemen of the said City, and of good capacity and understanding, and skilful in the laws of England and of the said Province of New Brunswick, and shall have been admitted and sworn Attornies respectively, of our Supreme Court

Aldermen.

Assistants.

Chamberlain.

Marshals.

High Constable.
Constables.

Sheriff.

Coroner.

Aldermen, &c. to
remain in office
one year.Sheriff to give
bond, &c.Mayor, Recorder,
Common Clerk,
Sheriff, and Cor-
oner, to hold their
offices during plea-
sure.Mayor to be a re-
putable freeholder,
and inhabitant.
Recorder and
Common Clerk to
be reputable inha-
bitants and free-
men, skilful in the
laws, and Attor-

Court for our said Province of New Brunswick ; and that the person to be appointed to the said office of Sheriff shall be a fit, discreet and reputable freeholder and inhabitant of the said City ; and that the person to be appointed to the office of Coroner of the said City, shall be a fit, discreet and reputable freeman and inhabitant of the said City ; and that each and every such Mayor, Recorder, Common Clerk, Sheriff and Coroner, shall hold, exercise and enjoy their said offices respectively, for and during our pleasure and their residence within the said City of Saint John, and until other such fit persons shall be sworn in the said offices respectively in their stead, and no longer.

And further, we do, for us, our heirs and successors, appoint and ordain, that the Governor or Commander in Chief of the said Province of New Brunswick, for the time being, by and with the advice of the Council of us, our heirs and successors for the said Province, can have full power and authority, from time to time, to name, constitute and appoint, any person to be Mayor, Recorder, Common Clerk, Sheriff, or Coroner, for the said City of Saint John. And further, we do ordain and appoint, that the Governor or Commander in Chief for the time being, by and with the advice of the Council of us, our heirs and successors for the said Province for the time being, shall and may, on the first Tuesday in April in every year, name and appoint, a fit, discreet and reputable person, of the freeholders and inhabitants of the said City of Saint John, to be Mayor of the said City for the ensuing year ; and one other fit, discreet and reputable person of the freeholders and inhabitants of the said City, to be Sheriff of the said City for the ensuing year ; and one other such person to be Coroner of the said City for the ensuing year.

And we do further ordain and appoint, that on the said first Tuesday of April in every year forever hereafter, the freemen of the said City, being inhabitants, and the freeholders of (2) each respective ward in the said City, shall and may assemble themselves and meet together, at such time of the day, and such public place, in each of the said respective wards, as each respective Alderman for each respective ward for the time being shall appoint ; and then and there, by a plurality of their voices or votes, to elect and choose, out of the inhabitants of each respective ward, being freeholders there or freemen of the said City, for the ensuing year, one Alderman, one Assistant and one Constable. And also that the Mayor, Recorder, and three or more Aldermen, and three or more of the Assistants of the said City for the time being, on the said first Tuesday in April in every year forever hereafter, shall and may, in Common Council, name and appoint one fit person, being a freeholder or freeman, and an inhabitant of the said City, to be Treasurer or Chamberlain, of the said City for the year ensuing. And also that on the same day in every year, forever hereafter, the Mayor of the said City for the time being, shall name and appoint one other of the said inhabitants, being a freeholder or freeman of the said City, to be High Constable of the said City for the year ensuing ; every of which persons so to be named, for the Mayor, Coroner, High Constable, or Chamberlain ; or so to be elected for Alderman, Assistant or Constable, shall on the third Tuesday of April then next ensuing their nomination or election respectively, take the respective oaths herein after appointed for them respectively to take, in such manner and form as herein after is directed ; and shall continue in their said respective offices from their being so respectively sworn, until other fit persons be respectively named or elected and sworn in their respective rooms and places. And also that every person so to be named for Sheriff, on the first Tuesday in April, shall on the third Tuesday in April then next ensuing his nomination, take such oath as is hereafter appointed for each Sheriff to take, and shall give such security as is herein before appointed for each Sheriff to give, and shall remain in the said office from the time of his being so sworn and giving such security, until another fit person shall be appointed and sworn into the said office, and shall have given such security as aforesaid. And we do further for us, our heirs and successors, appoint and ordain, that if it should happen that either the Mayor, Recorder, Sheriff or Coroner of the said City, for the time being, at any time (before other fit persons be so as aforesaid respectively named and sworn in their respective rooms) should happen to die, then, and so often as it shall so happen, we do for us, our heirs and successors, will, ordain and direct, that the Governor or Commander in Chief of the said Province, for the time being, by and with the advice of the said Council for the said Province for the time being, may, can and shall, in some convenient time thereafter, name and appoint some fit, discreet and reputable person as aforesaid, being an inhabitant or freeholder of the

nies of the Supreme Court.
Sheriff to be a reputable freeholder and inhabitant.
Coroner to be a reputable freeman and inhabitant.
To hold offices during pleasure.

The Governor to appoint the Mayor, Recorder, Common Clerk, Sheriff and Coroner.

Governor to appoint a Mayor the first Tuesday in April every year.

And a Sheriff and Coroner at the same time.

Aldermen, Assistants, and Constables to be annually chosen by the freemen, &c. on the first Tuesday in April.

Chamberlain (3) to be annually appointed by the Mayor, Recorder, Aldermen, and Assistants, in Common Council. And the High Constable to be annually appointed by the Mayor on the same day. Officers to take the oaths of office, &c. on the third Tuesday in April.

In case of the death of the Mayor, Recorder, Sheriff or Coroner, the Governor with the advice of Council to appoint Successors.

(2) By the Prov. Stat. 43 Geo. 3, c. 3, s. 2, it is enacted, "that it shall and may be lawful for the Electors of Guy's ward and Brook's ward, collectively, to choose annually, at the time appointed by the Charter, one Alderman, one Assistant, and one Constable, for each ward, out of the freemen, being inhabitants of either of the said wards, without regard to the particular ward, as before accustomed: and that for the purpose of such Election, each Alderman of the said two wards, shall hold his court within the ward to which he belongs, as provided by the said Charter; and at such Elections respectively, every Elector within both of the said wards shall be entitled to a vote."

(3) The Chamberlain may be appointed by the Mayor or Recorder, and Aldermen and Assistants. See 3 W. 4, c. 11, p. 595.

the said City, to be Mayor of the said City, in the room of such Mayor so dying; and one other fit, discreet and reputable inhabitant and freeman as aforesaid, to be Recorder of the said City, in the room of such Recorder so dying; and one other fit and able person as aforesaid to be Coroner of the said City, in the room of such Coroner so dying; and one other fit and able person as aforesaid to be Sheriff of the said City, in the room of such Sheriff so dying; and that every such person so to be named Mayor after having taken such oath as is hereby appointed for each Mayor to take, shall remain in and execute the said office of Mayor of the said City until another fit person be named and sworn into the said office of Mayor of the said City; and every person so to be named Recorder of the said City, after having taken such oath as is hereby appointed for each Recorder to take, shall remain in and execute the said office of Recorder of the said City, until another fit person be named and sworn into the said office of Recorder; and every person so to be named Coroner, after having taken such oath as appointed hereby for each Coroner to take, shall exercise and remain in the said office of Coroner of the said City, until another fit person be named and sworn into the office of Coroner of the said City; and every such person so to be named Sheriff, after having sworn and given such security, as is hereby appointed for each Sheriff to do, shall have, exercise and remain in the said office of Sheriff of the said City, until the third Tuesday in April then next, and until another fit person be named and sworn in the said office of Sheriff, and shall have given such security as herein before is appointed for each Sheriff to give.

In case of the death or removal from the City of an Alderman, Assistant or Constable, the inhabitants in the respective ward to choose persons to succeed for the remainder of the year, at such time and place as the Mayor or his deputy shall appoint.

And we do moreover, for us, our heirs and successors, will, and by these presents grant to the said Mayor, Recorder, Aldermen and Commonalty of the City of Saint John, and to their successors forever, that if it should happen any of the present named Aldermen, Assistants or Constables, or any one of the Aldermen, Assistants or Constables hereafter to be elected and sworn, or to be sworn into their respective offices as aforesaid, shall happen to die or remove out of the said City, within the time they are or shall be respectively named or elected for, or before other fit persons be respectively named or elected, and sworn in their respective rooms, it shall and may be lawful for the freemen, being inhabitants in, and the freeholders (4) of each respective ward, for such Alderman, Assistant or Constable so dying or removing had been named or chosen, to assemble and meet together at such time and place, in the said respective ward, as shall be appointed by the Mayor of the said City, for the time being, or his deputy, and then and there, by plurality of voices or votes of the freemen, being inhabitants in, and the freeholders of such ward, to elect one of the inhabitants of, and being a freeholder in such ward, or freeman of the said City, to serve as Alderman, Assistant or Constable for the said ward, in the room of such Alderman, Assistant or Constable so dying or removing; and so as often as such cases shall happen. And in case the present named, or any future Chamberlain, or any High Constable of the said City, hereafter to be appointed, so sworn, or to be sworn in their respective offices aforesaid, should happen to die or remove out of the said City, within the time they were or shall be respectively appointed for, it shall be lawful for the Mayor of the said City for the time being, or his deputy, and three or more Aldermen and three or more Assistants for the said City, for the time being, in Common Council, to appoint another fit person to be Chamberlain, in the room of such Chamberlain so dying or removing; and for the Mayor of the said City, for the time being, to appoint another fit person to be High Constable, in the room of such High Constable so dying or removing; and so as often as such cases shall happen: And all and every such person and persons so to be newly chosen or appointed Alderman, Assistant, Constable, Chamberlain, or High Constable, shall serve in their respective offices until other fit persons be respectively chosen, or appointed, and sworn in their respective rooms; each of them first taking such oaths as hereafter is appointed for each of them respectively to take.

In case of the death of the Chamberlain or High Constable, the Common Council to appoint a Chamberlain, and the Mayor or High Constable.

In case any Alderman, Assistant, Constable or High Constable, shall refuse the office when chosen or appointed, the Common Council, may sum not exceeding £10.

And we do further for us, our heirs and successors, ordain, grant and confirm, unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors forever, that if any one of the inhabitants of the said City of Saint John, being a freeholder or freeman as aforesaid, shall hereafter be elected or chosen to the office of Alderman, Assistant or Constable, for any ward in the said City, or shall be appointed to be High Constable of the said City, and having notice of his said election, shall refuse, deny, delay or neglect, to take upon him or them to execute such office, to which he or they shall be so chosen or elected, and then and so often as it shall happen, it shall and may be lawful for the Mayor or his deputy, or Recorder, and any three or more of the Aldermen, and any three or more of the Assistants of the said City, for the time being, in Common Council, to tax, assess, and impose upon every such person or persons so refusing, denying, delaying or neglecting, such reasonable and moderate fine and fines, sum and sums of money, as they the said Mayor or his deputy, or Recorder, and any three or more Aldermen, and any three or more Assistants, in Common Council, shall think fit; so as such

fine

(1) See Note, page 7.

fine for each refusal, denial, delay or neglect, shall not exceed the sum of ten pounds current money of New Brunswick; all which said fines shall and may be levied by distress and sale of the goods and chattels of such delinquent and delinquents, by warrant under the seal of the said City, signed by the Mayor thereof for the time being, rendering the surplusage to the owner or owners thereof, (if any be) the necessary charges of making and selling such distress being first deducted, or by action of debt, in any Court of Record, to be prosecuted, or in any other lawful method to be obtained; and shall be recovered and received by and to the use of the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors forever, without any account thereof to be given to us, our heirs or successors, or to any of the officers or ministers of us, our heirs or successors: and upon every such refusal or neglect, other fit persons to be elected and chosen in the room and rooms of such person so neglecting or refusing, in such manner as is before directed or appointed for electing and choosing of Aldermen, Assistants and Constables, and for appointing a High Constable, upon the death or removal of any of them respectively; and so often as such cases shall happen.

And further we do, of our special grace, certain knowledge, and mere motion, for us, our heirs and successors, give and grant unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors forever, that the Mayor or Recorder, with three or more Aldermen, and three or more Assistants of the said City, for the time being, be, and shall be, forever hereafter called the Common Council of the City of Saint John, and that the said Common Council of the said City, for the time being, or the major part of them, have and may, and shall have full power, authority and licence, to frame, constitute, ordain, make and establish from time to time, all such laws, statutes, rights, ordinances and constitutions which to them, or the greater part of them, shall seem to be good, useful or necessary for the good rule and government of the body corporate aforesaid; and of all officers, ministers, artificers, citizens, inhabitants and residents of the said City within the limits thereof, and for declaring how and after what manner and order the Mayor, Recorder, Aldermen and Assistants of the said City, for the time being, and all and every of their officers and ministers, and all artificers, inhabitants and residents of the same City, and their factors, servants and apprentices, in their offices, functions and business, within the said City and liberties thereof, for the time being, and from time to time shall use, carry and behave themselves; and for the farther public good, common profit, trade and better government of the said City, and for the better preserving, governing, disposing, letting and setting of the lands, tenements, possessions and hereditaments, goods and chattels to the aforesaid Mayor, Aldermen and Commonalty of the said City of Saint John belonging, or to them and their successors hereafter to belong; and all other things and causes whatsoever touching or concerning the said City, or the state, right and interest of the same; provided that such laws be not contradictory or repugnant to the laws or statutes of that part of our kingdom of Great Britain called England, or of our said Province; which laws, ordinances and constitutions, so to be made as aforesaid, may be, and remain in force, for twelve months from the day of the date thereof, and no longer, unless they shall be allowed of and confirmed by the Governor and Council of the said Province for the time being. And that the said Common Council of the said City for the time being, or the greater part of them, so often as they shall make, ordain and establish such laws, statutes, rights, orders and constitutions, in form aforesaid, may make, ordain, limit and provide, such, and the like pains, punishments and penalties, either by fines and americiaments, or by disfranchising and amoving from the liberties, privileges, immunities and freedom of the said City, or by either of them, towards and against all and every person that shall offend against such laws, statutes, rights, orders and constitutions, or any or either of them, as by the said Common Council, or the major part of them, shall be thought necessary and requisite to make, ordain, limit and provide, for the observation and preservation of the same laws, rights, statutes, ordinances and constitutions; and the same fines and americiaments shall and may, from time to time, levy, receive, have and recover, either by distress and sale of the goods and chattels of such delinquent and delinquents, by warrant under the hand and seal of the Mayor or Recorder, or any of the Aldermen, for the time being, rendering the surplusage to the owner or owners thereof, (if any be) the necessary charges of making and selling such distress being first deducted; or by action of debt in any Court of Record, to be prosecuted, or in any other lawful method to be obtained, and to the use of the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors forever, without any account thereof to be given to us, our heirs and successors, or to any of the officers or ministers of us, our heirs or successors: All and singular which laws, statutes, rights, ordinances, and constitutions, so as aforesaid, to be made, we do for us, our heirs and successors, will to be observed, under the pains, penalties and forfeitures in the same contained.

Fine to be to the use of the Corporation.

Other persons to be chosen or appointed as in case of death or removal.

The Mayor, or Recorder, and three Aldermen, and three Assistants to make a Common Council,

Which shall have power to make laws, ordinances, &c.

Laws to be in force twelve months and no longer, unless confirmed by the Governor and Council.

Power to punish by fine or disfranchisement.

Fines to be to the use of the Corporation.

Common Council to decide all elections.

Common Council to be held at such times and places as the Mayor, or in his sickness or absence, the Recorder shall direct

Common Council to have power to fine members for non-attendance not exceeding 15s. for each default.

Common Council to appoint and regulate ferries.

Have a right to build a ferry house on Fort Neck.

Profits to be to the use of the Corporation.

Markets granted to the Corporation.

Also assize and assay of bread, wine, beer, &c.

And we do further, of our special grace, certain knowledge and mere motion, for us, our heirs and successors, give, grant, ratify and confirm, unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors forever, that the Common Council of the said City, for the time being, or the major part of them, shall have the sole power of determining and deciding all elections, of all and every their officers and ministers hereafter to be chosen and elected, in, or for the said Corporation, or any part thereof. And we do hereby, for us, our heirs and successors, ordain, declare, give and grant unto the said Mayor, Aldermen and Commonalty, and their successors, that the Common Council of the said City shall be summoned, called and held, from time to time, so often and at such times and places as the Mayor, or in case of his sickness or absence, the Recorder of the said City, for the time being, shall think fit to appoint or direct; and that it shall and may be lawful to, and for the said Common Council of the said City, or the major part of them, to assess and lay such reasonable fines and americiaments in, and upon every officer and member of the body corporate aforesaid, for the time being, who after having had due notice, or being duly summoned to appear or attend at any such Common Council to be held for the said City, shall neglect so to do, or make default therein, or shall not appear or attend according to such notice or summons in that behalf, or shew a reasonable cause, by the said Common Council, or the major part of them, at their discretion to be allowed, and so often as such case shall happen, so that no such fine or americiament for any one default of appearance or attendance of any such officer or member of the body corporate aforesaid, shall exceed the sum of fifteen shillings, like money, in the manner and form aforesaid, to be levied, and by, to and for the use of the Mayor, Aldermen and Commonalty of the said City, and their successors, to be recovered and received, without any account thereof to be given to us, our heirs and successors, or any of our, or their officers or ministers.

And we do further, for us, our heirs and successors, give, grant and confirm unto the Mayor, Aldermen and Commonalty of the said City of Saint John, and their successors forever, that the Common Council of the said City, for the time being, or the major part of them, (but no other person or persons whomsoever, without the consent, grant or licence of the said Common Council of the said City, for the time being, or the major part of them) from time to time, and at all times hereafter, shall and may have the sole, full and whole power and authority of settling, appointing, establishing, ordering and directing, and shall and may settle, appoint, establish, order and direct, such, and so many ferries, and in such, and so many places as the said Common Council, or the major part of them shall think fit, for the carrying and transporting people, horses, cattle, goods and chattels, from one part of the said City, across the said river or harbour aforesaid, to the other parts thereof, or to or from the said City, to any of the opposite shores; and shall have the right and privilege of erecting and building a ferry house on Fort Neck, if they the said Common Council, or the major part of them, shall think fit so to do; and they, the said Common Council have hereby, likewise full power to let, set, or otherwise dispose of, all or any of such ferries, to any person or persons whomsoever; and the rents, issues, profits, ferriages, fees, and other advantages arising and accruing from all and every such ferries, we do hereby fully and freely, for us, our heirs and successors, give and grant unto the Mayor, Aldermen and Commonalty of the City of Saint John aforesaid, and to their successors forever, to have, take, hold and enjoy the same to their own use, without being accountable to us, our heirs or successors for the same, or any part thereof.

And we do further hereby of our especial grace, certain knowledge and mere motion, for us, our heirs and successors, give and grant unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors, that they, and their successors, shall, and may have, hold and keep, such and so many markets on every day in the week throughout the year, except Sunday, at such place and places in the said City of Saint John, as they the Mayor, Aldermen and Commonalty, for the time being, and their successors, shall from time to time think fit to order, establish, erect and appoint; and that Sundays may also be allowed for the sale of fresh fish in the said markets, and may take and receive such toll, fees, and perquisites, as are reasonable therefrom. And we do further, for us, our heirs and successors, give and grant to the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors, that they and their successors may and shall have the assize and assay of bread, wine, beer, ale, and all other victuals and things whatsoever set to sale in the said City, and the limits and liberties thereof, and the amending and correcting the same assize; and all americiaments, fines, and forfeitures to be laid and forfeited concerning the same or any part thereof, without any account thereof to be given to us, our heirs or successors; and to perform, do or act by themselves or their deputies, all and every thing needful or necessary in, about or concerning the same. And

we

we do hereby further, for us, our heirs and successors, give and grant to the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors, shall be the keepers of the beams, weights and measures, for weighing and measuring merchants commodities; and that they shall have the sole appointing clerks, porters and other officers, for the great beam, balance and weights, with the fees, profits and perquisites, arising and to arise therefrom, without any account thereof to be given, to us, our heirs or successors.

Also keepers of the Beams, &c.

And we do further, of our especial grace, certain knowledge and mere motion, give and grant unto the said Mayor, Aldermen and Commonalty, and to their successors, that they and their successors be the conservators of the water of the river, harbour and bay, of the said City, and shall have the sole power of amending and improving the said river, bay and harbour, for the more convenient, safe and easy navigating, anchoring, riding and fastening the shipping resorting to the said City, and for the better regulating and ordering the same; and that they the said Mayor, Aldermen and Commonalty, and their successors, shall and may, as they shall see proper, erect and build such and so many piers and wharves into the said river, as well for the better securing the said harbour and for the lading and unlading of goods, as for the making docks and slips for the purpose aforesaid; and that they shall and may have, receive and take reasonable anchorage, wharfage and dockage for the same, without any account thereof to be rendered to us, our heirs or successors. And we do further, for us, our heirs and successors, give and grant unto the said Mayor, Aldermen and Commonalty, and their successors, that they and their successors, shall from time to time, and at all times hereafter, have full power, licence and authority, not only to establish, appoint, order and direct, the making and laying out all other streets, lanes, alleys, highways, water courses, bridges and slips, heretofore made, laid out or used, or hereafter to be made, laid out, and used, but also the altering, amending and repairing all such streets, lanes, alleys, highways, water courses, bridges and slips, heretofore made, laid out or used, or hereafter to be made, laid out, or used in and throughout the said City of Saint John, and the vicinity thereof, throughout the County of Saint John herein after mentioned and erected, and also beyond the limits of the said City, on either side thereof, so always as such piers or wharves so to be erected, or streets so to be laid out, do not extend to the taking away of any person's right or property, without his, her, or their consent, or by some known laws of the said Province of New Brunswick, or by the law of the land. And further, we, of our especial grace, certain knowledge and mere motion, give and grant, and by these presents, for us, our heirs and successors, do give and grant unto the said Mayor, Aldermen and Commonalty of the said City of Saint John, and their successors forever, that they, and their successors, shall and may, have and hold, one Fair, in the said City, on the second Tuesday in May, and on the second Tuesday in September, yearly and every year; which same Fair, shall continue by the space of three days, together with all liberties and free customs to such kind of Fair belonging. And of our further especial grace, certain knowledge and mere motion, we have also given and granted, and by these presents for us, our heirs and successors to give and grant, unto the said Mayor, Aldermen and Commonalty of the said City of Saint John, and to their successors forever, all the goods and chattels of felons, felons of themselves, and of fugitives, waifs, estrays, treasure-trove, deodands, and wreck of the sea, happening, arising, or to be found, as well within the limits of the said City and liberties thereof, as any where without, in, by and through the County of Saint John herein after described, and on the coasts, harbours, rivers and creeks thereof.

Power to amend and improve the harbour, &c. granted to the Corporation.

Also to build piers and wharves.

To make docks and slips; and take anchorage, &c.

To make, lay out, alter and amend the streets, lanes, alleys, bridges, &c. for the City and County of Saint John.

Power to hold Fairs, &c. one on the 2d Tuesday in May, one on the 2d Tuesday in September.

Goods and Chattels of Felons and other Royalties granted to the Corporation.

And we do hereby, further, for us, our heirs and successors, grant and give unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors forever, the office of Guager of, and in the said City, to guage all and singular the wine, rum, brandy, molasses, beer, ale, cyder and other merchandizes and vessels, guageable or to be guaged within the said City, (except such liquors as are to pay duty, by virtue of any Act of Assembly, until after they have been guaged by the public officer appointed for that purpose :) And the office of Measurer of, and in the said City, to measure wood, lumber, salt, wheat, oats, and other grain, and all other merchandizes, measurable or to be measured in the said City: And also the offices of Surveyor and Packer of bread, flour, beef, pork, and other provisions, and all other merchandizes and commodities to be surveyed and packed in the said City: and also the office of Cartage, Carriage and Portage of all goods, wares, and merchandizes and other things, to be carted or carried in or through the said City, or any part thereof, or up and down, and along the shores of the said harbour: And also the office of Garbling of all manner of Spices and other merchandizes, and things to be garbled in the City aforesaid: To have and to hold the several offices aforesaid and every of them, and the disposition, ordinances and corrections of the same, and to exercise the same by themselves or their deputies, and to take and receive to themselves as fees, profits and perquisites to the said offices and every of them

The office of Guager granted to the Corporation.

And of Measurer.

Of Surveyor and Packer.

Of Cartage, Carriage, &c.

Of Garbler of Spices, &c.

Mayor or his Deputy to make free citizens.

Who are to pay therefor to the use of the Corporation a sum not exceeding £5.

No person not being a free citizen to use any art, trade or mystery, or to sell by retail within this City or liberties thereof.

Under the penalty of £5 for every time he offends.

None to be made free but natural born subjects or such as are naturalized or made denizens. All the present white inhabitants made freemen.

Power to appoint all necessary officers for the preservation of good rule and order in the City.

them due, or to be due, and all the fines, americiaments and forfeitures to be laid and forfeited concerning the same or any part thereof, to them, the said Mayor, Aldermen and Commonalty, and their successors, to their own proper use forever, without any account, or any other thing to us, our heirs or successors, to be given or made. And further, that the Mayor of the said City, for the time being, or his deputy, for the time being, shall from time to time, and at all times forever hereafter, have full power and authority, under the common seal of the said City, to make free citizens of the said City, and the liberties thereof; and that every person so to be made a free citizen, shall pay, on his being made free, for the use of the said Mayor, Aldermen and Commonalty of the City aforesaid, and their successors forever, a sum not exceeding five pounds current money of New Brunswick. And we do for us, our heirs and successors, give and grant unto the said Mayor, Aldermen and Commonalty, and their successors forever, full power to ask, take, demand and receive the same to their own use and behoof, without any account thereof to be given to us, our heirs or successors, or any other person or persons whatsoever. And we do hereby, for us, our heirs and successors, constitute, appoint and ordain, that no person whatsoever, not being a free citizen of the said City, as aforesaid, shall, at any time hereafter, use any art, trade, mystery or occupation within the said City, liberties and precincts thereof, or shall by himself, themselves or others, sell or expose to sale, any manner of goods, wares, merchandizes or commodities, by retail in any house, shop, place or standing, within the said City, or the liberties or the precincts thereof, (save in the times of public Fairs) and that every such person so using any art, trade, mystery or occupation, or so retailing, contrary to the intent and meaning of these our present letters, and shall persist therein, after warning to him or them thereof, given or left, by the appointment of the Mayor of the said City, for the time being, or his deputy, at the place or places where such person or persons shall so use any art, mystery or occupation, or expose to sale, by retail as aforesaid, any goods, wares, merchandizes or commodities as aforesaid, shall forfeit the sum of five pounds of like money, to, and for the use of the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors, for every time that he or she shall so use any trade, mystery or occupation, or expose to sale, by retail as aforesaid, any goods, wares, merchandizes or commodities after such warning given or left, as aforesaid: All and every of which same forfeitures shall and may be levied by distress and sale of the goods and chattels of such delinquent or delinquents, by warrant under the seal of the said City, signed by the Mayor thereof, for the time being, or his deputy, rendering the surplusage to the owner or owners thereof (if any be) the necessary charge of making and selling such distress being first deducted, or by any other lawful method to be obtained; and shall be recovered and received by and to the only use of the Mayor, Aldermen and Commonalty of the City of Saint John, and their successors forever, without any account thereof to be given to us, our heirs or successors, or to any of the officers or ministers of us, our heirs or successors: Provided always, and we do hereby, for us, our heirs and successors, direct, appoint and order, that no person or persons shall be made free as aforesaid, but such as are or shall be natural born subjects of us, our heirs or successors, or shall be naturalized or made denizens. And we do further, for us, our heirs and successors, ordain, appoint, direct, will and grant unto the American and European white inhabitants of the said City, our loving subjects, who on the day of the date of these our letters patent are residents of the said City, that they may be admitted, and they are by these presents admitted free citizens of the said City, and shall be entitled to all the liberties, privileges and pre-eminences of freemen of the said City, and of the liberties thereof; they first taking such oath as herein is prescribed for the freemen of the said City to take, and getting their names registered as freemen by the Common Clerk of the said City.

And for the better preservation of good rule and order in the said City, we do, for us, our heirs and successors, will, ordain, and grant unto the Mayor, Aldermen and Commonalty of the said City, and their successors, that the Common Council of the said City, for the time being, or the major part of them, shall have full power and authority to licence or appoint, by warrant under the common seal of the said City, or otherwise, a port master, and two or more wardens of the port and harbour aforesaid, a City surveyor, surveyors of the highways, wharfingers, inspectors and measurers of cord wood, timber, boards, shingles, staves, and other lumber: one or more surveyors of flour, bread, beef, pork, and barrelled fish, and other provisions; measurers of grain, salt, and all other commodities; guagers of wine, beer, ale, cyder, rum, brandy, and all other saleable or exciseable liquors; garblers, beadles, bellmen, watchmen, bridewell keepers, or keepers of a house or houses of correction, and of aims houses, cryers and bell ringers; and also to appoint in like manner, such and so many other officers, as shall from time to time be found necessary or convenient, to enforce and execute such by laws and regulations as may hereafter be made by the said Corporation, and to displace all or any of them, and put others

in their room, and to add or diminish the number of them, or any of them, as often as the said Common Council of the said City, or the major part of them shall think fit.

And further we do, for us, our heirs and successors, grant unto the said Mayor, Aldermen and Commonalty, and their successors forever, full power and authority, to erect and build one or more bridewell or bridewells, house or houses of correction, and work-house or work-houses, and also one or more common stocks, together with full power and authority to the said Mayor, Recorder and Aldermen, and their successors, and to each of them jointly or separately, to take up and arrest, or order to be taken up and arrested, all and any rogues, vagabonds, stragglers, idle and suspicious and disorderly persons; and as the said Mayor, Recorder or Aldermen, or any one of them shall see cause to order all or any such rogues, vagabonds, stragglers, idle and suspicious and disorderly persons, to work on the streets or highways, or to be committed to the said workhouse, there to remain and work such work, and so long (not exceeding forty days) or else to bridewell or to the house of correction, there to receive such punishment, not extending to the loss of life or limb, or to the said common stocks, as the said Mayor, Recorder and Aldermen, for the time being, or any one of them shall think fit; and also that they the said Mayor, Aldermen and Commonalty, and their successors forever, may and shall have power to erect and build such and so many alms houses for the relief of the poor, as they shall think fit, together also with as full and ample power to them and their successors, to order, direct and act, in and about such bridewells, houses of correction, work houses, and common stocks, and alms houses, and the persons put in and ordered there, as to any City or Corporation in any place of that part of our realm of Great Britain called England, and the officers and ministers thereof doth or may belong. And also that they the said Mayor, Aldermen and Commonalty, and their successors forever hereafter, may have one or more gaol or gaols, compter or compters, in such fit place or places within the said City, and limits and jurisdiction thereof, as by the Common Council of the said City, for the time being, or the major part of them, shall be appointed to imprison and safe keep all and every person and persons, for any treasons, murders, felonies, trespasses, evil doings, debts and other matters and causes whatsoever, to be arrested or attached, or to be committed to the gaol or gaols, or compter or compters aforesaid, in safe custody there to remain until they be delivered by due course of the law; and that the Common Council of the City aforesaid, for the time being, or the major part of them, shall and may have power, from time to time, to name, constitute and place one or more fit person or persons in the office or offices of keeper or keepers of the gaol or gaols, compter or compters aforesaid, to hold the same during the good pleasure of the Common Council of the said City, for the time being, or the major part of them as aforesaid, requiring, and hereby for us, our heirs and successors, empowering and commanding the keeper and keepers of the gaol or gaols, compter or compters aforesaid, for the time being, that all and singular traitors, murderers, felons, malefactors, disturbers of the peace and other delinquents, and all others for any crime or offence, or for any debt or other reasonable cause or matter, to the gaol or gaols, or compter or compters aforesaid, ordered or committed, or to be ordered or committed, from time to time, shall receive, take, keep and cause to be kept, in the said gaol or gaols, compter or compters, until they shall be thence delivered by due course of law.

And we do further, for us, our heirs and successors, will, ordain and grant, that the Mayor of the said City, for the time being, shall forever hereafter be Clerk of the Market of us, our heirs and successors, within the City aforesaid, and the limits, liberties and precincts thereof: And that the Mayor of the said City, for the time being, by himself or his deputy, may and shall have full power and authority to do and execute, and shall and may do and execute, forever, within the limits, liberties and precincts of the said City, all and whatsoever to the office of clerk of the market there doth, shall or may belong, without any hindrance or impediment of us, our heirs or successors, or any the officers of us, our heirs or successors; and that no other clerk of the market shall intermeddle there; and also that the Mayor of the said City, for the time being, and his successors, during the time of his and their Mayoralties, and no other be, and shall be the Bailiff and Conservator of the water of the bay, harbour, and river Saint John, and the coves, inlets, and creeks thereof, and shall and may do, exercise and execute the said office of bailiff, and conservator of the waters aforesaid, or water bailiff, by him or themselves, or by his or their sufficient deputy or deputies, in, upon or about the same waters aforesaid, in and through all the limits, bounds and jurisdiction of the said City of Saint John, upon all and every the banks, shores and wharves of the same waters aforesaid within the limits and bounds aforesaid, and to have, receive, collect and enjoy all and singular wages, rewards, fees and profits to the same offices of clerk of the market and water bailiff, or any of them due or to be due, or belonging to his and their own use, without any account thereof to us, our heirs or

Power to build bridewells, houses of correction, work-houses, stocks, &c.

To take up all stragglers and disorderly persons,

And order them to work on the highways, or to be committed to the work-house, or set in the stocks, &c.

Power to build alms houses.

Corporation to have gaols and compters, &c.

Common Council to have power to appoint keepers of the gaols and compters.

Mayor to be Clerk of the Market, to act by himself or deputy.

Also to be Water Bailiff.

Mayor to appoint marshals, cryers, and bell-ringers, porters, carmen, &c. &c.

Mayor to have a Common Seal called the Seal of the Mayoralty.

Mayor to grant licences to auctioneers, tavern keepers, retailers of spirituous liquors, &c.

To take therefor such sum as he can agree for, not exceeding £1, except from auctioneers, the money to be for the use of the Corporation.

Licences to be in force for any time agreed on, not exceeding one year. No person to act without such licence under penalty of £5 for every offence.

Black people though not free-men may be licenced by the Mayor to reside in the City, and carry on any business expressed in the licence, which may be suppressed at the pleasure of the Mayor.

successors to be made. And also that the Mayor of the said City, for the time being, shall have full power and authority to licence and appoint, by warrant under his hand and seal, two or any greater number of marshals of the said City, and bell-ringers, cryers of the Courts of Sessions and Common Pleas, porters of the great beam, balance and weights, common porters, carriers, cartmen, carmen, waggons, teamsters, draymen, lightermen, balastmen, wherry-men, packers, cullers, common cryers, scavengers and beadles; and to displace all or any of them, and to put others in their rooms, and to add to or diminish the number of them or any of them, (except the marshals, which shall not be less than two) when, and as often as the Mayor, for the time being, shall think fit. And also that the Mayor of the said City, for the time being, shall have a Common Seal, which shall be called the Seal of the Mayoralty of Saint John, and shall serve and be used as well for the deputing, licencing or appointing of all such officers and ministers of the said City as are or shall be in the nomination or appointment of the Mayor of the said City, for the time being, as for the certifying any act, matter or things, transacting or to be transacted, or done within the said City, and which may be thought useful or necessary to be certified under the seal of the said Mayor, as Chief Magistrate of the said City; and that he the said Mayor, for the time being, shall, and may have, receive and take, for the said seal, such fees and perquisites as shall be established by the Common Council of the said City, or the major part of them, without any account thereof to be rendered to us, our heirs and successors. And we do further, for us, our heirs and successors, grant unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors forever, that the Mayor of the said City, for the time being, and no other whatsoever, shall have power to give and grant licences under the Common Seal of the said City, to all such persons as he shall think fit, to licence them or every of them, to sell at public outcry or auction, or 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 exciseable or strong liquors whatsoever, within the 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 given and granted 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 (licences for auctioneers excepted;) all which monies as by the said Mayor shall be so received, shall be used and applied to the public use of the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors forever, without any account thereof, to be rendered, made or done, to us, our heirs or successors; every and each of which licences shall continue and be in force for any time agreed on not exceeding one year from the granting thereof, but no longer. And we do hereby, for us, our heirs and successors, constitute, direct, and ordain and appoint, that no person or persons whatsoever, without such licence being in force, shall at any time hereafter be an auctioneer, keep any tavern, inn, public ordinaries or victualling house, or sell wine, brandy, rum, strong waters, punch, cyder, beer, ale or any other sorts of exciseable or strong liquors within the City of Saint John or the liberties or precincts thereof, by retail or small measure, under five gallons, under the penalty of five pounds current money of New Brunswick for every time that any person shall act contrary hereto in any respect, to be forfeited and paid by every person for every time he or she shall offend or act contrary hereto in any respect, to and for the use of the said Mayor, Aldermen and Commonalty of the City of Saint John, for the time being; all and every of which penalties shall and may be levied by distress and sale of the goods and chattles of such delinquent and delinquents, by warrant under the hand and seal of the Mayor of the said City, for the time being, or his deputy, rendering the overplus to the owner or owners thereof, if any be (the necessary charges of making and selling such distress being first deducted), or by any other lawful method to be obtained, and shall be recovered and received by and to the use of the Mayor, Aldermen and Commonalty of the City of Saint John, and their successors forever, without any account thereof to be given to us, our heirs or successors, or any of the ministers or officers of us, our heirs and successors.

And further, for us, our heirs and successors, we do will and hereby declare, that although the people of colour are black persons now residing in our said City, and hereafter to come and reside therein, are by these presents excluded the privilege of being or becoming free citizens thereof, yet it is not our pleasure that those who shall be found good, discreet and honest persons of that description, should be wholly deprived of the means of getting and having a comfortable support for themselves and their families; and therefore we do will and grant, that the Mayor of the said City, for the time being, may from time to time, as he shall think proper, by warrant under his hand and seal, licence any of the said people of colour to reside in the said City, and to carry

carry on any business or occupation which he shall think fit, and express in such licence; and the same licence and licences at his pleasure to suppress, any thing herein contained to the contrary notwithstanding.

And we do further of our especial grace, certain knowledge and mere motion, will and ordain and constitute, and by the presents for us, our heirs and successors, do give and grant unto the said Mayor, Aldermen and Commonalty of the City of Saint John, that they and their successors forever, can, shall, and may have a Court, to be holden before one of the Aldermen, with the Common Clerk of the said City of Saint John, as puisne Judge of the said Court, on the Thursday of every alternate week, or once in every fortnight; which Alderman and the said Clerk associated together as Judges of and in the said Court, shall, by these presents, have full power and authority to hear and finally determine, all actions, cases and causes, wherein the sum or thing demanded shall not exceed the sum or value of (5) forty shillings, and judgment thereof to render with costs, and execution of the said judgment to award. And we do further ordain, that the said Court shall be called the City Court of Saint John; and that by that name the process of the said Court shall be issued to one of the marshals of the said City, and that the first process to bring any defendant in to answer, who is an inhabitant of the said City, shall be by summons, and against any who is not an inhabitant of the said City, the same shall be by attachment of the body of the defendant; But if any inhabitant shall neglect to appear and answer on his being summoned, or if it shall appear on affidavit, that the inhabitant is about to depart the jurisdiction of the said City, then and in either of those cases the plaintiff in such action may proceed by attachment as aforesaid. And for the more speedy determining of all controversies in the said Court, and to lessen the expence thereof, we do ordain and direct, that the plaint and pleadings in all causes be *ore tenus* according so the usage and practice of the Courts held before our Sheriffs of our Counties in our realm of England, and that the issue and proceeding be entered and kept by the said Clerk associate or his deputy, in short entries. And also we ordain and direct, that by virtue of these presents, and without any precept thereof to the marshals of the said City to be directed, they the marshals of the said City, or either of them, shall from time to time summon and return a jury of (6) twelve honest and lawful freeholders of the said City, to appear in the said Court, on every Court day forever, who shall, being first sworn impartially and truly to hear and determine the several causes brought before them, proceed to try all issues and assess damages in all causes which shall be given in charge to such jury by the said Court: and if there shall happen to be defect of jurors for cause of challenge or otherwise, the same shall be supplied, from time to time by a *tales de circumstantibus*, according to the practice of the Courts of the common law: and that the evidence to be given to the said jury, shall be by witnesses *viva voce*, or such other evidence as is admissable by the rules of law, and not by the oath of either party. And we do also hereby ordain and direct, that on all judgments to be given or rendered by the said Court, the party recovering may have execution against the body or goods of the adverse party, at his election, provided that on execution against the body, a certain time shall be inserted in the warrant of execution, directing how long the party shall be imprisoned, which shall not exceed three calendar months, but for as much shorter time as the said (7) Clerk, in his discretion, shall think fit. And we do hereby, for us, our heirs and successors, grant, order and appoint, that the marshals and keepers of the gaols of the said City, for the time being, shall and may, and they, and each and every of them, are hereby commanded, authorized and fully empowered, to execute and return all and every the precepts and commands of the Alderman and Clerk of the said Court, or either of them. And we do also, hereby ordain, that for any contempt, abuse or disturbance committed or done, in or to the said Court or the process thereof, or for not appearing as a juror when summoned, the party delinquent or offending shall be subject, either to an americiament not exceeding twenty shillings, or to be committed during the sitting of the Court, at the discretion of the said Court. And we do further ordain and direct, that before the said Clerk or his (8) deputy shall proceed to sit and hear causes in the said Court, he shall, besides the usual oaths, take an oath before the Mayor or Recorder of the said City, well and truly to execute his office as Clerk and Judge of the said Court for trial of causes of forty shillings, according to the best of his skill and knowledge, and that he will not deny or delay justice to any one. And we do for us, our heirs and successors,

City Courts to be holden once a fortnight before one of the Aldermen and the Common Clerk for the trial of causes of 40s. value.

Proceeding there in to be *ore tenus*.

Marshals to summon a jury of twelve men for the trial of the causes.

Evidence to be by witnesses, &c.

Execution to be of the body or goods.

Marshals and gaolers to execute all precepts, &c.

Punishment for contempt of the Court.

The Clerk or his deputy to take an oath as judge of the said Court before the Mayor or Recorder before he sits to hear causes.

Clerk to have power to appoint deputies for the se-

grant

(5) In actions for the recovery of debts, the jurisdiction of this Court is extended to five pounds. See Prov. Stat. 50 G. 3, c. 17, s. 16.

(6) By the Prov. Stat. 26 Geo. 3, c. 10, it is provided, that three jurors shall be returned instead of twelve, when the Clerk shall signify that their attendance is necessary: and that it shall be at the election of the defendant whether the Judge and Clerk shall hear and determine the cause, or such Jurors.

(7) By the same statute, the presiding Justice and no other is to determine the length of time of the imprisonment; which is not to exceed three months.

(8) The Clerk (by the same statute) is prohibited from deputing his judicial power.

veral Districts in the County of Saint John, who with a Justice of the Peace may hold such Court in such District.

grant to the said Mayor, Aldermen and Commonalty and their successors forever, that the Common Clerk of the said City for the time being, forever shall be, and he is by these presents authorized and empowered, to appoint sufficient deputies for the several districts of the County of Saint John, who, together with the Justices of the Peace residing in the said districts respectively, or any one of them, shall be, and hereby are constituted Judges of the Court for trial of causes not exceeding forty shillings, in the said district, with full power and authority, according to the course of the common law, to hear and determine all such causes in like manner, on the every alternate Thursday, or once in every fortnight, and subject to the same restrictions and regulations, and with the same and the like other powers as herein before are directed and ordained, to and for such Court within the said City of Saint John. And the constables of the said respective Districts, are hereby also empowered and enjoined, to summon and return jurors, execute the processes, and to do all things, which shall be given them in command by such Justice and Clerk, or the deputy of the said Clerk for the time being: And the keeper and keepers of the gaol of the said City and County, are also hereby empowered and enjoined, to take and keep in gaol such person and persons, as by any precept or warrant from the Clerk, or his deputy, of the said Court, he shall be directed, according to the tenor of such precept or warrant.

All ungranted lands within the bounds of the City given to the Corporation including the three Islands near the Falls.

And moreover, of our further grace, certain knowledge and mere motion, we have given and granted, and by these presents for us, our heirs and successors, do give and grant unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors forever, all and singular the messuages, tenements, dwelling houses, lots of ground, and all other lands or ground whatsoever, covered or uncovered with water, situate, lying and being within the said City of Saint John and the limits and boundaries thereof, together with the three small islands lying in and near the Falls in the River Saint John aforesaid, and near the western limits of the said City; which same islands shall be included in and a part of King's Ward in the said City, together also with all and singular the woods, underwoods, trees, timber, feedings, pastures, meadows, marshes, swamps, ponds, pools, rivers, rivulets, fens and streams of water, land covered with water, bays, inlets, harbours, fishing, fowling, hunting, hawking, mines, minerals, (gold and silver mines only excepted) and all other profits, privileges, advantages, emoluments, hereditaments, and appurtenances whatsoever, to the said lands and premises, within the lines, limits and boundaries of the said City of Saint John, herein before particularly described, belonging, or in any wise appertaining; and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and of every part and parcel thereof; together also with all fairs, markets, bridges, tolls, tronage, piccage, stallage, pontage, passage, and all other privileges, advantages, emoluments, perquisites and profits whatsoever, in any manner of way arising or growing out of, or by means of, all or any of the premises herein before granted, and which of right they ought to have, receive and enjoy and take, by virtue of these presents; and all our estate, right, title, interest, property, claim and demand whatsoever, of, in and to the same, and every part thereof, (saving and reserving unto our said loving subjects, the inhabitants of the said City, and to all other our loving subjects, their heirs and assigns respectively, all such houses, lands, tenements and hereditaments, as he, she, or they have, hold and enjoy, or which he, she or they, may or can legally claim, by or under any grant or patent under the great seal of our Province of Nova Scotia or of our said Province of New Brunswick :) To have and to hold all and singular the premises aforesaid, and every part and parcel thereof, with their, and every of their rights, members and appurtenances, (except as is before saved and reserved) unto the Mayor, Aldermen and Commonalty of the City of Saint John and their successors forever; to be holden of us, our heirs and successors, in free and common socage, as of our manor of East Greenwich in our County of Kent, within that part of our Kingdom of Great Britain, called England; yielding, rendering and paying therefor, unto us, our heirs and successors, on the feast of the Annunciation of the blessed Virgin Mary, commonly called Lady Day, at the office of our Receiver General of our Province of New Brunswick, at the City of Saint John aforesaid, the rent of ten shillings sterling money of Great Britain in lieu and stead of all other rents, services, exactions or demands whatsoever, without any account or reckoning, or other thing to us, our heirs or successors, for the same to render or do; subject nevertheless to the limitations, uses, restrictions, reservations and appointments herein after appointed, ordained, expressed and declared: And therefore we do for us, our heirs and successors, appoint, ordain, declare, and direct, that the island called Navy Island, lying in, and being part of our said City, at the mouth of the river Saint John, and in the harbour aforesaid, shall at all times forever hereafter be, remain and continue, for the use of our royal navy, and be used and occupied, in such manner and to such purposes, as to our naval commander, for the time being, on that station shall seem meet: and that the island aforesaid called Partridge Island, also within the limits aforesaid, be

Subject to several reservations and limitations, viz. Navy Island to be to the use of the Royal Navy.

Partridge Island for a Lighthouse and Pesthouse.

at

at all times forever hereafter kept by the said Mayor, Recorder and Commonalty, as well for the due use and purpose of a Lighthouse to be erected thereon, and for the keeping and maintaining a person to attend and watch the said light, for the safe navigation of the said harbour, as for a Pesthouse to be also thereon erected, for the use of those who may be hereafter obliged to perform quarantine on entering the said port. And further, we do, for us, our heirs and successors, reserve to us, our heirs and successors forever, full right, power and authority, at any time and at all times hereafter, to enter into and upon the common lands of the said Corporation, and to erect thereon barracks, battaries, forts, and other fortifications for the defence of the said City and harbour. And in further pursuance of the aforesaid limitations, uses, restrictions, reservations and appointments, we do for us, our heirs and successors, appoint, ordain and declare, that there be laid out and set apart for a market-place on the common ground of the said City, on the west side of the said harbour, a piece of ground commencing from Front-street or row where it meets the said river, and extending two hundred feet along the water line of the bank of the river aforesaid at high water mark, towards the neck of land on which remain the ruins of Fort Frederick; and that the said market-place so to be laid out, as well as the market place already laid out on the east side of the said harbour, and also the public squares on both sides of the said river, and which are already laid out and appear on the plan of the survey of the said respective districts already published, and known by the names of King's square and Queen's square, shall be and forever remain open, and uninclosed and unappropriated to any use or uses whatsoever, either private or public (the building of market houses on the said market places only excepted.) And we do further appoint and ordain, that the residue of the common ground on the west side of the said harbour, ranging along the water front, from the said market place to the neck of land aforesaid, and extending from high water mark fifty feet on the common ground, and from high to low water mark, shall be laid out into convenient lots, and shall not be appropriated to any use whatsoever, other than for wharves and store houses to be erected and built thereon; and which when built, shall ever remain and continue and be, for the sole use and purpose of landing, storing and safe keeping of lumber, cured fish, grain and other goods that shall be brought there to be stored, and for no other use or purpose whatsoever. And we do also ordain, appoint and direct, that in all grants and conveyances whatsoever, that shall be made by the said Mayor, Aldermen and Commonalty of the said common lands, or any part thereof, there shall be an express condition contained in every the said grants, that the grantee or lessee, his heirs and assigns, shall within such time as therein shall be agreed on and limited, erect and build a convenient wharf and storehouse on the ground thereby granted or demised, for the sole and only purpose aforesaid; and if the grantee or lessee shall not within such time erect and build such wharf and storehouse, and appropriate the same to the uses aforesaid, or shall at any time convert the same or any part thereof to a dwelling-house, work-shop, or any other use or purpose whatsoever, other than as and for a store house and lumber yard as aforesaid, then, that such grant shall be void and become forfeit; and the said Mayor, Aldermen and Commonalty shall thereupon re-enter as for such forfeiture. And we do ordain and declare, that all and every grant and conveyance whatsoever to be made by the said Mayor, Aldermen and Commonalty of the said market-places and public, squares or either of them, shall be *ipso facto* void; and that all inclosures, buildings or other things that shall be erected or found on the said market place and public squares, contrary hereto, shall be held, taken, deemed and adjudged to be, public and common nuisances, and be treated as such accordingly.

And we do further limit, appoint, ordain, declare and direct, that the fisheries between high and low water mark along the east side of said bay, river and harbour, shall be and forever remain to and for the sole use, profit and advantage of the freemen and inhabitants of the said City, on the east side of said harbour; and they the freemen and inhabitants of the said City, on the east side of the said harbour, shall and may, by virtue hereof, have and enjoy the sole fishing, hauling the seine, erecting weirs, and taking the fish between the said high and low water mark on the said east side, to the total exclusion of all and every the freemen and inhabitants of the west side of the said harbour, and all others under any pretence whatsoever. And in like manner we do limit, appoint, ordain, declare and direct, that the fisheries between high and low water mark, on the west side of the said bay, river and harbour, (except those on and surrounding the said Navy Island, which shall be and remain to all the inhabitants of the said City in Common) shall be and forever remain to and for the sole use, profit and advantage of the freemen and inhabitants of the west side of the said bay, harbour and river; and they the freemen and inhabitants of the said City, on the west side of the said harbour, shall and may by virtue hereof, have and enjoy the sole fishing, hauling the seine, erecting weirs and taking the fish between the said high and low water mark on the said west side, to the total exclusion of all

Power reserved to the Crown to erect barracks, battaries, &c. on the common lands of the Corporation. A market place reserved on the western side of the harbour.

Market places and public squares to remain open and unappropriated to any use except building market-houses on the market places.

Water lots on the west side, from the market place to the Fort, reserved for store-houses, &c.

Any grant of public squares and market places void.

The fisheries on the east side, to be to the inhabitants of the east side;

And on the west side, to the inhabitants of the west side.

Except round Navy Island, which is to be in common.

The common lands on the east side to be to the benefit of the inhabitants of the east side.

And the common lands on the west side, to the inhabitants of the west side.

The residue of the premises for the common benefit.

County of Saint John erected, and bounds thereof described.

Which including the City, to be forever called the City and County of Saint John.

Sheriff and other officers to be obedient to the Mayor, &c.

Oaths to be taken by the respective officers.

The Mayor to be sworn before the Governor or Commander in Chief.

and every the freemen and inhabitants of the east side of the said harbour, and all others under any pretence whatsoever. And we do also limit, appoint, ordain, declare and direct, that the common lands lying and being on the east side of the said harbour, shall be for the common use of the inhabitants of the said City, residing on the east side of the said harbour only; and that the rents, issues, and profits arising by the sale or other disposal thereof, shall be applied by the Mayor, Aldermen and Commonalty of the said City, for the time being, to the sole improvement, benefit and advantage of that part of the said City lying on the east side of the harbour, and of the inhabitants thereof forever. And in like manner we do limit, appoint, ordain, declare and direct, that the common lands lying on the west side of the said harbour, shall be for the common use of the inhabitants of the said City, residing on the west side of the said harbour only; and that the rents, issues and profits, arising by the sale or other disposal thereof, shall be applied by the said Mayor, Aldermen and Commonalty for the time being, to the sole improvement, benefit and advantage of that part of the said City, lying on the west side of the said harbour, and of the inhabitants thereof forever. And all the rest, residue and remainder of the premises hereby granted, we do will, ordain and declare, to be to the only proper use and behoof of the said Mayor, Aldermen and Commonalty, and their successors, for the common benefit and advantage of the inhabitants of the said City of Saint John forever, and to no other use or uses whatsoever, any thing to the contrary notwithstanding.

And further know ye, that for the due, orderly, convenient and speedy administration of Justice, to and amongst our loving subjects, living and residing along the said bay of Fundy, and the parts of our said Province of New Brunswick, adjacent and of easiest access to the said City of Saint John, we have thought fit to constitute and ordain, and we do by these presents, for us, our heirs and successors, erect and constitute into one distinct and separate county, all that tract or district of land, situate in our said Province, bounded southerly on the said Bay of Fundy, easterly by Hopewell Township, and a line running from the north west corner of said township due north into the country, northerly by a line running east north east and west south west from the southernmost point of the Kenebeckasis Island lying at the mouth of the river Kenebeckasis, where it joins the river Saint John aforesaid, and westerly by a due north line from Point Lepro in the Bay of Fundy aforesaid. And we do hereby ordain, establish and declare, that all and singular the lands and waters comprised within the limits aforesaid, shall forever hereafter be, continue and remain, a distinct and separate County, and including the City of Saint John aforesaid, shall be called, known and distinguished by the name of the City and County of Saint John.

And we do, for ourselves, our heirs and successors, by these our present letters, require and strictly charge and command, and fully empower the Sheriff, Common Clerk, Chamberlain, Marshals, Gaol keepers, High Constable, Petty Constables, and all other subordinate officers of and in the said City, now constituted or appointed, or that hereafter may be chosen, elected, constituted or appointed, and every of them respectively, jointly and severally, as cause shall require, to be obedient and obedient to and attend upon the said Mayor, Recorder and Aldermen of the said City, and Justices of the Peace of our said City and County, and every or any of them, at all times hereafter, according to the duty or obligation of their respective offices and places, and to execute all and every the commands, precepts, warrants and processes, to them respectively directed and issued, and given out, and to be issued and given out, by them the said Mayor, Recorder and Aldermen, or any one of them.

And we do further, hereby, will, declare and ordain, that the Mayor, Recorder, Aldermen, Assistants, Sheriff, Coroner, Common Clerk, Chamberlain, High Constable and Petty Constables of the said City, such of them as are hereby appointed and named, and all and every such as hereafter are to be appointed, elected or chosen, shall, before they be respectively permitted to execute their respective offices or places aforesaid, respectively be sworn as follows, to wit: The hereby named Mayor of the said City, and every other person hereafter to be appointed to or for that office, to take the proper oath as such, and well and truly to execute the office of Mayor, and all other offices and places hereby appointed for each Mayor to execute and act in, and the usual oath of a Justice of Peace, before the Governor or Commander in Chief of the said Province of New Brunswick for the time being, in presence of three or more of the Aldermen of the said City of Saint John for the time being; or, in case of the absence of the Governor or Commander in Chief for the time being, then before the oldest Councillor of the said Province for the time being, in the presence of three or more of the Aldermen of the said City for the time being. And we do hereby for us, our heirs and successors, give and grant full power and authority to the Governor or Commander in Chief of the said Province for the time being, in the presence of three or more of the Aldermen of the City aforesaid, for the time being.

in case of the absence of the said Governor or Commander in Chief, then to the oldest Councillor of the said Province for the time being, in the presence of any three or more of the Aldermen of the said City for the time being, to administer such oaths accordingly without any other warrant, commission or power, from us, our heirs or successors, and so from time to time, as often as the case shall or may require or happen. And the above named Recorder of the said City of Saint John, and every other person hereafter to be appointed to or for that office, to take the proper oaths such officer ought to take, and an oath well and truly to execute the office of Recorder, and the proper oath of a Justice of the Peace, before the Mayor of the said city for the time being, to which same Mayor for the time being we do for us, our heirs and successors, give full power and authority by these presents to administer such oaths accordingly, in manner aforesaid, without any other warrant, commission or power from us, our heirs and successors. And every Recorder hereafter to be appointed to act as Deputy Mayor for the time being, to take the proper oath as such, and an oath well and truly to execute the office of a Deputy Mayor, during the time for which he shall be appointed deputy, if the same Mayor, his constituent shall so long live: And if the said Mayor shall happen to die within such time, that thereupon, and from thenceforth, such Deputy Mayor shall well and truly execute the office of Mayor of the said City, until another fit person be appointed and sworn Mayor of the said City, in the manner in these present letters mentioned; and shall also take the proper oath of a Justice of Peace, before the Mayor, and any three or more of the Aldermen of the said City for the time being. And we do hereby, for us, our heirs and successors, give full power and authority to the Mayor, and to any three or more of the Aldermen of the said City for the time being, to administer such oaths as aforesaid, without any other warrant, commission or power, from us, our heirs or successors. And also every Alderman hereby appointed, and every person hereafter to be elected to or for the office or place of Alderman of or in the said City, to take an oath well and truly to execute the office or place of Alderman, and the proper oath of a Justice of Peace, before the Mayor of the said City for the time being, or the Recorder of the said City for the time being. And also every Assistant, Sheriff, Coroner, Common Clerk, Chamberlain, High Constable and Petty Constable, hereby named, and every person hereafter to be elected or appointed to or for the office or place of an Assistant, Coroner, Common Clerk or Chamberlain, or shall be appointed or elected to or for the office or place of High Constable or Petty Constable of or in the said City, each of them respectively to take the proper oath for his respective office or place, and well and truly to execute the respective offices or places he is, or shall have been respectively elected or named for, before the said Mayor of the said City for the time being, or the Recorder of the said City for the time being. And we do hereby give full power and authority to the Mayor of the said City for the time being, or the Recorder of the said City for the time being, to administer such respective oaths to each of the respective persons aforesaid, accordingly, without any other warrant, power or authority from us, our heirs or successors. And we do further, hereby, will, declare and ordain, that before any person shall be admitted to have or enjoy the privileges of a free citizen of the said City, or any of them, he shall be first duly sworn, and the following oath is therefore hereby prescribed for him to take, viz. "You do swear, that you will be good and true to our Sovereign Lord King George the Third, and to the Heirs of our said Sovereign Lord the King; obeisant and obedient shall you be to the Mayor and Ministers of this City; the franchises and customs thereof you shall maintain, and this City keep harmless in that which in you is; you shall be contributing to all manner of charges within this City, as summons, watches, contributions, taxes, tallages, lot and scot, and all other charges, bearing your part as a freeman ought to do; you shall know of no gatherings, conventicles, or conspiracies made against the King's peace, but you shall inform the Mayor thereof, or let it to your power: all these points and articles you shall well and truly keep, according to the laws and customs of this City. So help you God." Which oath, the Mayor, Recorder and Aldermen of the said City for the time being, or any four of them, whereof we will the Mayor or Recorder to be one, we hereby authorize and empower to administer.

The Recorder to be sworn before the Mayor.

Deputy Mayor to be sworn before the Mayor and three Aldermen.

Aldermen, &c. to be sworn before the Mayor or Recorder.

Coroner, &c. how sworn.

Oath of a free citizen.

And further of our especial grace, certain knowledge and mere motion, we have granted, and by these presents, do for ourselves, our heirs and successors, grant and confirm unto the aforesaid Mayor, Aldermen and Commonalty of the City of Saint John aforesaid, and to their successors, that neither they, nor any one of them, nor any free citizen of the said City, during the time of their being inhabitants there, shall against their or any of their wills, out of the City aforesaid, be put or impanelled upon or in any assizes, juries or inquisitions whatsoever (although it toucheth, or doth or shall touch us, our heirs or successors, and although we or our successors, be or should or shall be parties) out of the said City, neither shall they, or any one of them be made, elected, or chosen, assessor, taxor, or collector of any taxes, duties, imposts or subsidies whatsoever, or of any

No free citizens shall be compelled to serve on any Jury out of the City, or to execute any office or do any duty out of the City, except in repairing the roads, &c. in the City and County.

any part or parcel of them, or any of them, out of the said City; nor shall be ordained, elected, assigned or appointed constable, bailiff, or any other officer or minister without or beyond the City aforesaid, and the liberties and precincts thereof; nor shall be called upon, compelled or forced, against their or any of their wills, to do, receive, occupy or discharge any of the duties or functions above mentioned, or any other office, duty or function whatsoever, without the City, liberties and precincts aforesaid, except for the laying out roads and highways in other parts of the said City and County, and the working, clearing, amending and repairing the same. And although the aforesaid Mayor, Recorder and Aldermen, freemen or free citizens, of the City aforesaid, or any of them, shall, while they are or remain inhabitants of the said City, against their, or any of their wills, be put, impanelled or returned upon any assizes, juries, or inquisitions whatsoever, out of the said City and limits thereof; or shall to any of the offices above mentioned, or any other office or function whatsoever, out of the said City, be elected or chosen: and though they, or any of them, being summoned, impaneled or returned, elected or chosen as aforesaid, shall refuse or neglect to come and appear before our Justices, or other Justices, Commissioners or officers of us, our heirs or successors, before whom such assizes, juries, or inquest, shall happen to be summoned or returned, or in or upon the same assizes, juries or inquests, shall refuse or neglect to be sworn or tried, or any of the offices, duties or functions aforesaid, shall refuse to do, receive, occupy or discharge, yet the person or persons so refusing, any contemps, fines, amerciaments, penalties, forfeitures or loss whatsoever, by reason of such refusal or neglect, to or towards us, our heirs or successors, shall not, nor either of them shall, in any wise incur, but therefrom and thereof, as well before us, our heirs and successors, as all other the Justices, Commissioners and other officers whatsoever, of us, our heirs or successors, shall remain quiet and forever discharged.

The Estates of the inhabitants and freeholders continued.

And further we do for us, our heirs and successors, by these present letters, give, grant, ratify and confirm, unto all and every the respective inhabitants and freeholders of the said City of Saint John and their several and respective heirs and assigns forever, all and every the several and respective messuages, tenements, lands and hereditaments, situate, lying and being in the said City, to them severally granted, conveyed or confirmed, or intended to be granted, conveyed or confirmed by us, or by any of our Governors, Lieutenant Governors or Commanders in Chief of our said Province of Nova Scotia, or of our said Province of New Brunswick, saving and reserving the several quit rents reserved and due, and to be due and payable, from each of the several persons, to whom, by virtue of any former grants to them (or those from under whom they respectively hold) the same messuages, tenements, lands or hereditaments, were made or given.

Corporation may hold real estate to the amount of £2000 per annum, within or without the City.

And further, of our especial grace, certain knowledge and mere motion, we do for us, our heirs and successors, give, grant, ratify and confirm, to the said Mayor, Aldermen and Commonalty of our said City of Saint John, and to their successors forever, full, special and free liberty, licence, power and authority, to take, receive, have, hold and enjoy, to them and their successors forever, in fee simple, any manors, messuages, lands, tenements, hereditaments, rents and other possessions and real estate, within or without the same City, as well of and from us, our heirs and successors, as of and from all and every other person and persons whomsoever; so as the manors, messuages, lands, tenements, hereditaments, rents, and other possessions, and real estate, which the Mayor, Aldermen and Commonalty of the City of Saint John shall or may have in their possession and seizin, at any one time, exceed not, in the whole, the clear yearly rent or value of two thousand pounds, money of our realm of Great Britain, beyond and above all charges and reprises, without any hindrance of us, our heirs or successors, or the Justices, escheators, sheriffs, coroners, bailiffs or other the ministers of us, our heirs or successors, and this without any other letters patent, liberty, licence or power from us, our heirs or successors, the statute of Mortmain or any other act, law or statute, or any other cause, thing or matter whatsoever to the contrary thereof in any wise notwithstanding; and the same manors, messuages, lands, tenements, hereditaments, rents, and other possessions, or any part thereof, to demise, grant, lease and let over, assign and dispose at their own will and pleasure, and to make, seal and accomplish any deed or deeds, lease or leases, evidences or writings, for or concerning the same or any part thereof.

Mayor, Recorder and Aldermen to be Justices of the Peace for the City and County of Saint John.

And further we, of our abundant grace, certain knowledge and mere motion, have given and granted, and by these presents do, for us our heirs and successors, give and grant unto the said Mayor, Aldermen and Commonalty of the City of Saint John, and to their successors forever, that the Mayor, Recorder and Aldermen of the said City for the time being, be, and shall be, at all times forever hereafter, and hereby are assigned to be Justices, and each of them a Justice of us, our heirs and successors, the peace of us, our heirs and successors, within the City and County

County of Saint John aforesaid, and the limits, jurisdictions and extent thereof to keep; and that they the said Mayor, Recorder and Aldermen of the said City for the time being, and such other person and persons, as we, or our heirs and successors shall from time to time assign to be Justice and Justices of us, our heirs and successors, the peace of us, our heirs and successors within the said City and County of Saint John to keep, or any four or more of them, (whereof we will the Mayor, Recorder, or any one of the Aldermen of the said City for the time being, to be one) shall and may forever hereafter, hold and keep four Courts of General Sessions of the Peace in and for the said City and County of Saint John, to begin at certain times in the year, to wit, one of them to begin on the first Tuesday in June, another on the first Tuesday in September, another on the first Tuesday in December, and the other on the (9) first Tuesday in March, in every year; each of which Sessions of the Peace shall and may last, continue and be held any time not exceeding five days; and also that the said Mayor, Recorder and Aldermen of the said City for the time being, and such other Justice and Justices so to be assigned by us, our heirs and successors, or any four or more of them (whereof we will the Mayor or Recorder, or any one of the Aldermen of the said City for the time being, to be one) shall and may forever hereafter, have full power and authority, to enquire of, and hear and determine, within the City and County aforesaid, all and all manner of felonies, imprisonments, riots, routs, oppressions, extortions, forestallings, regratings, trespasses, offences, and all singular other evil deeds and offences, whatsoever within the City and County aforesaid, from time to time, perpetrated, done, arising or happening, which to the office of Justices of the Peace are incumbent, or do in any manner belong, or which hereafter shall happen to belong, or be incumbent on them, or which in any manner before the Justices of the Peace at the Sessions of the Peace ought or may be enquired into, heard and determined, together with the correction and punishment thereof; and to do and execute all other things within the City and County aforesaid, and the liberties and precincts thereof, as fully, freely and entirely, and in as ample manner and form, as Justices of the Peace of us, our heirs and successors, any where within that part of our kingdom of Great Britain called England, by the laws, statutes or customs of England, or by any other legal method whatsoever, heretofore had or exercised, or hereafter to be had or exercised, could, might or can do, and in as ample manner and form, as if the same had been in these our letters particularly and by special words expressed, contained and mentioned. And that the said Justices of the Peace of us, our heirs and successors in the City and County aforesaid, may have and exercise jurisdiction in all causes, matters and things whatsoever, which to Justices of the Peace of our said City and County in any manner do or ought to belong. And further, that the Mayor, Recorder and Aldermen of the said City, for the time being, and every of them, from time to time, and at all times forever hereafter, shall be Justices assigned of oyer and terminer and of the gaol delivery, of all and every the gaols now being and hereafter to be in the said City and County, and either of them, and shall be named in every commission thereof to be made. And we do hereby for us, our heirs and successors, grant, order and appoint that the Sheriff and other ministers and officers of the said City for the time being, shall and may, and they are, and each of them is hereby commanded, authorized and fully empowered, to execute and return, all and every the precepts and commands of the Mayor, Recorder and Aldermen of the said City for the time being, and either or any of them, from time to time and all times, as fully and effectually, as any sheriff, minister or officer of any County or City any where in that part of our kingdom of Great Britain called England, the mandates or commands of any Justice of the Peace, Justice of oyer and terminer and gaol delivery, of or in any County, there hath used to make, return or execute, in any manner whatsoever.

And moreover of our abundant grace, certain knowledge and mere motion, we have willed, ordained and constituted, and by these presents for us, our heirs and successors, do grant unto the said Mayor, Aldermen and Commonalty of the said City of Saint John, and their successors, that there shall be forever hereafter one Court of Record or Inferior of Common Pleas for the said City and County of Saint John, to be held before the Mayor and Recorder of the said City for the time being, or one of them, at the Court House or City Hall of said City and County of Saint John, at four terms in each year, to wit, on the first Tuesday of June, September, December and (10) March in every year forever; and that the said Mayor and Recorder, or any of them, the other of them not being present, shall and may in the name of us, our heirs and successors, hold plea, and have cognizance of all, and all manner of plaints, actions and pleas whatsoever, arising or accruing, within our said City and County, and the limits thereof, which shall

With other Justices to be appointed may hold Courts of General Sessions.

On the first Tuesdays in June, September, December and March.

Mayor, Recorder and Aldermen to be named in every Commission of Oyer and Terminer for the City and County.

Inferior Court of Common Pleas to be held by the Mayor, Recorder, or one of them, on the first Tuesdays in June, September, December and March.

To hold plea of all causes above 40s. and under £50 in which titles of land shall not come in question.

(9) This Term altered by the Prov. Stat. 31 G. 3, c. 9, to the third Tuesday in March.

(10) This term altered by the Prov. Stat. 31 Geo. 3, c. 9, to the third Tuesday in March.

Subject to writ of error to the Supreme Court in all causes except those which shall not exceed £10, actions of slander and assault and battery. May hold the Court in vacation not exceeding once a month, to try actions unfinished at the preceding term.

Court house and Gaol to be within the City

Clerk of the Peace and Keeper of the Rolls appointed.

Clerk of the City for the time being to be Clerk of the

shall be brought in the said Court, and which shall be for more than (11) forty shillings and shall not exceed fifty pounds in value, and in which the title to lands shall not come in question; together with full power and authority to hear and determine all and every the same complaints, actions and pleas, and judgments thereon to render, and execution thereof to award and make; and that the said Mayor and Recorder, or either of them, the same Court may hold for so long time as circumstances shall require, and as they or either of them shall think fit, not exceeding five days in each term; and at the end of each of the said terms shall adjourn the said Court unto the term then next ensuing; and to act and do every thing therein in such manner and form, and by such and the like methods, process and proceedings, and as fully and amply as in our other Courts of Record, in such or the like cases is used or can or may be acted and done according to the laws of that part of our kingdom of Great Britain called England, and of our said Province of New Brunswick, subject nevertheless to a writ or writs of error, returnable in our Supreme Court of jurisdiction for our said Province of New Brunswick, which they are hereby directed and required to allow, except in those causes which shall not exceed ten pounds, or in actions of slander and assault and battery. And we further ordain and hereby authorize the said Mayor and Recorder by any adjournment at the end of any the said stated terms, to call and hold the said Court in the vacation of the said terms (not exceeding once a month) over and above the said stated terms, as they or either of them the said Mayor or Recorder shall think expedient for the dispatch of, and the trying and determining the actions and causes that were depending, undetermined in the said County; and judgment in all and any such causes and actions to render, and executions thereon to award and make as of the term preceding, as fully, amply and effectually as if the same was or had been heard, tried and determined at such preceding term; and for that purpose that all process necessary for the trial of causes at such adjourned sittings of the said Court, shall and may be made returnable at such sittings; and the said Mayor and Recorder, or either of them, at the said sittings, shall and may make such rules and orders, for dispatch of the said causes and actions as they could or might make in term time in the said Court.

And further of our abundant grace, certain knowledge and mere motion, we have willed, ordained and directed, and by these presents for us, our heirs and successors, do grant unto the said Mayor, Aldermen and Commonalty of the said City of Saint John and their successors, that the Court House and Gaol or Gaols of and for the said City and County of Saint John, which shall be erected and built by the freeholders and inhabitants of the said City and County, shall be, and forever hereafter shall remain, continue, and be within the limits of the said City of Saint John, and in such part and parts of the said City as the Mayor, Aldermen and Commonalty of the said City shall think fit and proper; and that until the freeholders and inhabitants of the said City and County shall be enabled to erect and build a Court House and Gaol for the said City and County, we do hereby declare, that the house, situate in Germain street in Queen's Ward, lately occupied by our Supreme Court of Judicature, of our said Province, in Hilary and Easter terms last, is the Court House as well for the said City as for the City and County of Saint John aforesaid, and as such may be appointed by the said Mayor, Aldermen and Commonalty of the City aforesaid; and that the block house near Fort Howe, in our said County of Saint John, and the guard room in the said fort, are hereby declared to be the gaol, as well of the said City as of the City and County of Saint John, until other gaol or gaols in and for the said City, and City and County aforesaid, shall be erected and built, by virtue of the powers before given or to be given hereafter, and shall be appointed and appropriated by the said Mayor, Aldermen and Commonalty, or their successors, for the uses and purposes aforesaid. And further for us, our heirs and successors, we do hereby appoint the said Bartholomew Crannell to be Clerk of the Peace of us, our heirs and successors, and of the Sessions of the Peace for and in the City and County of Saint John, and also Clerk of the said Inferior Court of Common Pleas, of and for the said City and County, and keeper of the memorandums, rolls, records, minuments and other writings, as well of the said City, as of the said Courts of the City and County aforesaid, and every of them respectively; and to continue in the said offices, and to act and execute the same by himself, or his sufficient deputy or deputies, and have, take and enjoy, the fees, perquisites and profits to the said offices, or either of them belonging or appertaining, during our pleasure. And further we do, for us, our heirs and successors, grant to the said Mayor, Aldermen and Commonalty of the said City of Saint John and their successors, and we do

(11) By the Prov. Stat. 35 Geo. 3, c. 2, s. 2, the jurisdiction of this Court is enlarged to all transitory actions of any value.—And by the same Statute, and also the Stat. 42 Geo. 3, c. 7, this Court is authorised to proceed in a summary way in actions where the sum in demand does not exceed £20: and no action is to be removed by Habeas Corpus from thence to the Supreme Court, unless for a larger value.

hereby will and ordain, that the Common Clerk of the said City of Saint John, shall be forever hereafter Clerk of the Peace and of the Sessions of the Peace, and Clerk of the Inferior Court of Common Pleas, and keeper of the memorandums, rolls, records, minuments and other writings of the said City, and of the said City and County respectively. And we do further for us our heirs and successors, will and grant, and so often as the said office shall be vacant, the Common Council of the said City for the time being, shall and may appoint one other honest and discreet citizen, being an inhabitant and freeman of the said City, and of good capacity and understanding, and skilful in the laws of England and of the said Province of New Brunswick, to be Common Clerk of the said City, and Clerk of the said Court of Record, in and for the said City, and Clerk of the Peace and of the Sessions of the Peace, in and for the said City and County of Saint John, to act and execute the said offices, and who shall and may execute, do and receive, all and whatsoever to the said offices and every of them belongs, or shall belong or appertain, till another, an inhabitant and freeman of the said City and of good capacity and understanding, and skilful in the laws of England, and of the said Province of New Brunswick, shall be appointed and sworn into, or for the said offices, by the Governor or Commander in Chief of the said Province for the time being, and shall have taken such an oath as is hereby directed for every such person so to be appointed to take, and so from time to time, and as often as the case may or shall so happen.

And further we do for us, our heirs and successors, will, ordain and grant that the said Sheriff of the said City, shall be sheriff of the said City and County so long as he shall be and continue Sheriff of the said City; and that the Sheriff of the said City hereafter to be appointed shall forever hereafter be Sheriff of the said City and County, and hold, exercise and enjoy, the said office of Sheriff, in and throughout all and every the parts and districts of the said City and County of Saint John: And that the said Coroner of the said City of Saint John, shall be Coroner of the said City and County, so long as he shall be and continue Coroner of the said City; and that the Coroner of the said City, hereafter to be appointed, shall forever hereafter be Coroner of the said City and County, and hold, exercise and enjoy the said office of Coroner in and throughout all and every the parts and districts of the said City and County of Saint John.

And we do further, of our especial grace, certain knowledge and mere motion, for us, our heirs and successors, by these presents, give and grant unto the aforesaid Mayor, Aldermen and Commonalty of the said City of Saint John and their successors forever, that they and their successors, all and singular the rights, privileges, franchises, preeminences, advantages, authorities, jurisdictions, liberties, offices, courts, powers, immunities, ferries, ferriages, profits and perquisites herein before mentioned, or intended to be hereby granted, shall and may forever hereafter have, hold, enjoy and use happily and in peace, freely and quietly, fully and honorably, with all liberties and free customs to the same appertaining, without the hindrance or impediment of us, our heirs or successors, or any of the Justices, Sheriffs, Escheators, Coroners, Bailiffs or other officers or ministers whatsoever of us, our heirs or successors whatsoever.

And further, we do of our more abundant grace, certain knowledge and mere motion, will, declare and signify, and by these presents for us, our heirs and successors, do grant unto and covenant with the said Mayor, Aldermen and Commonalty of the City of Saint John and their successors, not only that they and their successors forever hereafter, may and shall have, hold, use, possess and enjoy, all the rights, privileges, liberties, franchises, jurisdictions, courts, powers, offices, authorities, markets, ferries, fairs, fees, fines, amerçiements, perquisites, profits, immunities and also the rents, possessions, lands, tenements and hereditaments, and all other the premises in these presents mentioned and intended to be hereby granted, but also that these our letters being entered upon record, as is herein after appointed, and the record or enrolment thereof and either of them, and all and every thing therein contained from time to time, and at all times hereafter, be and shall be, firm, valid, good, sufficient and effectual in law, towards and against us, our heirs and successors, according to the true intention thereof; and in and through all things shall be construed, taken and expounded most benignly and in favour, and for the most and greatest advantage, profit and benefit of the said Mayor, Aldermen and Commonalty of the City of Saint John, and their successors, as well in all Courts as elsewhere, without any confirmation, licences, tolerations procured, or to be procured of us, our heirs or successors, notwithstanding that any writ or writs of *ad quod damnum* have or have not issued, or is or are not returned, before the making of these presents, and notwithstanding the not reciting, misreciting, or not rightly or certainly reciting, or ill or wrong reciting the said rights, privileges, liberties, franchises, jurisdictions, courts, powers, offices, authorities, markets, ferries, fairs, fees, amerçiements, perquisites, profits, immunities, rents, possessions, lands, tenements, hereditaments, and any other the premises in or by these presents granted or mentioned, or intended to be hereby granted, or any part or parcel thereof, and notwithstanding the not finding, or ill or not right or certain finding

Peace and of the Sessions, and of the Inferior Court of Common Pleas.

Common Council to appoint a Common Clerk pro tempore, to fill any vacancy.

Sheriff of the City to be Sheriff of the City and County.

Coroner of the City to be Coroner of the City and County.

The Corporation shall hold and quietly enjoy all the rights, franchises, &c. hereby granted

This Charter being enrolled to be of force, and be construed most benignly and in favor of the Corporation, notwithstanding any imperfection, &c.

finding of any office or offices, inquisition or inquisitions of the premises hereby granted or mentioned, or intended to be hereby granted, or any part or parcel thereof, by which our title in and to the said premises, or any part thereof might, could, should or ought to have been found, before the making of these presents, and notwithstanding any defect in not reciting or ill reciting of any lease, grant or grants of the premises, or any part thereof, being upon record or not upon record, or otherwise howsoever, and notwithstanding the ill naming, misnaming, or not right or certain naming, any place or precinct wherein the premises or any part thereof are or is, and notwithstanding any defect in not mentioning, or not fully, rightly or certainly mentioning the name or names of all or any the rights, privileges, liberties, franchises, jurisdictions, courts, powers, offices, authorities, markets, ferries, fairs, fees, amerciements, perquisites, profits, immunities, rents, possessions, lands, tenements, hereditaments, or other the premises hereby granted or intended to be granted, or any part or parcel thereof, or of the yearly or other rent of, or reserved in and upon the premises, or any part thereof, by any former grant or grants, by or under our great seal of any of our said Provinces, to any person or persons whatsoever, and notwithstanding any defect for the want of a computation or declaration, or for the omission of the true value of the premises in these presents mentioned or intended to be hereby granted, or any part thereof, and notwithstanding any defect in not mentioning our true right, estate or title, of or to the same premises, or any part or parcel of them, and notwithstanding the not mentioning, or not fully, rightly or certainly mentioning the natures, kinds, species or quantities of the premises, or any of them, or any part or parcel of them, and notwithstanding any Act, Statute or Ordinance of Parliament, or any Act of Assembly, and notwithstanding any other defects, defaults or imperfections, or any other cause or thing whatsoever. And further, that if any fault, mistake or imperfection, in time to come shall be found in these presents, or any doubt, scruple or question be, or shall be made, or shall happen to arise concerning the premises or any part thereof, that we, our heirs and successors, shall and will vouchsafe to make any other grant or assurance under the great seal of us, our heirs or successors of the said Province of New Brunswick, to the Mayor, Aldermen and Commonalty of the City of Saint John for the time being, and their successors, at their own proper charges, for the better giving, granting and confirming, and for their safe and better enjoying the premises aforesaid, and every part thereof, when it shall be desired by the same Mayor, Aldermen and Commonalty of the City of Saint John, or their successors. Also, we will, and by these presents grant unto the said Mayor, Aldermen and Commonalty, that they shall and may have these presents made and sealed under the great seal of our said Province of New Brunswick, without rendering, paying, or making any fine or fee, great or little, to us, or to our use, for the same, although no express mention is made of the true, yearly or other value, or of the certainty of the premises or any part thereof, or of the gifts or grants heretofore by us, or our ancestors, or by any Governor, Lieutenant Governor or Commander in Chief, of either of the said Provinces of Nova Scotia or New Brunswick, or to any of the inhabitants of the said City of Saint John, or other person or persons whatsoever, by the name, style or title of any country, town, city, parish, place or district whatsoever, or any other Statute, Act, Ordinance, Proclamation, provision or restriction, made, published, ordained or provided to the contrary, or any other cause or matter whatsoever, in any wise notwithstanding. In testimony whereof, we have caused these our letters to be made patent, and the great seal of our said Province of New Brunswick, to be hereunto affixed, and the same to be entered of record in our Secretary's office of our said Province, in one of the books of patents there remaining. Witness our trusty and well beloved Thomas Carleton, Esquire, our Captain General and Governor in Chief of our said Province of New Brunswick, and territories thereon depending, at Saint John, this eighteenth day of May, in the year of our Lord one thousand seven hundred and eighty five, and in the twenty fifth year of our reign.

THOS. CARLETON.

By His Excellency's Command,
 JON. ODELL, *Sec'y.*

I have perused this Charter, and find nothing therein prejudicial to the interest of His Majesty.
 WARD CHIPMAN, *Attorney General.*
 30th April, 1785.

If any fault or imperfection shall be found in this Charter, the Crown will make any other grant to the Corporation upon their application.

APPENDIX, No. 3.

ORIGINAL COUNTY CHARTER.

George the Third by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth.

To all to whom these presents shall come, or may in any wise concern, *Greeting:*

K NOW ye, That we, reposing especial trust and confidence in the ability and integrity of Abraham DePeyster, Thomas Lester and Anthony Allaire, Esquires, have appointed; constituted and declared, and do by these presents appoint, constitute and declare you the said Abraham DePeyster to be High Sheriff of our County of Sunbury, in our Province of New Brunswick (the bounds of which County of Sunbury are hereby defined to be and are hereby as follows, to wit: Bounded on the north west by the County of York, on the north east by the County of Northumberland, on the south east by Queen's County, and on the south west by the County of Charlotte); and we do hereby appoint, constitute and declare you the said Thomas Lester and Anthony Allaire to be Coroners of the said County, hereby giving and granting to you the said Abraham DePeyster, Thomas Lester and Anthony Allaire, respectively, full power and authority to hold, exercise and enjoy the said office of Sheriff and of Coroners respectively, in and throughout all and every the parts and districts of the said County of Sunbury, until the Feast of Saint Michael, which will be in the year of our Lord one thousand seven hundred and eighty six, and from thence until other fit persons shall be appointed and sworn into the said offices respectively, and to do and execute all things which unto the said offices of Sheriff and Coroner of the said County, doth, shall or may belong or appertain; also hereby giving and granting to the said Abraham DePeyster, Thomas Lester and Anthony Allaire respectively, the several fees, perquisites and profits to the said respective offices belonging, or which shall or may thereunto belong. And further know ye, that we, reposing full trust and confidence in the learning, ability and integrity of James Symonds, John Mersereau, Thomas Colden, Samuel Peabody, William Hubbard, Gerardus Clows, Joseph Clarke, Richard Vanderburgh and ———, Esquires, have assigned, and do by these presents assign you the said James Symonds, John Mersereau, Thomas Colden, Samuel Peabody, William Hubbard, Gerardus Clows, Joseph Clark, Richard Vanderburgh and ———, to be Justices of the said County of Sunbury, the peace of us our heirs and successors, within the said County and the limits and jurisdiction and extent thereof to keep; and that any two or more of you the said James Symonds, John Mersereau, Thomas Colden, Samuel Peabody, William Hubbard, Gerardus Clows, Joseph Clarke, Richard Vanderburgh and ———, whereof we will that one of you the said James Symonds, John Mersereau, Thomas Colden and Samuel Peabody be one, shall and may hold and keep two Courts of General Sessions of the Peace in each year, in and for the said County, to begin at certain times of the year, to wit: on the third Tuesdays of June and January, each of which Sessions shall and may last, continue and be held any time from the days aforesaid respectively, not exceeding five days, as to the Justices present shall seem necessary and convenient, to finish the business before them in the said Sessions, hereby giving and granting to you the said James Symonds, John Mersereau, Thomas Colden, Samuel Peabody, William Hubbard, Gerardus Clows, Joseph Clarke, Richard Vanderburgh and ———, or any two of you, whereof we will that any one of you the said James Symonds, John Mersereau, Thomas Colden and Samuel Peabody be one in the said Court of General Sessions of the Peace, full power and authority to enquire of, hear and determine within the County aforesaid, all and all manner of felonies, imprisonments, riots, routs, oppressions, extorsions, forestallings, regratings, trespasses, offences, and all and singular other evils, deeds and offences whatsoever, within the County aforesaid, from time to time perpetrated, done, arising or happening, which to the office of Justice of the Peace are incumbent or do in any manner belong, or which hereafter shall happen to belong

High Sheriff and

Coroners.

Justices of the Peace.

Quorum.

Courts of General Sessions.

Jurisdiction.

Court of Common
Pleas.
Justices.

Term.

Jurisdiction.

Court House and
Gaol.

Clerk of the Peace
and Court of Com-
mon Pleas.

belong or be incumbent, or which in any manner before the Justices of the Peace, at the Sessions of the Peace, ought or may be enquired into, heard and determined, together with the correction and punishment thereof, and to do and execute all other things within the County aforesaid, and the liberties and precincts thereof, as fully, freely and entirely, and in as ample manner and form as Justices of the Peace of us, our heirs and successors, any where within that part of our Kingdom of Great Britain called England, by the laws, statutes or customs of England, or by any other legal method whatsoever, heretofore had or exercised or hereafter to be had or exercised, could, might or can do, and in as ample manner and form as if the same had been in these our letters particularly and by special words expressed, contained and mentioned; and that you or either of you the said Justices of the Peace of us, our heirs and successors, in the County aforesaid, may have and exercise jurisdiction in all causes, matters and things whatsoever, which to Justices of the Peace of our said County in any manner do or ought to belong. And we do hereby direct, order and appoint the aforesaid Sheriff and Coroners, and all other officers of the said County for the time being, and they are and each of them is hereby commanded, authorized and fully empowered to execute and return all and every the precepts and commands of you the said Justices, and either or any of you from time to time and at all times hereafter, as fully and effectually as any sheriff, minister or officer of any County any where within that part of our kingdom of Great Britain called England, the warrants, mandates or commands of any Justices of Peace there hath used to make, return or execute in any manner whatsoever. And moreover of our abundant grace, certain knowledge and mere motion, we have willed, ordained and constituted James Symonds, John Mersereau and Thomas Colden, and reposing especial trust and confidence in the learning, ability and integrity of you the said James Symonds, John Mersereau and Thomas Colden, do by these presents, for the due, orderly, convenient and expeditious administration of justice to and among our loving subjects, inhabitants of the said County, assign, constitute, appoint and declare you the said James Symonds, John Mersereau and Thomas Colden, our Justices of our Inferior Court of Record of the Common Pleas in and for the said County of Sunbury, to be held before you the said James Symonds, John Mersereau, and Thomas Colden, or any one of you, at our Court House in the Township of Mangerville, in the said County, at two terms yearly, to wit, on the third Tuesdays of June and January in every year, and that any one of you the said James Symonds, John Mersereau and Thomas Colden, the other not being present, shall and may in the name of us, our heirs and successors, hold pleas and have cognizance of all and all manner of complaints, actions and pleas whatsoever, arising and accruing within our said County and the limits thereof, which shall be brought in the said Court, and which shall be for more than forty shillings and shall not exceed fifty pounds in value, and in which the title to lands shall not come into question; together with full power and authority to hear and determine all and every the same complaints, actions and pleas, and judgments thereon, to render and execution thereof to award and make. And that you the said James Symonds, John Mersereau and Thomas Colden, or either of you, the same Court may hold for so long time as circumstances may require, not exceeding five days in each term, and at the end of each of the said terms shall adjourn the said Court until the term then next ensuing, and to act and do every thing therein in such manner and form, and by such and the like methods, process and proceedings, and as fully and amply as in our other Courts of Record in such and the like cases is used, or can or may be acted and done, according to the laws of that part of our Kingdom of Great Britain called England, and of our said Province of New Brunswick for and during our pleasure, are subject nevertheless to a writ or writs of error, returnable in our Supreme Court of Judicature for our said Province of New Brunswick, which you are hereby directed and required to allow, except in those causes which shall not exceed ten pounds, or in actions of slander, and assault and battery. And we further hereby ordain, establish and declare, that the Court House and Gaol in the Township of Mangerville aforesaid, is and shall be the Court House and Gaol of the said County of Sunbury, and as such shall be known and used in and throughout the said County. And further reposing especial trust and confidence in the integrity, skill and knowledge of the laws of Samuel Denny Street, Esquire, we do hereby appoint you the said Samuel Denny Street to be Clerk of the Peace of us, our heirs and successors, and of the Sessions of the Peace for and in the said County of Sunbury, and also Clerk of the said Inferior Court of Common Pleas of and for the said County, and keeper of the memorandums, rolls, records, minuments and other writings of the said Court, and of the County aforesaid, and every of them respectively, and to continue in the said offices and to act and execute the same by yourself or your sufficient deputy and deputies, and have, take and enjoy, the fees, perquisites and profits to the said offices and every of them belonging or appertaining during our pleasure. And further we do assign and appoint you the said Samuel Denny Street, and in your absence
your

sufficient deputy, clerk associate of the said Inferior Court of Common Pleas, to be associated and joined with our Justices aforesaid, at the terms of our said Court, to be holden as aforesaid, and to act and do all manner of things which to a Justice of our said Court in term doth belong or may appertain. And further we do hereby assign, appoint, establish and declare you Samuel Denny Street, a puisne Judge of the Court to be holden before you or your sufficient deputy, and any one of our Justices of the Peace for the said County of Sunbury on every first Thursday of each month, and also so often as you shall find necessary or convenient, not exceeding once in every fortnight, at our Court House, and at some convenient place in each and every Township or District in the said County, which the said Justice, and you the said Samuel Denny Street or your deputy associate together, as Judges of and in the said Court, shall by these presents have full power and authority to hear and finally determine all actions, cases and causes wherein the sum or thing demanded shall not exceed the sum or value of forty shillings, and judgment thereof to render with costs, and executions of the said judgment to award. And we do further ordain that the said Court shall be called the Clerk's Court of the County of Sunbury, and that by that name the process of the said Court shall be issued to the Constables of the District or Town, and that the first process to bring any defendant in to answer, shall be by summons, but if any person shall neglect to appear and answer on his being so summoned, or if it shall in the first instance appear by affidavit that he is about to depart the limits of the said County, then, and in either of those cases the plaintiff in such action may proceed by attachment. And for the more speedy determining of all controversies in the said Court and to lessen the expence thereof, we do ordain and direct that the plaint and pleadings in all causes shall be ore tenus according to the usage and practice of the Courts held before one of our Sheriffs of our Counties in our realms of England, and the issue and proceedings shall be kept and entered by the said clerk associate or his deputy in short entries. And we also ordain and direct, that by virtue of these presents, and without any precept thereof to the Constables of the said Towns or Districts, or either of them, they shall severally and respectively from time to time, summon and return a Jury of twelve honest and lawful freeholders of the said County to appear in the said Court in each respective District on every Court day as aforesaid, who being first sworn impartially and truly to hear and determine the several causes brought before them, shall proceed to try all issues, and assess damages in all causes which shall be given in charge to such Jury by the said Court. And that if there shall happen to be defect of Jurors for cause of challenge or otherwise, the same shall be supplied from time to time by a tales de circumstantibus, according to the practice of the Courts of the common law, and that the evidence to be given to the said Jury shall be by witnesses viva voce, or such other evidence as is admissable by the rules of law and not by oath of either party. And we do also hereby ordain and direct, that on all judgments to be given or rendered by the said Court, the party recovering may have execution against the body or goods of the adverse party at his election, provided that on execution against the body a certain time shall be inserted in the the warrant of execution, directing how long the party shall be imprisoned, which shall not exceed three calendar months, but for as much shorter time as the said Clerk in his discretion shall think fit. And we do hereby order and appoint that the Constables and keeper of the gaol of the said County for the time being, shall and may, and they and each and every of them are hereby commanded, authorized and fully empowered to execute and return all and every the precepts and commands of the Justice and Clerk of the said Court or his deputy, or either of them. And we do also hereby ordain, that for any contempt, abuse or disturbance committed or done in or to the said Court or process thereof, or for not appearing as a Juror when summoned, the party delinquent or so offending shall be subject either to an americiament not exceeding twenty shillings, or to be committed during the sitting of the Court, at the discretion of the said Court. And we do further ordain and direct, that before you the said Clerk or your deputy shall proceed to sit and hear causes in the said Court, you and he shall, besides the usual oaths, take an oath well and truly to execute the said office as Clerk and Judge of the said Court, for the trial of causes not exceeding forty shillings, and also as an associate in the aforesaid Court of Common Pleas, according to the best of your and his skill and knowledge, and that neither you or he will deny or delay justice to any one. And we hereby authorize and empower the said Samuel Denny Street to appoint sufficient deputies in the several districts of the said County of Sunbury for the purposes aforesaid.

Clerk associate of
Common Pleas.

Clerk's Court.

Jurisdiction.

Contempt.

Given under the great seal of our said Province of New Brunswick. Witness our trusty and well beloved Thomas Carleton, Esquire, Captain General and Governor in Chief of our said Province, at the City of Saint John, this twenty sixth day of July, in the year of our Lord one thousand seven hundred and eighty five, and in the twenty fifth year of our reign.

By His Excellency's Command,
JON. ODELL, Sec'y.

THOS. CARLETON.

APPENDIX, No. 4.

MADRAS SCHOOL CHARTER.

NEW BRUNSWICK.

George the Third by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c.

To all to whom these presents shall come, *Greeting* :

WHEREAS many of our loving subjects, inhabitants of our Province of New Brunswick, in America, have by voluntary contributions, formed at our City of Saint John in the said Province, a School for the instruction of youth of both sexes, and particularly the indigent, in the principles of true religion and useful learning, according to the system called the Madras system, as improved by our loving subject Doctor Bell, and in use and practice in the British National Education Society, incorporated and established in that part of our United Kingdom called England : And whereas for the arrangement and better support of the said School, a sum of money has lately been granted by our General Assembly of our said Province of New Brunswick, towards erecting a suitable building for the accommodation of the said children and youth, to be so instructed and educated : and aid has been also given towards the support of the same School by the said National Society in England : And whereas our loving subjects the Honorable John Robinson, Mayor of our said City of Saint John, the Reverend Robert Wells, Rector of Trinity Church in the said City, Ward Chipman, Esquire, Recorder of the said City, George Burns, Doctor in Divinity, Henry Wright, William Scovil, John Head and Edward James Jarvis, Esquires, inhabitants of our said City, chosen and appointed of our said loving subjects in our said City, to be a committee for managing and conducting the affairs of the said school so formed, have by their petition to our Lieutenant Governor and Commander in Chief of our said Province, prayed for our Royal Charter for the more perfect establishment of the said school, and for erecting a Corporation for receiving, managing and disposing of the funds for the use of the school, and extending the benefits of the said institution. Now therefore know ye that we, being very desirous to promote and encourage an institution so useful and important, and to extend the benefits thereof to other parts of our said Province, have of our special grace, certain knowledge and mere motion, willed and ordained and granted, and do by the presents for us, our heirs and successors, will, ordain and grant, that the said School so formed in our said City, be forever established, and be deemed and taken to be the central School within and for our said Province, for the instruction and education of children and youth of both sexes, and particularly the indigent, in the principles of true religion and useful learning, according to the system called the Madras system as aforesaid, and now in aid and practice in the British National Education Society, incorporated and established in England, or as the same may be improved by that National Society, in any buildings erected or to be erected in our said City of Saint John : And that our trusty and well beloved George Stracy Smyth, Lieutenant Governor and Commander in Chief of our said Province, or the Commander in Chief of our said Province for the time being ; the Right Reverend Father in God, Robert Stanser, Lord Bishop of Nova Scotia, holding and exercising Episcopal jurisdiction in and over our said Province of New Brunswick, or the Bishop holding and exercising Episcopal jurisdiction in and over the same Province for the time being ; our trusty and well beloved Jonathan Bliss, Chief Justice of our said Province of New Brunswick : or the Chief Justice of our said Province for the time being ; our trusty and well beloved George Leonard, Christopher Billopp, Ward Chipman, John Coffin, Thomas Wetmore, John Robinson, William Black and Harris William Hailes, Members of our Council for our said Province of New Brunswick, and the Members of our Council for our said Province, for the time being, not being Justices of our Supreme Court of Judicature for our said Province ; our trusty and well beloved William Botsford, Speaker of our late House of Assembly of our said Province

of

of New Brunswick, or the Speaker of our House of Assembly for our said Province for the time being; our trusty and well beloved Charles J. Peters, Judge of our Court of Vice Admiralty, or the Judge of our same Court for the time being; our trusty and well beloved John Robinson, Mayor of our said City of Saint John, and Ward Chipman, Junior, Recorder of our said City, or the Mayor and Recorder of our said City, severally for the time being; the Reverend the Ecclesiastical Commissary of our said Province for the time being; the Reverend Robert Willis, Rector of Trinity Church in our said City of Saint John, or the Rector of the said Church for the time being; William Scovil and Harry Peters, Esquires, Church Wardens of the said Trinity Church, in the said City, and the Church Wardens of the said Church severally for the time being; the Reverend George Burns, Doctor in Divinity, Henry Wright, William Scovil, John Head and Edward James Jarvis, Esquires, inhabitants of our said City of Saint John, be and forever hereafter shall be, by virtue of these presents, one distinct body politic and corporate in deed and in name, by the name of the Governor and Trustees of the Madras School in New Brunswick; and that by the same name they shall have perpetual succession and a Common Seal, and that they and their successors shall from time to time have full power to break, alter, make new or change such common seal at their will and pleasure or as shall be found expedient: and that by the same name the said Governor and Trustees and their successors, from time to time and at all times hereafter, shall be a body politic and corporate in deed and in law, and be able and capable to have, take, receive, purchase, acquire, hold, possess, enjoy and retain; and we do hereby, for us, our heirs and successors, give and grant full authority and free licence to them and their successors by the aforesaid name to have, take, receive, purchase, acquire, hold, possess, enjoy and retain, to and for the use of the said School (notwithstanding any statute or statutes of mortmain) any lands, tenements, rents and hereditaments of what kind, nature or quality soever, so as that the same do not exceed in yearly value the sum of five hundred pounds of lawful money of our said Province of New Brunswick; and moreover to take, purchase, have, hold, enjoy, receive, possess and retain (notwithstanding any such statute or statutes to the contrary) all or any goods, chattels, charitable and other contributions, gifts and benefactions whatsoever; and also to give, grant, let and demise the said lands, tenements and hereditaments, by lease or leases for term of years not exceeding the term of twenty one years from the time of granting thereof; and also to sell and dispose of all or any of the said goods and chattels, at their will and pleasure: and also to perform and execute all and every other lawful act and acts, thing and things whatsoever: and also that they and their successors by the name aforesaid, shall and may be persons able and capable in the law to plead and to be impleaded, to answer and to be answered unto, to defend and to be defended, in all or any Courts of Record or places of judicature in all and singular actions, pleas, suits, plaints, matters and demands whatsoever, of what kind and nature or sort soever, in as large, ample and beneficial manner and favor as any other body politic and corporate, or any other our leige subjects, being persons able and capable in law, may or can have, take, purchase, receive, hold, possess, enjoy, retain, sue, implead or answer, or be sued, impleaded or answered in any manner whatsoever. And we do by these presents, for us, our heirs and successors, will, ordain and grant, that there shall and may be convened and held upon the first Tuesday in the month of July, yearly and every year, at the City Hall of the City of Saint John aforesaid, a court or meeting of the said Corporation of the Governor and Trustees of the Madras School in New Brunswick, for the ordering, managing and conducting of their affairs and interest, without any summons or any further warrant, commission or order in this behalf, and that the said Governor and Trustees, or any five or more of them, being then and there assembled together, shall be a legal court and meeting of the said Corporation, and shall have power to adjourn from day to day as the business and affairs of the said Corporation may require, and to do, execute and perform all and every act and acts, thing and things which the said Governor and Trustees are by these presents authorized and empowered at any court or meeting to do and transact and perform, in as full and ample manner as if all and every the members of the said Corporation were present, and also that the Governor or Commander in Chief of our said Province for the time being, shall have power and authority from time to time to summon or cause to be summoned and held any other court or meeting of the said Corporation at the City Hall of the said City, or elsewhere within the said City, as often as occasion shall require, giving not less than ten days previous notice thereof; at all or any of which said courts or meetings any five or more of the said Governor and Trustees shall be sufficient to form a Board with all the powers and authority to do and transact and perform all and singular those things which the said Governor and Trustees are by these presents authorized and empowered at any court or meeting to do, act, transact and perform: and that the Lieutenant Governor and Commander in Chief of our said Province for the time being or

Corporation erected.
Name.

May hold lands,
&c. not exceeding
in yearly value
£500.

May receive and
possess chattels,
charitable contri-
butions, &c.
May grant and de-
mise lands for
years.

May sue and be
sued.

Annual meeting
of Corporation.

Quorum.

Governor may
summon meetings
of the Corporation.

Quorum.

in his absence the first who may be present in the order herein before recited of those who are or shall be for the time being ex officio members of the said Corporation, shall preside at every court or meeting of the said Corporation, and shall have and exercise all the rights, powers and authorities of Governor of the said Corporation and School for that time. And we do further by these presents for us, our heirs and successors, give and grant unto the said Governor and Trustees of the Madras School in New Brunswick and their successors, that they or any five or more of them at any court or meeting legally assembled as aforesaid, shall have power and authority to elect and appoint so many fit and able persons to be Preceptors and Instructors in the said School as they shall think necessary and expedient, and also to appoint some fit person to be Treasurer, and some fit person to be Clerk, and also as many fit and able persons to be officers and ministers of the said Corporation as they shall from time to time judge to be requisite and expedient; and also to make and provide for the said Preceptors and Instructors, Treasurer, Clerk and other officers and ministers such salaries, allowances, stipends and rewards in the execution of the said respective offices as they shall think meet: and the said Preceptors and Instructors, Treasurer, Clerk and other officers and ministers so elected and appointed to displace and remove, and other fit persons in their or any of their places at the pleasure and discretion of the said Corporation or any five or more of them, so met and assembled from time to time to elect and appoint: Provided always, and we do further will, ordain and declare, that the persons so elected and appointed Preceptors and Instructors in the said school and each and every of them shall, before they enter upon the execution of the duties of their offices respectively, be approved of and licensed by the Governor or Commander in Chief of the said Province for the time being, to teach and instruct in the said School: and that if such licence shall be refused or withheld in any case, the election and appointment of such person shall be deemed and considered to be void; and the said Governor and Trustees shall proceed to the election and appointment of another person in the place of the one so rejected, to be in like manner approved and licensed, if our Governor or Commander in Chief for the time being shall think fit: and so from time to time, as often as the person so elected and appointed shall be so rejected: Provided also and we do by these presents for us, our heirs and successors, will, ordain and declare, that each and every of the members of the said Corporation now appointed, or who shall hereafter become Members of the said Corporation in manner as aforesaid, shall, before the undertaking of the execution of his office, take the following oath, to wit: "I do swear that I will well and truly, according to the best of my judgment, perform the several duties annexed to the office of a member of the Corporation of the Governor and Trustees of the Madras School in New Brunswick. So help me God." and also that the persons to be elected and appointed Preceptors and Instructors, Treasurer, Clerk, and all other officers and ministers of the said Corporation, shall, before undertaking the execution thereof, respectively take their several and respective oaths, for the due and faithful performance of their duties in their several and respective offices and places, before the Governor and Commander in Chief of the said Province for the time being, or before any two or more of our Council for our said Province for the time being, or before such person or persons as shall for that purpose be duly constituted and appointed by our said Governor or Commander in Chief for the time being, to whom we do by these presents give full power and authority to administer the same oaths respectively from time to time, according to our true meaning herein declared, without any further or other commission or warrant to be had and obtained from us, our heirs and successors in this behalf. And we do likewise, for us, our heirs and successors, by these presents, further give and grant unto the said Corporation of the Madras School in New Brunswick and their successors, that they and their successors, or any five or more of them, at any court or meeting legally assembled as aforesaid, shall and may have full power and authority to frame, make and ordain from time to time, such reasonable acts, rules, orders, ordinances, laws and instructions as to them shall seem fit, good, wholesome, profitable and convenient, according to their sound discretion, for the support of the said Corporation, and of the said School, and for directing how and in what manner the said Preceptors and Instructors, Treasurer, Clerk, and other officers and ministers of the said Corporation for the time being, and persons employed by them, shall and ought to demean, bear and conduct themselves in their offices, places and trusts respectively; and for the good rule and government of the said School for the education and instruction of children and youth in manner as herein before mentioned; and all persons whatsoever received and admitted to inhabit and reside in any the houses and buildings of the said Corporation; and for and concerning the erecting and building of any house or houses or other buildings whatsoever, for the use of the said School; and the managing, ordering and disposing of all and every the lands, tenements, rents and hereditaments, goods, chattels, money or stock of the said Corporation; and also for and concerning the admission into the said School of children

Preceptors and
Instructors.
Treasurer.
Clerk.
Officers, &c.

Preceptors to be
approved of and
licensed by the
Governor.

Oath of Members
of Corporation.

Oath of preceptors
and officers.

Be laws.

and youth, and their instruction, tuition and conduct; and for and concerning all other matters and things incident to or that shall or may concern the said School or any other the matters, interests or affairs of the said Corporation: and the same acts, rules, orders, ordinances, laws and instructions so made and to be made, to revoke, repeal, alter and change, and others or new ones to frame, make and ordain, as they shall see cause; so as the said acts, rules, orders, ordinances, laws and instructions, or any of them, be not repugnant or contrary to the laws and statutes of that part of our United Kingdom called England, or of our said Province of New Brunswick: And further we will and by these presents for us, our heirs and successors, do grant, appoint and declare, that our Governor, Lieutenant Governor or Commander in Chief of our said Province for the time being, shall be the ordinary Visitor of the said Corporation and School, and shall and may from time to time, have all and all manner of power and authority as often as he shall think fit, of visiting all and singular the acts, rules, orders, ordinances, laws, instructions, doings and proceedings of the said Corporation, and of doing and performing all things which he shall think to be conducive to the benefit and advantage of the said Corporation and School, or to the correction, reversal and reformation of any abuses or errors in the same: and have, hold and exercise all and all manner of visitatorial power and authority therein. And we do by these presents, for us, our heirs and successors, further will, require, appoint and declare, that it shall be the duty of the said Governor and Trustees of the Madras School in New Brunswick and their successors to use, employ, manage and dispose of all and singular the estates and funds of the said Corporation, in the best possible manner, for the education and instruction of the children and youth of both sexes in the principles of true religion and morality, and in useful learning, according to the system called the Madras system as aforesaid, as used and practiced in the National Education Society in England; to hold and keep the Central School always in the City of Saint John aforesaid, and to extend the benefits of the institution to every other part of the Province from time to time, and as often as the funds and means of the said Corporation will enable them so to do; and further that the said Corporation shall cause to be kept by their said Treasurer, regular and fair accounts of all sums received and paid for the use of the said Corporation, and to render the account thereof each and every year, at the annual Court or meeting of the said Corporation, on the first Tuesday in July, in writing, on oath of the said Treasurer; and that when the same account has passed the audit of the said Corporation at such annual meeting, it shall be transmitted to our said Governor or Commander in Chief of our said Province for the time being, as well for his inspection as for the inspection of our General Assembly of our said Province if required; and further that the said Governor and Trustees shall, each and every year, at such annual court or meeting cause a report to be made of the state of the institution, and the same to be printed and published. And lastly, we will and by these presents for us, our heirs and successors, do give and grant unto the said Governor and Trustees of the Madras School in New Brunswick and their successors, that these our letters patent or the inrollment or exemplification thereof shall and may be good, firm, valid and effectual in the law, according to the true intent and meaning of the same; and shall be taken, construed and adjudged, in the most favorable and beneficial sense, for the best advantage of the said Corporation, as well in all our Courts of Record as elsewhere, and by all and singular Judges, Justices, officers, ministers and other subjects whatsoever of us, our heirs and successors, any misrecital, non-recital, omission, imperfection, defect, matter, cause or thing whatsoever to the contrary thereof in any wise notwithstanding. In testimony whereof we have caused these our letters to be made patent, and the Great Seal of our said Province of New Brunswick to be hereunto affixed. Witness our trusty and well beloved George Stracy Smyth, Esquire, our Lieutenant Governor and Commander in Chief of our said Province of New Brunswick, at Fredericton, the twenty third day of August, in the year of our Lord one thousand eight hundred and nineteen, and in the fifty ninth year of our reign.

Governor to be the Visitor.

Governor and Trustees, duty of in neglect of their estates.

Treasurer's accounts to be rendered yearly.

To be transmitted to the Governor.

Annual report to be printed. &c.

G. S. SMYTH.

By His Excellency's Command.
H. H. CARMICHAEL, *Dy. Secy.*

I have perused this Charter, and find nothing therein prejudicial to His Majesty's interest.
THOMAS WETMORE, *Attorney General.*

21st August, 1819.

Recorded the second day of September, in the year of our Lord, 1819.

H. H. CARMICHAEL, *Dy Register.*

APPENDIX, No. 5.

CHARTER OF KING'S COLLEGE.

George the Fourth by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith,

To all to whom these Presents shall come, Greeting:

WHEREAS the Establishment of a College within our Province of New Brunswick, in North America, for the Education of Youth in the principles of the Christian Religion, and for their instruction in the various branches of Science and Literature which are taught at our Universities in this Kingdom, would greatly conduce to the welfare of our said Province. And whereas humble application hath been made to us by many of our loving subjects in our said Province, that we would be pleased to grant our Royal Charter for the more perfect Establishment of a College therein, and for incorporating the Members thereof for the purposes aforesaid: Now know ye, that we, having taken the premises into our Royal consideration, and duly weighing the great utility and importance of such an Institution, have of our special grace, certain knowledge, and mere motion, ordained and granted, and do by these Presents, for us, our Heirs and Successors, ordain and grant that there shall be established at, or near our Town of Fredericton, in our said Province of New Brunswick, from this time, one College with the style and privileges of an University, as hereinafter directed, for the Education and Instruction of Youth and Students in Arts and Faculties, to continue for ever, to be called King's College; And we do hereby declare, and grant that our trusty and well beloved the Right Reverend Father in God, John, Bishop of the Diocese of Nova Scotia, or the Bishop for the time being, of the Diocese in which the said Town of Fredericton may be situate in any future division or alteration of the said present Diocese of Nova Scotia, shall for us, and on our behalf, be the Visitor of the said College, and that our trusty and well beloved Sir Howard Douglas, Baronet, our Lieutenant Governor of our said Province or the Governor, Lieutenant Governor, or other person administering the Government of our said Province for the time being, shall be the Chancellor of our said College; And we do hereby declare, ordain, and grant, that there shall at all times be one President of our said College, who shall be a Clergyman in Holy Orders of the United Church of England and Ireland, and that there shall be such and so many Professors in different Arts and Faculties within our said College, as from time to time shall be deemed necessary or expedient, and as shall be appointed by us, or by the said Chancellor of our said College on our behalf and during our pleasure. And we do hereby grant and ordain, that the Reverend George Best, Master of Arts, Archdeacon of our said Province of New Brunswick, shall be the first President of our said College, and the Archdeacon of our said Province for the time being, shall, by virtue of such, his office be at all times the President of the said College. And we do hereby for us, our Heirs and Successors, will, ordain and grant that the said Chancellor and President, and the said Professors of our said College, and all persons who shall be duly matriculated into and admitted as Scholars of our said College, and their Successors forever, shall be one distinct and separate Body, politic and corporate, in deed and in name, by the name and style of the Chancellor, President and Scholars of King's College, at Fredericton, in the Province of New Brunswick, and that by the same name they shall have perpetual succession and a common seal, and that they and their Successors shall from time to time have full power to alter, renew or change such common seal at their will and pleasure, and as shall be found convenient, and that by the same name they the said Chancellor, President and Scholars, and their Successors, from time to time, and at all times hereafter, shall be able and capable to have, take, receive, purchase, acquire, hold, possess, enjoy and maintain, to and for the use of the said College, any Messuages, Lands, Tenements and Hereditaments, of what kind, nature or quality soever, (situate and being within our said Province

College to be established at or near Fredericton in New Brunswick, with the Style and Privileges of a University. To be called King's College. The Bishop of the Diocese to be Visitor.

The Lieutenant Governor of the Province of New Brunswick, to be Chancellor. One President,

And Professors. Professors to be appointed by the Chancellor.

President. The Archdeacon of the Province of New Brunswick for the time being. The Chancellor, President, Professors, and Scholars to form the Corporation.

Name and Style of Corporation. To have perpetual succession and a common seal. Common seal may be changed. Empowered to acquire and possess real Estate and Hereditaments.

Province

Province of New Brunswick,) so as that the same do not exceed in yearly value the sum of fifteen thousand pounds above all charges, and moreover to take, purchase, acquire, have, hold, enjoy, receive, possess and retain all or any goods, chattels, charitable or other contributions, gifts or benefactions whatsoever. And we do hereby declare and grant that the said Chancellor, President and Scholars, and their Successors, by the same name, shall and may be able and capable in law to sue, and be sued, implead and be impleaded, answer and be answered in all or any Court or Courts of Record within our United Kingdom of Great Britain and Ireland, and our said Province of New Brunswick, and other our Dominions in all and singular actions, causes, pleas, suits, matters and demands whatsoever, and of what nature kind soever, in as large, ample and beneficial manner and form as any other Body Politic and Corporate, or any other our liege subjects, being persons able and capable in law, may or can sue, implead or answer, or be sued, impleaded or answered in any manner whatsoever. And we do hereby declare, ordain and grant, that there shall be within our said College or Corporation, a Council, to be called and known by the name of the College Council. And we do will and ordain that the said Council shall consist of the Chancellor and President for the time being, and of seven of the Professors in Arts and Faculties of our said College, and that such seven Professors shall be Members of the United Church of England and Ireland, and shall previously to their admission into the said College Council, severally sign and subscribe the thirty nine articles of Religion, as declared and set forth in the Book of Common Prayer; and in case at any time there should not be within our said College seven Professors of Arts and Faculties, being Members of the Established Church aforesaid, then our will and pleasure is, and we do hereby grant and ordain, that the said College Council shall be filled up to the requisite number of seven, exclusive of the Chancellor and President for the time being, by such persons being graduates of our said College, and being Members of the Established Church aforesaid, as shall for that purpose be appointed by the Chancellor, for the time being, of our said College, and which Members of Council shall in like manner subscribe the thirty nine articles aforesaid, previously to their admission into the said College Council. And whereas it is necessary to make provision for the completion and filling up of the said Council at the first Institution of our said College, and previously to the appointment of any Professors or the conferring of any degrees therein. Now we do further ordain and declare that the Chancellor of our said College for the time being, shall upon, or immediately after the first institution thereof, by warrant under his hand, nominate and appoint seven discreet and proper persons, resident within our said Province of New Brunswick, to constitute jointly with him the said Chancellor, and the President of our said College, for the time being, the first or original Council of our said College, which first or original Members of the said Council shall in like manner respectively subscribe the thirty nine articles aforesaid, previously to their admission into the said Council. And we do further declare and grant, that the Members of the said College Council holding within our said College the Offices of Chancellor, President or Professor in any Art or Faculty, shall respectively hold their seats in the said Council, so long as they and each of them shall retain such their offices, aforesaid, and no longer, and that the Members of the said Council, not holding offices in our said College, shall from time to time vacate their seats in the said Council, when and so soon as there shall be an adequate number of Professors in our said College, being Members of the Established Church aforesaid, to fill up the said Council to the requisite number before mentioned. And we do hereby authorize and empower the Chancellor, for the time being, of our said College, to decide in each case what particular Member of the said Council not holding any such office as aforesaid, shall vacate his seat in the said Council upon the admission of any new Member of Council holding any such office. And we do hereby declare and grant that the Chancellor, for the time being, of our said College, shall preside at all Meetings of the said College Council which he may deem it proper or convenient to attend, and that in his absence the President of our said College shall preside at all such Meetings, and that in the absence of the said President the Senior Member of the said Council present at any such Meeting, shall preside thereat; and that the Seniority of the Members of the said Council, other than the Chancellor and President, shall be regulated according to the date of their respective appointments: Provided always that the Members of the said Council, being Professors in our said College, shall in the said Council take precedence over, and be considered as Seniors to the Members thereof not being Professors in our said College. And we do ordain and declare that no Meeting of the said Council shall be or be held to be a lawful Meeting thereof, unless five Members at the least be present during the whole of every such Meeting, and that all questions and resolutions proposed for the decision of the said College Council, shall be determined by the majority of the votes of the Members of the Council present, including the vote of the presiding Member, and that the event of an equal division of such

So as the same do not exceed in yearly value £15,000. Also to acquire and hold personal estate. Corporation empowered to sue and be sued &c.

Council. Persons composing the Council. Qualifications of the Members of the Council.

Provision for the formation of the first Council of the College.

Members of the Council, being Officers of the College, to hold their seats in the Council only so long as they retain their Offices in the College.

Members of Council not holding Offices in the College, how their seats to be vacated.

Chancellor to name the member not holding any office whose seat shall be vacated.

Upon the admission of any new member holding such office.

Who shall preside at all meetings of the Council.

How seniority of the members of the Council to be regulated.

Quorum of Council.

Majority of voices of the Members present to decide all questions.

Member presiding to give an addi-

equal or casting vote in cases of equal division. How vacancies in the Council to be filled up.

Chancellor empowered to suspend from his seat any member of Council for just cause, &c. Cause of such suspension to be recorded and signed by the Chancellor. Every person so suspended shall cease to be a member, until again restored. Any member of the Council without sufficient cause, absents himself from the meetings for six months to vacate his seat. Statutes to be made by the Council.

Proviso that statutes, &c. not to be repugnant to the laws and statutes of Great Britain, or to this Charter. Statutes, rules &c. to be subject to the approbation of the Visitor. Visitor to signify his disapprobation in two years.

Reservation to His Majesty, to confirm or reverse the order and decision of the Visitor.

No rule or ordinance to be made except such as shall be proposed by the Chancellor. The Chancellor required to consult with the President and next senior member of Council respecting the statutes, &c. to be proposed by him. Statutes, &c. when made to be strictly observed.

such votes, the Member presiding at any such Meeting, shall give an additional or casting vote. And we do further declare that if any Member of the said Council, shall die or resign his seat in the said Council, or shall be suspended or removed from the same, or shall by reason of any bodily or mental infirmity, or by reason of his absence from the said Province become incapable for three calendar months or upwards, of attending the Meetings of the said Council, then and in every such case, a fit and proper person shall be appointed by the said Chancellor to act as, and be a Member of the said Council in the place and stead of the Member so dying or resigning, or so suspended or removed, or incapacitated as aforesaid, and such new Member succeeding to any Member so suspended or incapacitated, shall vacate such his office, on the removal of any such suspension, or at the termination of any such incapacity, as aforesaid, of his immediate predecessor in the said Council; And we do further ordain and grant, that it shall and may be competent, to and for the Chancellor, for the time being, of our said College, to suspend from his seat in the said Council, any Member thereof for any just and reasonable cause to the said Chancellor appearing: provided that the grounds of every such suspension shall be entered and recorded at length, by the said Chancellor, in the Books of the said Council, and signed by him. And every person so suspended, shall thereupon cease to be a Member of the said Council, unless, and until he shall be restored to, and re-established in such, his station therein by any order to be made in the premises by us, or by the said Visitor of our said College, acting in our behalf, and in pursuance of any special reference from us: And we do further declare, that any Member of the said Council, who without sufficient cause to be allowed by the said Chancellor, by an order entered for that purpose in the Books of the said Council shall absent himself from all the Meetings thereof, which may be held within any six successive calendar months, shall thereon, vacate such, his seat in the said Council: And we do by these presents for us, our Heirs and Successors, Will, Ordain, and Grant, that the said Council of our said College, shall have power and authority to frame and make Statutes, Rules, and Ordinances, touching and concerning the good Government of the said College, the performance of Divine Service therein, the Studies, Lectures, Exercises, Degrees in Arts, and Faculties, and all matters regarding the same, the residence and duties of the President of our said College, the number, residence and duties of the Professors thereof, the management of the Revenues, and Property of the said College, the Salaries, Stipends, Provision, and Emoluments of, and for the President, Professors, Scholars, Officers, and Servants thereof, the number and duties of such Officers and Servants, and also touching and concerning any other matter or thing which to them shall seem good, fit and useful for the well-being and advancement of our said College, and agreeable to this our Charter, and also from time to time by any new Statutes, Rules, or Ordinances, to revoke, renew, augment, or alter, all, every or any of the said Statutes, Rules, and Ordinances, as to them, shall seem meet and expedient. Provided always, that the said Statutes, Rules, and Ordinances, or any of them, shall not be repugnant to the Laws and Statutes of the United Kingdom of Great Britain and Ireland, or of our said Province of New Brunswick, or to this our Charter. Provided also, that the said Statutes, Rules, and Ordinances, shall be subject to the approbation of the said Visitor of the said College, for the time being, and shall be forthwith transmitted to the said Visitor for that purpose, and that in case the said Visitor shall for us and on our behalf, in writing, signify his disapprobation thereof within two years of the time of their being so made, and framed, the same or such part thereof as shall be so disapproved by the said Visitor, shall from the time of such disapprobation being made known to the said Chancellor of our said College, be utterly void and of no effect, but otherwise shall be and remain in full force and virtue. Provided nevertheless, and we do hereby expressly save and reserve to us, our heirs and successors the power of reviewing, confirming or reversing by any order or orders to be by us or them made, in our, or their Privy Council, all or any of the decisions, sentences, or orders so to be made as aforesaid, by the said Visitor for us and on our behalf, in reference to the said Statutes, Rules, and Ordinances, or any of them. And we do further ordain and declare that no Statute, Rule or Ordinance shall be framed or made by the said College Council, touching the matters aforesaid, or any of them, excepting only such as shall be proposed for the consideration of the said Council by the Chancellor, for the time being, of our said College: and we do require and enjoin the said Chancellor thereof to consult with the President of our said College, and the next senior Member of the said College Council, respecting all Statutes, Rules, and Ordinances, to be proposed by him to the said Council for their consideration: And we do hereby for Us, our Heirs and Successors charge and command, that the Statutes, Rules, and Ordinances aforesaid, subject to the said provisions, shall be strictly and inviolably observed, kept and performed from time to time in full vigour and effect, under the penalties to be thereby or therein imposed or contained: And we do further Will, Ordain and grant

Grant that the said College shall be deemed and taken to be an University and shall have and enjoy all such, and the like privileges as are enjoyed by our Universities of our United Kingdom of Great Britain and Ireland, as far as the same are capable of being had, or enjoyed by virtue of these our Letters Patent ; and that the Students in the said College, shall have liberty and faculty of taking the Degrees of Bachelor, Master, and Doctor in the several Arts and Faculties at the appointed times, and shall have liberty within themselves of performing all Scholastic exercises for the conferring such degrees in such manner as shall be directed by the Statues, Rules, and Ordinances of the same College : And We do further Will, Ordain and Appoint, that no religious Test or Qualification shall be required of, or appointed for any persons admitted or matriculated as Scholars within our said College, or of persons admitted to any degree in any Art or Faculty therein, save only that all persons admitted within our said College, to any degree in Divinity, shall make such and the same declarations and subscription and take such and the same oaths as are required of persons admitted to any degree of Divinity in our University of Oxford. And we do further Will, Direct and Ordain that the Chancellor, President and Professors of our said College and all persons admitted therein to the degree of Master of Arts, or to any degree in Divinity, Law, or Medicine, and who, from the time of such, their admission to such degree, shall pay the annual sum of twenty shillings sterling money for and towards the support and maintenance of the said College, shall be, and be deemed, taken and reputed to be Members of the convocation of the said University, and as such Members of the said convocation, shall have, exercise and enjoy all such and the like privileges as are enjoyed by the Members of the convocation of our University of Oxford, so far as the same are capable of being had and enjoyed by virtue of these our letters patent, and consistently with the provisions thereof. And we will and by these presents, for us, our heirs and successors, do grant and declare that these our letters patent or the enrollment or exemplification thereof, shall and may be good, firm, valid, sufficient and effectual in the law according to the true intent and meaning of the same, and shall be taken, construed and adjudged in the most favourable and beneficial sense for the best advantage of the said Chancellor, President and Scholars of our said College, as well in our Courts of Record as elsewhere, and by all and singular Judges, Justices, officers, ministers and other subjects whatsoever, of us, our heirs and successors, any misrecital, non-recital, omission, imperfection, defect, matter, cause or thing whatsoever to the contrary thereof in any wise notwithstanding. In witness whereof we have caused these our letters to be made patent. Witness ourself, at Westminster, the fifteenth day of December, in the eighth year of our reign.

By Writ of Privy Seal.

(Signed)

BATHURST.

The College to be deemed an University and enjoy all the privileges of one. Students to have liberty of taking Degrees, &c. according to the Statutes.

No religious Tests of qualification to be required.

Save only for taking degrees in Divinity. Who shall be deemed and taken to be members of the University.

This Charter or the enrolment or exemplification thereof to be good in law.

INDEX

TO THE

LAWS

OF

New Brunswick.

ABDUCTION. (<i>See Crimes, 11.</i>)	455
ABOIDEAU,	
Over the River Aulac, (<i>See Aulac River.</i>)	461
ACKNOWLEDGMENTS,	
Of Deeds and Conveyances. (<i>See Deeds, No. 6, 7, 11, 12.</i>)	
ACTIONS ON THE CASE AND ON BONDS, &c. UNDEFENDED,	
The Court may assess damages,	41, 392
Unless Defendant apply for Jury of Inquiry,	42
A Judge in vacation may assess damages,	755
and regulations respecting same,	
Judgment on assessment,	<i>ib.</i>
ACTS OF ASSEMBLY,	
Date of passing to be indorsed by the Clerk of the Council,	119
Shall be the date of commencement,	<i>ib.</i>
All deemed public,	734
Passed by Commissioners 27th March, 1823, confirmed,	320, 1
ADDINGTON, PARISH OF	
Erected and its bounds,	388
ADMINISTRATION,	
When and how granted,	23
To creditors,	<i>ib.</i>
Cum Testamento annexo,	24
ADMINISTRATORS, (<i>See Intestates Estates.</i>)	23, 5
ADULTERY, &c.	
Punishable how and by what Courts, (<i>See Crimes, No. 13.</i>)	83, 4
AFFIRMATION OF QUAKERS, (<i>See Quakers.</i>)	
Allowed,	40, 450
Perjury may be charged upon if false,	<i>ib.</i>
ALMS HOUSES AND WORK HOUSES, (<i>See Poor.</i>)	
1. In certain Parishes in York,	287, 8
Erection of, and assessment for expenses of,	288
Commissioners for superintending,	<i>ib.</i>
Their powers and duties,	<i>ib.</i>
Annual accounts and estimates to be rendered by,	288, 9
House of correction, how to be established in,	480
Provisions extended to Douglas,	335
2. In Saint Andrews,	324
Commissioners for superintending, how appointed and sworn,	<i>ib.</i>
Their powers and duties,	<i>ib.</i>
Annual accounts and estimates to be rendered by,	324, 5
House of Correction, how to be established in,	480

ALMS HOUSES AND WORK HOUSES—Continued.	
3. For certain Parishes in Northumberland,	331
Erection of and assessment for expenses of,	<i>ib.</i>
Commissioners for superintending,	<i>ib.</i>
Powers and duties of,	331, 2
Annual accounts and estimates to be rendered by,	<i>ib.</i>
ALNWICK, PARISH OF	
Erected and original bounds,	9
Divided and new bounds designated,	216
AMENDMENT OF RECORDS, in case of variance from writing,	
produced in evidence, allowance of, and in what Courts	
and cases. (<i>See Evidence, No. 4, 5.</i>)	447
At Nisi Prius to be endorsed on Postea,	447
AMERICA,	
Bills on, protested, Damages on, (<i>See Damages, 2 b.</i>)	42
ANDOVER, PARISH OF	
	609
APPREHENSION OF OFFENDERS,	
Escaping into another County, (<i>See Warrants.</i>)	107
APPRENTICES AND INDENTED SERVANTS,	
At the expiration of their time, to require a discharge,	51
Penalty for harbouring till discharge produced,	<i>ib.</i>
Recovery and application of,	52
Absenting themselves, shall serve double the time lost,	<i>ib.</i>
In certain cases a longer period may be adjudged,	<i>ib.</i>
Master refusing, a Justice may give certificate of discharge,	<i>ib.</i>
Using false certificate shall be whipped,	<i>ib.</i>
Indentures, how executed or assigned,	<i>ib.</i>
Penalty on masters of vessels for concealing, &c.	<i>ib.</i>
Masters to provide for, according to agreement,	<i>ib.</i>
May complain of hard usage to two Justices,	<i>ib.</i>
Justices may relieve, by discharge or otherwise,	<i>ib.</i>
Appeal may be made to the Sessions,	<i>ib.</i>
No person to sell on credit to,	<i>ib.</i>
Actions against, void,	<i>ib.</i>
Punishment for ill behaviour,	373
Shipbuilders to have two, learning the art,	351
Penalty for neglect,	<i>ib.</i>
Pilots may employ a certain number,	272
Privileges of, respecting,	<i>ib.</i>
ARRESTS,	
1. In Supreme Court not to be for any sum under ten pounds,	43
2. In Common Pleas not under forty shillings,	<i>ib.</i>
Not under five pounds,	141
Affidavit of cause of action to be made, and before whom	
to be sworn,	43
If Plaintiff out of the Province,	44
Sum specified in, to be endorsed on Writ,	<i>ib.</i>
Sheriff to take bail for that amount,	<i>ib.</i>
If not endorsed process to be served,	<i>ib.</i>
Proceedings for less sums than ten pounds,	43
Commissioners to take special bail, how appointed,	254
3. In Actions before Justices of Peace, Capias not to issue for	
less than twenty shillings,	683
Against persons having privilege of Assembly,	684
Females not liable to Capias,	<i>ib.</i>
Affidavit required, and what particulars to be stated in,	683
ASSAULTS AND BATTERIES, (<i>See Crimes, No. 14.</i>)	
	456
ASSEMBLY, GENERAL	
1. Duration of, unless dissolved,	92, 3

See also on this subject, 7 W. 4. C.
14, S. 7.

ASSEMBLY, GENERAL—*Continued.*

2.	Members of,			
	Number for the	County of Saint John,	4,	90
		City of Saint John,	2,	<i>ib.</i>
		County of Westmorland,	4,	<i>ib.</i>
		Charlotte,	4,	<i>ib.</i>
		Northumberland,	4,	<i>ib.</i>
		King's,	2,	<i>ib.</i>
		Queen's,	2,	<i>ib.</i>
		York,	4,	<i>ib.</i>
		Sunbury,	2,	<i>ib.</i>
		Gloucester,	1,	389
		increased	1,	708
		Kent,	1,	389
		increased	1,	708
		Carleton,	1,	560
		increased	1,	708
3.	Proceedings in actions against,			391
	Privilege from arrest not affected,			<i>ib.</i>
4.	Expenses of, provided for,			829
	Duration of the Act,			<i>ib.</i>
5.	Election of,			
	Writs for, teste, duration, and return,			87
	How, and by, and to whom issued,			<i>ib.</i>
	In the City of Saint John,			91
	In case of vacancy by death, &c.			438
	Return of, to be made on or before return day,			90
	How, and when to be made,			92
	Penalty on Sheriff for neglect,			<i>ib.</i>
	False, what deemed,			<i>ib.</i>
	Double damages for,			<i>ib.</i>
	Limitation of suit,			<i>ib.</i>
	Receipt by Sheriff to be endorsed,			87
6.	Qualification,			
	Candidates to have £200, real estate,			87
	Clear of incumbrances and registered six months,			438
	Minors not eligible,			91
	Ministers of religion disqualified,			244
	Roman Catholics eligible,			488,9
7.	Electors,			
	Resident, to have £25 real estate,			87
	Non-resident to have £50 real estate, clear of in-			
	brance,			<i>ib.</i>
	Mortgagors in possession, not debarred,			<i>ib.</i>
	In Saint John to state if qualified as freemen or			
	freeholders,			438
	Freemen to be registered six months,			438
	To state if they vote as freemen or free-			
	holders,			<i>ib.</i>
	Must be over twenty one years of age,			<i>ib.</i>
	To be sworn if required, and by whom,			88
	Quakers may affirm,			89
	Oath of allegiance,			190
	Qualification,			439
	Of Freemen in Saint John,			91
	Refusing, vote to be rejected,			89
	Penalty on Sheriff refusing to administer oaths,			<i>ib.</i>
	False swearing, perjury,			<i>ib.</i>
	Penalty for,			<i>ib.</i>
8.	Sheriff.			
	To indorse time of receiving writ,			87
	To give notice of time and place within six days,			<i>ib.</i>

Expired in 1837.

ASSEMBLY, GENERAL,

Election,	
Sheriff— <i>Continued.</i>	
Length of notice, and how published,	87
To receive no fees, unless a poll is demanded,	<i>ib.</i>
Fees of, in case a poll is demanded,	<i>ib.</i>
Of scrutiny, by whom payable, &c.	<i>ib.</i>
Oath of, and when to be taken, and by whom administered,	88
Act to be openly read,	<i>ib.</i>
9. Poll, proceedings when demanded,	88, 90
Commencing, keeping open, removing and closing,	90
Declaration of successful Candidates,	90
Poll Clerks, how appointed and sworn,	88
Inspectors of, how appointed,	88
Manner of taking poll,	92
Poll Books, &c. to be delivered on oath to Clerk of Peace,	92
Within what time,	<i>ib.</i>
Sheriff to give copies of Poll, and penalty for refusal,	91
Candidates not to give money, &c. to any elector,	91
Penalty for offending,	<i>ib.</i>
10. Scrutiny. proceedings when granted,	90
Sheriff may administer oaths,	<i>ib.</i>
To decide alternately on the votes,	<i>ib.</i>
Expenses of, and by whom to be paid.	87
11. Controverted Elections, trials of	
Proceedings upon petition against return,	439
Petitioners shall enter into recognizance to appear, and	
for payment of costs,	442
Within what time after presenting Petitions,	443
Time may be enlarged,	<i>ib.</i>
Neglecting, order on Petition discharged,	<i>ib.</i>
Recognizance, how and before whom taken,	<i>ib.</i>
Sureties to justify,	443
Form of,	445, 6
Escheat of	444
Speaker's certificate, conclusive evidence	
of default,	<i>ib.</i>
To be delivered to Supreme Court,	<i>ib.</i>
Monies recovered payable to the Treasury,	445
12. Committee, how selected.	440, 1
In case of two petitions on same day,	445
Causes of objection or excuse to any member,	440
Nominees of each party,	<i>ib.</i>
If not appointed shall be drawn,	441
How drawn and struck,	440
Five Members with Nominees shall compose,	441
Shall be sworn,	440
By whom,	<i>ib.</i>
Chairman appointed,	441
Members not to be absent without leave,	<i>ib.</i>
Punishment of,	441
Not to proceed in the absence of Members,	442
Not dissolved by prorogation,	445
Trial, determination and report,	441, 5
Nominal lists of objected votes to be furnished,	445
Evidence confined to,	<i>ib.</i>
Decisions of, final,	442
To be entered on Journals and acted upon,	<i>ib.</i>
Resolutions of, may be confirmed or not,	<i>ib.</i>
In what cases dissolved and new Committee appointed,	<i>ib.</i>
Punishment of refractory witnesses,	<i>ib.</i>
Perjury, punishment of,	<i>ib.</i>

ASSEMBLY, GENERAL

Controverted Elections, trials of
Committee—*Continued.*

- May clear the room, ib.
- Examination of Petitioners, 443
- Manner of determining questions, 442
- 13. To report if petition or opposition frivolous, 443
 - If frivolous the party shall pay costs, ib.
 - Costs how taxed and certified, 444
 - Recovery of, declaration, evidence, &c. ib.
 - Persons paying, may recover proportions, from other persons liable. ib.

ASSESSMENT OF DAMAGES, (See Damages.)

- In actions on the case, 41
 - By a Judge in vacation, 755
- In actions on bonds, &c. 392

Further regulated in actions of debt and covenant by 7 W. 4, C. 14, S. 6.

ASSESSORS OF RATES AND TAXES, (See County Rates.)

- Appointment of, and penalty for neglect to serve, 47
- To apportion rates on inhabitants of Parish, 54
- To send precepts to Collectors, ib.
- May appeal if Parish overrated, 57
- Appointment of, in City of Saint John, 69
 - Subject to like rules as in other Parishes, ib.

ATTORNIES OF THE SUPREME COURT,

- May practice in Common Pleas Courts, 20
- Other persons prohibited from so doing, 307

AUCTION,

- Penalty for selling by, without licence obtained and bonds given, except in what cases, 550, 1
- Recovery of, 551
- Duty upon goods sold by, 549
 - Certain goods excepted, 550
 - Goods advertised liable to, if sold within what time, ib.
 - Accounts of, to be rendered on oath, and amount paid quarterly, ib.
 - Form of affidavit, 552
 - Penalty for neglect, 550
 - Treasurer to keep distinct account of, 551
- Auctioneers to give bonds with sureties, and penalty required in Saint John and elsewhere, 550
 - Form of bond, 552
 - Sureties insufficient, new bond to be given, 550
 - Refusing to give new bond to forfeit licence, ib.
 - To pay annual amount to County Treasurer, 551
 - Justices to determine, not exceeding £10, ib.
 - Not exceeding £30 in Saint John, ib.
 - Penalty for neglect, and recovery of, ib.
 - Penalty for selling contraband smuggled goods; ib.

AULAC RIVER,

- Aboidean allowed to be erected over, 161
 - Canal to Bay Verte may pass through, ib.
- Persons aggrieved by proceedings remedy for, 462
- May be established as public road, ib.

AYMAR, JOHN

- Privileged to supply Saint Andrews with water, 479
- To repair damage to streets by pipes, ib.
- Regulations as to openings in the pipes to supply water at fires, ib.

BAIL SPECIAL, (See Arrests.)

- Surrender of principal in Supreme Court, 306
 - Authorised before Commissioner for taking bail when no Judge resides in the County, 306

The surrender in discharge of Bail is further regulated by 7 W. 4, C. 14, S. 3, 4, 5.

BAIL, SPECIAL.—*Continued.*

Or in the absence of all the Judges from the County,	451
Proceedings thereon and to enter exoneretur	306
Principal already in custody in another suit,	307
Exoneretur in such case,	<i>ib.</i>
In Common Pleas appointment of Commissioners	254
BALLAST Berths, how regulated. (<i>See Harbours</i>),	292

BANKS.

I. CENTRAL BANK OF NEW BRUNSWICK,	
a. Incorporated and powers and privileges declared,	675
May hold real estate, and to what amount.	676
Bank to be kept at Fredericton,	679
b. Capital Stock £15,000,	675, 6
Instalments, how called in.	677
Increased to fifty thousand pounds, and regulations as to sale of additional stock, &c.	906, 7
Dividends to be made half yearly,	679
No loan on pledge of,	<i>ib.</i>
c. Shares, number and amount of,	676
Number to be held by one person,	677
Assignable, how and when,	678
Deemed personal property,	908
Liable to, and how taken in execution,	<i>ib.</i>
Liability of holders for debts of Corporation,	678
On default of payment of, to be re-sold.	907
d. Meetings, annual time, place and objects of,	676
First, when called and how,	<i>ib.</i>
Special, how called,	680
e. Not to lend money on mortgage,	676
To deal only in gold, silver, &c.	678
f. Stockholders votes of, how regulated.	677
May vote by proxy, no one to hold more than three proxies,	<i>ib.</i>
Notice to, when to make payments,	<i>ib.</i>
Individual liability for Corporation debts, &c.	678
Return of, to be made when required,	681
Number of shares held by,	677
g. Directors, their number and qualification,	676
Election of, and number to be re-elected.	<i>ib.</i>
Vacancies in Board how filled,	677
Quorum of,	676
Powers and duties of,	<i>ib.</i>
Not to have a salary.	<i>ib.</i>
To choose a President,	<i>ib.</i>
Disqualification of, for delinquency,	681
Liable if debts exceed twice the capital.	679
h. President now chosen.	676
To be re-elected a Director.	<i>ib.</i>
Compensation to,	<i>ib.</i>
Delinquent sheet, furnished to,	676
i. Cashier, clerks, &c. how appointed and paid,	681
To give bonds,	677
Returns what, and when to be made by,	680, 1, 907
k. Notes, &c., how made and signed,	679
To be expressed, payable out of joint fund,	678
No action upon, until after presentment.	906
When altered, original amount to be paid to holder.	679
l. Books, &c., open to inspection of Directors,	<i>ib.</i>
And vaults, Committee of Legislature to have access to,	<i>ib.</i>
m. Semi annual returns, when and how to be made.	680, 1, 907

BANKS—*Continued.*

2. CHARLOTTE COUNTY BANK,		
a.	Incorporated, and powers, and privileges declared,	346
	Capabilities, seal, &c.	<i>ib.</i>
b.	Not to lend money on mortgage,	347
c.	To be kept at Saint Andrews,	350
d.	Capital Stock, fifteen thousand pounds,	346
	Seven thousand five hundred pounds to be paid within nine months,	<i>ib.</i>
	Remainder within twelve months,	<i>ib.</i>
	Alone responsible for the debts of corporation,	349
e.	Shares, number, and amount of,	346
	To be assignable,	349
	Number to be held by members.	348
f.	May hold real estate, and to what amount,	346
	Cashier and clerks to give bonds,	348
	Statement of affairs to be laid before stockholders.	350
	Duplicate to be sent to Secretary's Office,	<i>ib.</i>
	Committees of Legislature to have access to books, vaults, &c.	<i>ib.</i>
g.	Meetings, annual, time and place of,	347
	First, when to be called, and how.	<i>ib.</i>
	General, how called, and by whom,	350
h.	Stockholders,	
	Votes of, how regulated,	348
	May vote by proxy,	<i>ib.</i>
	Notice to, when to make payments,	<i>ib.</i>
	Number of shares held by,	<i>ib.</i>
i.	Directors,	
	Number, qualification, and election of,	347, 8
	To choose a President,	317
	To appoint officers and clerks,	<i>ib.</i>
	Board of, for business,	<i>ib.</i>
	Not to have salaries,	348
	Vacancies in board, how filled up.	<i>ib.</i>
	To make half yearly dividends,	349
	Books, &c., subject to inspection of,	350
	To close the concerns on dissolution of corpora- tion,	<i>ib.</i>
	To lay before stockholders state of the funds,	<i>ib.</i>
	Five to be re-elected,	347
k.	President, how chosen,	<i>ib.</i>
	His vote,	<i>ib.</i>
	Must be re-elected a director,	<i>ib.</i>
	Compensation to,	348
l.	Notes, bills, &c., to declare payment out of joint funds,	349
	Must be signed by president and cashier,	350
	If altered, original amount to be paid,	<i>ib.</i>
m.	Books, &c., subject to inspection of directors,	<i>ib.</i>
	Not to deal in any thing but bills of exchange, gold, silver, &c.	349
	Total amount of debts, not to exceed twice the capital,	<i>ib.</i>
3. CITY BANK,		
a.	Incorporated and powers and privileges declared,	895
	Capabilities, Seal, &c.	<i>ib.</i>
b.	Capital Stock, one hundred thousand pounds,	<i>ib.</i>
	Fifty thousand pounds to be paid within one year,	<i>ib.</i>
	Remainder in five years,	<i>ib.</i>
	No loan on pledge of,	895
c.	Shares, number and amount of,	895
	To be assignable,	898
	To be deemed personal estate,	902

BANKS.

CITY BANK,

Shares— <i>Continued.</i>	
	Liable to seizure in execution, 902
	Number of, to be held by Stockholders, 897
d.	May hold real estate, and to what amount, 896
	Not to lend money on mortgage, <i>ib.</i>
	Cashiers and clerks of to give security, 897
e.	Statement of affairs to be laid before Stockholders at meeting, 900
	Duplicate for Governor and Legislature, 900, 1
	Semi-annual statement to be transmitted to Secretary's Office, 900
	Form of, &c. 901
f.	Meetings, annual, time and place of, 896
	First, when to be called and how, <i>ib.</i>
	General meetings, how called and by whom, 900
g.	Stockholders, votes of, how regulated, 897
	May vote by proxy, <i>ib.</i>
	Number of shares held by, <i>ib.</i>
	Notice to, to pay instalments, 898
	Liability of, in private capacity, <i>ib.</i>
	Return of, to be made when required, 901
h.	Directors, number, qualification and election of, 896
	To appoint officers and clerks, <i>ib.</i>
	Board of, for business, 897
	No salaries allowed to, <i>ib.</i>
	To choose a president, 896
	To make half yearly dividends, 899
	Debts of to Bank, limited, <i>ib.</i>
	May call general meetings, 900
	To close the concerns, on dissolution of corporation, 900
	Vacancies of, how filled up, 897
	Books, &c. subject to inspection of, 899
	Disqualification of for delinquency, 901
	No note to be excluded by vote of one, 896
k.	President, how chosen, 897
	Compensation to, 897
	Delinquent sheet furnished to, 901
l.	Fifty thousand pounds to be paid in before commencement of operations, 898
	To deal in bills of exchange, gold, silver, &c. <i>ib.</i>
m.	Bills, Notes, &c. to declare payment from joint funds, 899
	To be signed by president and cashier, <i>ib.</i>
	Altered, original amount to be paid, <i>ib.</i>
	No action upon until after presentment, <i>ib.</i>
	Issued and not paid, liability for, 900
n.	Returns to be laid before Legislature by Provincial Secretary, 901
i.	BANK OF NEW BRUNSWICK,
a.	Incorporated and powers and privileges declared, 255, 6
	To be kept at Saint John, 259
b.	Capital Stock, fifty thousand pounds, 255
	Reduced to thirty thousand pounds, 279
	Increased to fifty thousand pounds, and regulations as to additional Stock, 337
	Empowered further to increase by fifty thousand pounds, and regulations as to such increase, 902
	Sale of additional stock regulated, <i>ib.</i>
	Default in payment of, how regulated, 903
	Alone responsible for the debts, 258
	No loan to be made on pledge of, 904
c.	Shares, number and amount of, 256

BANKS.

BANK OF NEW BRUNSWICK,	
Shares— <i>Continued.</i>	
	906
Deemed personal estate,	904
Liable to execution,	<i>ib.</i>
Sale and transfer under execution,	256
d. Meetings, annual, time and place of,	<i>ib.</i>
First, when to be called, and how,	259
General, how called,	257
e. Stockholders, votes of, how regulated,	257
May vote by proxy,	<i>ib.</i>
Number of votes of,	904
Liability of,	905
Return of, to be made when required,	256, 7
f. Directors, number, qualification and election of,	257
Vacancies, how filled,	<i>ib.</i>
Not to have salaries,	904
Debts of to bank, limited,	905
Disqualification of for delinquency,	258
Books, &c. open to inspection of,	256
To appoint officers and clerks,	257
Board of, for business,	259
To close the concerns on dissolution of corporation,	258
To make half yearly dividends,	256
g. President, how chosen,	257
Compensation to,	258
Notes to be signed by,	905
To be furnished with delinquent sheet on discount day,	258
h. Bills or notes, to be signed by President and Cashier,	<i>ib.</i>
Requisites in form of,	<i>ib.</i>
If altered, original amount to be paid to holder,	903
No action to be had on, before presentment,	259
i. Committee of Legislature to have access to books, vaults, &c.	905
Returns to be laid before Legislature by Provincial Secretary,	843
5. SAINT STEPHEN'S BANK,	844
a. Incorporated, capabilities, seal, &c.	<i>ib.</i>
b. Capital Stock twenty five thousand pounds,	848
Twelve thousand five hundred pounds to be paid in one year,	844
Remainder in two years,	846
No loan on pledge of,	850
c. Shares, number and amount,	850
To be assignable,	846
To be personal estate,	850
Liable to seizure under execution,	846
Number of, to be held by any member of corporation,	844
d. May hold real estate, and to what amount,	<i>ib.</i>
Not to lend money on mortgage,	847
To deal only in bills, gold, silver, &c.	848
To be kept at Saint Stephen,	845
e. Cashier and Clerks to give bonds,	847
f. Debts not to exceed twice the amount of capital paid in,	848
g. Statement of affairs to be laid before Stockholders at annual meeting,	<i>ib.</i>
Duplicate for Governor and Legislature,	849
Semi-annual statement to be transmitted to Secretary's Office,	<i>ib.</i>
Form of, &c.,	849

Extended by 1 Vic. C. 9.

BANKS.

SAINT STEPHEN'S BANK— <i>Continued.</i>	
h.	Meetings, annual, time and place of, 845
	First, when called, and how, 844
	General, how called, and by whom, 848
i.	Stockholders votes regulated, 845
	May vote by proxy, 846
	Number of shares held by, <i>ib.</i>
	Notice to be given, when to make payments, <i>ib.</i>
	Liability of, in private capacity, 847
	Return of, to be made when required, 849
k.	Directors, number, qualification and election of, 845
	To appoint officers and clerks, <i>ib.</i>
	Board for business, <i>ib.</i>
	To choose a President, <i>ib.</i>
	Vacancies how filled up, 846
	To make half yearly dividends, 847
	Books, &c., subject to inspection of, <i>ib.</i>
	Debts of, to bank limited, 849
	On dissolution, to close the concerns, 848
	May call general meetings, <i>ib.</i>
	Disqualification of, for delinquency, 850
l.	President how chosen, 845
	Compensation to, <i>ib.</i>
	Delinquent sheet to be furnished to, 850
	Notes to be signed by, 848
m.	Twelve thousand five hundred pounds to be paid in before operations commence, 846
	To be counted by commissioners, <i>ib.</i>
n.	Bills, notes, bonds, &c., to declare payment from joint funds, 847
	None to be issued till twelve thousand five hundred pounds be paid in, 846
	If altered, original amount to be paid, 848
	To be signed by president and cashier, <i>ib.</i>
	Liability for, if issued and not paid, <i>ib.</i>
	To be presented at bank, before action upon, 850
o.	Returns to be laid before Legislature by Provincial Secretary, 849
	Committee of Legislature to have access to books, vaults, &c. 848
6.	BANKS FOR SAVINGS,
a.	Requisites to obtain the benefit of the Act to encourage, 338
	Rules for, how made, filed, enrolled or altered, 338, 9
	Binding on members and officers, 339
	Copy of transcript of, evidence, <i>ib.</i>
	No certiorari lies to remove, <i>ib.</i>
b.	Treasurer to give bonds if required, <i>ib.</i>
c.	Investment in Province funds, 340
	Restrictions as to, 342
	Forms relating to, 343
	Treasurer to give debentures, 341
	Form of debenture, 343
	May require production of rules, 342
	Lowest amount of, and interest, 340, 1
	Repayment of, regulated, 341
	Endorsement on debenture to receive, form of, 344
	Interest on, payment of, or may be added to principal, 341, 2
	Total amount of, not to exceed ten thousand pounds 342
d.	Investment in other funds, <i>ib.</i>
e.	Trustees, effects of, to be vested in, 340
	Actions by, and against, <i>ib.</i>
	No suit shall abate by death of any Trustee, <i>ib.</i>
	May pay deposits according to rules of Institution, 343

BANKS.

FOR SAVINGS—*Continued.*

- f. Friendly Societies may deposit in, and to what amount, 343
 g. Depositor dying, and no administration granted, payment of deposit regulated, *ib.*
 SAINT JOHN, provisions for carrying on affairs of, 883, 4

BANKS OF RIVERS,

1. Saint John, in front of Magerville, Sheffield and Waterborough,
 Neat cattle not to feed on, between certain periods, 111
 Penalty for offending and application, *ib.*
 Cattle may be impounded, *ib.*
 May be sold to pay, 112
 Not to extend to cattle travelling, *ib.*
 Upper part of Magerville not within the Act, 530
 Highways, labor may be expended to preserve, 155
 Alteration of, damaged by freshets, *ib.*
 Penalty for refusal to labor, and application, *ib.*
 Gates, Justices may cause, to be erected across, 112
 Posts, with steps, for benefit of travellers, *ib.*
 Leaving open or destroying, penalty, *ib.*
2. In front of Lincoln,
 Persons pasturing cattle, to fence the land, 138
 Cattle trespassing on slope of, to be impounded, *ib.*
 Gate at Wilmot's farm, *ib.*
 How erected and repaired, and expenses defrayed, *ib.*
 Penalty for blocking up or propping open, &c., *ib.*
 How recovered and applied, 139

BARGAIN AND SALE. (*See Deeds and Conveyances.*)

BASTARDS,

- Filiation, affidavit of 96
 Warrant against person charged, 96
 Justice to commit person charged unless he indemnify the parish or give bail to appear at the Sessions, *ib.*
 Party discharged, how, and in what cases, *ib.*
 Woman not compelled to answer questions until a month after delivery, 97
 Concealment of birth of child a misdemeanor, 522
 May be convicted of, if acquitted of murder, *ib.*

BATHURST, PARISH OF

- Erected, and its bounds, 388
 Shire town of Gloucester, *ib.*

BAWDY HOUSES,

- Apprehension and prosecution of persons keeping, (*See Disorderly Houses.*) 449

BEACONS AND BUOYS.

1. In certain harbours in Northumberland, Kent and Gloucester,
 Duty on vessels entering, 476
2. Repealed as to bay and harbour of Restigouche, and another rate of appointed on vessels entering said bay or harbour, 740
 Regulations as to coasters, and what shall be deemed such, 477
 Collection of, and payment to commissioners, *ib.*
 Charge for, *ib.*
 Account of, to be rendered to commissioners on oath, *ib.*
3. Miramichi, rate of, payable at, 476
 Annual return by Deputy Treasurer, 477

BEACONS AND BUOYS.

Duty— <i>Continued.</i>		
	Penalty on Shipmasters not paying,	477
	Recovery and application of,	<i>ib.</i>
4.	Commissioners of, appointment of, and their duty,	638
	To give bonds,	<i>ib.</i>
	To render account annually to Secretary's Office, and to General Sessions,	477
	Application of surplus fund by,	478
5.	In Northumberland, to pay balance to Deputy Treasurer, and a separate account to be rendered by Treasurer,	568
	To cause the beacons and buoys to be annually replaced,	638
	Penalty for destroying, removing, &c.,	478
	On failure of payment, offenders to be committed,	<i>ib.</i>
6.	In the inner Bay of Passamaquoddy,	758
	Duty, on inward bound vessels, for support of,	<i>ib.</i>
	Exceptions as to coasters,	<i>ib.</i>
	Masters of vessels to report to Deputy Treasurer, and pay,	758
	Penalty for neglect, and recovery,	<i>ib.</i>
	Treasurer to retain five per cent.,	<i>ib.</i>
7.	Commissioners of, how appointed, and their powers, &c.,	<i>ib.</i>
	To receive duty from Treasurer,	<i>ib.</i>
	To account annually to Sessions,	<i>ib.</i>
8	Saint Andrews Harbour, Beacon Light in.	593
	Duty for support of,	<i>ib.</i>
	Penalty for destroying,	758
BEARS,		
	Bounty for destruction of,	425
	Affidavit of party killing,	426
	Within what time to be made.	<i>ib.</i>
	Justice to certify the correctness of,	<i>ib.</i>
	Claims to be submitted to, and certified by General Sessions,	<i>ib.</i>
	Warrant for amount of, in favor of the Clerk of the Peace,	<i>ib.</i>
BERESFORD, PARISH OF		
	Originally erected in Northumberland,	218
	Included in Gloucester,	387
	Boundaries of, in County of Gloucester.	388
BLACKVILLE, PARISH OF		
	Erected, and its bounds.	475, 6
BLISSFIELD, PARISH OF		
	Erected, and its bounds,	475, 6
BLISSVILLE, PARISH OF		
	Erected, and its bounds,	673
BILLS OF EXCHANGE.		
	Protested, drawn in this Province on Europe, liable to ten per cent. damages, &c.,	42
	On America or West Indies to five per cent.,	<i>ib.</i>
	On West Indies increased to ten per cent.,	110
	Drawn by persons not residing in the Province, but found therein, subject to like damages,	42
	Notes payable to order or bearer, negotiable, like as inland bills of Exchange,	<i>ib.</i>
	Acceptance of inland Bills of Exchange required to be in writing,	879

3 W. 4, repealed by 7 W. 4, C. 16.

BOARDS OF HEALTH. (<i>See Infectious Distempers.</i>)	
When and how appointed,	623
For what Counties,	765
Their powers and duties,	623
BONDS, (<i>See Damages.</i>)	
For money payable by instalments, awards, &c.,	
Assessment of damages upon,	392, 755
BOOMS AND DAMS,	
1. In Charlotte County,	
Regulations as to, how made, &c.,	156
Removal of timber from, and penalty for breach of re-	
gulations,	302, 3
Boom Masters, appointment and fees of,	156
Navigation not to be impeded by,	<i>ib.</i>
2. On Magaguadavic River, (<i>See Magaguadavic River.</i>)	
Penalty for placing across main river,	50
Booms allowed at the first falls,	<i>ib.</i>
Dams allowed, and extent of, above the first falls,	<i>ib.</i>
Above the Grand Forks,	51
Sluiceways for boats, rafts, &c.,	<i>ib.</i>
Penalty for offending,	<i>ib.</i>
Removal of, &c.,	<i>ib.</i>
May be erected at second falls or other places,	150
Sufficient sluiceways to be secured in,	151
3. On Digdeguash River,	
Booms and piers may be erected in, and by whom,	
where, and to what extent,	562, 3
Passage for timber to be left, and regulations as	
to sluicing the same, &c.,	562
4. In Northumberland County,	
On Miramichi River,	
Booms not to be erected to the injury of trade,	309
Regulations respecting, how made, &c.,	<i>ib.</i>
Penalty for violating, &c.,	<i>ib.</i>
5. In the County of Gloucester,	
Booms not to be erected to the injury of trade,	642
Regulations respecting, how made, &c.,	641
Penalty for violating,	<i>ib.</i>
Boom Masters, how appointed, their fees, &c.,	<i>ib.</i>
6. In York County,	
On Nashwaak River,	
Regulations respecting booms, how made,	737
Penalty for violating and recovery thereof,	<i>ib.</i>
Evidence on prosecution for,	<i>ib.</i>
Booms to have sluiceways,	<i>ib.</i>
Boom Masters, their fees, &c.,	<i>ib.</i>
7. Dams to have sufficient fishways,	
Proceedings on complaint against. (<i>See fisheries, No.4.</i>)	179
	<i>ib.</i>
BOTSFORD, PARISH OF,	
Erected, and its bounds,	156
BOUNDARY LINES BETWEEN GRANTS,	
Act 31 G. 3, C. 8, relating to, repealed,	194
Proceedings under not affected,	<i>ib.</i>
In County of Charlotte, certain lines specified to be run by	
magnetic needle, to be ascertained,	<i>ib.</i>
BOUNTIES,	
For destruction of wolves, (<i>See Wolves.</i>)	97
For destruction of bears, (<i>See Bears.</i>)	425

BREAD, ASSIZE OF, HOW REGULATED,	
1. In Saint Andrews,	195
2. In Portland,	471
3. In Newcastle and Chatham,	532
Power of Clerk of Market to seize bread deficient in weight,	533
Penalty on Clerks for neglect of duty,	<i>ib.</i>
4. In Fredericton,	327
Examination of Bake Houses by Clerks of Market, and seizure and application of fines.	327, 8
BRIGHTON, PARISH OF	
Erected, and its bounds,	471
BRUNSWICK, PARISH OF	
Erected, and its bounds,	231
New Canaan settlement deemed within,	<i>ib.</i>
Divided and part included in Chipman.	738
BURIAL GROUND,	
In Portland, Saint John,	
Corporation of Trinity Church authorised to sell in Lots,	430
Regulation as to plan of sales, conveyances and assignments,	430, 1
Lots in, not liable to execution, and property in, not to prevent a confined debtor from receiving support,	431
BURTON, PARISH OF	
Erected, and its bounds,	7
Divided and part included in Blissville,	673
Shire Town of Sunbury,	9
BUTTER FOR EXPORTATION,	
To be packed in 60lb. firkins,	146
Firkins, of what wood to be made,	147, 157
To be inspected and branded,	147
Not merchantable unless inspected,	<i>ib.</i>
Penalty for exporting without inspection,	<i>ib.</i>
Inspectors of, how appointed and sworn,	<i>ib.</i>
Their duties, and penalty for refusal or neglect,	<i>ib.</i>
CAMPBELLTOWN AND DALHOUSIE,	
Lock up Houses at,	594
CAMPO BELLO, PARISH OF	
Erected, and its bounds,	146
Fisheries in, (<i>See Fisheries, No. 13.</i>)	401
CANAL COMPANY, BAY VERTE,	
Incorporated,	914
Powers and authorities of,	915
Capital Stock,	914
Shares, number and amount of,	<i>ib.</i>
Holders of, may be represented by proxies,	915
Votes of Stockholders, how regulated,	<i>ib.</i>
Five per cent. to be paid within three years,	914
Alone responsible for debts,	915
Assessments, how made, called in, and enforced,	917
Meetings of the Company,	
First Meeting when called,	914
Annual meeting, time and place of,	<i>ib.</i>
Directors, number, qualification, and election of,	914, 5
Quorum for business,	915
President, how chosen,	<i>ib.</i>
Vacant Directorships, how filled,	<i>ib.</i>
Tolls, rate,	916

CANAL COMPANY, BAY VERTE—Continued.	
Canal not to impede public road,	917
Owners of Land may erect Bridges, &c.	918
Actions against Company to commence within six months,	<i>ib.</i>
Province may purchase Canal, by paying appraised value,	<i>ib.</i>
Canal to be completed within 10 years or Act void,	<i>ib.</i>
CANNING, PARISH OF	
Erected, and its bounds,	403
Divided, and part included in Chipman,	738
CARLETON,	
1. County of,	
Erected, and its bounds,	558
Representation of, in General Assembly,	560
Increased to two Members,	708
Shire Town, Woodstock,	559
Parishes in, (<i>See Counties and Parishes, No. 1.</i>)	
2. Parish of, in Kent,	
Originally erected in Northumberland,	217
Included in Kent, and boundaries of,	387, 8
3. In Saint John,	
Erected for ecclesiastical purposes,	328
Boundaries of,	<i>ib.</i>
Regulations respecting Wardens, Vestry, &c.	329
CARMEN,	
And truckage,	
Justices in Sessions to make regulations respecting, with penalties,	473
In Fredericton,	337
CARRAQUET, PARISH OF	
Erected, and its bounds,	525
CATTLE,	
Ear marks of, to be registered by Town Clerk,	162
Owners to pay for registry,	162
Strayed, persons having, to give notice to Town Clerks,	160
Clerk to enter notice of,	161
Fees, for so doing,	<i>ib.</i>
Penalty for not giving notice to owner if known, and recovery thereof,	<i>ib.</i>
Owner of, not appearing in six months, cattle to be sold,	<i>ib.</i>
Proceeds of sale, how applied, &c.	<i>ib.</i>
CENTRAL BANK OF NEW BRUNSWICK,	
(<i>See Banks, No. 1.</i>)	675
CENTRAL FIRE INSURANCE COMPANY,	
(<i>See Insurance Companies, No. 1.</i>)	886
CHAMCOOK MILL AND FACTORY COMPANY,	
Incorporated,	936
Capital Stock, ten thousand pounds,	<i>ib.</i>
Shares, number and amount of,	<i>ib.</i>
One fifth to be paid in within three years, and certified on oath, or Act void.	937
CHARLOTTE COUNTY,	
Boundaries,	2, 3
Sends four Members to the General Assembly,	90
Shire Town, Saint Andrews,	9

CHARLOTTE COUNTY—*Continued.*

Parishes in, (<i>See Counties and Parishes, No. 1.</i>)	4
Lines between certain grants in, how to be ascertained,	194
Gaol limits in, authorised to be extended,	531
Sale of certain public lands in, authorised, proceeds to be applied to purchase site for a Gaol in Saint Andrews,	590
Assessment of, authorised, to pay off County debt,	817, 8
Booms and dams in, (<i>See Booms and Dams, No. 1.</i>),	156
Bank, (<i>See Banks, No. 2.</i>)	345
Fisheries, (<i>See Fisheries, No. 10.</i>)	106, 163
CHATHAM, PARISH OF	
Erected, and its bounds,	217
Assize of bread in, (<i>See Bread, No. 3.</i>)	532
Fires in, (<i>See Fires, No. 5.</i>)	423, 316
CHIPMAN, PARISH OF	
Erected, and its bounds,	738
CHOLERA, (<i>See Infectious Distempers.</i>)	623
CHURCH,	
No corpse shall be interred beneath or within any Church,	77
Body of General Smyth to remain interred under Church in Fredericton,	325
1. OF ENGLAND.	
None but ordained Ministers of shall be capable to receive Ecclesiastical Benefices, &c.	16
Persons having Benefices, to read prayers therein at least once a month.	<i>ib.</i>
To administer the sacraments,	<i>ib.</i>
Penalty for neglect, how recovered and applied,	<i>ib.</i>
Using other forms than in the Liturgy, on conviction disabled to officiate, &c.	<i>ib.</i>
Governor may collate to the Benefices,	<i>ib.</i>
2. DISSENTERS from shall have liberty of conscience,	
May erect meeting houses and elect ministers,	<i>ib.</i>
No person unless so elected, shall preach without licence,	<i>ib.</i>
Allowed to preach, &c. unless he shall take the oaths of allegiance, &c.	17
Penalty for offending,	<i>ib.</i>
How recovered and applied,	<i>ib.</i>
Limitation of period for conviction,	<i>ib.</i>
Oaths required. and by whom to be administered,	<i>ib.</i>
3. Quakers may exercise worship as accustomed,	
4. Marriages by Ministers of any denomination, (<i>See Marriage.</i>) 706	
5. Trinity Church Saint John, Rector, &c. of incorporated, 75	
Their powers, &c.	<i>ib.</i>
Authorised to sell certain lands, and application of proceeds directed,	759, 760
Annual rents, not to exceed five hundred pounds,	75
New Burial Ground in Portland, corporation empowered to sell in lots,	430
Regulations as to plan, sale and conveyance of lots,	430, 1
Lots in, not liable to execution,	431
Property in, not to prevent confined debtors from receiving support,	431
6. Ecclesiastical Parish of Saint John described, 75	
7. Divided, and Carleton erected, 329	
Carleton, election of Church Wardens and Vestry,	329
Saint George's Church in, incorporated,	<i>ib.</i>
Conveyance of lands, &c. to, by Trinity Church,	<i>ib.</i>

CHURCH.

OF ENGLAND—*Continued.*

Rights of the Corporation of the City of Saint John not affected,	ib.
Rectors, &c. of all other Churches incorporated,	76
8. Election of Wardens and Vestry, and their number,	76
Time of,	ib.
Qualification of Electors and of Wardens and Vestrymen,	528
Amended and altered,	579
In Saint Andrews,	569
9. Churches having free sittings,	
Grace Church in Portland, Rector, &c. incorporated,	794
Qualification of Wardens and Vestry and Electors,	795
The Parish Church,	ib.
Provisions of Act 6 W. 4, C. 3, extended to all,	ib.
29 G. 3, C. 1, and 56 G. 3, C. 11, extended to, so far as applicable,	95, 67
10. Rectors, Church Wardens and Vestries of Churches,	
May hold lands in trust for the Church,	76
But shall not make absolute sales,	225
May hold lands for the use of the Rector, subject to his sole management as Glebe Lands in England,	226
May sell and let pews, pay salaries, &c.	76
Shall have same powers as in Trinity Church, Saint John,	ib.
In the absence of the Rector Wardens and Vestry may act,	ib.
11. Saint Andrews authorised to sell certain lands,	277, 777
12. Saint Stephen's authorised to sell certain Glebe Lands, and proceeds how to be invested,	384
13. In Fredericton authorised to exchange certain Lands with Baillie,	393, 5
To assign Needham's and Smith's mortgages,	636

OF SCOTLAND,

14. In Newcastle. Northumberland, incorporated,	504
Lands vested in corporation,	ib.
Corporation powers of, and limit of annual rents,	ib.
15. In Saint John, Trustees of incorporated and their powers,	571
Liabilities of Trustees for existing debts,	572
Annual rents not to exceed five hundred pounds,	571
Lands vested in Trustees,	ib.
Annual election of Trustees and qualification of, and of voters,	572
Ministers, Elders, &c. how to be chosen and appointed,	ib.
Sales and leases of pews and lands authorised and regulated,	607
16. Trustees of Churches, erected, or to be erected in connection with, incorporated,	572
Powers, duties, and liabilities of,	572, 3
Sale and leases of pews authorised and regulated,	607

CITY BANK,

(*See Banks, No. 3*), 895

CITY COURT,

(*See Saint John*), 20

CLERK,

1. Of the market, appointment of,	47
Penalty for neglect,	48
To assay and mark weights and measures,	37

CLERK—*Continued.*

- | | |
|---------------------------------------|-----|
| 2. Of the Parish appointment of, | 47 |
| His duties and penalties for neglect, | 48 |
| Respecting cattle marks, | 161 |

COALS AND SALT,

- | | |
|--|-----|
| Admeasurement of directed, | 473 |
| Justices to make regulations respecting, and recovery
and application of penalties, | 821 |

COINS, the following made legal Tenders,

- | | |
|---|------------|
| English Guinea for 23s. 4d. | 38 |
| English and French Crown for 5s. 6d. | <i>ib.</i> |
| Other English gold and silver coin in proportion, | <i>ib.</i> |
| Spanish milled dollars for 5s. | <i>ib.</i> |
| Half Johannes, 40s. | <i>ib.</i> |
| Sovereign of U. K., 22s. 3d. | 243 |
| New silver Crowns, 5s. 6d. | 243 |
| Other Coins of the U. K. in proportion, | <i>ib.</i> |
| In former or future coinage also, | <i>ib.</i> |
| Calculations of fractions in aliquot parts, | <i>ib.</i> |
| Gold Eagles of the U. S. A. for 50s. | <i>ib.</i> |
| Dollars of U. S. A. for 5s. | <i>ib.</i> |
| Dollars, Spanish, Mexican, Peruvian, Chilian and Central
American, 5s. | 778 |
| Aliquot parts in proportion, | 779 |

COLLECTORS OF RATES,

- | | |
|---|------------|
| Constable to act upon receiving precept, | 54 |
| To pay collections of County Rates to Treasurer, | 55 |
| Poor Rates to overseers, | 58 |
| To demand levy and account for rates, | 56 |
| Punishment for neglect, | <i>ib.</i> |
| Accounts to be filed, | <i>ib.</i> |
| Treasurers receipts, discharge to, | <i>ib.</i> |
| Appointment of in the City of Saint John, | 69 |
| Subject to like rules, &c. as Constables in other Parishes, | <i>ib.</i> |

COLLEGE,

OF NEW BRUNSWICK,

- | | |
|--|------------|
| 1. Conveyance in fee simple, of lands originally granted to, and
surrendered by Tenants, authorized, reserving rents, | 266 |
| Schedule A. of Grantees, Lands and Rents, | 268 |
| Redemption of rents, | 267 |
| Conveyance of lands originally allotted to Tenants, but
not granted in perpetuity, reserving four fold rents, | <i>ib.</i> |
| Schedule B. of persons, lands, rents, &c. | 269 |
| Redemption of rents, | 267 |
| Deeds and Conveyances valid, | <i>ib.</i> |
| Charlotte street, to be excepted in, | <i>ib.</i> |
| Notice, when and how to be given, before conveyances made, | 300 |
| Not to be made until one month after expiration of, | <i>ib.</i> |
| Conflicting claims, to be settled by Court of Chancery, | <i>ib.</i> |
| Conveyance made pending, void, | <i>ib.</i> |
| Monies paid for redemption, investment of, | <i>ib.</i> |
| 2. Conditional surrender of Charter by, | 313 |
| Royal Charter, and transfer of property to new Corporation, | 313-4 |
| Tenants, Graduates, and Students rights preserved, | 314 463 |
| Debts, property, &c. transferred to King's College, | 462 |
| KING'S, AT FREDERICTON, | |
| 3. Debts and property of old Corporation vested in, | 462-3 |
| 4. Annual grant for endowment of, | 463 |
| Upon condition of grant from Casual Revenue, | <i>ib.</i> |

KING'S COLLEGE—Continued.

5. Douglas Medal, grant for,	463
6. Smith's mortgage, of certain lands, authorized to be assigned to Putnam and Clopper,	525, 6
7. Authorized to sell certain lands, and provisions as to quantity, situation, and manner of sales, and application and investment of proceeds,	885
Leases, with covenants of renewal, of Block No. 7, in Frederickton, and of wilderness lands,	885
 COMMISSIONERS OF HIGHWAYS. (See Highways.)	
How appointed, their powers and duties,	712, 724
 COMMONS,	
Justices in Sessions to regulate,	53
Penalty for transgressing regulations,	ib.
Recovery and application,	ib.
 CONSTABLES, appointment of,	
	47, 593
1. Dismissal for neglect or misbehaviour,	593
2. Actions against,	
Not maintainable, until six days after demand of Warrant, and same refused or not given,	135
Warrant produced, &c. on demand, a sufficient defence for acts under it,	136
Although jurisdiction of justice defective,	ib.
Jointly with justice granting Warrant,	ib.
Limitation of,	ib.
3. Of any parish, may execute warrant in any place, within the jurisdiction of the Justice, who shall grant or back the same,	650
Provisions of, 4, W. 4, C. 17, not to extend to civil Suits before Justices of the Peace,	651
4. Appointment of, in Saint John. (See Saint John, No. 12.)	196, 220
 CONVEYANCES, &c. AFFECTING LANDS, &c. (See Deeds.)	
To be registered,	10
Except leases for three years, when possession given,	15
Or void against subsequent purchasers, &c.	10
Registry office, how established,	ib.
Registers, their appointment, oath, duties and liabilities, (See Registers.)	11, 15
Certificate of registry to be endorsed on,	11
Evidence in all Courts,	ib.
Not to be registered until execution thereof proved or acknowledged,	12
Execution, mode of proof of,	11, 12
If grantor live in the United Kingdom,	13, 202
If in any other British Dominion,	13
If in the British plantations,	ib.
If in any foreign Country,	202
Manner of authentication,	13, 202
Duly proved or acknowledged to be registered,	13
And registered, sufficient to pass estate and possession, without livery of Seisin or other form,	202
Certified copy evidence if original destroyed,	12
Copies thereof as good evidence, as Deeds enrolled at Westminster,	13
Femes Covert, Execution of by, and acknowledgement thereof,	76
If consideration under £200,	101
Living in the United Kingdom,	95, 202
In other parts of the British Dominions,	95, 202
In any foreign State,	95

CONVEYANCES, &c.—*Continued.*

Femes Covert, holding lands in her own right,	95
Acknowledgments to be registered,	<i>ib.</i>
Shall bar dower, &c.	<i>ib.</i>
To bar Estates tail, (<i>See Estates, see also Wills, Incumbrances.</i>)	120
Grant, bargain and sell, tantamount to certain covenants,	15
Incumbrances for gaming considerations, shall enure and de- volve, as in case of Grantor's death,	44

CORDWOOD.

Surveyors of, how appointed, and penalties for neglect,	47
---	----

CORPORATIONS,

Acts of Incorporation, passed in or after 1836, may be amended, altered or repealed.	818
---	-----

Erected in or after 1836, to have succession, may sue and
be sued, have a common seal, hold property, appoint
officers, make bye laws, &c.

851, 2

Shares in Capital Stock, personal Estate,	851
Liable to seizure in Execution,	<i>ib.</i>
Manner of seizure,	<i>ib.</i>

Secretary to give certificate of number of,

ib.

Banking prohibited by, unless incorporated for that purpose,

ib.

Proceedings against, by original, abolished,

852

Form of Process in actions, &c.

ib.

Proceedings in default of appearance,
regulated by 7, W. 4, C. 14,

See further the following Titles:

1. Bank of New Brunswick,	255
2. Canal Company, Bay Verte	914
3. Central Bank of New Brunswick,	675
4. Central Fire Insurance Company of New Brunswick,	886
5. Chamcook Mill and Factory Company,	936
6. Charlotte County Bank.	345
7. Church of England,	75
8. Church of Scotland,	572
9. City Bank,	895
10. City of Saint John,	59
11. Fredericton Hotel and Stage Coach Company,	924
12. Fredericton Mill and Manufacturing Company,	937
13. King's College at Fredericton,	462
14. Kirk in Newcastle,	503
15. Lancaster Mill Company,	919
16. Madras School,	252
17. New Brunswick Fire Insurance Company,	534
18. New Brunswick Mill Company,	938
19. New Brunswick Mining Company,	595
20. Portland Mills and Manufacturing Company,	938
21. Restook Lower Mill Company,	929
22. Restook Upper Mill Company,	926
23. Saint Andrews and Quebec Rail Road Company,	831
24. Saint John Bridge Company,	766
25. Saint John Hotel Company,	929
26. Saint John Mechanics' Whale Fishing Company,	782
27. Saint John Mills and Canal Company,	670
28. Saint John Stage Coach Company,	921
29. Saint John Water Company,	580
30. Saint Stephen Whale Fishing Company,	933
31. Shediac and Saint John Rail Road Company,	909
32. Tobique Mill Company,	931
33. Woodstock and Fredericton Stage Coach Company,	928

COUNCIL,

Where Acts appointed to be done by or with His Majesty's Council, the Executive Council intended,	734
--	-----

COUNTIES AND PARISHES,

1. CARLETON,	
a. Erected, and its bounds,	558
Line dividing from York, altered,	663
b. Shire, Town,	559
Court House and Gaol to be erected at,	<i>ib.</i>
c. PARISHES IN,	
Woodstock, originally erected in York,	8
Divided by the lower line of Carleton,	559
Northampton, originally erected in York,	8
Divided by the lower line of Carleton,	559
Wakefield erected, and its bounds,	146
Divided into two parishes,	471
Brighton erected, and its bounds,	<i>ib.</i>
Kent erected, and its bounds,	280
Divided into five parishes,	608
New bounds of,	<i>ib.</i>
Wicklow erected, and its bounds,	<i>ib.</i>
Perth erected, and its bounds,	609
Andover erected, and its bounds,	<i>ib.</i>
Madawaska erected, and its bounds,	<i>ib.</i>
d. Registry of Deeds, and Courts established in,	559
e. Parish Officers as in other Counties,	559
2. CHARLOTTE,	
a. Boundaries,	2
Confirmed,	3
b. Shire Town of,	9
c. PARISHES IN,	
Saint Stephen's, erected and its bounds	4
Limits enlarged,	205
Divided, part included in Saint James',	304
Saint David erected, and its bounds,	4
Saint Andrews erected, and its bounds,	<i>ib.</i>
Saint Patrick erected, and its bounds,	5
Enlarged,	215
Saint George erected, and its bounds,	5
Enlarged,	215
Pennfield erected, and its bounds,	5
West Isles erected, and its bounds,	<i>ib.</i>
Part made Parish of Campo Bello,	146
Part made Parish of Grand Maan,	225
Campo Bello erected,	146
Grand Maan erected,	225
Saint James' erected, and its bounds,	304
d. Representation in General Assembly,	90
3. GLOUCESTER,	
a. Erected, and its bounds,	387
b. Shire Town,	388
c. PARISHES IN,	
Saumarez, originally erected in Northumberland,	218
Erected in Gloucester, its bounds,	388
Divided into three Parishes,	524
Bathurst erected, and its bounds,	388
Beresford, originally erected in Northumberland,	218
Erected in Gloucester, and its bounds,	388
Addington erected, and its bounds,	<i>ib.</i>
Eidon erected, and its bounds,	<i>ib.</i>
New Bandon erected, and its bounds,	524
Carrasquet erected, and its bounds,	525

COUNTIES AND PARISHES,

GLOUCESTER—*Continued.*

d.	Town of Dalhousie, at Restigouche,	388
e.	Representation in General Assembly,	389, 708
4.	KENT,	
a.	Erected, and its bounds,	387
b.	Shire Town,	388
	Name of, changed,	566
c.	PARISHES IN,	
	Carleton, originally erected in Northumberland,	217
	Erected in Kent, and its bounds,	388
	Richibucto erected, by the name of Liverpool, and its bounds,	<i>ib.</i>
	Name changed to,	566
	Divided, and Welford erected,	735
	Wellington erected, and its bounds,	388
	Line between Dundas and, altered,	422
	Dundas erected, and its bounds,	388
	Line between Wellington and, altered,	422
	Huskisson erected, and its bounds,	388
	Harcourt erected, and its bounds,	<i>ib.</i>
	Welford erected, and its bounds,	735
d.	Representation of, in Assembly,	389, 708
5.	KING'S,	
a.	Boundaries of,	2
	Confirmed,	3
	Line between Westmorland and,	69
b.	Shire Town of,	9
c.	PARISHES IN,	
	Westfield erected,	5
	Boundaries altered,	116
	Sussex erected,	5
	Boundaries altered,	116
	Springfield erected,	6
	Boundaries altered,	117
	Kingston erected,	6
	Boundaries altered,	117
	Norton erected, and its bounds	117
	Line between Hampton and,	747
	Greenwich erected, and its bounds,	117
	Hampton erected, and its bounds,	117
	Divided into two Parishes,	747
	Upham erected from part of Hampton,	748
d.	Representation of, in General Assembly,	90
6.	NORTHUMBERLAND,	
a.	Original Boundaries,	2
	Confirmed,	3
	Southern Boundary of,	146
	Divided, and Gloucester and Kent erected,	387
b.	Shire Town of,	9
c.	PARISHES IN,	
	Newcastle and Alnwick erected, their original bounds,	8, 9
	Divided, and nine other parishes erected,	216
	New bounds designated,	216
	Bounds of Newcastle and Nosthesk altered	330
	Wellington erected, and its bounds,	217
	Included in the County of Kent,	387
	Glenselg erected, and its bounds,	217
	Chatham erected, and its bounds,	<i>ib.</i>
	Nelson erected, and its bounds,	<i>ib.</i>

COUNTIES AND PARISHES,

NORTHUMBERLAND, Parishes in—*Continued.*

Ludlow erected, and its bounds,	218
Divided into three parishes,	475, 6
Blissfield erected, and its bounds,	<i>ib. ib.</i>
Blackfield erected, and its bounds,	<i>ib. ib.</i>
Saumarez erected, and its bounds,	218
Included in the County of Gloucester,	387
Beresford erected, and its bounds,	218
Included in Gloucester,	387
Northesk erected, and its bounds,	218
Bounds of, altered,	330
d. Representation in General Assembly,	90
7. QUEEN'S,	
a. Boundaries of,	2
Confirmed,	3
Line between Westmorland and Queen's,	69
Line between Northumberland and Queen's,	146
b. Shire Town of,	9
c. PARISHES IN,	
Wickham erected, and its bounds,	6
Waterborough erected, and its bounds,	6
Divided into two parishes,	403
Hampstead erected, and its bounds,	6
Gagetown erected, and its bounds,	<i>ib.</i>
Brunswick erected, and its bounds,	231
Divided, part included in Chipman,	738
New Canaan settlement deemed within, until the line run out,	231
Canning erected, and its bounds,	403
Divided, part included in Chipman,	738
Chipman erected, and its bounds,	<i>ib.</i>
d. Representation in General Assembly,	90
8. SAINT JOHN,	
a. Boundaries,	1
Confirmed,	3
b. Shire Town, the City of Saint John,	<i>ib.</i>
c. PARISHES IN,	
Portland erected, and its bounds,	3
Saint Martin's erected, and its bounds,	4
Lancaster erected, and its bounds,	<i>ib.</i>
Carleton erected for ecclesiastical purposes only,	328
d. The City of Saint John, (<i>See Charter in Appendix, No. 2.</i>)	
Representation of, in General Assembly,	90
Representation of, in General Assembly,	90
9. SUNBURY,	
a. Boundaries of,	3
Confirmed,	<i>ib.</i>
Line between Northumberland and,	146
b. Shire Town of,	9
c. PARISHES IN,	
Burton erected, and its bounds,	7
Divided, and part included in Blissville,	673
Lincoln erected, and its bounds,	7
Divided, and part included in Blissville,	673
Sheffield erected, and its bounds,	7
Maugerville erected, and its bounds,	<i>ib.</i>
Blissville erected, and its bounds,	673
d. Representation of, in General Assembly,	90

COUNTIES AND PARISHES—*Continued.*

10. WESTMORLAND,	
a. Boundaries	2
Confirmed,	3
Dividing, from King's and Queen's,	69
b. Shire Town of,	9
Changed to Dorchester,	137
c. PARISHES IN,	
Westmorland erected,	4
Sackville erected,	<i>ib.</i>
Divided, and Shediac erected,	404
Hopewell erected,	4
Hillsborough erected,	<i>ib.</i>
Divided, and Coverdale erected,	424
Moncton erected,	4
Boundaries altered and extended,	733
Dorchester erected, and its boundaries,	69
Divided, and Shediac erected,	404
Part annexed to Moncton,	733
Salisbury erected, and its bounds,	69
Botsford erected, and its bounds,	156
Shediac erected, and its bounds,	404
d. Representation of, in General Assembly,	90
11. YORK,	
a. Original Boundaries,	3
Confirmed,	3
Line between Northumberland and,	146
Divided, and Carleton erected,	558
Line between Carleton and; altered,	660
b. Shire Town of,	9
c. PARISHES IN,	
Fredericton erected, and its bounds,	7
Kingsclear erected, and its bounds,	<i>ib.</i>
Prince William erected, and its bounds,	<i>ib.</i>
Divided, and part included in Dumfries,	639
Woodstock erected, and its bounds,	8
Part included in the County of Carleton,	558
The remainder included in the Parish of Dumfries,	639
Saint Mary's erected, and its bounds,	8
Divided, and part included in Douglas,	334
Queensbury erected, and its bounds,	8
Divided, and part included in Douglas,	334
Line dividing from Douglas, altered,	747
Northampton erected, and its bounds,	8
Part included in the County of Carleton,	558
The remainder made Southhampton,	639
Wakefield, } are now wholly in Carleton, } erected,	146
Kent, } see accordingly 1 W. 4, C. 50, } erected,	280
Douglas erected, and its bounds,	334
Line dividing from Queensbury, altered,	747
Dumfries erected, and its bounds,	639
Southampton erected, and its bounds,	<i>ib.</i>
d. Representation in General Assembly,	90
COUNTY ACCOUNTS,	
Annual statement to be prepared and published,	458
Or filed in the Clerk's Office,	<i>ib.</i>
To be laid before Grand Jury,	741
Grand Jury may make presentment upon,	<i>ib.</i>
COUNTY OFFICERS,	
Annual assessment authorized for payment of,	653
COUNTY RATES, (<i>See Rates and Taxes.</i>)	54

COUNTY RECORDS,	
Buildings for safe keeping of,	656
Assessment authorized for,	<i>ib.</i>
Justices to contract for,	657
What offices shall be kept in,	<i>ib.</i>
COUNTY TREASURER,	
How appointed,	55
Removeable at the pleasure of Justices in Sessions,	57
To give Bonds,	55
To pay monies as directed,	<i>ib.</i>
To keep Books and Accounts,	56
Annual allowance, not exceeding £15,	57
In Northumberland, not exceeding £25,	652, 3
No Justice of the Peace or Clerk of the Sessions to be.	452
COURTS,	
1. CHANCERY,	
Defendant out of the Province, proceedings, if he cannot be served with Subpœna,	165, 8
Having known place of residence elsewhere,	610
Service of notice to appear,	600
Proof of,	<i>ib.</i>
Not appearing, Bill taken pro confesso,	166, 610
Decrees, performance of, how compelled,	166
Plaintiff to give security to abide order,	<i>ib.</i>
Not giving security Estate or effects to remain under control of Court,	<i>ib.</i>
Final, after three years,	167
Defendant or his representative returning into the Province copy of decree to be served on,	<i>ib.</i>
Not appearing, or petitioning for rehearing after service, decree confirmed,	<i>ib.</i>
Petition for rehearing, paying costs, &c. and admission to answer,	<i>ib.</i>
2. SUPREME COURT,	
a. Attornies of, may practice in Common Pleas Courts,	20
No other persons may sue or defend for clients,	307
b. Terms of, (<i>See Table of Courts, Appendix, No. 1.</i>)	754
Adjournment of Sittings in, to the second week,	253, 754
Teste and return of Writs,	<i>ib.</i> <i>ib.</i>
c. Assessment of damages, after judgment by default may be made by the Court in actions upon the case,	41
In actions on bonds,	392
By a Judge, in vacation,	755
Regulations respecting,	<i>ib.</i>
Judgment and Execution upon such,	<i>ib.</i>
Jury may be applied for or ordered	42, 393, 755
(<i>See further damages.</i>)	
d. Bail in actions in,	
Not required in Actions for less than £10,	43
Affidavit of debt to be made and filed,	<i>ib.</i>
Regulations respecting,	43, 4
Surrender of principal in discharge of, may be made before Commissioner for taking bail,	306
In case no Judge resides in the County,	<i>ib.</i>
Or in the absence of all the Judges from the County,	451
Proceedings thereon, to enter exoneretur,	307
(<i>See Arrest. Bail.</i>)	
e. Witnesses examination of de bene esse,	
Infirm, or about to leave the Province, may be taken, and regulations respecting same,	41

COURTS,

SUPREME COURT.

Witnesses examination of de bene esse.—*Continued.*

Court or Judge may order on interrogatories, or otherwise, 748

Or order Commission to examine, if abroad, *ib.*

General regulations respecting, 748, 9

(See Witnesses.)

- f. Trials at Circuit Courts authorized without a Commission for that purpose, 19
 Jury, process for, rules respecting, 756
- g. Posteas from Circuit Courts, or Sittings in York, how signed and returned, 755
 Return of, may be stayed, *ib.*
 Judgment upon, when and how entered, *ib.*
 Teste of Executions, *ib.*
 Party may postpone signing, *ib.*
 May be arrested or set aside, and new trial granted in the discretion of the Court, *ib.*
- h. Sittings for trial of issues in York, authorized to be appointed, by order of the Justices, 754
 Records and Writs of nisi prius, for trials at, *ib.*
 Criminal offences triable at, without Commission of Oyer and Terminer, *ib.*
 Sheriff to return precepts, &c. *ib.*
 Coroner, &c. to give attendance, *ib.*
 Clerk of the Crown, and nisi prius Clerk, his duties and emoluments, 755
 Posteas, how returned or stayed, and judgment when to be entered, *ib.*
 Rules and orders respecting, Court to make, 756
- i. Reporter of decisions in, how appointed, and his duty, 816
 Copyright of Reports secured to, *ib.*
 Annual allowance to, and how payable, *ib.*
 Limitation of Act, *ib.*
- k. Summary practice in Actions under £20, established, 671
 Regulated by ordinary practice in matters not provided for, 673
 Declaration to be inserted in the Writ, and served with particulars on Defendant, 672
 Special matters, evidence under general issue, if notice given, 757
 Coverture or infancy not to be given in evidence without notice, *ib.*
 Demurrer allowed, and proceedings and judgment thereon, *ib.*
 Appearance and plea, &c. to be filed within twenty days after return of Writ, or Plaintiff to have judgment, 672
 Defendant may be let in to appear after twenty days, 757
 Judgments, entry of, and copies evidence, 672
 Do not bind lands, but lands may be taken on execution, 673
 Venue, how set forth and changed, 672
 Trials at Nisi Prius, Court to prescribe manner of, *ib.*
 Costs of prosecution, *ib.*
 Defence, 673
 Service of Writs not allowable, unless executed by Sheriff, *ib.*
 Parties proceeding by Ordinary instead of Summary practice, only entitled to Summary costs, unless by Judges order, *ib.*

3. COMMON PLEAS,

- a. Attornies of Supreme Court may practice in, 20
 b. Terms of, *(See Appendix, No. 1.)*

COURTS,

COMMON PLEAS.

Terms of,—*Continued.*

Enlargement of, regulated,	729
No trial by Jury at any adjourned sittings,	<i>ib.</i>
c. Jurisdiction of,	115
Causes under £20 confined to,	142
Subpœnas issued by, extend into any County,	114
d. Bail in, lowest amount for which required,	141
Affidavits for, how sworn,	115
Commissioners to take, how appointed,	254
e. Removal of causes by Habeas Corpus, or error not allowed in causes under £10,	115
By Habeas Corpus in cases under £20,	142
By Habeas Corpus or Certiorari, after Issue joined, and before final judgment,	744
f. Summary proceedings in certain actions under £10, established,	115
Extended to all actions under £20,	142
Regulations as to declarations, plea, trial and judgment,	115
Special matter, evidence under general issue, if notice given,	878
Infancy or coverture not to be given in evidence without notice,	<i>ib.</i>
Default, Defendant may be let in to defend, after Plaintiff entitled to judgment by,	877
Judgment, how entered and signed,	116
Certified copy of entry, evidence,	<i>ib.</i>
Fees in,	<i>ib.</i>
Trial fee,	878
g. Fees in actions not summary,	741, 744
But which should have been,	878
4. OF JUSTICES OF THE PEACE,	
a. Jurisdiction, in what civil actions,	682
Exceptions,	<i>ib.</i>
Actions within, shall be confined to,	683
Plaintiff recovering less than £5 in any other Court, shall not have costs unless a Judge shall certify,	691
By and against whom Actions may be brought,	682
No person exempted from, by privilege,	<i>ib.</i>
Minors Actions by and against	682, 3
City Court, Saint John, authority of,	696
To be held only in the Parishes where Justices reside,	683
Exceptions in case of illness of a Justice,	687
b. Record Book to be kept,	<i>ib.</i>
c. Process to commence a Suit,	683
To be signed by a Justice,	694
Docket of, to be kept,	695
Plaintiff to file a statement of his demand before issuing,	686
Renewal of, if not served,	685
Summons, ordinary Process in all cases,	683
Form of,	685
Service, time, and mode of,	683
Return, and Affidavit of service,	<i>ib.</i>
Forms of,	696, 7
d. Capias when to be issued,	683
Affidavit and form of, to obtain,	697, 8
Form of,	698
To whom directed, &c.	684
Within what time to be served, and how returned,	685
Service of, and arrest of Defendant,	684

COURTS,

OF JUSTICES OF THE PEACE—*Continued.*

e.	Bail to Constable, how taken,	684
	Memorandum of form of, and of Constables return,	698
	To Justice, how taken, and justification of,	684
	Form of memorandum of, and Affidavit,	698
	Deposit in lieu of,	684
	Memorandum of, form of,	698
	Disposition of,	695
	Commitment for want,	684
	Form of Warrant of,	699
	Limitation of imprisonment,	684
	Release on bail or deposit,	<i>ib.</i>
	Or deposit before another Justice, how taken,	684, 5
	Liability of,	685
	Proceedings against, when and how taken,	691
	Form of Summons against Bail,	702
f.	Judgment by default,	688
g.	Attorney or Agent may act for either party,	685
	Authority of,	<i>ib.</i>
	Objected to, must make oath that he acts without fee,	<i>ib.</i>
	Affidavit, form of,	699
h.	Particulars of demand and set off, when to be filed,	686
	Copies of, how obtained,	687
	Parties confined to,	<i>ib.</i>
i.	Defence to be ore tenus,	686
	Set off, what shall be good, and effect of,	<i>ib.</i>
	In actions, by representative persons,	<i>ib.</i>
	Exceeding Plaintiff's demand, effect of,	<i>ib.</i>
	Exceeding £5,	<i>ib.</i>
	Title to lands in question,	<i>ib.</i>
k.	Trial to be at return of Process,	687
	In case of sickness of Justice, another, by request, may act,	<i>ib.</i>
	Proceedings in such cases,	688
	Time of, may be altered by consent,	687
	Adjournment of, in what case allowed, and extent of,	<i>ib.</i>
	By Justice, without a Jury,	688
	Statute of limitations available,	693
	Tender and payment of money into Court, manner and effect of,	693, 4
	Plaintiff may receive,	694
	False swearing, perjury,	<i>ib.</i>
l.	Witnesses attendance, how compelled,	687
	Subpœnas, how issued and served,	<i>ib.</i>
	Forms of, and of Tickets,	699, 700
	Liability for non appearance,	687
	To be sworn,	689
	Forms of oaths,	700
	Exparte evidence, not admissable,	689
m.	Jury when and how applied for,	688
	Venire, Execution and return of,	<i>ib.</i>
	Forms of,	700
	Challenges of Jurors,	688
	Default of Jurors, penalty for, how recovered and applied,	689
	To be sworn,	688
	Form of oath,	701
	Oath of Constable to keep,	<i>ib.</i>
	Verdict of, how made and returned,	689
	Not agreeing, discharge and proceedings thereupon,	<i>ib.</i>
n.	Judgment for Plaintiff,	<i>ib.</i>
	For Defendant,	<i>ib.</i>

COURTS,

OF JUSTICES OF THE PEACE,

Judgment—*Continued.*

Of non suit, in what cases,	689.
Against Joint Debtors, and Execution thereon,	<i>ib.</i>
o. Execution, issuable within a year,	690
How directed, and to extend throughout the County,	<i>ib.</i>
Date, duration and contents,	<i>ib.</i>
Forms of,	701
Proceedings under,	690
Forms relating to,	701
Purchases by Constable selling under, void,	690
Imprisonment under,	<i>ib.</i>
Duration of, and discharge from,	691
No female liable to,	<i>ib.</i>
Judgment in force, notwithstanding discharge of defendant,	<i>ib.</i>
p. Constables, liability for neglect, and proceedings against them,	<i>ib.</i>
q. Justice to pay over money, or guilty of misdemeanor,	694
r. Contempts criminal, what offences punishable as,	<i>ib.</i>
Punishment and record of,	<i>ib.</i>
Warrant to levy fine for, form of,	703
Of commitment for, form of,	<i>ib.</i>
s. Review of proceedings regulated,	691, 3
Proceedings shall not be removed by certiorari, &c.	693
Order for removal, how obtained,	691, 2
Form of,	706
Certificate to stay Execution,	<i>ib.</i>
Security may be required before making,	329
Form of Bond for,	302
Within what time application to be made for,	927
Service of, and of Affidavit,	<i>ib.</i>
Return, how made and compelled,	<i>ib.</i>
Time and place of hearing, and proceedings on review,	<i>ib.</i>
Sickness of Judge, regulations in case of,	693
Judgment on,	692
Final,	693
Adjournment for hearing before the Court,	<i>ib.</i>
Costs on, how and by whom taxed,	<i>ib.</i>
t. Copies of proceedings to be furnished,	695
Proof of,	<i>ib.</i>
Papers filed with Justice, how disposed of in case of his death,	<i>ib.</i>
Continuation of Act,	696
Computation of time,	<i>ib.</i>
Forms to be as set forth in Schedule,	695
Fees as regulated by Schedule,	<i>ib.</i>
u. Schedule of,	704, 5
5. CIRCUIT,	
Cases in Supreme Court, may be tried at, without a Commission,	19
Allowance to Clerk of,	765
6. OF GOVERNOR AND COUNCIL, erected,	83
President, Vice President, Members, and quorum of,	83, 661
Power and Jurisdiction of,	83
Terms of holding, (<i>See Marriage and Divorce.</i>)	852
7. CITY, (<i>See Saint John.</i>)	20
COVERDALE, PARISH OF, erected, and its bounds,	424
CRANES AND WHARVES,	
Rates of Cranage,	62
Wharfage,	211
Regulations as to payment, &c.	62

CRIMES,

OFFENCES AGAINST THE PERSON,	
Certain Statutes of Imperial Parliament repealed,	454
1. Petit Treason deemed murder only,	<i>ib.</i>
2. Murder,	<i>ib.</i>
Principals and Accessories before the fact, shall suffer death,	<i>ib.</i>
Accessories after the fact, punishment of,	<i>ib.</i>
Or Manslaughter committed out of the Province, and party dying in the Province,	<i>ib.</i>
Trial of, in the County where death happened,	<i>ib.</i>
3. Attempting to commit, or to maim, or disfigure, Felony in principals and accessories, and punishment of,	523
Accessories after the fact, punishment of,	<i>ib.</i>
4. Manslaughter, punishment of,	454
5. Homicide, not felonious, not punishable,	455
6. Miscarriage of women quick with child, administering poison or using means to procure, capital Felony, in principal and accessories,	<i>ib.</i>
If woman not quick with child, or not proved to be so, Felony in principal and accessories,	<i>ib.</i>
Punishment,	<i>ib.</i>
7. Concealment of birth, a Misdemeanor,	522
Punishment,	<i>ib.</i>
Mother tried for murder, may be convicted, and punished for concealment,	<i>ib.</i>
8. Buggery, Felony, Death,	455
9. Rape, Felony, Death,	<i>ib.</i>
10. Carnal knowledge of Girl under ten years of age, Felony, Death,	<i>ib.</i>
Between ten and twelve, misdemeanor, punishment,	<i>ib.</i>
Penetration sufficient to complete carnal knowledge, in Buggery. Rape, &c.	<i>ib.</i>
11. Abduction, a misdemeanor, punishment,	<i>ib.</i>
12. Bigamy, Felony, punishment,	<i>ib.</i>
Place of trial,	<i>ib.</i>
What second marriages shall not be deemed,	456
13. Adultery, fornication, &c. trial and punishment,	83, 4
14. Assaults and Batteries,	
Summary trials of, before two Magistrates,	456
Fines and application thereof,	456, 7
Imprisonment for non payment,	456
Acquittal, certificate of,	<i>ib.</i>
Or conviction and punishment, a bar to further proceedings, Civil or Criminal,	<i>ib.</i>
Cases excepted, Assaults, &c. with intent to commit, felony, &c.	<i>ib.</i>
Title to Lands in question,	<i>ib.</i>
Mode of proceeding before two Justices,	457
Form of conviction,	<i>ib.</i>
Treason and Burglary, Revenue and customs not affected by this Act,	<i>ib.</i>
Accessories before or after, Felonies punishable, under 9 & 10, G. 4th, c. 21, punishment of,	457
Benefit of Clergy abolished in offences made capital by 9 & 10 G. 4, c. 21,	494
In all cases,	511
LARCENY AND OFFENCES CONNECTED THEREWITH,	
Distinction between Grand and Petty Larceny, abolished,	514
Punishment for,	514
Except in case of Summary conviction,	<i>ib.</i>

CRIMES,

LARCENY AND OFFENCES CONNECTED THEREWITH—*Continued.*

- May be tried before General Sessions, if Property does not exceed £5 value, 520
 - Causes of difficulty to be handed over to Supreme Court, &c. *ib.*
 - Value of Goods not exceeding forty shillings, Justice may take bail, 520
 - Offender not giving bail within forty eight hours after commitment, may be tried in a summary manner and by whom, *ib.*
 - Punishment in such cases, *ib.*
- 15. Stealing valuable securities, felony, degree of, and punishment, 514
 - What are deemed valuable securities, 515
- 16. Robbery, a capital felony, *ib.*
 - Demand by menaces or force or assault, with intent to steal, felony, punishment, *ib.*
 - Obtaining money by threats of accusation of an infamous crime, robbery, *ib.*
 - Letters threatening to accuse of crimes, sending such with a view to extort gain, felony, punishment, *ib.*
 - Infamous crime, what deemed, *ib.*
- 17. Burglary, a capital felony, *ib.*
 - Definition of, *ib.*
 - Buildings within same curtilage,
 - Breaking into, not being a dwelling house for the purpose of burglary, felony, 515, 516
- 18. Records and proceedings of Courts, *ib.*
 - Stealing or fraudulently destroying, a misdemeanor, punishment, *ib.*
- 19. Stealing Wills, or concealing or destroying, a misdemeanor, punishment, *ib.*
 - Allegation of property, in indictment not necessary, *ib.*
 - Writings relating to real estate, a misdemeanor, punishment, *ib.*
 - Allegation of value not necessary, *ib.*
 - Private remedy not prevented by proceedings or conviction for stealing wills or titles, *ib.*
 - Act of party on oath under compulsory proceeding of Court at suit of party aggrieved, not evidence to convict of misdemeanor last mentioned, 517
- 20. Horses, cattle, &c., killing with intent to steal; felony, punishment, *ib.*
- 21. Embezzlement by Clerks or Servants, felony, punishment, *ib.*
 - Distinct acts of, against same master within six months, may be included in same indictment not exceeding three, *ib.*
 - Indictment for, and proof, *ib.*
- 22. False pretences, obtaining money by, a misdemeanor, punishment, *ib.*
 - May be convicted of misdemeanor although case amounts to larceny, *ib.*
- 23. Receivers of stolen goods, guilty of felony, 518
 - May be tried and punished as accessories or for a substantive felony, *ib.*
 - In the latter case without conviction of principal felony, *ib.*
 - Trial and punishment of, *ib.*
 - Not to be tried a second time, *ib.*
 - Of articles, the taking whereof is a misdemeanor, guilty of a misdemeanor, punishment, *ib.*
 - May be indicted, &c., without conviction of principal, *ib.*
 - May be tried as accessories or principals in any county where property is in his possession or where principal could be tried, *ib.*

CRIMES,

LARCENY AND OFFENCES CONNECTED THEREWITH—*Continued.*

Restitution of property on conviction,	518.
In certain cases where party is acquitted,	<i>ib.</i>
Exceptions,	<i>ib.</i>
24. Reward corruptly taking to help any person to chattels stolen, (unless he bring offender to trial) Felony, punishment,	519
Principals in the second degree, in Felony, punishable, as in the first degree,	<i>ib.</i>
Accessories after the fact, punishment of, except receivers of stolen property,	<i>ib.</i>
Abettors in misdemeanors, Punishable as principal offenders,	<i>ib.</i>
Persons found committing offences, may be arrested, and by whom, without warrant,	<i>ib.</i>
Search warrant, when and how granted,	<i>ib.</i>
Stolen property offered for sale, person to whom offered to apprehend and carry party offering with the property to a Justice,	<i>ib.</i>
Actions against persons for acts done in pursuance of 3 W. 4, c. 15,	<i>ib.</i>
Venue in local,	<i>ib.</i>
Limitation of, and notice to be given,	<i>ib.</i>
General issue, and special matter, evidence,	<i>ib.</i>
Tender of amends may be made,	<i>ib.</i>
Defendant shall recover costs,	520
Plaintiff shall not have costs, unless Judge certifies,	<i>ib.</i>
25. Forgery, felony, punishment,	655
What shall be deemed,	750
Principals in second degree, and accessories before the fact,	<i>ib.</i>
Punishment of,	<i>ib.</i>
Accessories after the fact, punishment of,	<i>ib.</i>
Persons interested in forged instrument, not incompetent as Witnesses,	450
MALICIOUS INJURIES TO PROPERTY,	
26. Setting fire to houses, buildings, &c., to injure or defraud any person, a capital felony,	521
To School House, stacks of Hay or Grain, felony, punish- ment,	<i>ib.</i>
27. To any ship, or destroying the same complete, or unfinished, to prejudice of owner, underwriters, &c., a capital fe- lony,	<i>ib.</i>
28. Damaging Ship or Vessel by other means than fire, felony, pu- nishment,	<i>ib.</i>
29. Sea Banks, Aboideau, Bridges, Mill Dams, &c., cutting down or destroying, felony, punishment,	<i>ib.</i>
Malice against the owner of, not essential to offence,	522
Principals in second degree, and accessories before the fact. punishable as principals in first degree,	<i>ib.</i>
Accessories after the fact,	<i>ib.</i>
Arrest of persons taken in the fact,	<i>ib.</i>
Protection of persons acting under 1 W. 4, c. 16,	<i>ib.</i>
30. Cruelty to Animals,	645
Penalty, and summary prosecution for,	<i>ib.</i>
A misdemeanor, if brought before the Court of General Sessions, or Oyer and Terminer,	<i>ib.</i>
CRIMINALS,	
Escaping from County where warrant issued, may be arrested in any other,	108
The warrant to be indorsed by a Justice of the County, on proof of its authenticity,	107

CRIMINALS,	
Escaping from one County arrest of in another— <i>Continued.</i>	
By whom warrant to be executed,	108
Bail how to be taken,	<i>ib.</i>
Recognizance, examination, &c. to whom to be delivered &c.	<i>ib.</i>
Commitment,	<i>ib.</i>
Justice endorsing warrant, not liable to any Action,	<i>ib.</i>
Action (if any.) against Justice who issued warrant,	109
Expences of conveyance from County to County, provided for,	480
CRIMINAL JUSTICE,	
Former laws relating to, repealed,	505, 6
Apprehension, bail and commitment of persons charged by In- dictment, &c. of offences, other than treason or felony by warrant of Judge of Supreme Court,	490, 494
Bail, examination, &c.	506
Felony, on charge of,	507
Bail not to be taken by a Justice, except by express au- thority of a Statute,	506
Or the order of a Judge of the Supreme Court,	507
Examinations and informations to be taken in writing be- fore commitment or bailment,	507
Clerks of Peace to attend and assist at examinations when required,	660
Compensation to, for so doing,	<i>ib.</i>
Bailment to be certified in writing,	507
Recognizance of Witnesses,	<i>ib.</i>
Examination and other papers to whom to be transmitted,	<i>ib.</i>
Bail may be taken by order of Judge of Supreme Court,	<i>ib.</i>
Who may order evidence before the Justice to be sent to him.	<i>ib.</i>
Certiorari not necessary,	<i>ib.</i>
Order to specify number of sureties, &c.	<i>ib.</i>
Coroner to put evidence in writing.	<i>ib.</i>
To recognize witnesses, and to transmit recognizance, &c. to proper Officer,	508
Misdemeanor, on charge of.	
Examination and information, how taken, and before commitment or bailment,	507
Recognizance of Prosecutor and Witnesses,	<i>ib.</i>
Examination and other documents to be subscribed, and to whom to be transmitted,	<i>ib.</i>
Summary proceedings in Assault and Battery, under 9 and 10 G. 4, C. 21, not affected,	<i>ib.</i>
Felonies,	
To be tried in Supreme Court, or Court of Oyer and Ter- miner, except by special authority of any Statute,	508
Accessories,	
Before the Fact,	
May be prosecuted as such, with, or after convic- tion of, principal,	508
Or for a substantive felony, without reference to the principal,	<i>ib.</i>
May be tried by any Court having jurisdiction to try principal,	<i>ib.</i>
Although offence on the High Seas, or out of Her Majesty's Dominions,	<i>ib.</i>
Or if principal Felony committed in one County, and counselling, &c. in another, may be tried in either,	508, 509
After the Fact,	
Guilty of Felony,	508

CRIMINAL JUSTICE.

Felonies,	
Accessories, after the fact— <i>Continued.</i>	
How and when may be tried,	508
Once duly tried, not to be again indicted,	509
Attaint of principal, unnecessary, conviction sufficient to found proceedings against,	<i>ib.</i>
Venue.	
Where offences committed on or near Boundaries of Counties, or partly in each, may be laid in either County,	<i>ib.</i>
Offences committed in any Coach, Vessel, &c., employed on a journey, may be laid in any County through which same passed,	<i>ib.</i>
And where Road, River, &c., forms boundary of Counties, may be laid in either,	<i>ib.</i>
Property,	
Statement of Ownership,	509
Property of joint Owners,	509, 510
Counties, as Court Houses, &c.,	<i>ib.</i>
In possession or charge of any public officer, &c.	<i>ib.</i>
Misnomer, &c., plea of not to abate indictment,	<i>ib.</i>
Effects of, if supported,	<i>ib.</i>
Arrest or reversal of judgment after verdict.	
Judgment not to be stayed for want of averment in indictment unnecessary to be proved,	<i>ib.</i>
For omission of certain stated words,	<i>ib.</i>
Sundry other defects, immaterial,	511
Want of similitur,	<i>ib.</i>
Improper award of Jury process, &c.	<i>ib.</i>
Misdescription of officer returning Jury process, or of Juror,	<i>ib.</i>
Persons serving on Jury, not returned as such,	<i>ib.</i>
Offences by Statute, indictment sufficient, if described in words of the Statute,	<i>ib.</i>
Plea of not guilty, puts party arraigned on his trial,	
Refusal to plead, or standing mute of malice, Court may order plea to be entered, and proceed,	<i>ib.</i>
Attainder not a sufficient plea, except for the same offence,	<i>ib.</i>
Prisoners lands, &c. or whether he fled, &c. Jury not to be charged to enquire concerning.	
Challenge of Jurors in Felony,	
Peremptory limited to twenty,	<i>ib.</i>
Beyond twenty void, and trial to proceed,	<i>ib.</i>
Benefit of Clergy in Felony, abolished,	<i>ib.</i>
Joinder of Counts in indictment, not prevented,	<i>ib.</i>
Punishments.	
Felonies.	
What shall be capital or not,	511, 512
Imprisonment, hard labour and whipping,	512
Limitation of imprisonment, &c.	<i>ib.</i>
Persons already under sentence of imprisonment, second imprisonment to commence after expiration of first,	
Second Felonies not capital,	
Indictment for,	<i>ib.</i>
Proof of first conviction,	<i>ib.</i>
Uttering false certificate of conviction, Felony,	<i>ib.</i>
Capital, may be commuted for transportation,	512, 513
By whom and in what manner,	<i>ib.</i>
For Felony endured, have the same effect as a pardon,	
Not affecting any subsequent offence,	<i>ib.</i>
For misdemeanor, having been endured, the offence shall not render offender an incompetent witness,	
	<i>ib.</i>

CRIMINAL JUSTICE.

Punishments—Continued.

Labor and kind of work to be regulated by Justices in Sessions,	523
Overseer of, may be appointed,	524
If performed in the Gaol, Sheriff to concur in regulations,	<i>ib.</i>
Application of proceeds,	<i>ib.</i>
Offenders refusing to perform, how punished,	<i>ib.</i>
Construction of Criminal Statutes, as to gender number, &c.	<i>ib.</i>
Indictment or information in Supreme Court, warrant may be issued upon, by a Judge,	490
Bail or commitment how taken or made,	492
Indictments before the Sessions in difficult cases, to be handed over to the Supreme Court, or Oyer and Terminer,	520

CROWNS,

Value of, 5s. 6d.	38, 243
-------------------	---------

CRUELTY TO ANIMALS,

Prosecution for, to be commenced within ten days,	645
Penalty for, and how recovered and applied,	644
Summary proceedings for recovery of,	645
Not to be quashed for want of form,	<i>ib.</i>
Not removable into the Supreme Court,	<i>ib.</i>
Persons charged may give sureties to appear at the Sessions or Oyer and Terminer,	<i>ib.</i>
In aggravated cases. Justice to bind over party, to appear at Sessions,	<i>ib.</i>
A misdemeanor, if brought before the General Sessions, or Oyer and Terminer,	<i>ib.</i>
Actions for malicious proceedings under this Act. forms of, venue, &c.	<i>ib.</i>
Special matter, evidence, under the General Issue.	<i>ib.</i>
Defendant succeeding, to have double costs,	646

CUSTOM HOUSE ESTABLISHMENT,

Annual amount to be retained for payment of expenses.	774, 5
No further amount chargeable on the Revenues,	775
Account of Duties when and how to be rendered,	<i>ib.</i>
Surplus to be paid to Provincial Treasurer,	<i>ib.</i>
Monies collected by officers of, to be applied by the Legislature,	<i>ib.</i>

DALHOUSIE,

Name of Town at Restigouche,	388
Lock up House at,	594

DAMAGES,

1. Assessment of,

a. In actions on the case,	
May be made by the Court, if judgment is suffered by default,	41
Unless Defendant apply for jury of inquiry,	42
Judge may make in vacation,	755
Not until twenty days after judgment by default,	<i>ib.</i>
Defendant may have jury of inquiry,	<i>ib.</i>
b. In Actions on bonds, &c.	
After judgment by nil dicit, &c. the Court may inquire of breaches, and assess damages,	392
Judge in vacation vested with like powers,	755
Costs, Judgments and Execution,	392
On sci. fa. for further breaches, if no appearance is entered, Court may proceed in like manner,	393
Defendant giving notice may have a jury,	<i>ib.</i>
Court may always direct assessment by jury,	<i>ib.</i>

DAMAGES—*Continued.*

- | | |
|---|------------|
| 2. On protested Bills of Exchange, | |
| a. Drawn in this Province on Europe, to be 10 per cent. besides interest and expences, | 42 |
| b. On persons in America, to be 5 per cent. with interest, | <i>ib.</i> |
| c. On persons in West Indies, increased to 10 per cent. | 110 |
| d. Drawn by persons not resident in the Province, but found therein, subject to like damages, | 42 |

DAMAGED GOODS,

- | | |
|---|------------|
| Sale of, for benefit of insurers, | 63 |
| Survey of before, | <i>ib.</i> |
| By whom and how subscribed, | <i>ib.</i> |
| Time and place, and manner of, | <i>ib.</i> |
| Original Invoice to be produced, | <i>ib.</i> |
| Fees of Harbour Master, &c. | <i>ib.</i> |
| Penalty for offending against this Act, | <i>ib.</i> |
| Sales, except as directed, | <i>ib.</i> |
| Recovery and application of, | <i>ib.</i> |
| Act made perpetual, | 163 |

DAMS. (*See Booms and Dams.*)

- | | |
|---|-----|
| Fish ways in. (<i>See Fisheries.</i>) | 179 |
|---|-----|

DE BENE ESSE,

- | | |
|--|-----|
| Examination of Witnesses, infirm, or about to leave the Province, | 17 |
| Facilitated, and further regulations made, (<i>See Witnesses.</i>) | 718 |

DEBTORS.

- | | |
|--|------------|
| 1. Lands liable for debts, (<i>See Lands.</i>) | 25 |
| 2. Apparel, tools, &c. to £15 value, not liable to Execution, and how value to be ascertained, | 867 |
| 3. a. Arrest of, in Supreme Court, not allowed for less than £10 | 13 |
| b. Common Pleas £5 | 111 |
| Affidavit of cause of action, and how sworn, | 13 |
| If Plaintiff out of the Province, | 14 |
| Sum specified to be endorsed on Writ, | <i>ib.</i> |
| Sheriff to take bail for that amount, | <i>ib.</i> |
| If not endorsed, Process only serviceable, | <i>ib.</i> |
| Proceedings in said Courts for less sums, | 13 |
| c. In actions before a Justice of the Peace, not allowed for less than twenty shillings, | 683 |
| Affidavit for, &c. terms of, | <i>ib.</i> |
| Persons having privilege of Assembly, and females exempted from, | 684 |
| 4. JOINT, | |
| Answerable separately to Creditors, | 13 |
| Process against, as heretofore, | <i>ib.</i> |
| Those taken or brought into Court shall answer, | <i>ib.</i> |
| Judgment for Plaintiff, and Execution shall be issued, against all, | <i>ib.</i> |
| Execution not to be executed against sole property or body of any not taken until sci. fa. | <i>ib.</i> |
| 5. INSOLVENT, CONFINED, | |
| a. Money, debts and property, may be assigned by Debtor to the parties confining him, | 864 |
| Apparel, bedding and tools, to £15 value, excepted, | <i>ib.</i> |
| If refused, to be sold, and proceeds offered, | <i>ib.</i> |
| Manner and notice of sale, | <i>ib.</i> |
| If proceeds refused, may be assigned to other creditors, | <i>ib.</i> |
| After assignment of, entitled to benefit of Act, | <i>ib.</i> |

DEBTORS,

5. **INSOLVENT, CONFINED**—*Continued.*

b.	Weekly allowance for support of,	862
	Requisites to obtain,	861
	Application relating to, how made,	<i>ib.</i>
c.	Examination before whom, and notice to creditors,	861, 2
	If committed upon judgment before a Justice of the Peace,	863
	Proceedings on,	862
	Sheriff to bring debtor before the Judge when ordered,	864
	Witnesses attendance to be enforced by Subpoena,	864
d.	Order for, when made, and in what cases,	861, 2
	To be paid to Gaoler,	862
	To be refused or suspended, if debtor can procure maintenance,	863
	To be suspended if he has means of support,	<i>ib.</i>
	Proceedings, if suspended until the order of the Court,	<i>ib.</i>
	Not to be suspended without notice to debtor,	<i>ib.</i>
	Debtor to be brought up by order,	<i>ib.</i>
e.	Discharge for non payment of, when ordered,	862
	Plaintiff may sue to final judgment, and issue <i>fi. fa.</i> but debtor freed from arrest,	<i>ib.</i>
	Persons entitled to, after receiving allowance for one year,	<i>ib.</i>
f.	Supreme Court may relieve applicants confined for one year, not strictly entitled to benefit of act,	<i>ib.</i>
	Notice, application, inquiry and order thereon,	<i>ib.</i>
g.	False swearing perjury,	867
h.	Gaol limits, how designated and appointed, and extent of,	864
	Continued as at present established,	867
i.	In York County authorized to be extended,	459
	to be further extended,	562
k.	In Charlotte authorised to be enlarged,	530
	Justices not prevented from extending so as to allow persons to attend divine service on Sundays in Saint Andrews,	864
e.	Sheriff may permit debtors to go at large within, upon giving bond,	865
	Form of bond,	<i>ib.</i>
	Bond to be assigned and assignee may sue thereon,	<i>ib.</i>
	Court may by rule give relief,	<i>ib.</i>
	Rule to operate as a defeazance to bond,	<i>ib.</i>
	Not liable to action for escape, unless debtor is at large in a manner unauthorised by this Act,	<i>ib.</i>
	Debtor may render himself or be rendered in discharge of limit bond,	867
m.	Creditor may discharge without losing benefit of judgment, judgment to remain in force, and plaintiff may issue execution against property or bring action,	866
	Apparel, tools, &c. to £15 exempted from execution,	<i>ib.</i>
	Debtor freed from arrest and bail discharged by,	<i>ib.</i>
	Executors may discharge and not be guilty of <i>devastavit</i> ,	<i>ib.</i>
	To be discharged on producing consent and proof of authenticity within 24 hours,	<i>ib.</i>
6.	ABSCONDING OR CONCEALED,	
a.	proceedings to obtain relief against,	27
	Affidavit and requisite amount of debt,	<i>ib.</i>
b.	Warrant for attachment of debtor's estate,	<i>ib.</i>
	Grantable by Judge of Common Pleas, who may enforce Act when debt under £50,	32
	Issuing from both Supreme and Inferior Courts, a <i>certiorari</i> to issue to latter,	<i>ib.</i>

DEBTORS,

ABSCONDING OR CONCEALED,

Warrant for attachment of debtor's estate—*Continued.*

	Judge issuing, to report proceedings to Court, to file affidavits and warrants, and within what time,	33
	Grantable by Commissioners, and how such Commissioners appointed and their duties,	666
	Commissioners to be sworn,	667
c.	Directed to Sheriff of the County,	27
	Duties of Sheriff thereunder,	<i>ib.</i>
	Property, questions as to, to be tried by Jury,	664
	Belonging to any other person, to be given up,	665
	Sheriff not liable to prosecution,	<i>ib.</i>
	Charges of seizure to be paid out of the estate,	<i>ib.</i>
	If goods belong to debtor, claimant to pay expences and how recovered,	<i>ib.</i>
	Inquest conclusive, unless notice given within six days and action brought within three months,	<i>ib.</i>
e.	Notice of attachment to be given in Royal Gazette,	28
f.	Goods to be sold after three months,	<i>ib.</i>
	Perishable, may be ordered to be sold,	<i>ib.</i>
g.	Payment or delivery to debtor after notice, fraudulent,	<i>ib.</i>
	Persons sued by debtor after notice may give special matter and this Act in evidence under the general issue,	<i>ib.</i>
	Sales by debtor after notice void,	<i>ib.</i>
h.	Supersedeas to warrant, application for,	665
	By debtor by petition,	<i>ib.</i>
	Bond to creditor, penalty and condition,	<i>ib.</i>
	Judge to report his proceedings to next Court,	666
	Attendance of parties and their witnesses,	<i>ib.</i>
	Court to determine, and if petition supported, supersedeas to issue,	<i>ib.</i>
	Debtor to recover costs, and may sue for damages, unless certificate granted for probable cause,	<i>ib.</i>
l.	Trustees for creditors, when and by whom appointed and sworn,	29
	May be sworn before a Judge of Common Pleas,	305
	Appointment, how and where recorded,	33
	Record good evidence,	<i>ib.</i>
	To testify their appointment,	29
	To require all persons to pay and deliver effects, and creditors to render accounts,	<i>ib.</i>
m.	Persons indebted or having effects and not delivering account, to forfeit double value,	666
	If suspected, to answer upon oath,	<i>ib.</i>
	Refusing may be committed,	<i>ib.</i>
	Discovering concealed effects, to receive 10 per cent.	30
n.	To take the estate into their hands, and may sue for debts,	29
	May sell real and personal estate, and give deeds and notice and manner of sale,	30
	Selling real estate, to record their appointment,	33
	Conveyance from, a good title,	34
	To settle accounts, contracts, &c.	30
	May examine persons on oath,	<i>ib.</i>
	May submit to referees and manner of appointing,	30, 31
o.	General meeting of creditors to examine claims,	31
	Within what time to be called,	<i>ib.</i>
p.	Dividend to be made of monies received,	<i>ib.</i>
	Second dividend within one year after,	<i>ib.</i>

DEBTORS,

ABSCONDING OR CONCEALED,

Trustees for Creditors,

Dividend to be made of monies received—*Continued.*

	Demands not due, rebate of interest to be deducted,	32
	Accounts not rendered or adjusted until after a division, excluded until a second dividend,	<i>ib.</i>
	Absent creditors may act by attorney,	<i>ib.</i>
g.	To keep accounts, open to creditors,	34
	To be subject to order of the Court,	<i>ib.</i>
	To render attested accounts of proceedings,	<i>ib.</i>
	Allowed 5 per cent.	<i>ib.</i>
	May give special matter in evidence under general issue,	<i>ib.</i>
r.	Surplus of estate payable to debtor,	32
	Or to a receiver to be appointed,	667
s.	Discharge of from appointment and liability,	<i>ib.</i>
	Owing 40s. or more, absent for six months, may be pro- ceeded against as absconding,	71
	Proof required,	72
	Trustees not to be appointed until after six months,	<i>ib.</i>
	Act made perpetual,	163

DEEDS, CONVEYANCES, &c.

1.	Affecting lands, &c. to be registered,	10
	Except leases for three years when possession given,	15
2.	Void against subsequent purchasers, &c. unless first re- gistered,	<i>ib.</i>
3.	Offices for registering established,	<i>ib.</i>
	Registers, how appointed and sworn, and their duties, (<i>See Registers.</i>)	11, 15
	Deeds, &c. to be produced to register,	11
4.	Certificate of registry to be indorsed,	<i>ib.</i>
	Contents of,	<i>ib.</i>
	Evidence in all Courts,	<i>ib.</i>
5.	Books of register, pages to be numbered,	<i>ib.</i>
	Only one to be kept in each County for all instruments,	398
	To be numbered in order as registered,	11
6.	Execution of, to be proved or acknowledged, and by whom oaths are to be administered,	11
	Acknowledgments of, and before whom,	12
	Not to be registered until proved or acknowledged,	<i>ib.</i>
7.	Mode of proof if grantor live in the United Kingdom,	13, 202
	in any other British dominion,	13
	in the British plantations,	<i>ib.</i>
	in any Foreign Country,	202
	authentication,	13, 202
	so acknowledged to be registered,	
8.	Feme Covert execution of by and acknowledgment thereof,	70
	If consideration under £200,	101
	Living in the United Kingdom,	95
	in other parts of the British Dominions,	<i>ib.</i>
	in any Foreign State,	<i>ib.</i>
	Holding lands in her own right to be acknowledged in same manner,	95
	Acknowledgment to be registered,	<i>ib.</i>
	Shall bar dower,	120
9.	Duly registered sufficient to pass estate and possession, with- out livery of seisin or other form,	12, 13, 202
10.	Copies evidence, if originals destroyed,	12
	Duly registered and copies as good evidence as deeds enrolled at Westminster,	13
11.	Bargain and sale sufficient to bar entail,	20

DEEDS, CONVEYANCES, &c.— <i>Continued.</i>	
12. Grant, bargain and sell, tantamount to certain covenants, (<i>See further Wills and Testaments.</i>)	15
DESERTERS.	
Penalty for persuading soldiers to desert,	651
Harbouring or assisting and how recovered and applied, 100,	651
Apprehension, examination and commitment of,	100
Subsistence of in gaol,	<i>ib.</i>
Gaoler to receive without fee,	652
Rewards for apprehending,	<i>ib.</i>
Not to exceed annually £100,	<i>ib.</i>
DEVICES. (<i>See Wills and Devises.</i>)	21, 25
DIGDEGUASH RIVER,	
Regulations for driving timber and logs in, (<i>See Saint Croix and Digdeguash</i>)	405
Booms with piers authorised at the Rolling Dam on,	562
Passage way for floating timber and assistance in passing timber, &c. required,	563
DISORDERS,	
Upon pretence of petitioning the Governor. (<i>See Petitions.</i>)	65
DISORDERLY AND IDLE PERSONS,	
Who shall be deemed,	64
Apprehension, examination and imprisonment of,	<i>ib.</i>
Appeal to Quarter Sessions,	47
Penalty for cutting grain, robbing orchards, &c.	159
Persons unable to pay to be committed,	160
Parents and guardians liable for minors,	<i>ib.</i>
DISORDERLY HOUSES,	
Apprehension of persons keeping, and sureties to appear at Ses- sions, and for good behaviour,	449
Recognizance of inhabitants complaining,	<i>ib.</i>
Witnesses not incapacitated by being sureties,	<i>ib.</i>
Who shall be deemed the keeper of,	<i>ib.</i>
Indictment, trial of at same Sessions when found, unless the Court adjourn the same,	<i>ib.</i>
DISSENTERS FROM THE CHURCH OF ENGLAND,	
Allowed liberty of conscience,	16
May build Meeting Houses and elect Minister.	<i>ib.</i>
No person to preach unless elected, without license.	<i>ib.</i>
No person to preach until he swear allegiance.	17
By whom oaths to be administered,	<i>ib.</i>
Penalty for offending,	<i>ib.</i>
Recovery and application, and limitation of period for conviction,	<i>ib.</i>
Quakers may exercise worship as accustomed,	<i>ib.</i>
DISTILLERIES,	
Prohibited, unless annually licenced,	467
Owners of, alone entitled to license,	<i>ib.</i>
Licence how and by whom granted and payment for,	<i>ib.</i>
Contents of,	<i>ib.</i>
Expiration of,	<i>ib.</i>
Penalty for working without,	<i>ib.</i>
Spirits manufactured at, duty upon,	466
Accounts of to be rendered on oath monthly,	467
Form of oath,	468
Penalty for neglect to render,	<i>ib.</i>

DOGS,	
1. Tax on in Saint John authorised,	137
How levied, collected and applied,	<i>ib.</i>
Not to exceed 5s. for each dog,	<i>ib.</i>
2. In Fredericton and Saint Andrews,	427
Within what limits,	427, 8
Amount of,	428
a. How collected, recovered and applied,	<i>ib.</i>
b. Collector of, appointment, oath and duties,	<i>ib.</i>
Allowance to,	<i>ib.</i>
To account to General Sessions,	429
Liability for neglect,	<i>ib.</i>
c. Collars with owners names to be put on dogs,	428
Dogs without to be killed, and by whom,	<i>ib.</i>
Penalty on owner for neglect,	<i>ib.</i>
3. Destroying sheep, to be killed by owner,	410
Penalty for neglect,	<i>ib.</i>
Owner to pay value of sheep, and damages, and recovery thereof,	<i>ib.</i>
Justice may direct to be killed,	<i>ib.</i>
Any person may kill, and justify, and shall have double costs,	<i>ib.</i>
4. Justices to make regulations for confinement or destruction of,	
during prevalence of hydrophobia,	529, 30
DOLLARS,	
Value of 5s.	38
Aliquot parts in proportion,	243
DORCHESTER,	
Parish of, erected and its bounds,	69
Shire Town of Westmorland,	137
Divided and Shediac erected,	404
Part of annexed to Moncton,	734
DOUGLAS, PARISH OF	
Erected and its bounds,	334
Line dividing from Queensbury altered,	747
DOWER,	
Not barred by deed, unless executed by feme covert and acknowledged,	70
Form of acknowledgment, and before whom made,	<i>ib.</i>
Before whom made, if feme covert live in the United Kingdom,	95
in any other part of British dominions.	<i>ib.</i>
in any Foreign State,	<i>ib.</i>
Acknowledgments to be registered with deeds,	<i>ib.</i>
Of deeds, by feme covert, of land held in her own right, made in like manner,	<i>ib.</i>
DRIFT NETS prohibited, (<i>See Fisheries, No. 5.</i>)	262
DRIVING AND RIDING UPON PUBLIC ROADS,	
Persons meeting to keep to the left,	421, 2
Passing others going in the same direction to go to the right,	422
Penalty for not keeping to the left, and for hindering or preventing others from passing,	823
Loaded teams not to give road to unloaded carriages,	824
Driver of, to stop for light sleigh, &c. to pass,	<i>ib.</i>
DUMFRIES, PARISH OF	
Erected, and its bounds,	639
DUNDAS, PARISH OF	
Erected, and its bounds,	388
Line between Wellington and, altered,	422
EAGLE, GOLD OF UNITED STATES OF AMERICA,	
Value of 50s.	243

ELDON, PARISH OF	
Erected, and its bounds.	388
ELECTIONS,	
Of Members of Assembly, (<i>See Assembly, No. 5 to 10.</i>)	
Regulated,	87, 92
Controverted, trials of, (<i>See Assembly, No. 11, 12.</i>)	439, 446
EMIGRANTS FROM THE UNITED KINGDOM,	
Duty for each passenger, payable by masters of vessels,	587
Difference if vessels sanctioned or not by Government,	<i>ib.</i>
Proviso as to children,	<i>ib.</i>
Accounts and application of, regulated,	588
Recovery, in case of refusal to pay,	<i>ib.</i>
ESTATES,	
Per auter vie, deviseable. (<i>See Lands.</i>)	36
Tail, may be conveyed by deed of bargain and sale,	120
EVIDENCE, (<i>See Witnesses.</i>)	
1. Witnesses infirm or about to leave the Province, may be examined de bene esse,	41
Further regulations as to examination of, in and out of the Province,	748
2. Of Quakers,	450
3. In forgery, no person incompetent as a Witness, by reason of interest in writing forged,	<i>ib.</i>
4. Amendment of record in case of variance between it and writing produced as, allowed, and in what Courts and cases,	447
5. At Nisi Prius to be endorsed on postea,	<i>ib.</i>
EXECUTIONS,	
Proceedings under fi. fa. against lands, (<i>See Lands.</i>)	25, 27
Bind goods, only from the time of delivery to Sheriff to be executed,	37
Sheriff to endorse the time of receiving,	<i>ib.</i>
Not to levy on apparel, bedding or tools under £15 value, and how value to be ascertained,	867
EXECUTORS,	
To prove Wills in thirty days after death of testator,	22
Or present Will and renounce executorship,	<i>ib.</i>
Penalty for neglect,	<i>ib.</i>
To exhibit an inventory,	<i>ib.</i>
Legacies recoverable at law,	<i>ib.</i>
Executor being residuary legatee may sue co-executors,	<i>ib.</i>
Administration cum testamento annexo,	24
If personal estate insufficient to pay debts, lands may be sold by licence,	24
If estate insolvent Commissioners to be appointed,	25
Manner of sale, and distribution of proceeds,	24
Bonds to be given before sale,	25
In what case estates per auter vie go to,	36
EUROPE.	
Bills of Exchange on, protested damages on, (<i>See Damages, 2a.</i>)	42
FEME COVERT,	
Not barred of dower by deed, unless executed by her,	70
Acknowledgment, form of and before whom made,	<i>ib.</i>
If consideration shall not exceed £200,	101
If she live in the United Kingdom,	95, 202
in other parts of British dominions,	<i>ib.</i>
in any Foreign State,	<i>ib.</i>
To be registered with conveyance,	<i>ib.</i>
Conveyance of lands held in her own right may be acknowledged in like manner.	<i>ib.</i>

FENCES,

With gates across highways, (<i>See Gates.</i>)	
At Wilmot's farm in Lincoln, (<i>See Gates, No. 1.</i>)	138
On intervale lands in Queen's County, (<i>See Gates, No. 2.</i>)	188
King's County, (<i>See Gates, No. 2, 3.</i>)	283
Dividing improved lands,	
Height and description of, and what deemed lawful,	499, 502
By whom to be erected, and disputes respecting, and how to be determined,	<i>ib.</i>
Occupier neglecting to make, how erected and expences thereof,	<i>ib.</i>
Fence viewers, powers and duties and fees of, and penalty for neglect,	<i>ib.</i>
Waters and water fences, Justices to regulate,	<i>ib.</i>
Owners of unimproved lands not bound to fence,	501

FENCE VIEWERS,

Appointment of, and penalty for neglect,	47
Duties of, as to division fences,	500
Fees, and penalty for neglect of duty,	<i>ib.</i>

FERRIES,

Regulations and rates, &c. may be made by the Justices in Session,	73
Penalties for breach of,	<i>ib.</i>
Recovery and application of,	<i>ib.</i>
Justices may establish ferries,	756
And licence ferrymen,	<i>ib.</i>
Rights of the King reserved,	<i>ib.</i>
Ferries established deemed under this Act,	<i>ib.</i>
At Indian Town, Saint John, how established, &c.	579

FIRES,

1. In the woods, &c.	
Penalty for kindling and not extinguishing,	48, 9
Recovery and application,	49
Persons so kindling liable to damages,	<i>ib.</i>
2. In Saint John,	
Corporation to make regulations for preventing and extinguishing,	198
Compel attendance to extinguish,	<i>ib.</i>
Prevent dangerous hearths, chimnies, &c. and direct places of deposit for ashes,	<i>ib.</i>
Officers to be appointed to examine houses and give directions,	199
Regulate carriage of gunpowder, &c. and the use of lights in stables,	198
Require inhabitants to provide fire buckets,	<i>ib.</i>
Penalties for non-observance of ordinances,	199
To direct inhabitants to provide ladders and other things necessary for extinguishing,	246
Penalties for non-observance,	<i>ib.</i>
Firemen to be appointed and their number,	374
Forty more may be appointed,	566
Duties of,	374
May be removed and others appointed.	375
Privileges and exemptions,	<i>ib.</i>
Names of, to be registered,	<i>ib.</i>
Rules and regulations for, and penalties for neglect,	<i>ib.</i>
Sheriffs, constables, &c. duties of in assisting at,	376
Water, supply of from pipes laid down by Water Company,	584
Expence of vents, how to be defrayed,	<i>ib.</i>
Nostreet of less than fifty feet wide, to be laid out or built upon,	240
Houses upon streets of less width, nuisances,	<i>ib.</i>
Streets or houses already laid out or built not affected,	<i>ib.</i>

FIRES—*Continued.*

3. In Portland, 57 G. 3. c. 9, extended to Portland,	281
Firewards how appointed and sworn,	<i>ib.</i>
Badges of office to be carried at fire,	235
Authority and duty of,	<i>ib.</i>
To form lines for conveying water,	236
Due obedience to be yielded to,	235
Penalty for disobedience,	<i>ib.</i>
To enter houses, examine hearths, chimnies, &c.	236
To prevent continuance of fires in stoves, &c. if dan- gerous, until altered,	<i>ib.</i>
Penalty for disobedience,	<i>ib.</i>
4. In Fredericton,	
Firewards, how appointed and sworn,	316
Badges of office to be carried,	<i>ib.</i>
Authority and duty,	317, 377
Obedience to be yielded and penalty for disobedience,	317
Commitment, and prosecution for penalty, for dis- obedience,	377
Conveyance of water by lines,	317
Stoves, &c. in buildings to be examined by,	<i>ib.</i>
Fires in stoves to be discontinued if ordered. until repaired,	318
Firemen, appointment, duties and privileges of,	
Rules and orders for government of, and penalties for defaults,	<i>ib.</i>
Assessments for wells, engines, ladders, &c.	318, 19
Upon householders, and how levied and collected,	319
Firewards to account annually for monies,	319
Penalty for neglect or refusal.	<i>ib.</i>
For another engine authorised,	378
Penalty for using candles in barns, except in lanterns.	319
Constables, duty of, upon alarm of fire.	377
Penalty for neglect,	<i>ib.</i>
Staves for, to be provided,	<i>ib.</i>
Buckets and ladders to be provided by householders, and penalty for neglect,	378
To be sent or carried to fires,	<i>ib.</i>
To be collected after fires by firemen,	<i>ib.</i>
5. In Newcastle and Chatham,	
Act 5 Geo. 4, cap. 5, as to Fredericton extended to,	423, 4
6. In Saint Andrews,	
Firemen, how appointed and sworn,	431, 2
Badges of office to be carried by.	432
Duties of at fires,	<i>ib.</i>
Obedience to be yielded to,	<i>ib.</i>
Persons refusing, commitment and prosecution of,	433
Duty of constables, gaolers, &c. therein,	<i>ib.</i>
Penalty upon, how recovered and applied.	<i>ib.</i>
Stoves, &c. in buildings to be examined by,	434
Fires in to be discontinued, if ordered, until repaired,	<i>ib.</i>
Constables, duties of at fire,	432
Penalties for neglect.	<i>ib.</i>
Staves, how provided for and kept,	<i>ib.</i>
Combustibles not to be set on fire within two hundred feet of buildings,	434
Candles not to be used in barns without lanterns,	<i>ib.</i>
Streets, fire not be carried in, except in covered vessel,	<i>ib.</i>
Penalties for offences,	<i>ib.</i>
Firemen, appointment, number, registry and duties of.	<i>ib.</i>
Regulations for with penalties, how made,	<i>ib.</i>
Privileges and exemptions of,	435

FIRES,

6. In Saint Andrews— <i>Continued.</i>	
Destroying hooks, ladders, &c. penalty for,	435
Householders to be provided with buckets, ladders, &c.	<i>ib.</i>
To carry buckets to fires,	435
Penalties for neglect,	<i>ib.</i>
Assessments for engines, buckets, &c. how and where to be made, and upon whom,	436
How to be levied, collected, &c.	<i>ib.</i>
Firewards to account for monies and penalty for neglect,	<i>ib.</i>
7. In Mill Town,	
Firewards, how appointed and sworn,	751
Residents in described district,	<i>ib.</i>
Badges of office to be carried at fires,	<i>ib.</i>
Authority and duty of,	<i>ib.</i>
Obedience to be yielded to,	<i>ib.</i>
Penalty for disobedience,	<i>ib.</i>
Recovery and application of,	752
Water, lines for conveyance of,	<i>ib.</i>
Penalty for refusal to fall into lines,	<i>ib.</i>
Buckets to be provided by householders,	875
To be carried to fires,	876
Stoves to be examined,	752
If considered dangerous, firewards may order fires to be discontinued until repaired,	<i>ib.</i>
Penalty for disobedience of order,	<i>ib.</i>
Firemen, how appointed and displaced,	<i>ib.</i>
Register of names of,	<i>ib.</i>
Duties of,	752, 3
Regulations for government of, how made and published,	753
Penalties for breach of,	<i>ib.</i>
Mills, &c. penalty for carrying fire in, except in lamps or lanterns,	<i>ib.</i>
Assessment for engine, &c. and upon whom,	<i>ib.</i>
Limitation of Act relating to,	<i>ib.</i>
Ladders to houses to be provided, and description of,	875
Penalty for neglect,	876

FISH,

Inspection of regulated,	760
Inspectors of, how appointed,	<i>ib.</i>
To be sworn, and to give bonds,	<i>ib.</i>
Penalty for acting, until duly appointed and qualified,	<i>ib.</i>
Penalty for neglect or improper conduct,	762
Duty of, in inspecting and branding,	760, 4
Fees of,	762
May employ assistance, in what cases, and additional rate of charge for the same,	<i>ib.</i>
Liable for damages, if fish of inferior quality, and how and where recoverable,	763
Pickled,	
Contents and description of barrels, &c. for,	760
Curing and packing regulated, and weight of in barrels, &c.	760, 1
Barrels, branding directed,	761
Intermixing, penalty for,	<i>ib.</i>
Damaged, penalty for selling or exporting,	<i>ib.</i>
Imported from Halifax, regulations respecting,	<i>ib.</i>
Shipped for exportation, without being inspected and branded, penalty for,	761, 2
May be seized, and inspected, and detained until expenses paid,	762
Penalty on owner,	<i>ib.</i>
Assistance to be rendered to officer,	<i>ib.</i>

FISH,

Pickled—*Continued.*

Selling or offering before inspection. penalty for,	763
Prosecution, limitation of time for,	<i>ib.</i>
Penalties, recovery and application of,	<i>ib.</i>
Fish in bulk, &c. and in kegs under ten gallons not within the Act,	<i>ib.</i>
Dry,	
Qualities of, and fees for inspection,	764
Surveyors and cullers of,	
Appointment of, and penalty for neglect,	47

FISHERIES,

1. Penalty for obstructing course of fish in any river,	104
Second offence,	<i>ib.</i>
Recovery and application,	<i>ib.</i>
Offenders may be imprisoned,	109
Not to extend to weirs upon flats, &c.	104
2. Overseers of, appointment, powers and duties,	<i>ib.</i>
Fishermen not eligible,	<i>ib.</i>
To remove nets illegally set,	105
Sale of nets, &c. unclaimed, and application of proceeds,	<i>ib.</i>
Fees of, and penalty for neglect of duty, and how recovered,	<i>ib.</i>
Imprisonment for want of effects,	109
Neglecting duty, sheriff or constable may act,	105
Property in nets unclaimed,	<i>ib.</i>
3. Nets not to be set or remain in water between Saturday and Monday,	106
Salmon not be speared during the same time,	105
Penalty for offending,	106
Recovery and application,	<i>ib.</i>
Imprisonment for want of effects,	109
4. Mill dams to have sufficient fish ways,	179
On complaint inquiry to be instituted,	<i>ib.</i>
If found true, Sessions to make order,	<i>ib.</i>
to fine offender,	<i>ib.</i>
Twenty days continuance a new offence toties quoties.	<i>ib.</i>
5. Drift nets prohibited in rivers, harbours, &c.	262
Penalties for first, second and third offences,	<i>ib.</i>
Recovery and application,	<i>ib.</i>
Overseers to seize,	<i>ib.</i>
Penalty for neglect,	<i>ib.</i>
May benefit by penalties,	<i>ib.</i>
6. River Saint John, branches and harbour,	
Length of nets in main river,	105
In branches, &c.	<i>ib.</i>
Width of bow computed where there are islands,	<i>ib.</i>
Below Boar's Head, and in harbour,	<i>ib.</i>
In the harbour, and penalty for offending,	178
No nets at Shag Rocks,	<i>ib.</i>
Not more than one net in same line,	109
Distance between,	106
How measured,	106, 109
Penalties for offences, and how recovered, &c.	<i>ib.</i>
Imprisonment of offender,	109
7. Kennebecasis, length of nets in,	105
8. County of Northumberland,	
Act of 33 Geo. 3. C. 9, repealed as to,	126
Overseers of in,	129
Oaths, powers, duties and fees,	<i>ib.</i>
Penalty for neglect,	130
Sheriff, &c. to act if overseers neglect,	<i>ib.</i>

FISHERIES,

County of Northumberland— <i>Continued.</i>	
Extent of nets in the Bay and River Miramichi,	126, 129
in front of lot No. 57,	221
Penalties for offences against 39 G. 3. C. 5, and how recovered and applied,	310
General Sessions in to make rules for,	130
Bass fisheries, Justices to regulate and enforce,	607
Regulations by penalties, &c.	608
Gaspereaux, time of taking in Bay or River Miramichi,	643
Penalty for offending,	<i>ib.</i>
Not to be used as manure, and penalty for offending,	<i>ib.</i>
Shad fisheries, provisions of 3 W. 4, c. 16 extended to,	739
9. Westmorland,	
Justices to regulate,	106
In the Petitcodiac and its branches,	
Salmon and Shad prohibited to be killed until after Wednesday in every week,	385
Salmon not to be killed after 20th August,	<i>ib.</i>
Penalty for offences,	<i>ib.</i>
Nets not to be used for taking above the bend,	<i>ib.</i>
Penalty for offending,	<i>ib.</i>
Overseers of fisheries, appointment of, &c.	529
10. Charlotte,	
Justices to regulate,	106, 163
Overseers of fisheries to enforce regulations,	106
11. Kent,	
Justices to regulate,	429
12. Gloucester,	
Former Acts repealed as far as relates to,	619
Salmon not to be killed after 15th August in Restigouche or Eel River,	621
Penalty and punishment of offenders,	<i>ib.</i>
For obstructing course of,	620
Nets prohibited after 20th July, and penalty,	621
Fishing prohibited between Saturday and Monday,	<i>ib.</i>
Drift nets prohibited, penalty and punishment,	620
Justices to make further rules for protection of,	621
To enforce by fines and imprisonments,	622
Present regulations continued,	623
Penalty for offences against Act or regulations,	622
Overseers of, appointment. oath and duty,	<i>ib.</i>
Refusal to serve, or neglect of duty, penalty for,	<i>ib.</i>
Appointment pro. tem. in case of vacancy,	<i>ib.</i>
Accounts of to be rendered,	<i>ib.</i>
Remuneration further, for services,	623
13. Grand Manan, West Isles, Campo Bello, Pennfield and Saint George,	
Seines and nets prohibited across the mouths of rivers,	401
Extent of in any River,	<i>ib.</i>
Penalties for offending,	<i>ib.</i>
Wears and fish garths to have a space of forty feet open in the centre,	<i>ib.</i>
To be stopped by a net, only when attended,	<i>ib.</i>
Penalty for offending,	<i>ib.</i>
Overseers of,	<i>ib.</i>
Seizure of nets set contrary to law, and sale thereof if unclaimed regulated,	<i>ib.</i>
Fees of,	402
Penalty for neglect of duty,	<i>ib.</i>
Neglecting duty, constable to act,	<i>ib.</i>

FISHERIES,

Grand Manan, West Isles, Campo Bello, Pennfield and Saint George— <i>Continued.</i>	
Smoked herrings in, size and inspection of,	402
Inspectors of, how appointed and their duties,	<i>ib.</i>
Fees of,	<i>ib.</i>
Penalty for neglect of duty,	403
Sale or exportation, until inspected and marked, penalty for and seizure and sale of fish,	402
Penalty for removing to avoid seizure,	403
Fishing within three miles of Grand Manan prohibited, at certain seasons, except in vessels and with nets above certain sizes pursuing the cod and scale fisheries,	6-17
Nets and buoys not to be used until examined and branded,	<i>ib.</i>
Penalty for offending, and recovery and application,	499
Overseers of to be sworn and their fees,	6-17
11. Cod and scale,	
Penalty for casting heads or offal of fish on shores of Grand Manan, &c. where cod, &c. are usually taken,	238

FORESTALLERS AND REGRATERS,

Who shall be deemed forestallers,	60
regraters,	61
Punishment for forestalling or regrating.	<i>ib.</i>
Conviction and application of penalties.	<i>ib.</i>

FORGERY,

In prosecutions for, no witness incompetent by reason of interest in forged instrument,	450
What shall be deemed,	750
Made felony and punishment of,	655, 750
Principals in second degree and accessories, punishment of,	750
Offence to hawkers and pedlars, (<i>See Hawkers and Pedlars.</i>)	460

FORNICATION, &c.

Punishable, how and by what Courts.	83, 1
-------------------------------------	-------

FRAUDS AND PERJURIES.

Act for prevention of,	35
Parole leases vest estates at will only,	<i>ib.</i>
Except leases not exceeding three years.	<i>ib.</i>
Leases or interest in land assignable, &c. only by writing.	<i>ib.</i>
No action maintainable upon promise or agreement unless in writing,	
To charge executor in his own estate,	<i>ib.</i>
To answer for the debt of another,	<i>ib.</i>
Upon assurances as to character of another,	878
Upon consideration of marriage,	35
Upon contract or sale of land or any interest therein,	<i>ib.</i>
Upon agreement not to be performed within one year,	<i>ib.</i>
Declarations, grants and assignments of trusts not in writing void,	<i>ib.</i>
Trusts arising by implication of law not affected.	<i>ib.</i>
Lands held in trust may be taken under execution against cestui que trust,	36
Trusts in fee simple deemed assets by descent,	<i>ib.</i>
Heir chargeable by such assets, not chargeable out of his own estate, but execution to issue as at common law,	<i>ib.</i>
Estates per auter vie deviseable or descendible,	<i>ib.</i>
Manner of executing will of,	<i>ib.</i>
When to go to executor, &c.	<i>ib.</i>

FRAUDS AND PERJURIES—Continued.	
Judgments of His Majesty's Courts how signed and dated,	36
As against bo. fi. purchasers bind land only from time of signing,	<i>ib.</i>
And registry of memorial,	397
Execution binds property only from the time when delivered to the sheriff to be executed,	37
Sheriff to indorse the time of receiving,	<i>ib.</i>
Contracts for sale of goods above £10 not good except part accepted, or earnest given or note in writing,	<i>ib.</i>
Provision extended to contracts for goods not actually ready for delivery,	879
Recognizances bind land in the hands of a purchaser only from time of enrolment,	37
FREDERICTON, PARISH OF	
Erected and its bounds,	7
Shire Town of York County,	9
Assize of Bread in, how regulated, (<i>See Bread, No. 1.</i>)	195
Carmen and truckage,	
Justices to make regulations for with penalties,	337, 473
Unloading vessels, Justices to regulate,	337
Public landings in, eleven appointed and described,	413
Survey and return of, to be filed in Surveyor General's office,	<i>ib.</i>
Avenues leading to deemed highways,	<i>ib.</i>
Penalty for incumbering,	<i>ib.</i>
Regent street in part reserved for steam boats,	414
Penalty for incumbering, &c.	<i>ib.</i>
Proprietors of steam boats may employ constable to attend at bridge, and his authority there,	<i>ib.</i>
Fires in, (<i>See Fires, No. 1.</i>)	316, 377
Dog tax in certain parts of, (<i>See Dogs, No. 2.</i>)	428
Amount of and how levied, recovered and applied,	429
Horses and swine, penalty on owners of, if at large in certain parts of,	527
To be impounded if owners unknown, and advertised and sold, and application of proceeds,	<i>ib.</i>
At large by accident, Justices may remit penalty,	<i>ib.</i>
Gaol limits, extension of authorised,	562
FREDERICTON HOTEL AND STAGE COACH COMPANY,	
Incorporated, and their powers and privileges declared,	924
Capital Stock,	<i>ib.</i>
Shares, number and amount of,	
Each entitled to a vote,	925
Holders of, may be represented by proxies,	<i>ib.</i>
Transferable, and how,	924
One fifth to be paid in and certified within three years or Act void,	926
Assessments, how made, called in and enforced,	925
Meetings of the Company,	
First meeting how called,	925
Annual meeting, time and place of,	<i>ib.</i>
Directors, number, qualification and election of,	<i>ib.</i>
President, how chosen,	<i>ib.</i>
Officers, clerks and servants, how appointed,	<i>ib.</i>
FREDERICTON MILL AND MANUFACTURING COMPANY,	
Incorporated,	937
Capital Stock,	<i>ib.</i>
Shares, number and amount of,	<i>ib.</i>
15 per cent. to be paid in before property to be purchased or debts incurred,	<i>ib.</i>
And to be certified within three years or Act void,	<i>ib.</i>
May be increased, when, and to what amount,	<i>ib.</i>

GAGETOWN, PARISH OF,	
Erected, and its bounds,	6
Shire Town of Queen's County,	9
GAMING,	
Act to prevent,	44
Considerations,	
Securities and conveyances for, void,	<i>ib.</i>
Conveyances and incumbrances of land for, shall enure and devolve as in case of grantor's death,	<i>ib.</i>
Grants and conveyances to prevent void,	<i>ib.</i>
In actions for wagers or gaming bets, plaintiff shall be nonsuited,	<i>ib.</i>
Persons losing more than 20s. at one sitting may recover same from winners,	45
Pleadings in such actions,	<i>ib.</i>
Parent or guardian may recover money, &c. and treble value of money won from minor,	<i>ib.</i>
Persons guilty of fraud shall forfeit five times the value of amount won,	<i>ib.</i>
Justices may enter public houses, and order removal of gaming tables within 48 hours,	<i>ib.</i>
If order neglected may prostrate the tables, and require sureties of the peace, or for appearance, or commit to gaol,	<i>ib.</i>
Offenders to be prosecuted and punishment,	<i>ib.</i>
Persons living by to give security for good behaviour, or be committed on information by members of Grand Jury,	<i>ib.</i>
Houses, persons keeping, apprehension and punishment of, (<i>See Disorderly Houses.</i>)	
Lotteries,	
Act to prohibit,	732
Adjudged nuisances,	<i>ib.</i>
No person to exercise or open,	<i>ib.</i>
Penalty for opening or exposing,	<i>ib.</i>
playing or throwing at,	<i>ib.</i>
setting up or publishing,	<i>ib.</i>
Act not to extend to fishery draft at Saint John,	<i>ib.</i>
Limitation of Act,	<i>ib.</i>
GARDENS,	
Penalty for robbing or injuring,	159, 160
Persons unable to pay to be committed,	160
Parents answerable for minors,	<i>ib.</i>
(<i>See Disorderly and Idle Persons.</i>)	
GATES AND FENCES ACROSS HIGHWAYS,	
1. At Wilmot's farm in Lincoln, (<i>See Banks of Rivers, No. 2.</i>)	138
How erected and repaired, and expences defrayed,	<i>ib.</i>
Penalty for fastening, propping open or injuring,	<i>ib.</i>
Recovery and application,	139
2. On intervale lands in Queen's and Sunbury and King's Counties,	188
Licence to erect, how obtained,	<i>ib.</i>
Penalty for injuring, fastening open, &c.	<i>ib.</i>
To be kept in repair by proprietor,	189
removal of,	<i>ib.</i>
3. In King's County, Act extended to,	283
GLENELG, PARISH OF	
Erected, and its bounds,	217
GLOUCESTER, COUNTY OF	
Erected, and its bounds,	387
Representation in General Assembly,	389
Increased to two members,	708

GLOUCESTER, COUNTY OF— <i>Continued.</i>	
Shire Town, Bathurst,	388
Parishes in,	<i>ib.</i>
<i>(See Counties and Parishes, No. 1.)</i>	
Beacons and Buoys, <i>(See Beacons and Buoys, No. 1, 5.)</i>	476
Booms and Dams, <i>(See Booms and Dams, No. 5.)</i>	641
Fisheries in, <i>(See Fisheries, No. 12.)</i>	619
GOVERNMENT HOUSE,	
Certain premises authorised to be conveyed by College to the	
King,	222, 3
Grant of purchase money,	223
Conveyances effectual,	<i>ib.</i>
To be held for the purpose of a residence for Lieutenant Governor,	224
Commissioners to have care of,	<i>ib.</i>
GRAIN,	
Penalty for cutting, robbing orchards, &c.	159
<i>(See Disorderly and Idle Persons.)</i>	
GRAND JURY, <i>(See Juries and Jurors, No. 1, 2, 3.)</i>	17, 19, 84
Foreman of, Act authorising to swear witnesses repealed,	77
GRAND MANAN, PARISH OF	
Erected,	225
West Isles, Campo Bello, &c. fisheries in, <i>(See Fisheries, No. 13.)</i>	491
GRANT, BARGAIN AND SELL,	
Construction of words in deeds,	15
GRANTS,	
Boundary lines between certain grants in Charlotte, how to be ascertained,	194
May be resumed, if lands wanted for purpose of war or defence,	143, 206
<i>(See Lands.)</i>	
GREAT ROADS. <i>(See Highways.)</i>	
GREENWICH, PARISH OF	
Erected, and its bounds,	117
GUAGERS OF CASKS,	
Appointment of, and penalty for neglect,	47
GUINEA,	
Value of 23s. 4d. <i>(See Coins.)</i>	
HABEAS CORPUS, WRIT OF	
Person to whom directed neglecting or refusing to obey or make return, guilty of contempt,	857
Proceedings against regulated,	<i>ib.</i>
Return of in term or vacation,	857, 8
Truth of facts stated in and cause of confinement may be examined into,	858
Appearing doubtful, party may be let to bail to appear before the Court,	<i>ib.</i>
Court may examine summarily or by the trial of an issue,	<i>ib.</i>
Like proceedings if writ awarded by Court,	<i>ib.</i>
Costs and expences Court or Judge may make over respecting,	<i>ib.</i>
Non-payment a contempt and proceedings thereon,	<i>ib.</i>
HAMPSTEAD, PARISH OF	
Erected, and its bounds,	6

HAMPTON, PARISH OF	
Erected, and its bounds,	117
Divided, and Upham erected,	748
HARBOURS, (<i>See also Beacons and Buoys.</i>)	
Ballast not to be discharged in, except at places directed by General Sessions, and penalty for offending,	292
Berths, regulation of,	<i>ib.</i>
Discharge of, into lighters regulated, and penalty for offending,	<i>ib.</i>
Anchoring of vessels in, how regulated,	<i>ib.</i>
Masters, how appointed,	<i>ib.</i>
To enforce regulations made by Justices,	<i>ib.</i>
Fees of,	<i>ib.</i>
To furnish pilots with copies of harbour regulations,	<i>ib.</i>
Pilots to give same to masters of vessels,	<i>ib.</i>
To prosecute all breaches of the Act,	<i>ib.</i>
Penalties, recovery and application of,	<i>ib.</i>
Under former Act to continue in office,	293
Saint John not within the Act,	292
Corporation of, to make bye laws, &c. to prevent unloading ballast in any roadstead, &c. near to the harbour, with penalties,	333
HARCOURT, PARISH OF	
Erected, and its bounds,	388
HAWKERS AND PEDLARS,	
To pay an annual duty to the Treasurer,	459
Rate of duty for persons on foot or with beasts, &c.	<i>ib.</i>
Licence from Treasurer or deputy,	<i>ib.</i>
Certain persons not within the Act,	460
To specify manner of travelling, &c.	459
Form of,	461
Penalty for trading without,	460
For refusing to produce, and who may demand to see,	<i>ib.</i>
Forging punishable as forgery,	<i>ib.</i>
Smuggled goods, penalty for dealing in,	<i>ib.</i>
Recovery and application of,	<i>ib.</i>
HAY,	
Weighers, how appointed, and penalty for neglect of duty,	47
Fees of, and by whom payable,	48
Machines for weighing, Justices to erect or allow,	131
Justices to regulate and establish fees,	<i>ib.</i>
And affix penalties, and how recovered and applied,	<i>ib.</i>
HEALTH, BOARDS OF	
(<i>See Infectious Distempers.</i>)	623, 765
HEIR AT LAW,	
Shall have two shares of the real estate of an intestate,	22
And an equal portion of the personal estate,	23
HIGHWAYS,	
How laid out, &c.	713, 794
Damages by passing through improved lands, how ascertained,	714
Alterations, proceedings in,	<i>ib.</i>
If objected to, jury of inquiry may be summoned,	<i>ib.</i>
Damages to owner, how ascertained,	<i>ib.</i>
Jury of inquiry, how summoned,	<i>ib.</i>
how sworn,	792
Who shall preside at inquest,	793
Witnesses before, how summoned and sworn,	792

HIGHWAYS,

Jury of inquiry on alterations— <i>Continued.</i>	
Fees of jurors on,	715
Person summoning,	<i>ib.</i>
How to be assessed and paid,	714, 15
Width of,	715
Private roads, how laid out, and width of,	<i>ib.</i>
Expences to be defrayed by applicants,	<i>ib.</i>
Authority to open when laid out,	794
Old, after alteration how shut up,	716
Unnecessary may be shut up,	<i>ib.</i>
Returns of, to be made and registered, and by whom,	<i>ib.</i>
Penalty for neglect,	<i>ib.</i>
All roads deemed public highways on which money appropriated by Legislature may be expended,	276
Incumbrances, how removed from,	716
Penalty for persons placing or erecting,	717
Commissioners and surveyors, how appointed and sworn,	713
Penalties for refusal to act or neglect of duty,	<i>ib.</i>
Prosecution for, by whom,	793
Vacancies, how filled,	713
Division of parishes into districts,	<i>ib.</i>
A commissioner and surveyor for each,	<i>ib.</i>
Labor by,	723
Labor upon, who liable to perform,	717
Scale of,	<i>ib.</i>
Substitutes not allowed in Fredericton,	724
Indigent persons, how relieved,	792
Assessment of, how made and list published,	718
Statement of persons to be furnished Commissioners,	719
Penalty for neglect or refusal or false statement,	<i>ib.</i>
Persons coming after to be added,	718
Appeal by persons overrated,	723
Affidavit to be filed, where, and when,	<i>ib.</i>
Money may be received in lieu of,	718
Application of,	<i>ib.</i>
Inhabitants to be summoned by surveyors,	<i>ib.</i>
Notice to and manner of summoning,	719, 792
To be performed under direction of the surveyor,	719
Teams, allowance for,	<i>ib.</i>
Penalty on owners for refusal to furnish,	720
Penalty for neglect to labor or pay 2s. 6d. per day,	719
Capias to hold delinquent to bail allowed,	793
Persons not working satisfactorily may be discharged, and shall be liable to,	719
Returns of to be made by surveyor, how and when,	792
By commissioners, and accounts rendered, how and when, &c.	722
Form of,	723
Balance of money to County Treasurer,	<i>ib.</i>
Application of,	<i>ib.</i>
Performed in another Parish, sufficient excuse if certificate produced within six days,	720
Repair of, after completion of labor in any year,	<i>ib.</i>
In City of Saint John,	
Corporation shall not have authority beyond,	603
What are and shall be deemed,	<i>ib.</i>
Labor on,	<i>ib.</i>
Scale of,	604
Poor persons may be relieved from,	<i>ib.</i>
Assessment of,	<i>ib.</i>
Persons to give statements to surveyors,	606
Penalty for refusal or false statement,	606

HIGHWAYS,

In City of Saint John,

Labor on—*Continued.*

Assessors, how appointed,	604
Appeal to Common Council,	<i>ib.</i>
Money receivable in lieu of,	605
Substitutes not allowed,	<i>ib.</i>
Surveyors, how appointed and sworn,	<i>ib.</i>
Penalty for refusal to serve, &c.	<i>ib.</i>
Duty of,	<i>ib.</i>
Accounts and returns by,	605, 6
Chamberlain to keep accounts of monies,	606
Persons summoned and not working to pay 2s. 6d. per day,	<i>ib.</i>
Recovery thereof,	<i>ib.</i>
Not working satisfactorily may be discharged and shall pay money,	<i>ib.</i>
Maugerville, expenditure of labor to secure banks of river,	155
In winter,	
Ways to be marked in the snow, and by whom,	721
Manner of marking,	<i>ib.</i>
Replacing marks,	<i>ib.</i>
Inhabitants to be summoned to place,	<i>ib.</i>
Penalties for refusal to labor,	<i>ib.</i>
Teams to be furnished, and penalty for refusal,	<i>ib.</i>
Penalty for destroying bushes, &c.	<i>ib.</i>
Rivers frozen, parts of Parishes,	<i>ib.</i>
Commissioners to agree upon limits,	<i>ib.</i>
Holes cutting in the ice, Justices to make regulations, and penalty for breach of,	793, 4
To be broken in the snow,	<i>ib.</i>
Inhabitants to attend with horses, teams, &c.	<i>ib.</i>
Penalty for neglect or refusal,	<i>ib.</i>
Sleds and sleighs to have bells, and penalty for neglect,	722
In York and Sunbury,	
Commissioners to agree upon extent of parishes,	151
Roads to be marked with bushes,	199
In what parishes, and distances between bushes,	199, 200
Penalty for cutting or destroying,	151
Inhabitants to furnish teams, &c. when summoned,	<i>ib.</i>
Pleasure sleighs, only to break roads,	152
Not to go more than three miles from home,	<i>ib.</i>
Penalty for neglect,	<i>ib.</i>
Commissioners and surveyors, penalty for neglect,	151
Application of,	152
On Nashwaak and Penniock Rivers,	
Inhabitants to labor with shovels, &c.	<i>ib.</i>
Penalty for neglect,	<i>ib.</i>
Width of sleds,	<i>ib.</i>
Penalty for less dimensions of,	<i>ib.</i>
Except from sleds and sleighs,	<i>ib.</i>
Road for travellers to settlement,	<i>ib.</i>
Penalty for not travelling,	<i>ib.</i>
Bates' mill pond to Kennebecasis River, how laid out, &c.	197
Great Roads of Communication,	
All the Acts relating to, viz. : 3 G. 4, c. 31,	294
6 G. 4, c. 20,	369
8 G. 4, c. 10,	399
2 W. 4, c. 1,	561
2 W. 4, c. 7,	563

HIGHWAYS,	
Great Roads of Communication,	
Acts relating to— <i>Continued.</i>	
2 W. 4, c. 12,	567
2 W. 4, c. 32,	586
3 W. 4, c. 24,	618
6 W. 4, c. 9,	814
6 W. 4, c. 42,	868
are repealed by 7 W. 4, c. 6, which establishes all the Great Roads, and new regulations respecting the same.	
HILSBOROUGH, PARISH OF,	
Erected,	4
HOG REEVES,	
Appointment and penalty for neglect to serve,	47
HOPEWELL, PARISH OF,	
Erected,	4
HOUSE OF ASSEMBLY, (<i>See Assembly.</i>)	
HOUSES OF CORRECTION,	
In York and Charlotte,	
How to be established,	480
HUSKISSON, PARISH OF,	
Erected and its bounds,	388
IDIOTS,	
Estates of, (<i>See Lunatics.</i>)	709
IDLE AND DISORDERLY PERSONS,	
Act for punishing,	46
Who shall be deemed,	<i>ib.</i>
May be apprehended for examination,	<i>ib.</i>
May be committed to prison or house of correction,	<i>ib.</i>
Imprisonment not to exceed one month,	<i>ib.</i>
Constable on notice by any inhabitant, to apprehend for exami- nation,	<i>ib.</i>
Penalty for neglect after notice,	<i>ib.</i>
Persons aggrieved may appeal to next Quarter Sessions, giving sureties to prosecute such appeal,	<i>ib.</i>
Act to prevent divers misdemeanors by,	159
Penalty for cutting grain, robbing orchards, &c. or breaking hedges or destroying materials, and conviction,	<i>ib.</i>
Amount of, and how applied,	
Persons unable to pay, to be committed,	160
Parents and guardians liable for minors,	<i>ib.</i>
INCEST, &c.	
Punishable, how and by what Courts,	83, 4
INCUMBRANCES AFFECTING LANDS, &c.	
1. Mortgages, how executed, proved or acknowledged, and regis- tered, (<i>See Deeds and Conveyances.</i>)	10, 13
Certificate of satisfaction,	15
To be proved and by and before whom,	<i>ib.</i>
To be recorded, and an entry of satisfaction to be made on the record,	<i>ib.</i>
Mortgagee may personally enter satisfaction,	<i>ib.</i>
2. Judgments, memorials of, registry and discharge of,	397
INDIAN TOWN, SAINT JOHN,	
Ferry and public landing at, how to be established, and rates of ferriage, &c.	579

INFANCY,

Promises to pay debt contracted during, required to be in writing, 878

INFECTIOUS DISTEMPERS,

1. Act to prevent the spreading of, in the Province, 131
 - No person coming from infected place, to land without permission, and penalty for offending, *ib.*
 - Penalty upon master of vessel and person landing, 283
 - Justices to make rules in aid of Act, 132
 - Health officers to be appointed by, and power and authority of, 284
 - Pains and penalties, and how recovered and applied, *ib.*
 - Not to extend to City of Saint John, 131, 284
2. Charlotte County,
 - Penalty on master of vessel landing persons in, if such person have been within thirty days at an infected place, 132
 - Report to be made to nearest Justice of persons coming from infected place, *ib.*
 - Tavern keepers and householders, penalty for neglect, *ib.*
 - Justices in, to remove aliens coming from infected place, *ib.*
 - Recovery of fines and penalties, *ib.*
- 3 And Northumberland,
 - Vessels having small pox, or coming from infected places not to proceed beyond specified places until licence given, 541
 - Provisions of 1 W. 4, c. 40, extended to all vessels having passengers, 570
 - Justices to appoint places, 541
 - If licence refused vessel to perform quarantine, *ib.*
 - Quarantine not to exceed 10 days, *ib.*
 - Regulations for vessels performing, *ib.*
 - Penalty for disobeying, 542
 - Discharge from, 544
 - Signals to be hoisted by vessels, and continued until licence given, 542
 - Description of, *ib.*
 - Penalty for neglect, *ib.*
 - Pilots to be furnished with instructions for vessels, *ib.*
 - And the tenor of, *ib.*
 - To communicate same to masters, *ib.*
 - Penalty for neglect, *ib.*
 - Pay of, if detained on board vessels performing quarantine, 545
 - Inspecting physicians, how appointed, powers and duties, 543
 - Masters of vessels to permit to come on board, and to give true statement, and penalty for offending, 545
 - Persons attempting to land may be forced back, 543
 - Master to detain, *ib.*
 - May be landed at Lazaretto by order, 543, 4
 - May be again taken on board, *ib.*
 - Penalty and punishment for escaping from, 544
 - Penalty for landing or approaching the shore, *ib.*
 - After landing by licence, if attacked by disease, may be removed to lazaretto, *ib.*
 - Search warrant for persons escaping from lazaretto, 544, 5
 - Penalty for assisting to escape, 545
 - Refusing to assist officers enforcing quarantine, *ib.*
 - Actions against constable, &c. enforcing quarantine, special matter evidence under general issue, *ib.*

INFECTIOUS DISTEMPERS,

2. Charlotte and Northumberland,	
Vessels at quarantine— <i>Continued.</i>	
Persons going on board to be detained,	546
Penalty for re-landing, and may be sent back,	<i>ib.</i>
Prosecution for, and application of penalties,	<i>ib.</i>
Mode of levying penalties, and imprisonment for want of effects,	547
In summary proceedings for penalties, party may have jury,	546
Recognizance to appear, or commitment,	547
Place of commitment,	<i>ib.</i>
3. Westmorland, Gloucester and Kent,	
Vessels having diseases or coming from infected places, not to proceed beyond specified limits until licence given,	
	573
Justices to appoint such limits,	<i>ib.</i>
If licence denied, to perform quarantine,	<i>ib.</i>
Not exceeding forty days,	<i>ib.</i>
Intercourse with vessel at quarantine prohibited,	<i>ib.</i>
Except by and with leave of physician,	<i>ib.</i>
Penalty for offences,	574
Signal to be hoisted and continued by,	<i>ib.</i>
Branch pilots to be furnished with instructions, and tenor thereof,	<i>ib.</i>
To read or communicate same to masters,	<i>ib.</i>
Penalty for neglect,	<i>ib.</i>
1 W. 4, c. 40, sec. 5 to 19 inclusive, extended to Counties of,	575
4. Saint John,	
Act to prevent spreading of, in City of,	611
Extended to all parts of Bay of Fundy, &c.	642
Pilots to be furnished with instructions, and the effect thereof,	<i>ib.</i>
To communicate same to masters,	614
Vessels having diseases, or coming from infected places, or having passengers, not to proceed beyond described limits, until examined and consent given,	611
From certain places and in certain seasons excepted,	<i>ib.</i>
Corporation may allow to come to certain other limits,	<i>ib.</i>
To be anchored at limits if ordered by physician,	611, 12
To remain not more than three days unless quarantine ordered,	612
Time to be fixed by Common Council,	<i>ib.</i>
Quarantine may be ordered by Common Council,	<i>ib.</i>
Time and place of, and intermediate discharge from,	<i>ib.</i>
Detained or performing, master not to allow intercourse with shore, except under direction of physician,	<i>ib.</i>
Penalty for proceeding beyond limits,	<i>ib.</i>
Landing from, going on board, or disobeying orders,	<i>ib.</i>
Signals to be hoisted by, and continued,	<i>ib.</i>
If detained, or at quarantine,	613
Penalty for neglect,	<i>ib.</i>
Masters not to land or suffer persons to land before coming into harbour, and penalty for neglect,	<i>ib.</i>
Persons landing without leave, carried back to vessel or other place,	<i>ib.</i>
Pilots, in addition to forfeit £20,	<i>ib.</i>
Bay of Fundy included in preceding provisions,	642

INFECTIOUS DISTEMPERS,

Saint John,	
Vessels having diseases on board— <i>Continued.</i>	
Physicians, how appointed, duties and powers,	614
Penalty for false report to,	<i>ib.</i>
May be displaced by Common Council,	615
Fees of,	<i>ib.</i>
Persons going on board, penalty for,	<i>ib.</i>
To be detained,	<i>ib.</i>
Relanding, penalty for,	<i>ib.</i>
May be carried back, or to other place,	<i>ib.</i>
Landing on Partridge Island, &c. during quarantine, by order of Common Council,	616
To remain until leave given to depart,	<i>ib.</i>
Departing from, to be carried back,	<i>ib.</i>
Vessel to be purified, Common Council may discharge,	<i>ib.</i>
Special constables to prevent intercourse with,	<i>ib.</i>
Penalty for unlawful intercourse with persons landed,	617
Persons to be detained, and penalty for departing,	<i>ib.</i>
Breaking out among persons landed, persons and vessel to be removed,	<i>ib.</i>
Pest house, erection and government of,	290
Removal of sickly seamen to,	291
Persons visiting to be detained,	<i>ib.</i>
Recovery of penalties, and mode of prosecuting,	617
5. Boards of Health,	
When and how appointed,	623
For what Counties,	765
In Saint John,	623
Chairman,	<i>ib.</i>
Members to be sworn,	624
To manage all business relating to public health,	<i>ib.</i>
Places of meeting, quorum, manner of voting,	<i>ib.</i>
Clerks of,	<i>ib.</i>
Orders, how signed,	<i>ib.</i>
To enforce quarantine laws,	<i>ib.</i>
May seize and remove persons or goods improperly landed,	625
Physicians, pilots, &c. to act under,	624
To make regulations, with penalties,	<i>ib.</i>
To enter houses, enclosures, &c. and remove nuisances, and cleanse buildings,	<i>ib.</i>
May fence up streets, &c. and prevent intercourse,	<i>ib.</i>
Regulate intercourse between places,	625
Destroy things dangerous to health,	<i>ib.</i>
Build houses, employ physicians, &c.	<i>ib.</i>
Committees of, to execute orders of,	<i>ib.</i>
May sue and be sued jointly,	<i>ib.</i>
Expences of, to be defrayed by warrant,	626
Not more than £200 per annum to be drawn from Treasury for any County,	765
Saint John excepted,	<i>ib.</i>
May remove persons to hospital,	626
Penalty for violating orders of,	<i>ib.</i>
Recovery of fines and penalties,	<i>ib.</i>
INQUIRY. (<i>See Juries and Jurors, No. 7.</i>)	876
INSPECTORS,	
Of staple commodities,	
How appointed, and penalty for neglect to serve,	47
Of butter, how appointed,	147
Duties of, and penalty for neglect,	<i>ib.</i>
Of fish, (<i>See Fish.</i>)	760

INSURANCE,

1. CENTRAL FIRE INSURANCE COMPANY OF NEW BRUNSWICK.

Incorporated,	886
Capabilities, seal, &c.	<i>ib.</i>
May make bye laws,	<i>ib.</i>
Capital Stock £50,000,	<i>ib.</i>
One fifth to be paid in six months,	<i>ib.</i>
Remainder, how secured and paid,	<i>ib.</i>
Investment of,	891
Alone responsible for debts and engagements,	892
Shares, number and amount of,	887
To be assignable,	892
May be represented by proxies,	889
Twenty per cent. to be paid within six months,	887
Security for remainder,	<i>ib.</i>
Subsequent payments not to exceed twenty per cent. at one time,	<i>ib.</i>
Meetings, first, how called and its objects,	883
Annual, time and place of,	<i>ib.</i>
For dissolving corporation,	893
Special, for election of directors in certain cases,	889
Directors, how chosen, and qualification of,	888
To choose a president,	<i>ib.</i>
Five to be re-elected,	<i>ib.</i>
Powers of,	<i>ib.</i>
Board of, for business,	889
Vacancies, how filled up,	<i>ib.</i>
To make half yearly dividends,	890
Books, &c. to be open for inspection of,	893
May call general meetings,	893
Liability of, in case of losses equal to capital,	892
President, how chosen,	888
To be re-elected,	<i>ib.</i>
Compensation to,	889
To have casting vote,	<i>ib.</i>
Stockholders,	
May vote by proxy,	<i>ib.</i>
Liability of, when insurances exceed £200,000	<i>ib.</i>
Insurances,	
How effected,	894
Losses to be settled within ninety days,	890
Limitation of amount of,	894
Policies, how to be executed,	890
Entered into by agents,	<i>ib.</i>
Dividends to be made half yearly,	<i>ib.</i>
Not to exceed six per cent. nor two thirds of gains,	891
Real estate, may possess, and to what value,	890
As collateral security,	<i>ib.</i>
Investment of capital, &c.	891
Statement of affairs to be laid before annual meeting,	893
In triplicate to be transmitted to Governor and Legislature,	<i>ib.</i>
Committee of Council and Assembly to have access to books,	<i>ib.</i>
Corporation not to engage in banking operations,	892
2. NEW BRUNSWICK FIRE INSURANCE COMPANY,	
Incorporated,	534
Capital Stock,	535
No similar company to be incorporated with less capital,	539
Shares, number and amount of,	535
Each entitled to a vote,	537
May be represented by proxies,	<i>ib.</i>
Assignable and manner of transfer,	538

INSURANCE.

NEW BRUNSWICK FIRE INSURANCE COMPANY,

Capital Stock—*Continued.*

Twenty per cent. to be paid and remainder secured,	535
Residue, how may be called in,	<i>ib.</i>
Securities for. to be renewed when required, and consequence of refusal,	539
Alone responsible for debts, &c.	<i>ib.</i>
Investment of, in public or corporate funds,	538
Of £10,000 in Provincial funds,	569
Of profits, &c. in landed security or other- wise,	577
No loans to be for less than one year,	<i>ib.</i>
Dealings in buying and selling and banking prohibited,	538
General Meetings,	
First, how called, and its objects,	535
Annual, time and place, and objects of,	536
General statement of affairs at,	540
Special, for election of directors in certain cases,	537
For other purposes, how called,	540
For dissolution of company,	<i>ib.</i>
Directors,	
Qualification of,	537
Disqualification of, by selling out,	<i>ib.</i>
Number of, and how elected,	536, 7
Seven to be re-elected,	536
Vacances, how to be filled,	537
Power and duties of,	536
Not to have any salary,	537
Board for transacting business,	536
Liable for losses on policies in certain cases,	539
Books, &c. open to inspection of,	<i>ib.</i>
No other person to examine private accounts,	540
President, how chosen,	536
Re-election of, as director,	<i>ib.</i>
Vote of, and casting vote by,	537
Compensation to,	<i>ib.</i>
Insurances, on what property to be made,	<i>ib.</i>
Limit of, on any building or its contents,	538
Policies, how to be signed,	537
Losses, settlement of,	<i>ib.</i>
Dividends to be made half yearly,	538
Not to exceed six per cent. or two-thirds of net gain, until surplus fund amounts to £25,000,	576
Not to be made if capital reduced to less than £10,000,	538
Real estate, limit of amount, except as collateral security,	<i>ib.</i>
Profits may be loaned upon,	<i>ib.</i>
Annual statement of affairs to be made,	540
Duplicate for Governor and Council,	<i>ib.</i>
Committee of Legislature to have access to books,	<i>ib.</i>
Dissolution, meeting for, &c.	<i>ib.</i>
Limitation, 1st May, 1851,	<i>ib.</i>

INSURERS,

Sales on account of, regulated, (<i>See Damaged Goods.</i>)	51, 63
---	--------

INTEREST,

Shall not exceed six per cent. per annum,	38
Bonds or contracts for a higher rate void,	<i>ib.</i>
Penalty for usury,	<i>ib.</i>
Application and recovery,	39
Limitation of prosecution,	<i>ib.</i>

INTEREST—Continued.	
Act does not apply to bottomry bonds, &c. damages on protested bills, or penalty for not fulfilling contracts,	<i>ib.</i>
Nor to grain, cattle, &c. let on shares, when lender liable for casualties,	<i>ib.</i>
Payable on treasury warrants after presentment,	674
INTERVALE LANDS,	
Gates and fences across highways in Queen's, Sunbury and Kings, (<i>See Gates, No. 2.</i>)	188
INTESTATES ESTATES,	
Administration of, when and how granted,	23
To persons legally entitled,	<i>ib.</i>
To creditors,	<i>ib.</i>
Judge of probate to take bond,	<i>ib.</i>
May call administrators to account,	<i>ib.</i>
To distribute personal estate,	<i>ib.</i>
Order of distribution of personal estate,	<i>ib.</i>
Not until after one year except by special order and bond given,	24
Personal assets insufficient for payment of debt, administrators to apply to Governor,	<i>ib.</i>
Real estate, any part may be sold to pay debts by licence from Governor and Council,	<i>ib.</i>
Notice of sale,	<i>ib.</i>
If estate insolvent, commissioners to be appointed,	25
On their report estate to be sold,	<i>ib.</i>
Division of proceeds,	<i>ib.</i>
Administrators to give bonds before sale,	<i>ib.</i>
Distribution of, among the heirs,	22
INVENTIONS,	
Patents for, (<i>See Patents.</i>)	657
INVENTORY,	
To be exhibited by Executors, (<i>See Executors.</i>)	22
INTERVALE LANDS,	
In Queen's County,	
Gates and fences across highways passing through, (<i>See Gates and Fences.</i>)	188
JOHANNES,	
Value of half, 40s.	38
ISLANDS.	
Proprietors may make annual regulations for managing, &c.	67
To meet on the first day of winter Sessions,	<i>ib.</i>
Manner of voting,	68
Disobeying regulations liable to action of trespass,	<i>ib.</i>
Further penalty, and how recovered and applied,	<i>ib.</i>
Limitation of action, or complaint,	<i>ib.</i>
Rules, &c. to be filed with Clerk of Peace,	<i>ib.</i>
In force for one year only,	<i>ib.</i>
Act made perpetual,	164
JUDGMENTS,	
Docket of, in pleas office Supreme Court to be made,	396
Copy of, evidence of the docketing,	<i>ib.</i>
Clerk's fees upon,	<i>ib.</i>
Not entered in, do not bind lands, and no execution to issue on,	<i>ib.</i>
Memorial to be registered, in order to bind lands,	397, 8
Clerk's fees for,	397
How proved and registered,	<i>ib.</i>

JUDGMENTS,

Memorials of—*Continued.*

Fees for registering and certificate,	<i>ib.</i>
Entry in register, of satisfaction of judgment,	<i>ib.</i>
Certificate to authorize,	397, 8
Fees upon,	398
Priority of executions not affected,	<i>ib.</i>
Of Inferior Courts, do not bind lands, except at the Crown,	<i>ib.</i>

JURIES AND JURORS,

1. Persons excused from serving,	19
2. Annual lists of qualified persons to be made by sheriff,	84
Clerks of Peace to enter in a book,	<i>ib.</i>
Penalty on sheriff for neglect,	<i>ib.</i>
Recovery and application,	<i>ib.</i>
No person to be summoned unless named in list,	<i>ib.</i>
Sheriff's fees for making, and how paid,	<i>ib.</i>
3. Grand,	
Qualification of,	17, 84
Number of, and how summoned in several Courts,	17, 18
To continue the grand inquest until another sworn,	19
Fines for non-attendance,	<i>ib.</i>
Recovery and application of,	368
4. Petit,	
Qualification of,	17
Increased to £50 estate,	877
Want of, a cause of challenge,	17
Manner of summoning, and number of persons,	17, 18
Second jury at circuits or sittings of Supreme Court,	877
Impanelling, in causes not criminal,	18
Talesman in all causes,	<i>ib.</i>
Fines for non-attendance,	19
Recovery and application of,	368
Clerk to issue <i>levari facias</i> ,	369
Form of writ,	<i>ib.</i>
Penalty for neglect, recovery and application,	<i>ib.</i>
5. Of View, number of persons, and how and by whom named.	18
6. Special, order upon motion in Supreme Court,	<i>ib.</i>
Manner of striking,	<i>ib.</i>
Applicant shall pay expences of,	<i>ib.</i>
Shall not recover more than in common cases,	<i>ib.</i>
Unless upon the certificate of the Judge,	<i>ib.</i>
Fees of, and sheriffs fees for summoning,	152
7. Of Inquiry,	
Qualification of, in courts of law,	876
Fines for non-attendance,	<i>ib.</i>
Recovery and application of,	<i>ib.</i>
Fees of,	877
8. In Courts of Justice of the Peace,	
To be duly qualified,	688
Number of persons, and how summoned,	<i>ib.</i>
Challenge of, allowed,	<i>ib.</i>
Trial and verdict,	689
Not agreeing, may be discharged,	<i>ib.</i>
Fines for non-attendance, recovery and application,	<i>ib.</i>

JUSTICES OF THE PEACE,

Indorsing warrant, not liable to any action,	107
Proceedings and authority of, to enforce penalties recoverable before,	648, 650

KEILLER'S BROOK, WESTMORLAND,

Conveyance of water to oat mill, under bridge crossing regulated,	472
---	-----

KENNEBECASIS RIVER,	
Toll bridge over, site of,	779
Wetmore and Whitney authorised to erect, and property vested in them,	<i>ib.</i>
Height of,	<i>ib.</i>
Roads to and from,	<i>ib.</i>
Not completed in two years act void,	<i>ib.</i>
Right in His Majesty to assume, when, and upon what terms,	
Tolls, rates of,	780
Commutation of,	<i>ib.</i>
In whom vested,	<i>ib.</i>
Who and what exempted from,	<i>ib.</i>
Table of, to be affixed near the gate,	<i>ib.</i>
Passing forcibly without paying toll,	<i>ib.</i>
Maliciously injuring, felony,	781
Fisheries in, (<i>See Fisheries, No. 7.</i>)	105
KENT, COUNTY OF	
Erected, and its bounds,	387
Representation in General Assembly,	389
Increased to two members,	708
Shire Town, first called Liverpool,	388
Name changed to Richibucto,	566
Parishes in, (<i>See Counties and Parishes, No. 4.</i>)	
Court House and Gaol, erection of,	429
Assessment for, not exceeding £500,	<i>ib.</i>
Beacons and Buoys in certain harbours, (<i>See Beacons and Buoys, No. 1.</i>)	
Fisheries in, (<i>See Fisheries, No. 11.</i>)	<i>ib.</i>
KENT, PARISH OF	
Originally erected in York,	280
Included in County of Carleton,	559
Divided into five Parishes,	608
Present boundaries of,	<i>ib.</i>
KING'S, COUNTY OF	
Its boundaries,	2, 3
Line between Westmorland and King's,	67
Sends two members to General Assembly,	90
Shire Town, Kingston,	9
Parishes in, (<i>See Counties and Parishes, No. 5.</i>)	
Gates and fences across intervale lands in, (<i>See Gates, No. 2, 3.</i>)	283
KING'S COLLEGE AT FREDERICTON, (<i>See College.</i>)	313, 462
KINGSCLEAR, PARISH OF	
Erected, and its bounds,	7
KINGSTON, PARISH OF	
Erected,	6
Boundaries altered,	117
Shire Town of King's County,	9
Lands to be exchanged at, by Church and Justices,	547
Conveyed to Justices, to be a public square,	549
Buildings, &c. thereon, nuisances,	<i>ib.</i>
Rights of third person preserved,	<i>ib.</i>
KIRK OF SCOTLAND, (<i>Kirk of Scotland, No. 14, 15, 16.</i>)	504, 751
LABOR, AS A PUNISHMENT,	
Justices to make regulations for performance of,	523
Sheriff, when concurrence of required,	524
Overseers to be appointed,	<i>ib.</i>
Application of proceeds of,	<i>ib.</i>
Punishment of persons refusing to perform,	<i>ib.</i>
On highways, (<i>See Highways.</i>)	

LANCASTER, PARISH OF	
Erected, and its bounds,	4
LANCASTER MILL COMPANY,	
Incorporated,	919
Capital Stock,	<i>ib.</i>
Shares, number and amount of,	<i>ib.</i>
Each entitled to a vote,	920
Holders of, may be represented by proxies.	<i>ib.</i>
15 per cent. to be paid in three years,	919
And certified on oath, or act void,	921
Alone responsible for debts,	920
Assessments, how made, called in and enforced,	<i>ib.</i>
May be increased, when, and to what amount.	919
Meetings of the Company,	
First meeting, how called and place of,	<i>ib.</i>
Annual meeting, time and place of.	<i>ib.</i>
Mode of calling,	921
Directors, number, qualification and election of,	919
President, how chosen,	920
Vacant directorships, how filled up,	<i>ib.</i>
LANDLORD AND TENANT,	
Notice to quit, or of intention to quit regulated,	183
Rent, distress for, (<i>See Rent.</i>)	180, 183
Double when recoverable,	183
Re-entry, proceedings for regulated.	184
Proceedings in equity by lessee.	185
Replevin, (<i>See Replevin.</i>)	180
LANDS,	
1. Limitation of rights respecting,	
Interpretation of various terms used in 6 W. 4, c. 43,	868
Real and mixed actions, except for dower or an ejectment, abolished,	873
Entry, or action to recover, to be brought within twenty years after right accrued,	868
Limitation of suits in equity to recover land, and proviso as to jurisdiction of that Court,	872
Right of, when deemed to have accrued,	868
Claimant in possession dispossessed,	868
Of the interest of a deceased person,	869
Entitled by grant, assurance, &c.	<i>ib.</i>
Of estate in reversion, or remainder,	<i>ib.</i>
By forfeiture,	<i>ib.</i>
New right of reversion or remainderman,	<i>ib.</i>
As administrator,	<i>ib.</i>
Tenant at will in possession, or in receipt of profits,	869, 70
What deemed receipt of profits,	873
By the year in possession.	870
In possession by lease, paying rent to a wrongful claimant,	<i>ib.</i>
Cestuique trust against trustee in certain cases,	872
By any estate barred, shall be bar to any estate in the same persons meantime accrued,	871, 2
Exceptions,	872
Tenant in tail barred, no action to be brought upon any estate such tenant might have barred,	<i>ib.</i>
Dying before the expiration of the period limited, claimant limited, to what time,	<i>ib.</i>

LANDS,	
Limitation of rights respecting,	
Entry, right of— <i>Continued.</i>	
Disabilities, as infancy, &c. claimant allowed ten years after removal of,	871
But not exceeding forty years after right accrued,	<i>ib.</i>
Of succeeding claimant, no additional time by reason of,	<i>ib.</i>
Parts beyond the seas, certain places not deemed,	<i>ib.</i>
Barred, right and title extinguished,	873
Continual claim shall not preserve,	870
Coparcener, possession of one, not the possession of others,	<i>ib.</i>
Entry, party not deemed in possession by mere,	<i>ib.</i>
Acknowledgment in writing by person in possession, proof of possession in person to whom given,	<i>ib.</i>
Not given, and possession not adverse, rights saved for five years.	871
Fraud concealed, provision as to cases of,	872
Equity of redemption, barred by twenty years possession of mortgagee,	873
Proviso as to acknowledgment of mortgagor's title,	<i>ib.</i>
Limitation of actions to recover money secured by mortgage, 873, 4	
To recover arrears of dower,	874
Commencement of operation of Act,	<i>ib.</i>
2. Sale of, (<i>See Deeds and Conveyances.</i>)	10
3. Made chattels for payment of debts,	25
Held in trust, liable to execution against cestui que trust,	36
Judgments and recognizances affecting, to be docketed,	396
And a memorial registered in the County,	397
Lands, affected only from time of entering memorial,	398
Satisfaction of, how entered in County record,	397
Not affected by judgments of Inferior Courts, except at the suit of the King,	398
Sheriff to seize on fi. fa. if personal estate insufficient,	25
To advertise six months before sale,	<i>ib.</i>
Places of advertising, and manner,	<i>ib.</i>
In a newspaper, and at the County Court House,	308
At the register's office,	396
Sale to be between 12 and 5 p. m. to the highest bidder,	25
Owners may elect twenty days before sale, what part shall be sold,	26
Deed of conveyance to be made and executed by the sheriff, in his own name,	<i>ib.</i>
Purchasers thereby vested with owner's estate, And shall hold the land, free of all other judgments,	<i>ib.</i>
Sheriff's deed prima facie evidence of matters therein set forth,	655
If sheriff on executing the deed swear the land was regularly seized, &c.	<i>ib.</i>
Sale and conveyance not affected by a reversal of the judgment,	26
Plaintiff shall in such case restore in value,	<i>ib.</i>

LANDS.

Made chattels for payment of debts.	
Sale of, under execution— <i>Continued.</i>	
Executors shall have priority as in case of personal estate,	<i>ib.</i>
Sheriff liable to an action on the case for improper conduct,	<i>ib.</i>
1. Leases and interests created by livery or parole vest only estates at will,	35
Except certain leases, not exceeding three years,	<i>ib.</i>
Not to be assigned or granted but by writing,	<i>ib.</i>
Contract or sale of, if not in writing no action lies thereon,	<i>ib.</i>
Declarations, grants and assignments of trusts void, if not in writing,	<i>ib.</i>
Except trusts resulting by implication of law,	<i>ib.</i>
Trusts in fee simple, assets by descent,	36
Heir not chargeable out of his own estate, execution to issue as at common law,	<i>ib.</i>
Estates per auter vie devisable or descendible,	<i>ib.</i>
Manner of executing will,	<i>ib.</i>
When to go to executor,	<i>ib.</i>
3. Conveyance and incumbrance of, for gaming considerations, enure and devolve as in case of grantor's death,	41
6. Estates tail, may be conveyed in fee simple by deeds of bargain and sale,	120
Deed as good as a common recovery, &c.	<i>ib.</i>
Execution of, by <i>femes covert</i> ,	<i>ib.</i>
7. Partition of, (<i>See Partition.</i>)	172
8. Grants of, may be resumed if wanted for purposes of war or defence,	143
Proceedings to invest same in the Crown,	143, 4, 206
Damages to owner, how ascertained and paid,	144
In Saint John, re-vested in the crown,	207
In Saint Andrews, to be re-conveyed to the King,	212
9. Reserved for public uses,	
Justices of the Peace may receive grants and execute trusts,	53
Grants so made valid,	<i>ib.</i>
May bring actions, lease lands, &c.	<i>ib.</i>
To regulate commons belonging to townships,	<i>ib.</i>
Penalty for transgressing regulations,	<i>ib.</i>
Recovery and application,	<i>ib.</i>
In Northumberland, authorised to sell land in Newcastle,	478
Application of proceeds of sale,	<i>ib.</i>
(<i>See also Executors.</i>)	24
Intestates Estates, lunatics or idiots,	709
LEATHER.	
Sealers of, how appointed, and penalties for neglect to serve,	47
LEGACIES,	
Recoverable at law,	22
Actions by residuary legatees being co-executors,	<i>ib.</i>
LETTERS PATENT,	
Of Nova Scotia, granting lands in New Brunswick,	
Void, if not registered in one year,	9, 10
Useful inventions. (<i>See Patents.</i>)	657
LEWDNESS, &c.	
Punishable, how, and by what Courts,	83, 4
LIGHT HOUSES IN THE BAY OF FUNDY.	
Duty on vessels for support of,	628, 9
By and to whom payable,	564
Recovery of, in case of refusal,	<i>ib.</i>

LIGHT HOUSES IN THE BAY OF FUNDY,	
Duty on vessels for support of— <i>Continued.</i>	
Coasters and fishing vessels excepted,	628
What deemed such,	565
Annual duty on,	628
Receipt for,	565
Vessels making voyages out of the bay,	565
Commissioners of, powers and duties of,	<i>ib.</i>
Application of surplus funds,	566
Keepers of, appointment and removal of,	<i>ib.</i>
LIME,	
Hogsheads and half hogsheads, contents of,	102
To be branded with cooper's name,	<i>ib.</i>
Penalty for making of smaller size, or not branding,	<i>ib.</i>
Penalty for shipping for exportation in smaller hogsheads,	<i>ib.</i>
Payable by owner of, and master of vessel,	<i>ib.</i>
May be packed in smaller casks, if contents marked thereon by a sworn guager,	<i>ib.</i>
Recovery of penalties, and imprisonment for want of effects,	<i>ib.</i>
LIMITATION OF ACTIONS,	
Relating to lauds, (<i>See Lands, No. 1.</i>)	868, 874
Personal actions,	
Debt for rent upon indenture of demise,	881
Covenant upon bond or other specialty,	<i>ib.</i>
Scire facias upon judgment or recognizance,	<i>ib.</i>
Upon award, where submission not by specialty,	<i>ib.</i>
For penalties, damages, &c. by statute or Act of Assembly,	<i>ib.</i>
By plaintiff's being infants, femes covert, persons non compos, or beyond seas when action accrued,	<i>ib.</i>
Against defendants beyond seas when same accrued,	<i>ib.</i>
Acknowledgments in writing, part payment, &c. effect of,	882
Judgment for plaintiff reversed or arrested in, he may bring a new action within a year,	<i>ib.</i>
Promises to take case out of the operation of 21 Jac. 1, c. 16, to be in writing,	<i>ib.</i>
In case of joint contractors all to make,	<i>ib.</i>
Effectual against those who make,	<i>ib.</i>
Pleas in abatement insufficient, if it appears that defendant named be discharged by the stat.	883
Indorsement of payment upon any note, &c. made by party receiving not sufficient to take case out of stat.	<i>ib.</i>
Set off, governed by this act and stat. 21 Jac. 1, c. 16,	<i>ib.</i>
Beyond seas, all places out of the Province deemed,	<i>ib.</i>
LINCOLN, PARISH OF	
Erected, and its bounds,	7
Divided, and part included in Blissville,	673
Bank of river in front of, (<i>See Banks of Rivers.</i>)	138
LOAN OF £10,000,	
Provincial Treasurer to borrow from Insurance Company,	568
Interest, how payable,	569
LOCK-UP-HOUSES,	
At Campbelltown and Dalhousie, in Glouccster,	
Assessment for erection of,	594
Rules and regulations for management of,	<i>ib.</i>
Commitment to, and removal thence to gaol,	<i>ib.</i>
Limitation of imprisonment in,	<i>ib.</i>

LOCK-UP-HOUSES— <i>Continued.</i>	
At Grand Manan,	
Assessment for erection of,	736
Commitment to, and removal thence to gaol,	<i>ib.</i>
Limitation of imprisonment in,	<i>ib.</i>
LOTTERIES,	
Act for suppression of,	732
(See <i>Gaming.</i>)	
LUMBER,	
Exportation of,	
LUNATICS OR IDIOTS,	
Estates may be sold or charged by mortgage, by order of chancellor for payment of debts, &c. and conveyances by committee shall be good as if made by the party in sound mind,	709, 10
Limited, may be leased under let or assigned by committee by like order,	710
Freehold sale of, thirty days notice to be given,	<i>ib.</i>
Application of surplus proceeds of,	<i>ib.</i>
In trust held under mortgage, how to be conveyed or discharged,	<i>ib.</i>
Conveyances and assignments, how compelled,	711
Committees, acts of binding,	<i>ib.</i>
LUDLOW, PARISH OF	
Erected, and its bounds,	217
Divided into three parishes,	475
New boundaries of,	475, 6
MADAWASKA, PARISH OF	
Erected, and its bounds,	600
MAGAGUADAVIC,	
Penalty for placing dams or booms across the main river,	50
Recovery and application of,	<i>ib.</i>
Booms allowed at the first Falls,	<i>ib.</i>
Dams may be erected half across the river above the first Falls,	<i>ib.</i>
And booms may be erected at the forks, leaving a sluice way for rafts, &c.	<i>ib.</i>
Penalty for offending, and how recovered,	51
Removal of nuisance,	<i>ib.</i>
May be erected at the second Falls, or other part of the river, leaving a sluice way,	150
Driving timber and logs, to be regulated by commissioners,	745
Commissioners, how appointed and sworn,	<i>ib.</i>
Accounts of timber to be rendered to,	<i>ib.</i>
Annual meeting of owners of timber,	<i>ib.</i>
To arrange as to driving,	<i>ib.</i>
Master drivers to be appointed by,	<i>ib.</i>
Operations under direction of,	<i>ib.</i>
Parties to be directed by,	<i>ib.</i>
Penalty for hindering, &c.	746
All lumber to be driven indiscriminately,	745
Meeting to be called at the end of the driving season,	<i>ib.</i>
Expences to be assessed,	<i>ib.</i>
Assessment and marks of unclaimed timber to be published,	746
Labor allowed as a set off,	<i>ib.</i>
Recoverable by action or sale of timber,	<i>ib.</i>
Remuneration of,	<i>ib.</i>
To account to the Sessions,	<i>ib.</i>

MAGAGUADAVIC,

Commissioners to regulate driving timber and logs— <i>Continued.</i>	
To serve until others appointed,	746
Penalty for neglect of duty,	<i>ib.</i>
Application of fines and penalties,	<i>ib.</i>
Treasurer to account for monies, his allowance,	747
Major part of may act,	<i>ib.</i>
Limitation of act,	<i>ib.</i>

MAUGERVILLE, PARISH OF

Erected, and its bounds,	7
Bank of river in front, (<i>See Banks of River.</i>)	111, 155

MARKETS,

Clerks of,	
To procure standard weights and measures,	37
To assay and mark weights and measures,	<i>ib.</i>
Fees for so doing,	38
Penalty for neglect,	<i>ib.</i>
In Fredericton, to examine bread, and seize light bread, (<i>See Bread, No. 4.</i>)	327

And Ferries,

Justices in Sessions to make rules for governing, and ap- point rates, &c.	73
May affix penalties,	<i>ib.</i>
Recovery and application of penalties,	<i>ib.</i>
Act made perpetual,	164
May establish ferries and license ferrymen,	756
Not to affect the King's right,	<i>ib.</i>
Ferries established considered under this Act,	<i>ib.</i>
Limitation of the Act,	<i>ib.</i>
Wharf, Saint Andrews, (<i>See Saint Andrews.</i>)	322

MARRIAGE,

Banns, publication of, by Parson, &c. of Church of England,	81
Notification of by Justices of the Peace, in absence of Parson,	<i>ib.</i>
By Ministers licenced by the Governor,	707
Penalty for marrying without, unless by licence,	82
Licences, how and by whom issued, and bonds taken,	707
Celebration of, and by whom,	708
Parson, &c. of the Church of England,	82
Justices of the quorum,	<i>ib.</i>
Not of the quorum in Saint John,	193
Prohibited, unless by special commission, and in the absence of the Parson,	398
Governor to licence certain Justices as commissioners,	399
Commissions free of expense,	<i>ib.</i>
Justices in Saint John not of the quorum,	<i>ib.</i>
Penalty for marrying without commission,	<i>ib.</i>
Magistrates may be authorised in absence, &c. of Parson,	<i>ib.</i>
Form of licence to be directed by the Governor,	82
Penalty upon unauthorized person officiating,	<i>ib.</i>
Kirk, Quakers and Church of Rome not affected by this Act,	<i>ib.</i>
By Ministers of any denomination, licenced by the Governor,	707
Not engaged in any secular calling,	<i>ib.</i>
Licence grantable upon petition,	<i>ib.</i>
Who liable for abuse, &c.	<i>ib.</i>
Shall be in presence of two witnesses,	707
Certificates of,	
Clerks of Peace to be provided with book of entry,	203
Book, form, size and description of,	<i>ib.</i>
Shall be deemed the registry of marriages,	<i>ib.</i>

MARRIAGE,

Certificates of—*Continued.*

Shall be made on the celebration,	203
Requisites of,	<i>ib.</i>
Form of,	<i>ib.</i>
Penalty on persons married refusing to sign,	214
To be transmitted to Clerk of the Peace by the Minister within two months,	203
Fees on, to Minister and Clerk of the Peace,	203, 4
Penalty for neglect to make or register,	204
Copies from register, duly certified, evidence,	<i>ib.</i>
Quakers, marriage among not affected by 52 G. 3, c. 21,	<i>ib.</i>

AND DIVORCE,

Court of Governor and Council erected,	83
Members of the Court,	661
President and Vice President,	83
Number required to be present,	661
Vested with the power given by 31 G. 3, c. 5,	<i>ib.</i>
Power and jurisdiction, over what suits,	83
Shall not affect rights, &c. of other Courts,	<i>ib.</i>
Sentence of shall not affect rights of action for breach of promise, &c.	<i>ib.</i>
Terms of holding appointed,	<i>ib.</i>
New appointment of, made,	852
Causes of divorce,	84
Issue not bastardized by divorce for adultery,	<i>ib.</i>
Dower, &c. not barred, except expressly adjudged,	<i>ib.</i>
Incest, Adultery, Fornication, &c.	
Punishable, and by what Courts,	<i>ib.</i>

MARSHES AND LOW LANDS,

Regulations as to reclaiming, (<i>See Sewers.</i>)	484
--	-----

MAYOR, ALDERMEN AND COMMONALTY OF SAINT JOHN.

Incorporation, and previous grants confirmed,	59
---	----

MEDICINE, (*See Physic and Surgery.*)

228

MEMBERS OF THE GENERAL ASSEMBLY,

Number from each County, (<i>See Assembly, No. 2.</i>)	90
Proceedings in actions against, (<i>See Assembly, No. 3.</i>)	391
Privilege from arrest not affected,	391
Provision for expences of,	829
Elections, (<i>See Assembly, No. 5, 12.</i>)	87
Ministers of religion incapable of being elected,	244

Expired in 1837.

MILITIA,

Inhabitants from sixteen to sixty years of age to be enrolled,	352
Time, place and manner of enrolment,	367, 368
Formation of companies, battalions and regiments,	352
Blacks to be enrolled, and serve as pioneers,	363
Exempted from, who,	353
List of, how, by, and to whom transmitted,	358
To pay annually ten shillings to Quarter Master,	<i>ib.</i>
Ministers of the Gospel not required to pay,	427
Shall be exempted from paying by enrolling,	358
Required to serve if militia called out, to be formed into a company,	361
Clerks in military offices exempted from duty and payment,	365
Aliens, regulations respecting tax upon,	357
Indigent, how relieved from tax,	<i>ib.</i>
After seven years residence, and having taken oath of allegiance, not to pay tax,	<i>ib.</i>
To report themselves to captains,	<i>ib.</i>

MILITIA—*Continued.*

Returns of companies and battalions, how and by whom made,	353
Non-commissioned officers, drummers, buglers, &c. how appointed, and penalty for refusal or neglect to act,	<i>ib.</i>
Regiments or battalions to be called out one day in each year,	<i>ib.</i>
No person required to travel more than twenty miles,	<i>ib.</i>
To be called out in companies two days in each year,	<i>ib.</i>
Persons above forty five years of age excepted,	<i>ib.</i>
Time, place of rendezvous, and notice thereof regulated,	353, 4
No company to travel more than twelve miles,	353
Penalty for neglect to appear,	354
Arms and accoutrements, persons to appear with such as have been furnished, and penalty for neglect,	<i>ib.</i>
Inspection of, when and how ordered and made,	<i>ib.</i>
Interrupting exercise, confinement and penalty,	355
Recovery of fines, and how levied and paid,	355, 356
Form of summons, &c.	<i>ib.</i>
Actions against officers for neglect to recover or pay over,	364
Adjutants and sergeant majors, allowance of,	356
Commander in Chief to fix and limit allowance to,	427
Arms, depots for, how appointed,	357
Funds for cleaning and repairing,	<i>ib.</i>
Limit of annual draft on Treasury,	<i>ib.</i>
Not to be used, except for the the purpose furnished,	365
Issued from the King's stores, how to be marked,	366
Captains answerable for, unless bonds given, &c.	<i>ib.</i>
Bonds for safe keeping and return, how and by whom given,	<i>ib.</i>
Penalty for selling, exchanging, buying, &c.	<i>ib.</i>
Deficiencies in, to be paid for by the Province,	<i>ib.</i>
How called in and returned, and penalty for neglect to return,	367
Quarter Masters, to give bonds,	358
Allowed ten per cent.	<i>ib.</i>
Aliens, exempt money, fines, &c.	357, 358
Penalty for neglect to recover.	359
List of aliens, and exemptions to be annually delivered to,	357, 58
Courts Martial,	
How ordered and formed, and powers and proceedings of,	359
Members to be sworn, and form of oath,	362
For trial of commissioned officers,	359
Field officers,	362
Non-commissioned officers and privates,	359
Judge advocate, how appointed and sworn, and paid,	362
Artillery and sea fencibles,	
Companies, how formed,	363
Cavalry, formation and regulation of,	365
Inspecting officers, how appointed, and their authority,	367
Active service, how called out on,	360
Penalty for refusal to go when called on,	<i>ib.</i>
Drafts from each company for,	361
Persons drafted, to serve or find substitute,	<i>ib.</i>
Penalty for refusal, and how applied,	<i>ib.</i>
Substitutes for quakers,	<i>ib.</i>
Volunteers, regulations as to,	362
Second draft, regulations for,	361
Certain persons excepted,	<i>ib.</i>
Firemen not to do duty beyond their Towns,	<i>ib.</i>
Regulations as to artillery, sea fencibles and flank companies,	364
Offences, trial and punishment,	359
Punishment of, death, imprisonment,	<i>ib.</i>

MILITIA,

Active service,

Offences, trial and punishment— <i>Continued.</i>	
Sentence to be approved by Commander in Chief,	359
Of death, twelve members of Court to concur in,	362
Not to be executed without warrant,	<i>ib.</i>
Manner of execution,	<i>ib.</i>
Enticing men to desert,	360
To march to any part of the Province, and obey orders,	363
Pay and allowances of,	362
Rank of commissioned officers serving, with regular forces,	365
Persons disabled, how provided for,	<i>ib.</i>
Boats for transporting, how built,	363
Limit to expence,	<i>ib.</i>
May be ordered to do duty in,	364
Impressment of boats, horses, men, &c.	<i>ib.</i>
Of persons belonging to vessels,	<i>ib.</i>
Ferry-men to convey free of expence,	365
Exempted from arrest for less than £20,	<i>ib.</i>
Special matter evidence under general issue, when, and in what actions,	<i>ib.</i>

In Saint John,

Company districts, abolished on eastern side of the harbor,	407
Enrolment of,	408
Enrolling officer, how appointed and paid,	407, 8
Penalty for not enrolling,	408
Formation of companies,	<i>ib.</i>
Battalion district,	<i>ib.</i>
Unattached persons to be formed into companies,	<i>ib.</i>
Companies to be completed from lists of,	<i>ib.</i>
Commanding officer to determine disputes as to men,	409
Aliens and exempts in,	<i>ib.</i>

MILL DAMS, (*See Booms and Dams.*)

Fish ways in, (<i>See Fisheries, No. 4.</i>)	189
--	-----

MINING COMPANY,

Incorporated, and their powers declared,	595, 6
Capital Stock, amount of and number of shares,	596
Ten per cent. to be paid in twelve months, and remainder when required,	<i>ib.</i>
Shares, deemed personal property, and assignable,	598
Schedule of owners,	601, 603
Each under fifty entitled to a vote.	598
May be represented by proxy,	<i>ib.</i>
Form of proxy,	601
Forfeiture and sale of, for non-payment of instalment,	600
Repayment to holders of, proceeds, and with what deductions,	599
Alone responsible for debts,	599
May be increased to £30,000, and regulations as to so doing,	600
Members of mining association at Fredericton, provisions as to repayment to them of advances made by them,	599
Meetings,	
First general meeting, time, place and object of,	597
Annual, time and place of, &c.	<i>ib.</i>
Special, how called,	599
Directors,	
Annual election of,	597
Qualification of,	<i>ib.</i>
Board for business.	<i>ib.</i>
Powers and duties of,	<i>ib.</i>

MINING COMPANY,	
Directors— <i>Continued.</i>	
Vacancies in Board, how filled,	598
Books open to inspection of,	<i>ib.</i>
President, how elected, &c. powers of voting,	597
Dividends, how and when to be made,	598
Statement of affairs to be made annually, and submitted at general meeting, and duplicate for Governor,	599
Legislature, committee of, to have access to books, &c.	<i>ib.</i>
MIRAMICHI,	
River, booms and dams, regulations how made respecting,	309
Penalty for violating regulations, &c.	<i>ib.</i>
Bay and harbor, (<i>See Beacons and Buoys, No. 1, 5.</i>)	476
MONCTON, PARISH OF	
Erected,	4
Boundaries altered and extended,	733
MORAVIANS, (<i>See Quakers.</i>)	
Allowed to affirm instead of swear,	40, 450
MORTGAGES,	
Discharge of by certificate of payment, and proof and registry of,	577, 8
Discharge pursuant to 26 G. 3, c. 3, s. 17, revests the lands in mortgagor,	578
Actions for money secured by, and power of Court to compel discharge, or reconveyance on payment of amount due,	578
No bar to ejectment by mortgagor, except in action against mortgagee,	578, 9
MULTIPLICITY OF LAW SUITS,	
Set off of mutual debts allowed,	39
NASHWAAK AND PENNYOCK WINTER ROADS,	
(<i>See Highways.</i>)	151
NASHWAAK RIVER,	
Booms upon, regulations respecting, how made,	737
Penalty for violating regulations,	<i>ib.</i>
Evidence on prosecution for,	<i>ib.</i>
To have sluice ways,	<i>ib.</i>
Masters, their fees, &c.	<i>ib.</i>
NELSON, PARISH OF	
Erected, and its bounds,	217
NETS, (<i>See Fisheries.</i>)	
NEW BANDON, PARISH OF	
Erected, and its bounds,	524
NEW BRUNSWICK FIRE INSURANCE COMPANY,	
(<i>See Insurance, No. 2.</i>)	534
NEW CANAAN SETTLEMENT,	
Inhabitants deemed in Brunswick until lines run out,	231
NEWCASTLE, PARISH OF	
Erected, and original bounds,	2
Divided, and new bounds designated,	216
Shire Town of Northumberland,	9
Line dividing from Northesk altered,	330
Sale of public lands in, authorized,	478
Church of Scotland in, Ministers and Elders incorporated,	504
Powers of corporation, and limit of annual rents,	<i>ib.</i>
Lands vested in,	503, 4
AND CHATHAM,	
Assize of bread, how regulated, &c. (<i>See Bread, No. 3.</i>)	<i>ib.</i>
Fires in, (<i>See Fires, No. 4, 5.</i>)	316, 423

NISI PRIUS,	
Justices of Supreme Court may try causes at, without a commission,	19
Amendment of records at, (<i>See Evidence, No. 4, 5.</i>)	117
NORTHAMPTON, PARISH OF	
Originally erected in York County,	8
Divided, and part included in County of Carleton,	559
Remainder in York made Southampton,	639
NORTIESK, PARISH OF,	
Erected, and its bounds,	218
Division line between Newcastle and, altered,	330
NORTHUMBERLAND, COUNTY OF,	
Original boundaries,	2, 3
Sends two members to General Assembly,	90
Divided, and Kent and Gloucester erected,	387
Shire Town Newcastle,	9
Parishes in, (<i>See Counties and Parishes, No. 6.</i>)	
Fisheries in regulated, (<i>See Fisheries, No. 8.</i>)	
Court House and Gaol, erection of,	412
Beacons and buoys in harbour of, (<i>See Beacons and Buoys, No. 1, 4.</i>)	476
Booms and dams, (<i>See Booms and Dams, No. 4.</i>)	309
NORTON, PARISH OF	
Erected, and its bounds,	117
Line between Hampton and,	747
NOTES.	
Payable to order or bearer negotiable like inland bills,	42
Payee may recover in like manner with damages and costs, <i>ib.</i>	
NOVA SCOTIA,	
Grants of land in this Province required to be registered,	9
Grantees to produce within a year,	<i>ib.</i>
Secretary to register at full length,	<i>ib.</i>
Void, if not registered in one year,	10
Laws passed in, before erection of New Brunswick, not of force in this Province,	80
NUISANCES,	
In Saint John and Portland, Act to prevent,	632
(<i>See Saint John.</i>)	
NUNCUPATIVE WILLS,	
When good, and how proved,	21
Probate of, when and how granted,	<i>ib.</i>
(<i>See Wills.</i>)	
NEW BRUNSWICK MILL COMPANY.	
Incorporated, and privileges declared,	938
Capital Stock,	939
Shares, number and amount of,	<i>ib.</i>
Each entitled to a vote,	940
Holder of may be represented by proxies,	<i>ib.</i>
To commence operations when one fourth is paid in,	<i>ib.</i>
Unless one fourth be paid in three years and certified on oath, act to be void,	941
Alone responsible for debts,	<i>ib.</i>
Assessments, how made, called in and enforced,	941
May be increased, when, and to what amount,	<i>ib.</i>
Meetings of the company,	
First meeting, how called, and place of,	939
Annual meeting, time and place of,	940

NEW BRUNSWICK MILL COMPANY— <i>Continued.</i>	
Directors, number, qualifications and election of,	939
President, how chosen,	940
Annual statement of affairs, how made and published,	941
OATMILL IN DORCHESTER,	
Conveyance of water across highway allowed,	172
Removal of troughs for repairs of bridge,	<i>ib.</i>
OFFENDERS,	
Escaping into another County, how to be apprehended,	107
ORCHARDS, TREES, &c.	
Penalty for robbing, cutting trees, grain, &c.	159
Persons unable to pay to be committed,	160
Parents answerable for minors,	<i>ib.</i>
OVERSEERS,	
Of the poor,	
How appointed, and penalties for neglect,	47, 8
Of the fisheries,	
How appointed, &c. (<i>See Fisheries.</i>)	104
PARISH OFFICERS,	
Annual appointment of,	47
Time of, in Westmorland,	141, 404
To be sworn, before whom and within what time,	47
Penalty for refusal to serve, or for neglect,	48
Recovery and application of,	<i>ib.</i>
Leaving the Parish, &c. how vacancies supplied,	<i>ib.</i>
Neglecting to serve, how other persons appointed,	293
Such persons liable to like penalties,	<i>ib.</i>
Neglecting to serve, new appointment to be made,	<i>ib.</i>
Overseers of the poor, three in each parish,	47
Clerk of the parish, and his duties,	<i>ib.</i>
To register cattle,	160
Constables,	47
May be dismissed for misbehaviour,	593
Places, how supplied,	<i>ib.</i>
Appointment in Saint John, when not elected,	196
Number of increased, and how appointed,	220
To be sworn, and liable as others,	<i>ib.</i>
Penalties for neglect or misbehaviour,	221
Fence viewers,	47
Duties as to division fences,	500
Fees, and penalty for neglect of duty,	<i>ib.</i>
Clerk of the market,	47
To assay and mark weights and measures,	37
Pound keepers,	47
Surveyors of fish,	<i>ib.</i>
Overseers of fisheries,	107
Surveyors of lumber,	44
Surveyors of cord wood,	<i>ib.</i>
Sealers of leather,	<i>ib.</i>
Guagers of casks,	<i>ib.</i>
Hogreeves,	<i>ib.</i>
Assessors of rates,	<i>ib.</i>
Weighers of hay,	<i>ib.</i>
Fees of, and by whom payable,	48
Inspectors of staple commodities,	47
Inspectors of butter, appointment of,	147
Duties of, and penalties for neglect.	<i>ib.</i>

PARTITION OF LANDS.

Commencement of proceedings at law for,	200
Writ, out of Supreme Court and form of,	<i>ib.</i>
Service, affidavit of, and return,	201
If tenant cannot be found,	<i>ib.</i>
Judgment by default,	<i>ib.</i>
Defendant appearing, proceedings to judgment,	<i>ib.</i>
Writ to make, award of,	<i>ib.</i>
To be directed to sheriff,	172
Manner of executing,	<i>ib.</i>
Penalty on sheriff not giving due attention to,	173
Notice of, to persons interested,	172
Reduced to twenty days,	201
Judgment on, by default,	173
When made final,	<i>ib.</i>
New partition, when awarded and effect of,	<i>ib.</i>
Not to divest lands improved under former partition,	<i>ib.</i>
Former judgment confirmed, appellant to pay costs,	<i>ib.</i>
No plea in abatement allowed,	<i>ib.</i>
Place of making,	174
Charges and expences of, how allowed and assessed,	<i>ib.</i>
Payment of, how enforced,	<i>ib.</i>
Against absent proprietors by sale of land,	<i>ib.</i>

PARTRIDGES,

Penalty for killing, selling or buying, between 1st March and 1st September, and how recovered,	210
---	-----

PASSAMAQUODDY,

Inner bay of, (<i>See Beacons and Buoys, No. 6.</i>)	758
--	-----

PATENTS FOR USEFUL INVENTIONS.

Applications for, and to whom,	657
Allegations necessary to be made by applicant,	<i>ib.</i>
Affidavit or affirmation, and terms of,	658
Description of inventions required,	<i>ib.</i>
What shall not be deemed a discovery,	<i>ib.</i>
To issue under great seal,	657
To recite allegations and describe inventions,	<i>ib.</i>
Duration and effect of,	<i>ib.</i>
To be recorded,	<i>ib.</i>
Attorney General to examine,	<i>ib.</i>
Infringement of, renders offender liable to treble damages,	659
Actions for, not to be brought after six months,	<i>ib.</i>
Special matter evidence under general issue,	<i>ib.</i>
What matters shall be a defence, and in what cases the Court shall adjudge the patent void,	<i>ib.</i>
May be assigned,	<i>ib.</i>
Patentees of original invention, and improvement respective rights of,	658
Copies of patents, petitions, &c. how procured,	<i>ib.</i>
How and when evidence,	659

PAWNBROKERS,

Licences to, how granted,	853
Annual fine upon, application of, and clerks fees upon,	<i>ib.</i>
Recognizance with sureties to be entered into,	<i>ib.</i>
Penalty for acting without,	<i>ib.</i>
May be revoked, and in what cases,	856
Who shall be deemed,	853
Name and occupation to be painted over shop door,	<i>ib.</i>
Rate of profits to be taken by,	<i>ib.</i>
Schedule of, and of price of second memorandum to be placed conspicuously in shop,	854

PAWNBROKERS—Continued.

Books of, how to be kept, and entries made therein,	854
Open to inspection of any Justice of Peace,	<i>ib.</i>
Memorandum, contents thereof,	<i>ib.</i>
If lost or mislaid, copy, how procured and verified,	855
Goods not to be received from persons in liquor, minors or ser-	
vants, or between sunset and sunrise,	<i>ib.</i>
Penalty for offending,	<i>ib.</i>
Redemption, and re-delivery to holder of note,	<i>ib.</i>
Re-delivery, how compelled,	<i>ib.</i>
Forfeited, if not redeemed in one year,	854
To be sold, and application of proceeds,	<i>ib.</i>
Penalty for offending herein,	<i>ib.</i>
Account of sales to be made, and contents of,	855
Penalty for not making,	<i>ib.</i>
Recovery of penalties, and imprisonment for want of effects,	856
Saint John corporation empowered to act, and their rights pre-	
served,	<i>ib.</i>

PEDLARS,

To pay an annual duty to the Treasury,	459
Rate of duty for, on foot or with beasts, &c.	<i>ib.</i>
To take licence from Treasurer or Deputy,	<i>ib.</i>
Sellers of fruit, fish or country produce, manufacturers of	
wares, vessels of fifteen tons burthen not within act, 460, 61	459
Licence to specify manner of travelling,	
Form of,	460
Penalty for trading without,	<i>ib.</i>
For refusing to produce when demanded, and who	
may demand,	<i>ib.</i>
For dealing in smuggled goods,	<i>ib.</i>
Recovery and application of,	<i>ib.</i>
Forging licence, punishable as forgery,	<i>ib.</i>

PENALTIES RECOVERABLE BEFORE JUSTICES OF PEACE.

To be levied by warrant of distress and sale, unless otherwise	
expressly directed,	648
Sale of goods distrained,	<i>ib.</i>
Costs, when allowable to be included in warrant,	648
Charges of taking, keeping and selling distress,	<i>ib.</i>
Warrant to be produced, and copy may be taken,	<i>ib.</i>
Commitment of offender in default of payment, and length	
of imprisonment regulated,	648, 9
Discharge on payment of penalty,	649
Convictions, general form of record,	<i>ib.</i>
Appeals against, restrained,	650
Two Justices required to hear and determine, one may receive	
complaint and enforce judgment, after conviction by two.	<i>ib.</i>
Constables of any Parish may execute warrant within the juris-	
diction of justice,	651

PENNFIELD, PARISH OF

Erected, and its bounds,	5
Fisheries in, (<i>See Fisheries, No. 13.</i>)	401

PENNIOCK WINTER ROADS, (*See Highways.*) 152

PERTH, PARISH OF

Erected, and its bounds,	
--------------------------	--

PETIT JURIES, (*See Juries and Jurors, No. 4.*) 17, 876

PETITIONS AND ADDRESSES,

Tumults and disorders in preparing or presenting prevented,	65
---	----

PETITIONS AND ADDRESSES—*Continued.*

No person to procure more than twenty hands to, for altering of matters of Church and State, unless consented to by three Justices, or Grand Jury,	65
Nor repair to Governor with more than ten persons to present, Penalty,	<i>ib.</i>
Less than twenty persons may present grievances to Governor or Assembly,	<i>ib.</i>
Act not to extend to addresses from Assembly, &c. to Governor,	<i>ib.</i>
PETTY CHAPMEN, (<i>See Hawkers and Pedlars.</i>)	459
PHYSIC AND SURGERY,	
Persons not duly qualified prohibited to practice or receive fees,	228
Qualification,	229
Qualified persons may sue for fees,	<i>ib.</i>
Military physicians or surgeons not within the Act,	<i>ib.</i>
PILOTS,	
Examination and appointment of,	271
Rates of pilotage, how and by whom established,	<i>ib.</i>
Recovery of, from masters of vessels,	272
Offering their services to vessel not having a pilot on board, and not employed, to recover half pilotage,	272
Recognizance by, with sureties for faithful discharge of duty,	<i>ib.</i>
Apprentices, number each pilot may employ,	<i>ib.</i>
Requisites to entitle pilots to employ them,	<i>ib.</i>
May be displaced for misbehaviour,	<i>ib.</i>
Or temporarily suspended,	819
Penalty for acting until restored,	<i>ib.</i>
Non-residents not to act as,	273
Certain vessels not within the Act,	<i>ib.</i>
Penalties imposed, recovery and application of,	<i>ib.</i>
Saint John, Act not to interfere with regulations of pilots in City of,	<i>ib.</i>
Harbour regulations to be furnished them for masters of vessels, their duties respecting, (<i>See Harbours.</i>)	292
Health regulations, duties respecting, (<i>See Infectious Distempers.</i>)	
POLL AND POLL CLERKS, (<i>See Assembly, No. 9.</i>)	88
POOR,	
1. Assessment for support of,	58
May be ordered at any General Sessions,	102
In Saint John, only two assessments in one year.	<i>ib.</i>
To be paid to overseers,	58
Overseers, appointment of, &c.	47
To report annually to first General Sessions,	58
To enquire after and compel idle and disorderly persons to work,	59
To find out poor children,	<i>ib.</i>
Until what age,	<i>ib.</i>
May, with consent of Sessions, hire or purchase houses for the reception of,	59
And procure materials for labor,	<i>ib.</i>
To act with impartiality,	<i>ib.</i>
To account to Sessions,	<i>ib.</i>
All expences to be assessed,	<i>ib.</i>
2. In Saint Andrews, lands to be leased for support of,	242
Commissioners for superintending poorhouse, how appointed and sworn,	324
To provide materials for employing persons wanting relief,	<i>ib.</i>
Profits of labor, how to be applied,	325

POOR,	
In Saint Andrews,	
Commissioners for superintending poor house— <i>Continued.</i>	
To compel persons seeking relief to dwell in and work,	324
To bind poor children apprentices,	<i>ib.</i>
Rules for management of,	<i>ib.</i>
Punishment for breach of,	<i>ib.</i>
To account annually to Sessions, and furnish estimate for current year to be assessed,	324, 5
Dog tax to be paid to,	428
House of correction, how to be established in poor house,	480
3. Alms house and work house in certain parishes in York,	288
Douglas, provisions of act extended to,	335
Erection of, and assessment to defray expence,	288
Commissioners for superintending,	<i>ib.</i>
To provide materials for employing poor persons,	<i>ib.</i>
Profits of labor, how to be applied,	289
To compel poor or idle persons to dwell in and work,	288
To bind children apprentices,	<i>ib.</i>
To make rules and regulations, and punishment for breach of,	<i>ib.</i>
To account to Sessions annually,	<i>ib.</i>
To furnish estimate of current year, to be assessed,	289
Dog tax in Fredericton to be paid to,	428
Poor of other parishes may be taken into by agreement,	289
Overseer of, to secure amount to be paid,	<i>ib.</i>
Houses of correction, how to be established in,	480
4. Alms house and work house for certain parishes in Northum- berland,	
Provisions of Act extended to Parish of Nelson,	336
Erection of, and assessment to defray expence,	331
Commissioners for superintending, how appointed,	<i>ib.</i>
To provide materials for employing poor persons,	<i>ib.</i>
Profits of labor, how applied,	332
May compel persons seeking relief to work and re- side in,	331
May bind poor children apprentices,	<i>ib.</i>
To make rules for management of, and punishment for breach of,	332
To account to Sessions, and furnish estimate for cur- rent year,	<i>ib.</i>
Poor of other Parishes, how received in,	<i>ib.</i>
Temporary building to be hired,	<i>ib.</i>
POPULATION,	
Census in 1824,	330
1834,	646
PORTLAND, PARISH OF	
Erected, and its bounds,	3
Assize of bread in, how regulated, (<i>See Bread, No. 1.</i>)	471
Burial ground in, lots in to be sold, and regulations respecting,	430
Grace Church, the Parish Church in,	795
Rector, Wardens and Vestry, qualifications of and of electors,	<i>ib.</i>
Incorporated,	<i>ib.</i>
Provisions of Act extended to all Churches where sittings free,	<i>ib.</i>
29 G. 3, c. 1, and 56 G. 3, c. 11, extended so far as consistent,	796
PORTLAND MILLS AND MANUFACTURING COMPANY,	
Incorporated,	938
Capital Stock,	<i>ib.</i>

PORTLAND MILLS AND MANUFACTURING COMPANY,	
Capital Stock— <i>Continued.</i>	
Shares, number and amount of,	938
15 per cent. to be paid in before commencing operations,	<i>ib.</i>
Unless 15 per cent. be paid within three years and certified on oath Act to be void,	<i>ib.</i>
No property to be purchased or debts incurred, until 15 per cent. be paid,	<i>ib.</i>
May be increased, when, and to what amount,	<i>ib.</i>
PORTWARDENS,	
Appointment of,	271
Duties and powers respecting pilots,	<i>ib.</i>
POUND KEEPERS,	
Appointment of, and penalty for neglect,	47
PRINCEWILLIAM, PARISH OF	
Erected, and its bounds,	7
Divided, and part included in Dumfries,	639
PROMENADES, &c.	
Justices to make regulations respecting, and to prevent injury to, and destroying trees,	177
Penalties for breaches,	<i>ib.</i>
PROCESS,	
In equity against persons out of the Province who cannot be served, proceedings,	165, 168
PROMISES,	
Writing necessary to the validity of,	
To pay debt contracted during infancy,	878
Or assurances as to character, credit, &c. of third person,	<i>ib.</i>
Acceptance of inland bills of exchange,	879
QUAKERS,	
May exercise worship as accustomed previous to 26 G. 3, c. 4 & 5,	17
Allowed to affirm instead of swear,	40
Form of affirmation,	<i>ib.</i>
Affirmation of same force as an oath,	<i>ib.</i>
If false, liable as for perjury,	<i>ib.</i>
In all cases, criminal or civil,	450
Who shall be deemed quakers within the Act,	41
QUALIFICATION OF CANDIDATES AND ELECTORS,	
For Members of Assembly, (<i>See Assembly, No. 6, 7.</i>)	87
QUEEN'S,	
Boundaries confirmed,	2, 3
Line between Westmorland and,	69
Sends two Members to General Assembly,	90
Shire Town, Gagetown,	9
Parishes in, (<i>See Counties and Parishes, No. 7.</i>)	
Gates across intervale lands in, (<i>See Gates, No. 2.</i>)	188
Court House in, to be built and assessment authorized,	816, 7
QUEENSBURY, PARISH OF	
Erected, and its bounds,	8
Divided, and part included in Douglas,	334
Line dividing from Douglas altered,	747
QUIT RENTS,	
Annual grant for commutation of,	786, 7
Application of,	<i>ib.</i>
Account of expenditure to be laid before House of Assembly,	<i>ib.</i>
Unexpended for three years to revert to revenue,	<i>ib.</i>

RATES AND TAXES.

COUNTY RATES,

For Court Houses and Gaols,	54
Justices may order assessment, and agree for building,	<i>ib.</i>
and may purchase,	77
Not to levy more than £300,	78
May assess for repairs to, on presentment of Grand Jury,	55
May agree for performance of work, &c.	<i>ib.</i>
To apportion the assessment upon Parishes,	54
Assessors to apportion upon inhabitants,	<i>ib.</i>
To send precepts to constables,	<i>ib.</i>
Constables required to collect,	<i>ib.</i>
To demand, levy and account,	56
Punishment for neglect,	<i>ib.</i>
Recovery of assessment,	55
Treasurers receipt, discharge to,	56
County Treasurer, appointment of, and his duties,	55, 57
Annual allowance to,	57
Accounts and vouchers to be filed,	56
No new rate to be made, until three fourths of the money previously collected expended,	55
No action shall be brought against any collector, &c. by reason of the quashing of any rate,	57
Persons paying on rate afterwards quashed to be repaid or allowed in next rate,	<i>ib.</i>
Certiorari to remove, how, and when granted,	<i>ib.</i>
Not to be quashed for want of form,	58
Actions relating to, limitation of, and venue,	<i>ib.</i>
Special matter, evidence under general issue,	<i>ib.</i>
Defendants shall recover treble costs,	<i>ib.</i>
For payment of County officers,	653
Justices may assess, not exceeding £50 per annum,	<i>ib.</i>
Statement of County monies to be annually published and how,	458
To be laid before the Grand Jury,	741
Grand Jury may make presentment,	<i>ib.</i>

PARISH OR POOR,

Overseers to lay an annual statement before the first General Sessions,	58
Justices to issue warrants of assessment,	<i>ib.</i>
May examine accounts and issue warrants at any General Sessions,	102
Only two assessments per annum in Saint John,	<i>ib.</i>
To be collected as County rates,	58
To be paid to overseers,	<i>ib.</i>
Duty of overseers, (<i>See Poor.</i>)	59

REAL ESTATE,

Sales of, (<i>See Deeds and Conveyances.</i>)	10
Made chattels for satisfaction of debts,	25
Sale of, under <i>fi. fa.</i> ,	25, 27
Leases and interests in, required to be in writing, (<i>See Frauds and Perjuries, and Lands.</i>)	35
(<i>See also Executors and Intestates.</i>)	24
(<i>Lunatics or Idiots.</i>)	709

RECOGNIZANCES,

Bind lands only from the time of enrolment,	37
entering a memorial, except those to the King,	397

RECORDS,	
Amendment of, in case of variance from writing produced in evidence, (<i>See Evidence.</i>)	447
REGISTERS OF DEEDS, &c. AND REGISTRY OFFICES.	
One office in each County,	10
Governor to appoint the place for,	15
Provision for erection of buildings for,	657
Register, how appointed,	11
To be sworn, and before whom,	<i>ib.</i>
To give security in £300,	14
Liable to pay treble damages for neglect or misconduct,	11
How, and by whom recovered,	<i>ib.</i>
Certificate of registry, requisites of,	<i>ib.</i>
To be indorsed on every deed, &c.	<i>ib.</i>
To be signed,	<i>ib.</i>
Good evidence of such register,	<i>ib.</i>
Register books, pages to be numbered,	<i>ib.</i>
Date of registry to be entered,	<i>ib.</i>
Instruments to be entered in order as received,	<i>ib.</i>
Only one to be kept for all instruments,	398
Execution of deeds, to be proved or acknowledged before registry,	12
Mode of proof, (<i>See Deeds and Conveyances, No. 6, 7, 8.</i>)	11, 12
If grantor out of the Province,	13, 202
By femes covert,	70
If consideration under £200,	101
Living out of the Province,	95
Wills, how proved,	13, 202
To be registered when proved or acknowledged,	<i>ib.</i>
Deeds registered and copies evidence,	12, 13
Memorials of wills,	12
Of judgment, how entered and discharged,	397
Register to administer oaths and take acknowledgments,	11
Fees of,	14
On memorials of judgments,	397
To give daily attendance at his office,	14
To make searches, give copies, &c.	<i>ib.</i>
REGISTRARS,	
Who shall be deemed, and punishment of,	61
RENT.	
Distress for, goods, &c. distrained may be appraised and sold, unless replevied,	180
Proceedings, notice, &c.	180, 1
Overplus,	181
Proceedings in replevin, &c. (<i>See Replevin.</i>)	180, 1
Pound breach or rescous, treble damages for,	181
Wrongful owner of goods to have double damages, &c.	<i>ib.</i>
Not unlawful by reason of irregularity of proceedings if rent due,	<i>ib.</i>
Special damages recoverable, and how,	<i>ib.</i>
Tenants not to recover if amends tendered,	<i>ib.</i>
Goods fraudulently removed may be seized,	182
Unless sold to bona fide purchaser,	<i>ib.</i>
Landlords may break open houses to seize.	<i>ib.</i>
Course of proceeding directed,	<i>ib.</i>
May be impounded or secured on the premises,	<i>ib.</i>
Entry, &c. to view, purchase, sell, &c.	183
After expiration of lease, &c. within six months, lawful,	184
If landlord's interest continue, and tenant in possession,	<i>ib.</i>
Recovery of, if demise not by deed,	183

RENT,	
Distress for— <i>Continued.</i>	
Double, recoverable against tenants giving notice of quitting and holding over,	<i>ib.</i>
Notice to quit length of regulated,	<i>ib.</i>
Debt for on lease for lives as for years,	184
Re-entry, if one half year in arrear,	<i>ib.</i>
Proceedings in ejectment, service of declarations, &c.	<i>ib.</i>
For want of sufficient distress,	<i>ib.</i>
Lessee paying rent and costs before trial, proceedings to cease,	185
Judgment and execution,	184
Defendant succeeding to recover costs,	<i>ib.</i>
Lessee barred of relief in equity in six months after execution executed, if no proceedings taken,	<i>ib.</i>
Writ of error not affected,	185
Mortgagee not in possession not barred, paying rent, damages, &c. in six months after execution executed,	<i>ib.</i>
Filing bill in equity, injunction not to be continued unless amount sworn to be due paid into Court,	<i>ib.</i>
Mesne profits during possession of lessee,	<i>ib.</i>
Obtaining relief in equity to hold according to law,	<i>ib.</i>
REPLEVIN, ACTIONS OF	
Writs in, to be sued out of Supreme or Common Pleas Courts,	180
To be framed by Justices of Supreme Court,	<i>ib.</i>
Bonds to be taken by Sheriff with sureties,	668
Assignable, and assignee may sue thereon if forfeited,	668, 9
Proceedings upon the same as if issued out of chancery,	180
Title to lands in question, or if the king be a party, no further proceedings to be had in Inferior Court,	<i>ib.</i>
Removal to Supreme Court by certiorari,	<i>ib.</i>
Avowry by defendants in, for double costs, if judgment for defendant,	181, 2
Property claimed, sheriff not to deliver property, but to return writ,	669
Writ de proprietate probanda, how and by whom issued,	<i>ib.</i>
Proceedings thereon,	<i>ib.</i>
Property, if defendants, to be restored and action to cease,	<i>ib.</i>
Plaintiff may bring trespass or trover,	<i>ib.</i>
If plaintiff's, to be delivered and writ returned,	<i>ib.</i>
Defendant may appear and plead,	<i>ib.</i>
Sheriff's fees in,	<i>ib.</i>
Receiving other fees, guilty of extortion,	670
RESTIGOUCHE,	
Bay and harbour of, (<i>See Beacons and Buoys, No. 2.</i>)	740
RESTOOK LOWER MILL COMPANY,	
Incorporated,	929
Capital Stock,	<i>ib.</i>
Shares, number and amount of,	<i>ib.</i>
Each entitled to a vote,	930
Holders of, may be represented by proxies,	<i>ib.</i>
15 per cent. to be paid within three years,	929
And certified on oath or Act void,	931
No property to be purchased or debts incurred until 15 per cent. be paid in,	929
Assessments, how made, called in and enforced,	930
May be increased, when, and to what amount,	<i>ib.</i>
Meetings of the Company,	
First meeting, how called,	929
Annual, time and place of, to be appointed by bye laws,	930

RESTOOK LOWER MILL COMPANY— <i>Continued.</i>	
Directors, number, qualifications and election of,	929
President, how chosen,	930
RESTOOK UPPER MILL COMPANY,	
Incorporated,	926
Capital Stock,	<i>ib.</i>
Shares, number and amount of,	<i>ib.</i>
Each entitled to a vote,	927
Holders of, may be represented by proxies,	<i>ib.</i>
15 per cent. to be paid within three years,	<i>ib.</i>
And certified on oath, or Act void,	928
No property to be purchased or debts incurred until 15 per cent. be paid in,	927
Assessments, how made, called in and enforced,	<i>ib.</i>
May be increased, when, and to what amount,	<i>ib.</i>
Meetings of the company,	
First meeting, how called,	926
Annual, time and place of to be appointed by bye laws,	927
Directors, number, qualifications and election of,	926
President, how chosen,	927
REVENUE.	
Act to provide for collection of, commencement,	796
Dutiable goods imported or exported by sea or land subject to provisions of,	<i>ib.</i>
Entry inwards,	
Master of vessels to make report, and contents thereof, and to whom, &c.	<i>ib.</i>
Penalty upon for not making, or false report,	<i>ib.</i>
Examination of, and penalty for not making true answer,	799
Owners of goods to report in writing under oath,	796
Terms of entry, and forms of oath of,	797
Within what time to report and land goods as goods to be warehoused,	798
Duties remaining unpaid for three months after warehousing, goods to be sold,	798, 9
Goods landed without, forfeited,	797
Penalty for concealment, or landing without entering,	<i>ib.</i>
Sold by officers of customs, liable to Province duties and required to be entered,	804
Value of, how ascertained,	797
Duties, when and how payable, and securities for,	797, 8
Importer, may secure or warehouse goods,	810
Discount for prompt payment of,	798
Forfeiture and sale of goods for refusal to pay,	<i>ib.</i>
Warehousing and sale of goods for want of report and payment of,	798, 9
Search of vessel and cargo by officers, and examination of master authorized,	799
Persons concerned in collecting Provincial imposts not to own vessels or trade in dutiable articles,	98
Penalty and punishment for offending,	<i>ib.</i>
Warehouses for dutiable articles, how provided,	810
Entry for warehousing and bonds,	<i>ib.</i>
On goods warehoused under act of Parliament,	811
Forfeiture of goods not deposited in, after entry or removal without clearance or relanding after entry for exportation,	810, 11
Entry outwards from bond and consideration,	811

REVENUE,

Warehouses for dutiable articles — <i>Continued.</i>	
Fraudulent removal from, or concealment, forfeiture for,	811
Penalty on owner for fraudulently gaining access to, <i>ib.</i>	
Goods to be taken out within two years from original entry,	810, 11
Parliamentary duties to be paid from proceeds of sale of forfeited goods,	811
Horses and horned cattle, places of entry and payment of duty on,	804
Found without certificate except on their way to appointed places, forfeited,	<i>ib.</i>
Collectors of duties on, how appointed and compensated, &c.	<i>ib.</i>
Forfeiture of, for illegal importation,	805, 6
Penalty for non-entry of goods imported by land or inland navigation,	806
Condemnation of articles illegally imported,	<i>ib.</i>
Proviso as to perishable articles,	<i>ib.</i>
Drawbacks on exportation of dutiable articles allowed,	807
Payment of, regulated,	808, 810
Quantity to be exported, to entitle to,	807, 8
Evidence required of exportation in same bottom without landing,	808
Of exportation not in same bottom, but not landed,	<i>ib.</i>
Exportation after landing,	809
Of horned cattle,	809, 10
Landing articles exported for, forfeiture and penalty,	809
Horned cattle exported for, forfeiture and penalty,	810
Army, Navy or Ordnance,	
Goods imported or supplied for, exempted from duty,	805
Evidence required,	<i>ib.</i>
Sold by Government, purchaser to report and pay duties,	<i>ib.</i>
Searching vessels for dutiable articles,	799
Houses, shops, &c. with a Justice of the Peace,	<i>ib.</i>
Under authority of a writ of assistance,	799, 800
Writs of assistance, how granted, and duration of,	<i>ib.</i>
Liability to seizure, to continue for two years,	812
Officers of the Revenue, appointments heretofore made to continue in force,	801
Deputy Treasurers appointment, sureties, and compensation to,	802
At Saint John, and compensation of,	<i>ib.</i>
Tide Surveyors, &c. how appointed and directed, and their duties,	802, 3
Collectors of duties on horses and horned cattle, appointment, sureties and compensation,	<i>ib.</i>
Treasurer's Clerk authorised to administer oaths, name of to be first Gazetted,	812
Assaulting or obstructing in execution of their duty, Penalty for, and how recovered and applied,	800
Actions against, a month's notice to be given,	800, 1
Officer may tender amends and effect of,	801
To be brought within three months after the cause thereof,	<i>ib.</i>
Venue local and special matter evidence under general issue,	<i>ib.</i>
Judge's, certificate that the officer acted upon probable cause, effect of,	<i>ib.</i>

REVENUE.

Officers of—*Continued.*

Removal of goods liable to forfeiture,	799
Boats carriages and cattle used for, to be forfeited,	<i>ib.</i>
Prosecution of,	812
Penalty on persons concerned, or knowingly in possession of such goods,	799
Bonds for duties,	753
Half yearly returns to be made to Provincial Secretary of those unpaid,	803
Penalty on Treasurer for neglecting to make,	<i>ib.</i>
Not paid when due, to be sent within thirty days to the Attorney General,	<i>ib.</i>
If not sent, sureties discharged,	<i>ib.</i>
Liability of Principal and Treasurer, &c.	<i>ib.</i>
Proceedings upon, to judgment and execution,	<i>ib.</i>
Void, if not sued, &c. within certain times,	<i>ib.</i>
Articles seized,	
Deemed condemned unless claimed,	806
Time and manner of claim, and in whose name,	800, 6
Security for costs to be given by claimant,	800
Proviso as to perishable articles,	806
Prosecution of if claimed, by whom, and in what Court,	806, 7
Onus probandi to be on claimant,	800
Delivery to claimant, on security for double value,	807
Verdict for claimant, effect of,	801
Articles condemned, claimant to pay value,	807
Of boats, carriages, horses and cattle,	812
And condemned, to be sold at auction,	<i>ib.</i>
Application of proceeds of sale,	807
Forfeitures and penalties,	
Prosecutions for, in whose name, and proof of authority,	800
Limitation of,	807
Form of action, and in what Courts,	<i>ib.</i>
Costs of suit recoverable.	<i>ib.</i>
Application of,	<i>ib.</i>
Oaths, who may administer,	812
False swearing perjury,	<i>ib.</i>
Duties imposed upon certain articles imported,	859, 860
On spirituous liquors distilled in the Province, (<i>See Distilleries.</i>)	466, 9
On goods sold by auction, and regulations respecting the same, (<i>See Auctions.</i>)	549, 551
On emigrants. (<i>See Emigrants.</i>)	587
On shipping for support of beacons and buoys, (<i>See Beacons and Buoys.</i>)	

RICHIBUCTO, PARISH OF

Erected, under the name of Liverpool,	388
Shire Town of the County of Kent,	<i>ib.</i>
Name changed to Richibucto,	566
Divided, and Weldford erected.	735

RIDING AND DRIVING ON PUBLIC ROADS.

Regulations as to meeting and passing others,	421, 2
Penalty for not keeping to the left,	823
Disorderly riding and racing,	822

RIVERS.

Surveyors of, who shall be,	49
Duties of, in removing incumbrances, &c.	49

RIVERS,

Surveyors of—*Continued.*

May command assistance of inhabitants, as for labor on highways,	50
Work so done allowed as labor on highways,	<i>ib.</i>
Penalty for felling or leaving trees on banks, &c.	<i>ib.</i>
Recovery and application of,	<i>ib.</i>
Magaguadavic,	
Booms and dams across, regulated,	<i>ib.</i>
(<i>See Magaguadavic, and Booms and Dams.</i>)	
Saint John, (<i>See Banks of Rivers, No. 1.</i>)	111, 138, 155
(<i>See Fisheries, No. 6.</i>)	105, 178
Kennebecasis, (<i>See Fisheries, No. 7.</i>)	

ROADS, (*See Highways.*)

Established as Great Roads,	
Fredericton to Westmorland,	294
" to Canada line,	295
" to Restigouche,	<i>ib.</i>
" to Saint John, via Nerepis,	400
" to Saint Andrews,	563
Saint John to head of Bellisle,	294
" to Saint Andrews,	295
" to Westmorland,	561
Bend of Peticodiac to Shediac,	295
Dorchester to Chatham,	<i>ib.</i>
Houlton to Woodstock,	814
Waweig to Lower Bridge of Saint Croix,	868
Supervisors of, and general regulations respecting, (<i>See Highways.</i>)	

All these Acts relating to Great Roads are repealed by 7 W. 4, c. 6, which establishes the Great Roads, and makes provisions relating to them.

ROMAN CATHOLICS,

Act of Imperial Parliament, 10 G. 4, c. 7, extended to this Province,	488
May sit and vote in Parliament,	489
Not until oath taken,	<i>ib.</i>
Oath, declaration, &c. and administration of,	489, 492
Priest shall not sit in House of Commons,	490
May hold offices, civil and military,	<i>ib.</i>
Certain offices excepted,	<i>ib.</i>
Be members of Lay Corporations,	491
Not as such, to vote in ecclesiastical appointments,	<i>ib.</i>
Not to extend to offices or presentations in the Church,	<i>ib.</i>
Penalty for illegally using titles to Sees, &c.	492
For officiating or wearing habits, except in usual places,	<i>ib.</i>
Public officers not to appear with insignia of offices at places of public worship, except of established church,	<i>ib.</i>
Provisions as to Jesuits,	492, 3

SACKVILLE, PARISH OF

Erected,	4
Divided, and Shediac erected, (<i>See Counties and Parishes, No. 10.</i>)	404
Survey, assessment authorised to defray expences, and how and by whom made, and how recovered,	103
Not to exceed, £120,	104
Possession under, or this act not adverse,	<i>ib.</i>
Place of, where deposited, and open for inspection,	<i>ib.</i>

SAINT ANDREWS, PARISH OF

Erected, and its bounds,	4
The Shire Town of Charlotte,	9
Certain lands granted to Justices of Charlotte, to be leased for support of the poor of,	242

SAINT ANDREWS, PARISH OF—Continued.	
Church Corporation, authorized to sell certain lands to Thomas Wyer, and application of proceeds,	277
Dogs in certain parts of, tax on, (<i>See Dogs, No. 2.</i>)	427
Assize of bread in, how regulated, (<i>See Bread, No. 1.</i>)	
Church Wardens and Vestrymen, qualification of, and of electors,	569
Market Wharf,	
Justices in Sessions to make regulations respecting,	322
To impose penalties for breach thereof,	<i>ib.</i>
How recovered and applied,	<i>ib.</i>
Wharfinger, how appointed, and his duties.	<i>ib.</i>
Gaol and gaol lot, sale of authorised,	374
Beacon light in harbour of, (<i>See Beacons and Buoys, No. 8.</i>)	593
Privilege of supplying with water granted,	479
Provision as to openings and plugs in pipes in case of fires,	<i>ib.</i>
Division of lands at Chamcook, between Church Corporation and Parish School confirmed,	482, 3
Conveyances, trusts, &c. regulated.	483
Horses or swine at large in certain parts of, penalty on owners, and recovery, &c.	527
Owner unknown, to be impounded, advertized and sold, and application of proceeds,	<i>ib.</i>
SAINT CROIX RIVER,	
Penalty for throwing waste lumber into,	174
Recovery and application,	<i>ib.</i>
Commencement and limitation of Act,	<i>ib.</i>
AND DIGEDEGUASH,	
Regulations to be made by Justices of Charlotte for driving timber and saw logs down,	405
Copies of to be furnished, how, and to whom,	406
Commissioners to execute the same, appointment and duties of,	405, 6
Suspending, regulations as to,	406
Return of timber, how made and attested,	<i>ib.</i>
Payment of, and assessment for the purpose,	<i>ib.</i>
Special Sessions, notice of, and quorum of Justices,	<i>ib.</i>
SAINT DAVID, PARISH OF	
Erected, and its bounds,	4
SAINT GEORGE, PARISH OF	
Erected, and its bounds,	5
Enlarged,	215
Fisheries in, (<i>See Fisheries, No. 13.</i>)	401
SAINT JAMES, PARISH OF	
Erected, and its bounds,	304
SAINT JOHN,	
1. County of, and its bounds,	1, 3
Sends four Members to General Assembly,	90
Subdivided into Parishes,	3, 4
(<i>See Counties and Parishes, No. 8.</i>)	
Shire Town, City of Saint John,	3
2. Prisoners arrested in Parish of Saint Martin's may be conveyed to gaol by road through King's County,	170
3. Ferry at Indian Town in, how established, fares, &c.	579
4. Tavern keepers and retailers in,	
Number of taverns restricted in each Parish, without the bounds of the city,	627

SAINT JOHN,

	Tavern keepers — <i>Continued.</i>	
	Not to permit liquors to be drank in their houses on Sunday,	627
	Penalty for offending,	<i>ib.</i>
	Penalty for selling liquors under five gallons without license,	<i>ib.</i>
	Drunkards may be committed for examination,	628
5.	City of, incorporated, (<i>See Charter in Appendix, No. 2.</i>)	59
	Sends two members to Assembly,	90
	Grants, &c. thereto confirmed,	60
	Mayor, &c. to enjoy granted rights,	<i>ib.</i>
	Act 26 Geo. 3, c. 46, a public Act,	<i>ib.</i>
6.	Burial Ground in Portland, (<i>See Burial Ground.</i>)	430
7.	Court,	
	Three Jurors to be returned at the monthly terms,	20
	Defendant may elect as to trial by Jury, or by Judge and Clerk,	<i>ib.</i>
	To notify clerk, if he wishes a Jury summoned,	<i>ib.</i>
	Judge to limit the term of imprisonment, if judgment not fulfilled,	<i>ib.</i>
	Not to exceed three months,	<i>ib.</i>
	Defects in form, shall not vitiate proceedings,	<i>ib.</i>
	Clerk not to depute his judicial power,	21
	Marshal's fees,	254
8.	Steps and stairways in streets of, to houses, how allowed, and extent thereof,	419
9.	King's and Queen's Square, authorized to be enclosed, and planted with trees, and regulated by the Corporation, and bye laws respecting, how to be approved,	419, 20
10.	Assessors and collectors of rates, how appointed,	69
	Dog tax may be annually laid by corporation,	137
	How levied and collected,	<i>ib.</i>
	To be applied towards support of poor.	<i>ib.</i>
	Not to exceed 5s. for each dog,	138
11.	Wards in, and their boundaries,	
	King's,	145
	Queen's,	<i>ib.</i>
	Duke's,	<i>ib.</i>
	Sidney,	<i>ib.</i>
	Elections of charter offices, to be held within,	<i>ib.</i>
	Charter, except as altered, to remain in force,	<i>ib.</i>
12.	Constables, how appointed in wards, in which none may be chosen, (<i>See Constables.</i>)	196
	Appointment in case of death, removal, or neglect to serve,	<i>ib.</i>
	Oaths and liabilities of,	<i>ib.</i>
	To be inhabitants of districts in which wards are situate,	197
	Additional number to be appointed by Common Council,	220
	Oaths, duties and liabilities as of others elected,	<i>ib.</i>
	Penalty on, for neglect or misbehaviour, &c.	221
13.	Streets in, none to be laid out or built upon, of less than fifty feet width,	
	Houses on streets of less width a nuisance,	240
	Laid out, or houses already built on not affected,	<i>ib.</i>
	From South Market Wharf to Peters' Wharf, may be laid out not less than thirty feet,	421
	Houses upon not to exceed three stories in height,	<i>ib.</i>
14.	Harbour of, waters near to, powers of corporation to prevent unloading ballast in or cumbering,	333
15.	Court House, Justices authorized to borrow money to complete,	417
	Regulations respecting loans, and how to be paid,	417, 18
	Portico and steps may be erected, and extent thereof on King's Square,	420

SAINT JOHN,

City of—*Continued.*

16.	Gaol and house of correction, Justices authorized to contract for, not to exceed £4000,	879
	To borrow £3000, and regulations respecting,	<i>ib.</i>
	Form of notes to be given,	880
	Notes to be negotiable,	<i>ib.</i>
	Assessments to pay interest, &c.	<i>ib.</i>
	County Treasurer, allowance to,	881
17.	Cattle at large within bounds to be defined by Justices of the City or Portland, penalty on owners,	632, 3
	Owner unknown, cattle to be impounded, advertized and sold, and application of proceeds,	683
18.	Coasting or riding down the hills, or such parts as Justices may prohibit,	<i>ib.</i>
	Sleds and vehicles to be destroyed,	<i>ib.</i>
19.	Unwholesome meats or provisions, sale of prohibited,	<i>ib.</i>
	To be seized and destroyed,	633, 4
20.	Church of Scotland in, trustees incorporated,	571
	Powers and liabilities of corporation,	<i>ib.</i>
	Annual election of trustees regulated,	572
	Members, Elders, &c. how chosen and appointed,	<i>ib.</i>
21.	Citizens of, &c. not incompetent as witnesses, in causes where corporation of city is a party,	504
22.	Chamberlain, alteration in charter as to appointment of,	595
23.	Trespasses in,	
	Breaking lamps, damaging crops, &c. penalty, recovery and application of,	781
	Sheriff, constable, &c. duty of in arresting offenders,	782
	Damages recoverable, notwithstanding prosecution for penalty,	<i>ib.</i>
	Lamp posts and fixtures to be erected, and property,	<i>ib.</i>
	Accessories, in certain cases giving information not liable to the forfeiture,	<i>ib.</i>
	Persons entitled to part of penalty, not thereby incompetent as a witness,	<i>ib.</i>
	Credibility to be judged of by magistrate,	<i>ib.</i>
	Streets and bridges of, power of the corporation respecting,	603
	Labor upon, scale of,	604
	Assessment of, how made,	<i>ib.</i>
	Appeal against, how, when, and to whom made, and proceedings therein,	<i>ib.</i>
	Number of days by indigent persons, may be lessened, and by whom,	<i>ib.</i>
	Substitutes not allowed,	605
	Money may be paid in lieu of,	<i>ib.</i>
	Penalty for not performing, and how recovered and applied,	606
	Surveyors, how appointed and sworn,	605
	Warrant of appointment,	<i>ib.</i>
	Penalty for neglect to qualify or act,	<i>ib.</i>
	Duties of,	605, 6
	Lists of persons to be furnished, and penalty,	606
	Chamberlain to receive monies,	605
	To keep separate account thereof,	606
	To sue for penalties,	605, 6
	Nightly watch, lamp lighters and scavengers,	
	How appointed and regulated,	662
	Assessment to pay expences, and incidental charges,	<i>ib.</i>
	Assessors, how appointed, and penalty for neglect or refusal to act,	663

SAINT JOHN,	
City of,	
Nightly watch, lamp lighters and scavengers,	
Assessment to pay expences of— <i>Continued.</i>	
On any one person, not to exceed £7 10s. per annum,	662
Recovery of,	663
Appeal against, and proceedings therein,	<i>ib.</i>
Collector to pay amount to Chamberlain,	664
Deficiencies one year, to be made up the next,	663
Watchmen to apprehend night walkers, and persons disturbing the peace,	<i>ib.</i>
Auctioneers in, (<i>See Auctions.</i>)	550
River, (<i>See Banks of Rivers.</i>)	111, 138, 155
(<i>See Fisheries, No. 6.</i>)	105, 178
SAINT JOHN BRIDGE COMPANY,	
Incorporated, and powers and privileges declared,	766
Capital Stock, £20,000,	<i>ib.</i>
Shares, number and amount of,	<i>ib.</i>
Assignable, and manner of transfer,	771
Each entitled to a vote,	768
Absent stockholders may vote by proxy,	<i>ib.</i>
Instalments, when and how called in and secured	767
Securities to be renewed,	771
Proceedings upon,	<i>ib.</i>
Forfeiture of, for non-payment of assessments,	<i>ib.</i>
Alone responsible for debts,	<i>ib.</i>
Profits, yearly dividends of,	770
Not to divide more than eight per cent.	<i>ib.</i>
Surplus, application of,	<i>ib.</i>
Meetings, first, when, and how called,	767
Annual, time and place of,	<i>ib.</i>
General, how called at other times,	768, 773
To consider of dissolution,	773
Directors, number and election of,	767
Election of, if not chosen at annual meeting,	768
Qualification of,	<i>ib.</i>
Vacancies in board, how filled,	<i>ib.</i>
Quorum for business,	<i>ib.</i>
Books to be open to inspection of,	771
President, how chosen,	767
To be re-elected a director,	<i>ib.</i>
Operations, commencement of,	768
Bridge, site of,	769
Explorations and surveys,	<i>ib.</i>
Lands of individuals may be used or taken, to what extent without agreement,	<i>ib.</i>
Compensation to owners to be made,	772
Value of, how to be ascertained,	<i>ib.</i>
Height of,	769
Not built in ten years corporation to cease,	773
Gates, toll houses, &c. erection,	769
Wilful injury to works felony,	773
Tolls, rates of,	770
Remedy for recovery of,	<i>ib.</i>
Who and what exempted from payment of,	773
Banking prohibited,	770
Annual statement of affairs, how made,	771
Duplicate for the Legislature,	772
Legislative Committee to have access to books, &c.	773
Limitation of Act, and provision as to extension,	774

SAINT JOHN HOTEL COMPANY,	
Incorporated,	922
Capital Stock,	923
Shares, number of,	922
Each entitled to a vote,	923
Holders of may be represented by proxies,	<i>ib.</i>
Transferable, and how,	922
Twenty per cent. to be paid in and certified within three years, or act void.	923
Meetings of the Company,	
First meeting, how called,	922
Annual meeting, time and place of,	<i>ib.</i>
Directors, number, qualification and election of,	<i>ib.</i>
President, how chosen,	<i>ib.</i>
Officers, clerks and servants, how appointed,	922, 3
SAINT JOHN MILLS AND CANAL COMPANY,	
Incorporated, and their powers and privileges declared,	670
Not to engage in banking,	<i>ib.</i>
SAINT JOHN MECHANICS' WHALE FISHING COMPANY,	
Incorporated, and powers and privileges declared,	783
Capital Stock, amount of,	<i>ib.</i>
Shares, number and amount of,	<i>ib.</i>
Assignable, and manner of transfer,	785
Twenty per cent. payable within twelve months,	783
Residue by instalments, not exceeding ten per cent.	<i>ib.</i>
Liable for debts, and provisions as to liabilities of stockholders,	785
Meetings,	
First, when and where held,	783
Annual, time, place and object of,	784
General meetings, how called,	784, 786
Directors, number and election of,	783, 4
Qualification of,	784
Quorum for business,	<i>ib.</i>
Election of, if not chosen at the annual meeting,	<i>ib.</i>
May inspect books, &c.	785
President, how chosen,	784
To be re-elected a director,	<i>ib.</i>
Casting vote of,	<i>ib.</i>
Votes of stockholders, scale of,	784
May be given by proxy,	<i>ib.</i>
Officers, agents, &c. appointment of, compensation,	<i>ib.</i>
Stockholders liable for debts, to double the amount of their stock,	785
Annual statement of affairs to be made,	786
Duplicate for Governor and Legislature,	<i>ib.</i>
SAINT JOHN STAGE COACH COMPANY,	
Incorporated,	921
Capital Stock,	<i>ib.</i>
Shares, number and amount of,	<i>ib.</i>
One fifth to be paid within three years, and certified on oath or act void,	<i>ib.</i>
SAINT JOHN WATER COMPANY,	
Incorporated, and general powers declared,	580
Act revived and declared in force,	671
Capital Stock,	580
Five per cent. payable, within what time,	581, 671
Shares, number and amount of,	581
Assignable, but parts of not,	582
Limitations of, number to be held by one person until one year,	<i>ib.</i>

SAINT JOHN WATER COMPANY,	
Capital Stock,	
Shares— <i>Continued.</i>	
Provisions as to corporation of Saint John,	582, 4
Votes regulated by number of,	582
Scale of, and provision as to proxies,	<i>ib.</i>
Dividends of profits on,	583
Corporation not to engage in banking,	671
Meetings, first, how and when called, and its objects,	581
Annual, time and place of,	<i>ib.</i>
Objects of,	<i>ib.</i>
Directors, number and election of,	<i>ib.</i>
Qualification of,	582
Powers and duties of,	581
Board for business,	<i>ib.</i>
Not to have salaries,	<i>ib.</i>
Vacancies in board, how filled,	581
President, election of,	581
Vote of,	<i>ib.</i>
Compensation to,	582
Private property, water may be drawn from, or through,	583
Compensation to owners to be settled by arbitration,	<i>ib.</i>
Power of Supreme Court to order a Jury to settle, and proceedings therein,	<i>ib.</i>
Roads and streets, pipes and conduits under,	584
Power and duties of company as to breaking up same to place pipes, &c.	<i>ib.</i>
Vents for supply of water in case of fire, how and where to be placed, and expense of defrayed by Mayor, &c.	<i>ib.</i>
SAINT MARTIN'S, PARISH OF	
Erected, and its bounds,	4
Prisoners arrested in may be carried to gaol through part of King's County,	170
SAINT MARY'S, PARISH OF,	
Erected, and its bounds,	8
Divided, part included in Douglas,	334
SAINT PATRICK, PARISH OF	
Erected, and its bounds,	5
Enlarged,	215
SAINT STEPHEN, PARISH OF,	
Erected, and its bounds,	4
Enlarged,	205
Divided, and part included in Saint James,	304
Public landing at, a part to be leased by Justices,	738
Justices to act only in General Sessions,	815
Limitation of terms,	738
To erect market house, &c.	<i>ib.</i>
Profits to be applied for benefit of town,	<i>ib.</i>
SAINT STEPHEN'S WHALE FISHING COMPANY,	
Incorporated,	933
Capital Stock,	<i>ib.</i>
Shares, number and amount of,	<i>ib.</i>
20 per cent. to be paid in twelve months,	<i>ib.</i>
Votes of stockholders, how regulated,	934
Holders of, may be represented by proxies,	935
Operations to commence when twenty per cent. is paid in,	<i>ib.</i>
Stockholders responsible for debts and engagements,	<i>ib.</i>

SAINT STEPHEN'S WHALE FISHING COMPANY— <i>Continued.</i>	
Meetings of the company,	
First meeting, how called, and place of,	934
Annual meeting, time and place of,	<i>ib.</i>
Directors, number and qualification of,	<i>ib.</i>
Vacant directorships, how filled up,	935
Books, &c. subject to the inspection of directors,	<i>ib.</i>
Shares assignable,	
Statements to be laid before Stockholder's, annually,	936
Triplicates for Governor and Legislature,	<i>ib.</i>
Extraordinary meetings, provisions for calling,	<i>ib.</i>
SALISBURY, PARISH OF	
Erected, and its bounds,	69
(<i>See Counties and Parishes.</i>)	
SALMON, (<i>See Fish and Fisheries.</i>)	
SALT AND COALS.	
Admeasurement of directed,	473
Justices to make penal regulations for,	<i>ib.</i>
Recovery and application of penalties.	<i>ib.</i>
SAUMAREZ,	
Originally erected in Northumberland,	218
Included in Gloucester.	387
Boundaries of, in County of Gloucester,	388
Divided into three Parishes,	
SAVING'S BANK,	
Provisions for carrying on affairs of,	883, 4
SCHOOLS, (<i>See also College.</i>)	
Grammar,	
At Saint John, established,	153
Corporation appointed,	<i>ib.</i>
Name, president, and property of,	154
Board for despatch of business,	<i>ib.</i>
Building masters and ushers,	<i>ib.</i>
Vice President,	<i>ib.</i>
Bye laws,	<i>ib.</i>
Vacancies in, how filled,	<i>ib.</i>
Annual grant towards support of master,	<i>ib.</i>
When to cease,	155
Further grant for same purpose,	466
Accountable to Legislature,	154
Public examinations, how regulated,	744
Free scholars, number of, how admitted,	154
County,	
Trustees and directors of, number, and how appointed,	464
York, Charlotte and Saint John, not included,	<i>ib.</i>
Act extended to Carleton,	814
Powers and duties of,	464
Already appointed. &c. to remain in office,	466
Accountable to Legislature,	<i>ib.</i>
Masters, examinations. and course of tuition,	465
Beneficed clergymen not to be appointed masters.	466
Free scholars, number of, how admitted,	465
Grant towards support of,	<i>ib.</i>
Inhabitants must subscribe £50 per annum,	<i>ib.</i>
Master or usher not to subscribe,	<i>ib.</i>
Mode of drawing for.	<i>ib.</i>

SCHOOLS,

Grammar—*Continued.*

At Saint Andrews, established,	227
Corporation appointed,	<i>ib.</i>
Name, president, and property of,	<i>ib.</i>
Board for despatch of business,	<i>ib.</i>
To procure a building, provide masters, and make bye laws,	227, 8
Vice president of,	228
Vacancies in, how filled,	<i>ib.</i>
Annual grant to, and when to cease,	<i>ib.</i>
Public visitations,	<i>ib.</i>
Free scholars, number of, and how admitted,	<i>ib.</i>

Madras School,

Charter confirmed,	252
Branches of in different places, special meetings may be held at Fredericton, &c. for regulation of,	252, 3
Governor and trustees of, empowered to sell lands and timber, and to grant leases, with covenants for renewal,	884

Parish,

Act relating to,	629
<i>Continued,</i>	822

The Acts 3 W. 4, c. 31, and 6 W. 4, c. 24, relating to Parish Schools, are repealed by 7 W. 4, c. 8, which makes provision relating thereto.

SCIRE FACIAS, WRITS OF

For further breaches, assessment of damages, (<i>See Damages.</i>)	392
Against a joint debtor, not taken in original suit, necessary before his goods, &c. taken in execution,	43
Proceedings by nihilis and summoners abolished,	575
Direction and service of,	<i>ib.</i>
Service, when defendant cannot be found in Province, and has no abode therein,	<i>ib.</i>
Not personal, not good without order of court, &c.	<i>ib.</i>
Equivalent to return of sci. fa.	<i>ib.</i>
Rule to appear when service cannot be effected,	575, 6
Proceedings thereon,	576

SEALER OF LEATHER,

Appointment of, and penalty for neglect,	47
--	----

SEAMEN,

At sea,

Wills of not affected by Act 26 G. 3, c. 11,	22
Not to be arrested until completion of voyage, for debt contracted during same, without allowance of master,	379
Process issued against void, and manner of discharge from arrest,	<i>ib.</i>
Compelled to serve after having shipped,	<i>ib.</i>
Not bound except by written agreement, and requisites thereof,	381
Deserters to forfeit wages,	380
Penalty for assisting or concealing,	<i>ib.</i>
Warrants to search for,	<i>ib.</i>
No reward to be given for procuring,	381
Securities for such rewards void,	<i>ib.</i>
Costs in actions upon,	<i>ib.</i>
Wages of, prosecution for recovery of, if under £20,	874
Plaintiff suing in Vice Admiralty when he might have had remedy before Justice of Peace, not to recover costs,	875
Sick and disabled,	
Duty on vessels for support of, when, and how payable,	260
Treasurer, how to pay over to overseers of poor,	<i>ib.</i>
Account of expenditure of monies for, when, by and to whom rendered,	<i>ib.</i>

SEAMEN,

Sick and disabled,

Duty on vessels for support of—*Continued.*Deduction from seamen's wages on account of, *ib.*

Coasting vessels to pay only once a year, 261

Recovery of regulated, 274

Application of overplus to other places, *ib.*

At Saint John,

Increased on vessels of sixty tons and upwards, 382

Commissioners for marine hospital, how appointed, &c. 290

Amount of duty to be paid over to by Treasurer, *ib.*To account for, yearly, under oath, *ib.*Marine hospital to be built and maintained from, and overplus of other ports, *ib.*Commissioners to build and regulate, *ib.*Land for, &c. corporation to appoint, *ib.*

Purchase of from W. Black ratified, and conveyance directed, 411

To be under control of commissioners, and not to be disposed of but by Act of Assembly, *ib.*If other lands purchased, conveyance, &c. directed, *ib.*

Temporary buildings for, 291

Seamen having infectious distempers may be removed to, *ib.*Persons visiting without licence, detention of, *ib.*Ports applying overplus funds towards overseers, may send their sick, and expences, how defrayed, *ib.*Offences against Act 3 G. 4, c. 27, how determined, *ib.*Penalties for, how applied, *ib.*

At Saint Andrews and Miramichi,

Ports of described, 383

Increased on vessels of sixty tons and upwards, 407

Surplus to pay debts and erect hospital, *ib.*Buildings not to be erected without licence, *ib.*

Justices authorized to lease land for hospital, 474

Commissioners, how appointed, &c. 382

Rights, power and authority of, *ib.*Amount of duty to be paid and applied by, *ib.*

At Bathurst and Dalhousie,

Ports of described, 654

Commissioners, how appointed, &c. *ib.*Rights, power and authority of, *ib.*Amount of duty to be paid to, and applied by, *ib.*

SET OFF OF MUTUAL DEBTS,

Allowed, 39

Evidence under general issue, so as notice given at the time of pleading, or to be pleaded in bar, *ib.*

Debts deemed in law of a different nature, may be set off under general issue with notice, 40

Debt or set off accruing by penalty, the set off shall be specially pleaded, *ib.*Facts to be shown in plea, *ib.*Plaintiff shall recover only the balance, *ib.*

SET OFF OF MUTUAL DEBTS— <i>Continued.</i>	
If plaintiff become nonsuit, or do not recover damages, he shall pay defendant costs,	40
Jury may find for defendant, and certify amount of balance in his favor,	<i>ib.</i>
Verdict, a debt of record, and defendant may have execution for same with costs,	<i>ib.</i>
SEWERS,	
Commissioners, when and how appointed,	484
Duties and powers of,	<i>ib.</i>
Compensation for services,	654
Clerks, collectors, &c.	485
No commissioners to be clerks,	654
Collector to be sworn, per centage for services,	485
Taxes and assessments by,	484, 5
To state accounts,	586
No proprietor to be taxed beyond value of his land,	485
In default of payment, how to recover,	<i>ib.</i>
In case of absent proprietors,	486
Owners or occupiers of land, labor by, in making or repairing,	485
Commissioners to notify,	<i>ib.</i>
Penalty on proprietors neglecting, when notified,	<i>ib.</i>
Recovery and application of,	<i>ib.</i>
In case of any breach in any dike, notice, penalty, &c.	486
Lands injured by dikes, compensation, how to be made,	<i>ib.</i>
Dikes and drains, application to be made for, by proprietors,	<i>ib.</i>
Owners of lands already diked, benefitted by new dikes, &c. to be assessed,	<i>ib.</i>
Appeal by persons aggrieved,	487
Commissioners of, appointed under seal of Governor, acts of confirmed,	212
SHEDIAC, PARISH OF	
Erected, and its bounds,	404
(See <i>Counties and Parishes.</i>)	
SHEDIAC AND SAINT JOHN RAIL ROAD COMPANY.	
Incorporated, and powers and privileges declared,	909
Capital Stock, £20,000,	<i>ib.</i>
May be increased to £150,000,	<i>ib.</i>
Shares, number and amount of,	<i>ib.</i>
Assignable, and manner of transfer,	910
Instalments, when and how called in,	912
Forfeiture of, for non-payment of assessment,	<i>ib.</i>
Alone responsible for debts,	910
Meetings, first, when and how called,	<i>ib.</i>
Annual, time and place of,	909
General, how called, and by whom,	913
Directors, number, qualification and election of,	909, 10
Vacancies, how filled,	910
Board for transaction of business,	<i>ib.</i>
President, how chosen,	<i>ib.</i>
Lands of individuals,	
Power and authority of company to enter upon,	<i>ib.</i>
Compensation to be made to owners for damage done,	<i>ib.</i>
To be determined by arbitrators,	<i>ib.</i>
Extent of to be occupied,	911
Company may enter upon and take materials,	912
May erect wharves,	913
May own steam boats and vessels,	<i>ib.</i>
Tolls may be demanded by Company,	911
If excessive, legislature may reduce them,	912

SHEDIAC AND SAINT JOHN RAIL ROAD COMPANY— <i>Con.</i>	
Rail road not to interfere with highways,	912
Actions relating to, to be commenced within six months after cause,	913
Province may purchase by paying appraised value,	<i>ib.</i>
Persons destroying guilty of felony,	<i>ib.</i>
If not completed within six years Act void,	<i>ib.</i>
SHEEP,	
Dogs destroying, to be killed by owners, who shall pay the value of the sheep,	410
Damages, how recoverable,	<i>ib.</i>
Owner neglecting to kill such dog subject to penalty,	<i>ib.</i>
Justice may issue warrant for killing,	<i>ib.</i>
May be killed if at large, by any person,	<i>ib.</i>
In actions for killing, defendant may justify, and shall have double costs,	<i>ib.</i>
SHERIFFS,	
Office of regulated,	788
Appointment and continuation in office,	<i>ib.</i>
Bonds to be given annually, with sureties,	788, 9
Form of,	791
To be sent to Secretary's office,	789
Governor to approve,	<i>ib.</i>
To be filed with clerk of pleas,	<i>ib.</i>
Actions upon, when, and how brought,	<i>ib.</i>
Evidence in,	<i>ib.</i>
Amount recoverable in,	<i>ib.</i>
Money levied under process, penalty for retaining after demand,	790
Deputies, appointment, sureties and notification,	<i>ib.</i>
Fees of,	
Attornies liable for,	<i>ib.</i>
For service of writs, not chargeable unless served by,	<i>ib.</i>
For summoning Juries and attending the Courts,	791
Elections, duties respecting, (<i>See Assembly, No. 5, 10.</i>)	87
Juries, duties respecting, (<i>See Juries and Jurors.</i>)	
SHEFFIELD, PARISH OF	
Erected, and its bounds,	7
Bank of river in front of,	111, 155
SHIP BUILDERS,	
To have two apprentices learning the art,	351
Of what age, period of indenture,	<i>ib.</i>
Penalty for neglect, recovery and application,	<i>ib.</i>
SMUGGLED GOODS,	
Penalty on hawkers for dealing in,	460
SMYTH, MAJOR GENERAL,	
Body of, to remain interred under Church in Fredericton,	325
SOLDIERS AND DESERTERS,	
Deserters, apprehension of,	99
Examination of,	<i>ib.</i>
If a listed soldier, may be committed,	100
Notice to commanding officer,	<i>ib.</i>
Subsistence of to gaoler, for his maintenance,	<i>ib.</i>
Gaoler not entitled to fees,	<i>ib.</i>
To receive into custody without fee, &c.	652
Penalty for harbouring or assisting or persuading to desert, and how recovered and applied,	651
Rewards for apprehending and delivering up, and how pay- able,	652
Not to exceed in whole £100 per annum,	<i>ib.</i>

SOLDIERS AND DESERTERS—Continued.	
Penalty for purchasing arms, clothing, &c. belonging to the King, or necessaries, and how recovered and applied, 100,	651
For want of goods, offenders may be imprisoned,	100
No proceedings to be taken under this Act for offences prosecuted under Mutiny Act,	652
SOLDIERS, ON SERVICE,	
Wills of not affected by 26 G 3, c. 11, (<i>See Wills.</i>)	22
SOUTHAMPTON, PARISH OF	
Erected, and its bounds,	639
SOVEREIGN, OF UNITED KINGDOM,	
Value of 22s. 3d.	243
SPECIAL JURIES, (<i>See Juries and Jurors, No. 6.</i>)	18, 152
SPIRITUOUS LIQUORS,	
Distilleries to be licensed, and regulations respecting,	467
Duty on, distilled in Province,	466
Regulations as to returns, payments, &c. (<i>See further Distilleries.</i>)	467, 9
Sale of, in Saint John, regulated,	627
SPRINGFIELD, PARISH OF	
Erected, and its bounds,	6
STAPLE COMMODITIES,	
Inspectors of, how appointed, and penalty for neglect to serve,	47
STRAYED CATTLE,	
Regulations respecting, (<i>See Cattle.</i>)	159
SUNBURY, COUNTY OF	
Boundaries established,	3
Sends two Members to General Assembly,	90
Shire Town Burton,	9
Parishes in, (<i>See Counties and Parishes, No. 9.</i>)	
Gates across intervale lands in, (<i>See Gates.</i>)	138, 188
SUNDAY,	
Penalty for shooting, gaming, drunkenness, &c. on,	534
Complaint to be within ten days,	<i>ib.</i>
Commitment of drunkards in Saint John,	628
Spirituous liquors not to be sold by tavern keepers, &c. on,	726
No tavernkeeper in Saint John to allow drinking in his house on, under penalty,	627
SUPERVISORS OF GREAT ROADS,	
How appointed, displaced, and powers and duties of, 296, 333, 370, 400, 586, 618.	4, c. 6, which makes new provisions respecting them.
SURGERY OR PHYSIC,	
Persons not duly qualified prohibited to practice or receive fees,	228
Qualification,	229
Qualified persons may sue for fees,	<i>ib.</i>
Military surgeons not within Act,	<i>ib.</i>
SURVEYORS,	
Of fish, appointment of,	47
Of lumber, appointment of,	<i>ib.</i>
Of cordwood, appointment of,	<i>ib.</i>
And weighers of hay, appointment of,	<i>ib.</i>
Fees of, and by whom payable,	48
Penalties for neglect of duty,	<i>ib.</i>

SUSSEX, PARISH OF,	
Erected,	5
Its boundaries,	116
TAVERN KEEPERS AND RETAILERS OF STRONG LIQUORS.	
Licences to, how and by whom granted,	724
Fine payable for, and how applied,	<i>ib.</i>
Amount of in Saint John,	727
Recognizance on taking, and condition thereof,	725
Penalty for selling less than five gallons without,	<i>ib.</i>
Confined to the place, and person, for which and to whom granted,	<i>ib.</i>
Provision in case of death or removal of person holding licence,	<i>ib.</i>
Debts for liquors not recoverable,	<i>ib.</i>
Pawns or pledges beyond 5s. to be restored,	<i>ib.</i>
Apprentices or minors,	
Harbouring, or selling liquors to, prohibited, and penalty for offending,	725, 6
Selling liquors on Sunday, penalty for,	726
Illegally imported, penalty for,	<i>ib.</i>
Harbouring seamen or apprentices,	<i>ib.</i>
Retailer selling liquors to be used on his premises, penalty,	<i>ib.</i>
Act relating to, to be read at General Sessions,	727
Grand Jury, charge to,	<i>ib.</i>
Presentment of, and proceedings upon,	<i>ib.</i>
Fines and penalty, recovery of,	<i>ib.</i>
Extend to Saint John,	<i>ib.</i>
Application of,	<i>ib.</i>
Costs of prosecutions for,	728
Summonses, convictions and executions, forms of,	<i>ib.</i>
TENDER,	
Certain coins made lawful tenders,	38, 243, 778
(<i>See Coins.</i>)	
TOLL BRIDGE OVER THE KENNEBECCASIS.	779
(<i>See Kennebeccasis.</i>)	
TREASURER AND HIS DEPUTIES,	
Not to own vessels, or trade in dutiable articles,	98
Penalty and punishment,	<i>ib.</i>
To make quarterly returns of bonds taken for duties, and particulars of returns,	415
Penalty for neglect,	<i>ib.</i>
Amount of security to be given by deputies, and manner of giving,	<i>ib.</i>
Authorized to borrow £10,000 from the New Brunswick Fire Insurance Company,	569
TREASURY,	
Bonds,	
Quarterly returns of to be made, and particulars required in,	415
Penalty on treasurer, neglecting,	<i>ib.</i>
Warrants,	
Interest payable on, after presentment,	674
TREES,	
Penalty for injuring or robbing fruit trees,	159, 60
Persons unable to pay to be committed,	160
Parents, &c. answerable for minors,	<i>ib.</i>
In promenades, Justices to make regulations to prevent injury to,	177

TRESPASSES BY CATTLE, &c.	
Fences dividing improved lands, height and description of,	499
What shall be deemed lawful,	502
By whom to be erected,	<i>ib.</i>
Disputes respecting to be determined by fence viewers,	500
In case of neglect of occupier after notice,	<i>ib.</i>
Expences of erection, and fees of fence viewers, and how recoverable,	<i>ib.</i>
Occupiers of unimproved land not bound to fence,	501
Fence viewers, penalty on, for neglect of duty,	500
Waters and water fences, how regulated,	<i>ib.</i>
Owners of cattle breaking into field liable to penalty, and to pay damages, and how recovered,	501
Cattle may be impounded, and sold for fines, &c.	<i>ib.</i>
Application of proceeds,	<i>ib.</i>
Impounded, may be replevied,	502
Replevin in case trespass does not exceed £5,	<i>ib.</i>
Form of writ of, proceedings on bond,	<i>ib.</i>
Clerks Court, jurisdiction of,	503
Regulations for preventing, to be made by Sessions,	500
Cattle at large contrary to, may be impounded, and by whom, and penalties. by and to whom payable.	500
Additional penalties to be imposed,	829
Recovery and application of,	830
Impounded, to be advertised, and if fines unpaid to be sold, and application of proceeds,	<i>ib.</i>
Pounds, where and how to be erected,	501
Penalty for rescuing cattle driving to, and how recovered,	<i>ib.</i>
Breach of, or improper delivery from,	<i>ib.</i>
Penalty for, recovery and application of,	502
In Fredericton and Saint Andrews,	
Penalty on owner of horses or swine at large in certain parts of,	527
Recovery and application of,	<i>ib.</i>
Owner unknown, horses, &c. to be impounded,	<i>ib.</i>
Cattle, &c. to be advertized and sold, on default of payment of penalties,	<i>ib.</i>
Application of proceeds,	<i>ib.</i>
Remission of penalty if cattle at large by accident,	<i>ib.</i>
Saint John and Portland, (<i>See Saint John.</i>)	
Penalty on owners of swine at large within prescribed limits, and how recovered, &c.	632, 3
If owners unknown, cattle to be impounded and ad- vertized, and if not claimed sold,	633
Application of proceeds,	<i>ib.</i>
TRIALS AT NISI PRIUS,	19
TRUCKAGE OF GOODS,	
Justices to make regulations respecting,	473
Penalties for disobedience, recovery and application,	<i>ib.</i>
In Fredericton,	337
TRUSTEES OF SCHOOLS,	
How appointed, and penalties for neglect to serve, their powers and duties,	629
TRUSTS,	
Grants, declarations and assignments of, void if not in writing, (<i>See Frauds and Perjuries.</i>)	35
Except those resulting by implication of law,	<i>ib.</i>
Lands held in, liable to execution against, <i>est. qui trust,</i>	38
Assets by descent, and how far heir thereby chargeable,	<i>ib.</i>

TOBIQUE MILL COMPANY,	
Incorporated,	931
Capital Stock,	932
Shares, number and amount of,	<i>ib.</i>
Each entitled to a vote,	<i>ib.</i>
Holders of, may be represented by proxies,	<i>ib.</i>
20 per cent. to be paid in three years,	<i>ib.</i>
And certified on oath or Act void,	933
No property to be purchased or debts incurred until	
20 per cent. be paid in,	932
Alone responsible for debts,	933
Assessments, how made, called in and enforced,	932
May be increased, when, and to what amount,	<i>ib.</i>
Meetings of the Company,	
First meeting, how called,	931
Annual, time and place of to be appointed by bye laws,	<i>ib.</i>
Directors, number, qualification and election of,	<i>ib.</i>
President, how chosen,	932
Annual statement of affairs, how made and published,	933
VARIANCE,	
Between record and writing produced in evidence, (<i>See Evidence.</i>)	447
UPHAM, PARISH OF	
Erected from part of Hampton,	747
USURY,	
Renders contracts void,	38
Penalty for, and application and recovery,	38, 9
Limitation of prosecution for,	39
WAKEFIELD, PARISH OF	
Originally erected in York County, its bounds,	146
Included in the County of Carleton,	558
WAR AND DEFENCE,	
Grants of land wanted for purposes of, may be resumed,	143
Proceedings regulated,	143, 4, 206
Certain lands in Saint John re-vested in the Crown,	207
In Saint Andrews, to be re-conveyed to the King,	213
WARRANTS,	
Against persons escaping from the County,	107
May be indorsed by Justice in any other County,	<i>ib.</i>
On proof of authenticity,	<i>ib.</i>
Person may be apprehended in County where indorsed,	108
To be carried before Justice, when apprehended,	<i>ib.</i>
Who may take bail, and how and to whom	
recognizance transmitted, and penalty	
on constable for not delivering,	<i>ib.</i>
Commitment of,	<i>ib.</i>
Justice indorsing not liable to an action,	<i>ib.</i>
Granting liable as before,	109
Addressed to constable, &c. of any parish, may be executed	
in any place within the jurisdiction of the Justice, Act	
not to extend to civil suits,	650, 1
ON THE TREASURY,	
To bear interest after presentment until ten days after no-	
tice of readiness to pay,	674
Treasurer to publish a list of warrants he is prepared to pay,	<i>ib.</i>
WATER COMPANY, SAINT JOHN,	
Incorporated,	580
(<i>See Saint John Water Company.</i>)	

WATERBOROUGH, PARISH OF	
Erected, and its bounds,	6
Divided into two parishes,	403
Bank of river in front of, (<i>See Banks of Rivers.</i>)	111, 155
WEIGHERS OF HAY,	
How appointed, &c. (<i>See Hay.</i>)	47
WEIGHING MACHINES,	
How erected, &c. (<i>See Hay.</i>)	131
WEIGHTS AND MEASURES,	
To be regulated by standard of King's Exchequer,	37
Clerks of the market to procure a set of,	<i>ib.</i>
To assay, seal and mark all brought for the purpose,	<i>ib.</i>
Fee for so doing,	38
Penalty for neglect,	<i>ib.</i>
Recovery and application,	<i>ib.</i>
Rights, &c. of Saint John reserved,	<i>ib.</i>
WELDFORD, PARISH OF	
Erected, and its bounds,	735
WELLINGTON, PARISH OF	
Originally erected in Northumberland,	217
Included in Kent,	387
Boundaries of the County of Kent,	388
Between Wellington and Dundas altered,	422
WESTFIELD, PARISH OF	
Erected,	5
Boundaries altered,	116
WEST INDIES,	
Bills of Exchange on, protested, subject to 10 per cent. damages, (<i>See Damages, 2 c.</i>)	110
WEST ISLES, PARISH OF	
Erected, and its bounds,	5
Island of Campo-Bello made a separate parish,	146
Grand Manan made a separate parish,	225
Fisheries in, (<i>See Fisheries, No. 13.</i>)	401
WESTMORLAND, COUNTY OF	
Boundaries of confirmed,	
Sends four members to the General Assembly,	90
Subdivided into parishes, (<i>See Counties and Parishes, No. 10.</i>)	4
Shire Town, Dorchester,	137
Parish of, erected, (<i>See Counties and Parishes, No. 10.</i>)	4
Fisheries in, (<i>See Fisheries, No. 9.</i>)	106, 385
WHARFAGE AND CRANAGE,	
Rates of wharfage to be received by owners of wharves,	211
Cranage, do. do. do.	62
(<i>See Wharves.</i>)	61, 2
WHARVES AND CRANES,	
Rates of wharfage,	211
Vessels lying fast to capable of removal, obliged to make room for vessel to unload,	61
Penalty on masters and owners for refusal,	
Fastened to others lying at to pay one half rates,	62
Rates of Cranage,	<i>ib.</i>
Removal and lien upon goods, &c. incumbering,	<i>ib.</i>

WHARVES AND CRANES— <i>Continued.</i>	
Who liable to pay for use of,	62
Agents, when liable, and when not,	<i>ib.</i>
Rights of corporation of Saint John not to be infringed,	<i>ib.</i>
WICKHAM, PARISH OF	
Erected, and its bounds,	6
WICKLOW, PARISH OF	
Erected, and its bounds,	608
WILLS AND DEVISES,	
Affecting lands, to be registered,	10
Within six months after death of testator,	12
Within what time if testator die out of the Province or beyond the sea,	<i>ib.</i>
If wills contested or other difficulties arise, memorial to be entered,	<i>ib.</i>
To be registered, within what time after removal of difficulties,	<i>ib.</i>
Valid if registered within the times required,	<i>ib.</i>
Void against purchasers unless so registered,	10
Not to effect purchasers unless registered within three years,	12
Registry offices,	10
Register,	11
To be sworn,	<i>ib.</i>
Liable to pay treble damages for neglect,	<i>ib.</i>
Certificate of evidence of registry,	<i>ib.</i>
Manner of registering, and duties of,	<i>ib.</i>
To be proved by a witness, and before whom, or by probate before registry,	<i>ib.</i>
Copies from register evidence when originals destroyed,	12
Affecting lands, to be made in writing, and executed and attested,	21
How revokable,	<i>ib.</i>
Devising estates per auter vie, how to be executed,	36
Nuncupative, when good, and how proved,	21
After six months no testimony to be received of, unless put in writing within six days,	<i>ib.</i>
Probate, &c. of, shall not pass until fourteen days after death, nor until widow, &c. be apprised thereof, &c.	<i>ib.</i>
Concerning personal estate, how repealed or changed,	<i>ib.</i>
Soldiers, and seamen on service at sea, not affected by this Act,	22
Jurisdiction of Governor in personal estates not affected by this Act,	<i>ib.</i>
Executors to cause will to be proved within thirty days,	<i>ib.</i>
Or renounce executorship,	<i>ib.</i>
Penalty for neglect,	<i>ib.</i>
Suppressing wills, penalty for,	<i>ib.</i>
Legacies may be sued for at common law,	<i>ib.</i>
Executors to exhibit an inventory of estate and effects,	<i>ib.</i>
Penalties for neglect,	<i>ib.</i>
Residuary legatees may sue co-executors,	<i>ib.</i>
Distribution of estates real and personal, (<i>See Intestates Estates.</i>)	23, 4
Administration cum testamento annexo,	24
WILMOT'S FARM IN LINCOLN.	
Gate across highway authorized, (<i>See Gates, No. 1.</i>)	138
WINTER ROADS, (<i>See Highways.</i>)	721, 2
In York and Sunbury,	151, 199
On Nashwalk and Pennvack,	152
Bates' mill pond to Kennebecasis,	197

WITNESSES,

- | | |
|--|------------|
| 1. In case of forgery, not incompetent by reason of interest in forged instrument, | 450 |
| 2. May be examined de bene esse if infirm or about to leave the Province, | 41 |
| Depositions, when and how taken and certified, | <i>ib.</i> |
| Legal evidence in the cause, | <i>ib.</i> |
| Or if title of land in question, in all future causes between the parties, or others holding under them, | <i>ib.</i> |
| Proof required of notice to adverse party, | <i>ib.</i> |
| If witness in the Province or able to travel, shall give testimony viva voce, | <i>ib.</i> |
| Exceptions to credit of deponents reserved, as on producing viva voce testimony, | <i>ib.</i> |
| Quakers to affirm, | <i>ib.</i> |
| False affirmation perjury, | <i>ib.</i> |
| 3. Supreme Court, or a Judge, on application of a party may order examination of, upon interrogatories or otherwise, | 748 |
| Or order a commissioner to examine if abroad, | <i>ib.</i> |
| And direct time, manner, place, &c. | <i>ib.</i> |
| May command the attendance of any person, or production of writings, &c. | <i>ib.</i> |
| Wilful disobedience a contempt, | 749 |
| Proceedings for, | <i>ib.</i> |
| Expences of attendance, | <i>ib.</i> |
| Proviso as to production of papers, | <i>ib.</i> |
| Sheriff may take prisoners for examination under habeas corpus, | <i>ib.</i> |
| Examination of witnesses upon oath or affirmation, | <i>ib.</i> |
| False evidence perjury, | <i>ib.</i> |
| Persons named for taking examination to report to the Court touching the same, and the absence of witnesses, &c. | 749 |
| Court to institute proceedings thereon, | <i>ib.</i> |
| Costs of orders and examination, &c. to be costs in the cause, | <i>ib.</i> |
| Examination, in what cases evidence, | <i>ib.</i> |
| To be sealed, and addressed to the Court, | 750 |
| Judges may make general rules relating to the matters in this Act, | <i>ib.</i> |
| Quakers to make affirmation instead of oath, | 749 |
| In all cases, criminal or civil, | 450 |
| False affirmation perjury, | 40 |
| Who shall be deemed, | 41 |

WOLVES,

- | | |
|-------------------------------|------------|
| Bounty for destruction of, | 97 |
| Proof required, and how paid, | <i>ib.</i> |

WOODS,

- | | |
|---|------------|
| Act to prevent the carelessly or wantonly firing, | 48 |
| Penalty for not extinguishing fires, | 49 |
| Recovery and application of, | <i>ib.</i> |
| Person kindling liable for damages, | <i>ib.</i> |

WOODSTOCK & FREDERICTON STAGE COACH COMPANY.

- | | |
|---|------------|
| Incorporated, | 928 |
| Capital Stock, | <i>ib.</i> |
| Shares, number and amount of, | <i>ib.</i> |
| One half to be paid in and certified or Act void, | 929 |
| Regulations of coaches of, | 928 |

WOODSTOCK, PARISH OF	
Originally erected in York, its bounds,	8
Divided, part included in the County of Carleton,	558
The remainder in York, included in Dumfries,	639
WRITING,	
Necessary to the validity of certain promises, &c.	878
To pay debt contracted during infancy,	<i>ib.</i>
Assurances, as to credit, &c. of a third person,	<i>ib.</i>
Acceptance of inland Bills of Exchange,	789

TABLE OF ERRATA.

PAGE	37,	LINE	6,	from bottom, for <i>Clerk</i> , read <i>Clerks</i> .
"	39,	"	3,	from top, after <i>hundred</i> , insert <i>pounds</i> .
"	43,	"	6,	from top, for <i>hercby</i> , read <i>hereafter</i> .
"	46,	"	25,	from bottom, for <i>the Justice</i> , read <i>any Justice</i> .
"	63,	"	30,	from bottom, for <i>Masters and Wardens</i> , read <i>Master or Warden</i> .
"	95,	"	8,	from bottom, for <i>Deed</i> , read <i>Deeds</i> .
"	138,	"	8,	from bottom, for <i>pay</i> , read <i>defray</i> .
"	145,	"	3,	from bottom, for <i>particularized</i> , read <i>particularly</i> .
"	160,	"	25,	from top, after <i>every</i> , read <i>such</i> .
"	172,	"	3,	from top, for <i>rights</i> , read <i>writs</i> .
"	201,	"	15,	from bottom, before <i>the writ</i> , insert <i>Execution of</i> .
"	266,	"	25,	from top, after <i>into</i> , insert <i>full force and effect</i> .
"	267,	"	19,	from bottom, for <i>their</i> , read <i>other</i> .
"	319,	"	21,	from top, after <i>Justices</i> , insert <i>of the Peace</i> .
"	330,	"	4,	from top, before <i>Northumberland</i> , for <i>in</i> , read <i>is</i> .
"	338,	"	14,	from bottom, for <i>deposed</i> , read <i>deposited</i> .
"	367,	"	8,	from bottom, after <i>lawful</i> , for <i>and</i> read <i>by</i> .
"	370,	"	17,	from top, after <i>That</i> , read <i>part of</i> .
"	375,	"	22,	from bottom, for <i>or to be</i> , read <i>or be</i> .
"	392,	"	22,	from bottom, after <i>that</i> , insert <i>in</i> .
"	398,	"	24,	from top, after <i>enacted</i> , read <i>and declared</i> .
"	413,	"	19,	from bottom, for <i>said</i> , read <i>side</i> .
"	433,	"	16,	from top, after <i>line</i> , insert <i>or after falling into line</i> .
"	515,	"	17,	from bottom, before <i>beast</i> , insert <i>with</i> .
"	671,	"	4,	from bottom, for <i>upon</i> , read <i>up</i> .
"	686,	"	12,	from bottom, for <i>debt</i> , read <i>a debt</i> .
"	686,	"	10,	from bottom, for <i>it</i> , read <i>if it</i> .
"	705,	"	1,	from top, for <i>3rd</i> , read <i>6th</i> .
"	708,	"	5,	from top, after <i>hand</i> , insert <i>and seal</i> .
"	713,	"	5,	from bottom, for <i>or</i> , read <i>and</i> .
"	714,	"	16,	from top, dele <i>said</i> .
"	749,	"	21,	from bottom, for <i>any person</i> , read <i>the person</i> . and for <i>the Judge</i> , read <i>any Judge</i> .
"	774,	"	20,	from bottom, dele <i>most</i> .
"	777,	"	6,	from bottom, for <i>July</i> , read <i>June</i> .
"	788,	"	5,	from top, for <i>sixth</i> , read <i>fifth</i> .
"	797,	"	19,	from bottom, after <i>price</i> , insert <i>is</i> .
"	799,	"	11,	from after <i>voyage</i> . read <i>and if there be any duttable goods on board not reported the same shall be forfeited</i> .
"	843,	"	15,	from top, for <i>coins</i> , read <i>coins or bullion</i> .
"	844,	"	3,	from bottom, after <i>each</i> insert <i>share</i> .
"	863,	"	29,	from bottom, for <i>of such order</i> , read <i>of obeying such order</i> .