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**ACTS**

1439  
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OF

**THE GENERAL ASSEMBLY**

OF

**HER MAJESTY'S PROVINCE**

OF

**NEW BRUNSWICK,**

PASSED IN THE YEAR

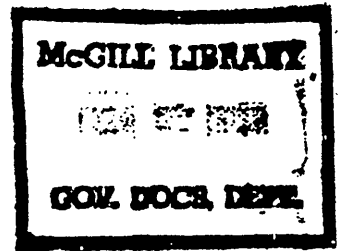
**1843.**



**FREDERICTON:**

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

MDCCCXLIII.



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**Anno Regni VICTORIÆ Britanniarum Reginae Sexto.**

**A**T the General Assembly of the Province of New Brunswick begun and holden at Fredericton on the Thirty first Day of January, *Anno Domini* One thousand eight hundred and forty three, in the Sixth year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith; being the First Session of the Thirteenth General Assembly convened in the said Province.

THE  
**ACTS**  
OF  
**THE GENERAL ASSEMBLY, &c.**

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CAP. I.

An Act imposing Duties for raising a Revenue.

*Passed 29th March 1843.*

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

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

Duties granted for the use of the Province, and the support of the Government, on Articles specified in Table.

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

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

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

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

Duties to be repaid or Warehouse Bond cancelled as to goods exported for the deep Sea or Whale Fishery.

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

Duties to be paid according to weights and measures in use and in proportion for greater or less quantities.

V. And be it enacted, That all the Duties by this Act imposed shall be collected, paid, and received according to the weights and measures now in use in this Province; and that in all cases where the said Colonial Duties are in this Act imposed according to any specific quantity or any specific value or number, the same shall be deemed to apply in the same proportions to any greater or less quantity, value or number.

No drawback allowed on foreign cattle or dead meats.

VI. And be it enacted, That no drawback shall be allowed or Duties abated upon any Foreign Ox or other Foreign Horned Cattle or dead Meats, whether the same shall be imported for the use of Her Majesty's Army, Navy or Ordnance, or otherwise, any thing to the contrary in any Act of the General Assembly notwithstanding.

Limitation.

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 four.

TABLE OF COLONIAL DUTIES AND EXEMPTIONS OF DUTY.

Articles liable to and exempted from Duty.

ARTICLES.	On British Produce.	On Foreign Produce.
Ale, ....	4 per centum	10 per centum
Anchors and Grapnels, and Anchor Palms, for every one hundred pounds of the value, ....	free	5 per centum
Apples, fresh or dried, per barrel, ....	free	£0 2 6
Ashes, to wit—Pot Ashes and Pearl Ashes, ....	free	free
Agricultural Implements, ad valorem, ....	4 per centum	10 per centum
Bacon, ...	4 per centum	15 per centum
Baggage and Apparel, worn and in use, and not made up and not intended for sale, ....	free	free
Barley, unground, ....	4 per centum	10 per centum
“ Hulled or Pearl Barley, for every one hundred pounds of the value, ....	4 per centum	10 per centum
Barilla, ....	free	free
Beef, Salted, of all sorts, per hundred weight, ...	free	free
“ Fresh, brought by Land or Inland Navigation, per hundred weight, ....	free	£0 9 4
“ Fresh, otherwise brought, per hundred weight, ...	free	£0 9 4
Biscuit or Bread, ad valorem, ....	free	10 per centum
		Biscuit,

## TABLE OF COLONIAL DUTIES AND EXEMPTIONS OF DUTY.

ARTICLES.	On British Produce.	On Foreign Produce.
Biscuit, Fine, called Crackers or Cakes, ad valorem,	free	10 per centum
Books, printed, prohibited to be imported into the United Kingdom, ....	prohibited	prohibited
“ not so prohibited, ....	free	free
Bullion, Gold or Silver, ....	free	free
Burr Stones, ....	free	free
Butter, per hundred weight, ....	free	£0 8 4
Bees Wax, ....	free	free
Bristles, ....	free	free
Bricks and Tiles, ad valorem, ....	4 per centum	10 per centum
Bunting, ....	free	free
Cables of Hemp or other vegetable substances, for every one hundred pounds of the value,	free	10 per centum
“ of Iron, for every one hundred pounds of the value, ....	free	10 per centum
Candles of Wax or Spermaceti, for every one hun- dred pounds of the value, ..	4 per centum	10 per centum
“ Tallow, for every one hundred pounds of the value, ....	4 per centum	10 per centum
Carriages of Travellers, not for Merchandize or in- tended to be sold, ....	free	free
Cattle, viz: Asses and Mules, Horses, Mares or Geldings, each, ....	free	£4 0 0
Neat Cattle, viz: Oxen or other Neat Cattle, three years old or upwards, each, ....	free	£1 5 0
Cows, and Neat Cattle under three years old, each, ....	free	£1 0 0
Sheep, each, ...	free	£0 5 0
Hog, each, ....	free	£0 10 0
Chairs, prepared posts of, or for Chairs, ad valorem,	4 per centum	10 per centum
Chocolate or Cocoa Paste, for every one hundred pounds of the value, ....	4 per centum	10 per centum
Coals, ....	free	free
Cocoa, used in the manufacture of Chocolate, ....	free	free
Coffee, per hundred weight ....	free	£0 2 6
Clocks of all kinds, for every one hundred pounds of the value, ....	4 per centum	15 per centum
All Wheels, Machinery, and materials for manufacturing Clocks, for every one hundred pounds of the value, ....	4 per centum	15 per centum
Corkwood, ....	4 per centum	10 per centum
Coin, Base or Counterfeit, ....	prohibited	prohibited
“ Gold and Silver Coins, and British Copper Coins, ....	free	free
Copper, viz: Copper Ore, or in Pigs or Bricks, ...	free	free
“ in Plates, Sheets, Bars or Bolts, for Ship building, ....	free	free

Articles liable to  
and exempted from  
Duty.—Continued.

Copper,

TABLE OF COLONIAL DUTIES AND EXEMPTIONS OF DUTY.

	ARTICLES.	On British Produce.	On Foreign Produce.
Articles liable to and exempted from Duty.—Continued.	Copper, Wrought or Cast, for Machinery, pure, or with other Metal, ....	free	free
	“ Copper Castings of every description, for Machinery, for Mills or Steam Boats, and Copper and Composition Nails and Spikes, for Ship building, ....	free	free
	Corn, viz: Buckwheat, Indian Corn and Rye, un- ground, ....	free	free
	Wheat, unground, ....	4 per centum	4 per centum
	Wheat Flour, ....	free	free
	Corn, viz: Barley Meal, Rye Meal, Oat Meal, Indian Meal, Buckwheat Meal, Peas, Beans and Cala- vences, ....	free	free
	Cordage, tarred or untarred, and when exempted from Imperial Duty, for every one hundred pounds of the value, ....	free	10 per centum
	Cotton Twist or Warp, ....	free	10 per centum
	“ Wool, ....	free	free
	Canvas, ....	free	10 per centum
	Coal Tar, ....	free	free
	Dog Stones, ....	free	free
	Dye Wood, ....	free	free
	Duck, ....	free	10 per centum
	Fish, viz: Fresh, Salted, Dried or Pickled, ....	free	free
	Fish Hooks, ....	free	10 per centum
	Fish Oil, viz: Train Oil, Spermaceti Oil, Head Matter, Blubber, Fins and Skins, the produce of Fish or Creatures living in the Sea, taken or caught by the Crews of British Ships, ....	free	free
	“ Not taken or caught by British Subjects, or the Crews of British Ships, or imported otherwise than from the United King- dom or a British Possession, ....	free	free
	Flax, ....	free	free
	Fruit, Fresh, not otherwise charged with Duty, for every one hundred pounds of the value, ....	4 per centum	4 per centum
“ dried, viz: Raisins, Currants and Figs, for every hundred weight, ....	£0 5 0	£0 5 0	
Felt, Patent, ....	free	free	
Fishing Nets, ....	free	free	
Hay and Straw, for every one hundred pounds of the value, ....	free	free	
Hemp, ....	free	free	
Hides or pieces of Hides, raw, not tanned, dressed or curried, ....	free	free	
Household Furniture, ....	4 per centum	15 per centum	

Horns,

TABLE OF COLONIAL DUTIES AND EXEMPTIONS OF DUTY.

ARTICLES.	On British Produce.	On Foreign Produce.
Horns, ....	free	free
Horse Hair, ....	free	free
Hops, ....	free	free
Hooks, Lines and Twines, ....	free	free
Hydraulic Engines, ....	free	free
Gypsum, ground, ....	free	free
Grass Seed, and other kind of Seeds, ....	free	free
Iron, viz: In Bars or Pigs, unwrought or Pig Iron, ....	free	free
“ Ores of Iron of all kinds, ....	free	free
“ Castings for Machinery, for Mills, for Steam Engines, and for other purposes, and cast or wrought Pipes and Tubes, ....	free	free
“ Sheet Iron, intended to be used in manufacturing Cut Nails, ....	free	free
“ Iron Rails for Rail Roads, Boiler Plates and Plough Moulds, and Block Bushes, ....	free	free
Indigo, ....	4 per centum	10 per centum
Indian Rubber, ....	4 per centum	10 per centum
Lard, per hundred weight, ....	£0 4 0	£0 8 0
Leather, Sole, ad valorem, ....	4 per centum	10 per centum
“ Upper Leather of all sorts, for every one hundred pounds of the value, ....	4 per centum	10 per centum
“ Boots, Shoes, and Leather Manufactures of all sorts, for every one hundred pounds of the value, ....	4 per centum	10 per centum
Lentils, ....	free	free
Lime and Lime Stone, ....	free	free
Lines for the Fisheries, of all kinds, ....	free	free
Lumber of all kinds, (Cedar, Pine, Spruce and Hemlock Shingles excepted,) ....	free	free
Leaf Tobacco, ....	free	free
Lignum Vitæ, ....	free	free
Looking Glass Plates, ....	4 per centum	10 per centum
Looking Glasses, ....	4 per centum	15 per centum
Maps and Charts, ....	free	free
Machinery, or parts of Machinery, for Steam Engines, Mills, or Agricultural purposes, for every one hundred pounds of the value, ....	free	10 per centum
Molasses, ....	free	free
Mahogany Logs, Boards and Veneers, ....	free	free
Mill Saws, ....	free	free
Mineral Salt, and Salt of all kinds, ....	free	free
Malt, ....	free	free
Mathematical and Musical Instruments of all kinds, and Philosophical and Chemical Apparatus,....	free	free
Mirrors, ....	4 per centum	10 per centum
Nets, Fishing Nets and Seines of all kind, ....	free	10 per centum

Articles liable to and exempted from Duty.—Continued.

Nails,

TABLE OF COLONIAL DUTIES AND EXEMPTIONS OF DUTY.

ARTICLES.	On British Produce.	On Foreign Produce.
Nails, Cut, ....	4 per centum	15 per centum
“ Wrought, ....	4 per centum	15 per centum
Oats, unground, for every one hundred pounds of the value, ....	free	free
Oakum, for every one hundred pounds of the value,	free	10 per centum
Onions, ....	free	free
Ores of all kinds, ....	free	free
Paintings, ad valorem, ....	4 per centum	10 per centum
Pears.— <i>See Fruit.</i>		
Pitch, ....	free	free
Plate, of Gold or Silver, old and fit only to be re- manufactured, ....	free	free
Plants, Shrubs and Trees, ....	free	free
Pork, salted of all kinds, ....	free	free
“ fresh, brought by land or inland navigation, or otherwise.— <i>See Fresh Meats.</i>		
Porter, in bottles, for every one hundred pounds of the value, ....	4 per centum	10 per centum
Poultry, of all sorts, dead, per hundred weight, ....	free	£0 9 4
Palm, Olive and Rape Oil, ....	free	free
Pot Ashes.— <i>See Ashes.</i>		
Quicksilver, ....	free	free
Rags, viz: Old Rags, old Ropes, Junk, and old Fishing Nets, ....	free	free
Rice, unground, ....	free	free
Rosin, ....	free	free
Sails or Rigging, saved from vessels wrecked on the Coast of the Province, ....	free	free
Sail Cloth of all kinds, Canvas included, ad valorem, Salt.— <i>See Mineral Salt.</i>	free	5 per centum
Seeds of all kinds, ....	free	free
Skins, Furs, Pelts or Tails, undressed, ....	free	free
Spirits, per Gallon,		
Brandy, ....	£0 1 9	£0 1 9
Geneva, Gin and Hollands, ....	£0 1 3	£0 1 3
Rum or Spirits, ....	£0 1 0	£0 1 0
Whiskey, ....	£0 1 6	£0 1 6
Shrub or Santa, ....	£0 0 6	£0 0 6
Cordials, ....	£0 1 3	£0 1 3
Stone, unmanufactured, not otherwise charged with Duty, ....	free	free
Sugar—Loaf Sugar, Lump or Refined, per pound,....	£0 0 1	£0 0 1
Crushed, per hundred weight, ....	£0 5 0	£0 5 0
Brown or Muscovado, per hundred weight,	free	free
Steel, ad valorem, ....	4 per centum	10 per centum
Spikes and Sheathing Nails, ....	free	10 per centum
Ship Tackle and Apparel, ....	free	10 per centum
Sheathing Paper, ....	free	10 per centum
		Tallow,

Articles liable to  
and exempted from  
Duty.—*Continued.*

## TABLE OF COLONIAL DUTIES AND EXEMPTIONS OF DUTY.

ARTICLES.	On British Produce.	On Foreign Produce.	
Tallow, for every one hundred pounds of the value,	free	10 per centum	Articles liable to and exempted from Duty.— <i>Continued.</i>
Tar, ....	free	free	
Tea, per pound, ....	£0 0 1	£0 0 1	
Trees and Shrubs.— <i>See Plants.</i>			
Twines and Lines, used in the Fisheries, ....	free	free	
Tobacco, manufactured, (except Snuff and Cigars,) for every pound weight, ....	£0 0 0½	£0 0 0½	
“ Cigars and Snuff, for every hundred pounds of the value, ....	10 per centum	10 per centum	
“ Unmanufactured.— <i>See Leaf Tobacco.</i>			
Tongues of Cattle.— <i>See Meats.</i>			
Tow, ....	free	free	
Turpentine, ....	free	free	
Tin in Sheets and Blocks, ....	4 per centum	4 per centum	
Vegetables, fresh, ....	free	free	
Vinegar, ad valorem, ....	4 per centum	4 per centum	
Wines,			
Hock, Constantia, Malmsey and Tokay, per Gallon, ....	£0 3 1	£0 3 1	
Champagne, Burgundy or Hermitage, per Gallon, ....	£0 2 10	£0 2 10	
Claret called Lafitte, Latour, Margeaux or Hautbrian, per Gallon, ....	£0 2 7	£0 2 7	
Madeira and Port, per Gallon, ....	£0 2 4	£0 2 4	
Other Claret Wines, Barsac, Sauterne, Vin de Grave, Moselle, and other French Wines, and Lisbon and German Wines, per Gallon, ....	£0 1 10	£0 1 10	
All Sherry Wines, Teneriffe, Marsala, Sicilian, Malaga, Fayal, and all other Wines, per Gallon, ....	£0 1 4	£0 1 4	
All Wines the produce of the Cape of Good Hope, except Constantia, per Gallon,....	£0 1 3	£0 1 3	
Whale Fins or Bone, taken or caught by Crews of British Ships, ....	free	free	
Wood, viz: Masts, Spars, Boards, Plank, Deals, Staves, Heading, Shingles, Clapboards, Timber, Laths, Hoops, and Wood of all sorts, Lumber the produce of, and imported from, any British Possession, ....	free	free	
The West Coast of Africa, Wood and Lum- ber otherwise imported, Cabinetmakers' Wood, Hard Wood, ....	free	free	
Zinc, ....	free	free	
All other Goods, Wares and Merchandize not other- wise charged with Duty, and not herein declared to be free of Duty, for every one hundred pounds of the value, ....	4 per centum	10 per centum	



## CAP. II.

4 W. 4, c. 43. An Act to amend an Act, intituled *An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand.*

*Passed 29th March 1843.*

Preamble.

6 **W**HEREAS doubts have arisen whether under the provisions of an Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand*, it is lawful for the Treasurer of the Province to pay any Interest due on Warrants, payment of which has been demanded, unless the Warrant itself shall be paid at the same time;

4 W. 4, c. 43.

Interest to be paid semi-annually on 1st June and 1st December.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Treasurer to pay to the holder or holders of Warrant or Warrants, all sums of money which may be due upon such Warrants for Interest upon the same, although the principal of such Warrants cannot be paid for want of funds in the Treasury; and also the Interest to become due upon all Warrants semi-annually, on the first day of June and the first day of December in every year until such Warrants are paid.

## CAP. III.

An Act to provide for the repair of the Streets and Highways in Fredericton.

*Passed 11th April 1843.*

Preamble.

6 **W**HEREAS the increase of Population in Fredericton renders an improvement in the mode of providing for the repair of the Streets and Highways necessary;

£500 to be annually levied on a described part of the Parish of Fredericton for the repair of the Roads.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the sum of five hundred pounds shall be annually levied and assessed upon all that part of the Parish of Fredericton, bounded on the Southwest by the rear line of the grant to the Governor and Trustees of the College of New Brunswick, and its prolongations Northwesterly and Southeasterly to the upper and lower lines of the said Parish, for the purpose of repairing, improving and maintaining the Streets, Highways and Bridges situate therein, by an equal rate of five shillings each upon the Poll of all the male inhabitants within that part of the said Parish of the age of sixteen years and upwards, not being paupers or exempts as hereinafter mentioned, and by a rate in just and equal proportions upon the real property situate within that part of the said Parish, and upon the personal property and incomes of the inhabitants thereof; which sum shall be assessed by the Commissioners, and laid out in improving, repairing and maintaining the Streets, Highways and Bridges in that part of the said Parish above described, according to the best discretion of the said Commissioners or the major part of them, subject nevertheless to the provisions of this Act, which sum so levied and assessed shall be denominated "The Fredericton Road Fund."

Upon whom to be assessed.

Commissioners to make out a Road List as herein specified.

II. And be it enacted, That it shall be the duty of the Commissioners of Highways already appointed or that may hereafter be appointed from time to time for the Town or Parish of Fredericton or the major part of them, to meet at such times and places as they may agree upon, and without delay, make out a Road List for that part of the said Parish above described, with columns therein: the first or left hand column to contain the names of such persons as are rateable within the Parish, both resident and non-resident: the second column to contain the amount

of the Poll Tax of five shillings each, to be paid by each inhabitant: the third column to contain the amount of real property within that part of the Parish of Fredericton above described, owned by each inhabitant: the fourth column to contain the amount of the personal property of each inhabitant: the fifth column to contain the real estate of non-residents: the sixth column to contain the annual income of such male inhabitants from whatever source derived, except from real or personal property situate in that part of the said Parish above described, and taxable under this Act: the seventh column to contain twenty per cent. of the before mentioned value of real and personal estates: the eighth column to contain the said sums so reduced to twenty per cent., and the said sums of annual income; and when any inhabitant has both annual income and twenty per cent. of the value of property set opposite his name in the said sixth and seventh columns, such sums shall be added together and set in the eighth column; and the amount so to be raised and assessed after deducting the whole amount of Poll Tax therefrom, shall be apportioned among the several persons so named in exact proportions to the sum in the eighth column set opposite to their respective names: the ninth and last column shall contain the several sums so apportioned with the addition of the Poll Tax, and shall be denominated "Total Road Tax," and shall be in the following form, that is to say:

"Road List for all that part of the Parish of Fredericton, bounded on the South-east by the rear line of the grant to the Governor and Trustees of the College of New Brunswick, and its prolongation to the upper and lower lines of the said Parish, made under and by virtue of an Act of the General Assembly, passed in the sixth year of the Reign of Queen Victoria, intituled *An Act to provide for the repair of the Streets and Highways in Fredericton.* Dated the — day of — A. D. 184 — ."

Form of Road List.

Names of Persons	Poll Tax	Real Estate of Inhabitants	Personal Estate of Inhabitants	Real Estate of non-residents	Annual Income	20 per cent of value of Property	Amount to be Taxed	Total Road Tax
A. B.	5s.	£300 0 0	£100 0 0	£0 0 0	£0 0 0	£60 0 0	£60 0 0	£1 9 0
C. D.	5s.	300 0 0	100 0 0	0 0 0	50 0 0	80 0 0	130 0 0	2 17 0
E. F.	5s.	0 0 0	0 0 0	200 0 0	0 0 0	40 0 0	40 0 0	1 1 0
G. H.	5s.	0 0 0	0 0 0	0 0 0	20 0 0	0 0 0	20 0 0	0 8 0
J. K.	5s.	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 5 0

And the said Commissioners or the major part of them shall, as soon after the said Road List is made out as they conveniently can, deliver the same to the Collector of the Road Tax signed by them, and having endorsed thereon a precept under their hands in the form following, that is to say:

To be delivered to the Collector of Road Tax with a Precept endorsed.

"To A. B., Collector of Road Tax for Fredericton.—You are hereby required forthwith to collect from the several persons named in the annexed Road List, the sums set against their names respectively, under the last column thereof, intituled "Total Road Tax," and to pay the same, when collected, into our hands. Given under our hands the — day of — in the year of our Lord 184 — ."

III. And be it enacted, That if any person liable to be assessed for the repair and improvement of the Roads in that part of the said Parish above described, shall at any time before the Road List is made out, furnish the Commissioners with an account in writing of the value of his real or personal property or income, liable to be assessed under this Act, deducting therefrom his just debts duly attested to before one of Her Majesty's Justices of the Peace, then it shall be the duty of the said Commissioners to value such property at the sum specified in such account, and no more.

Property to be valued agreeably to attested accounts where such are furnished.

Meaning of certain words in this Act.

IV. And be it enacted, That in the construction of this Act the terms "Real Estate" and "Real Property" shall be construed to include Land and any Building and other thing erected on or affixed to Land, and any term or terms for years in Land; and the terms "Personal Property" and "Personal Estate" shall be construed to include all Goods, Chattels, Monies and Effects, and all Debts due from solvent Debtors, whether on Account, Contract, Promissory Note, Bond or Mortgage, and all Public Stocks or Securities, and all Stocks or Shares in Joint Stock, Banking or Insurance Companies: Provided always, that nothing herein contained shall extend to render liable to taxation under this Act the Real or Personal Property of any Religious, Literary or Charitable Corporation, Society or Institution, or of any Joint Stock Banking or Insurance Company, carrying on business in that part of the Parish of Fredericton above described.

Exemptions from taxation.

One of the Surveyors of Highways to be appointed collector of Road Tax.

V. And be it enacted, That the Commissioners of Roads for the Parish of Fredericton, or the major part of them, shall appoint one of the Surveyors of Highways for the said Parish a Collector of Road Tax for that part of the said Parish above described, and insert his name in the precept mentioned in the second section of this Act, and in case of his death, resignation or removal from office, to appoint another in his stead, and so from time to time as a vacancy may occur, and in case of such subsequent appointment, to indorse on the said list a precept in manner aforementioned authorizing such new Collector to collect the said Road Tax or to complete the collection thereof previously commenced.

Persons overrated may appeal to the General Sessions who may grant relief.

VI. And be it enacted, That any person thinking himself aggrieved and overrated in the said Road List, may appeal to the Justices of the Peace for the County of York at their next General Sessions after he shall have had notice of the said Assessment, and the Justices shall examine into the said appeal, and if the said Justices shall be satisfied the appellant hath been assessed too high, they may give such relief as they shall think just, by allowing the appellant such sum as he may be overrated out of his Road Tax for the next year: Provided always, that no such appeal shall be heard unless the appellant shall within one month after he has received notice of the said Assessment, file an Affidavit in the office of the Clerk of the Peace of the County of York, particularly specifying his Real and Personal Property and Income liable to taxation under this Act, and give notice thereof to the said Commissioners or some one of them in writing.

Road Tax to be collected as pointed out in 1st Vic. c. 7, s. 7 and 8.

VII. And be it enacted, That the Collector appointed in manner aforesaid, shall proceed to collect the Road Tax assessed under this Act in the same manner and subject to the same provisions in all respects as the Collectors of County and Parish Rates are authorized and empowered to do by the seventh and eighth sections of an Act made and passed in the first year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to provide for the better Assessment of County and Parish Rates.*

Exempts from taxation.

VIII. And be it enacted, That the Commissioners of Highways for the said Parish of Fredericton, regularly ordained or Licenced Clergymen of any Denomination of Christians, not having property or income for which they are liable to be assessed under the provisions of this Act, other than the annual salary or stipend they may receive for their Parish or Spiritual charge, Emigrants who have arrived in the Province within the year for which the Assessment is made, and regularly appointed Firemen, shall be exempt from taxation under this Act: Provided always, that the Commissioners aforesaid or the major part of them, shall and may with the assent of any two Justices of the Peace for the County of York, remit either in whole or in part the payment of the Road Tax levied under this Act from any infirm or indigent persons, as they in their discretion may deem just and proper.

Infirm and indigent persons may be exempt by Commissioners with assent of two Justices.

IX. And be it enacted, That all Books, Papers, Writings and Accounts, and all Materials, Tools and Implements which shall be provided in pursuance of this Act for repairing and improving the Highways or Streets in that part of the Parish of Fredericton above described, and also the Streets and Highways therein situate, and all scrapings of the said Streets and Highways, and all Stones and Quarries, and standing Trees thereon, shall be vested in the Commissioners of the said Parish for the time being, and they or the major part of them, shall and may bring or prosecute any action, suit or proceeding at Law or in Equity in their own name, as for their own property, for any infringement thereto, incumbrance thereon or any interference therewith by any person or persons whereby the public may sustain any detriment; and such suit, prosecution or proceeding, shall and may be brought and prosecuted in the name of *The Commissioners of Highways for the Parish of Fredericton*, without mentioning their individual names, and may be continued and prosecuted by their Successors in office, notwithstanding a change in the person of the said Commissioners, and all action and rights of action shall enure to the said Commissioners; and in any such suit or proceeding, any inhabitant of the said Parish shall be deemed a competent witness, notwithstanding his liability to taxation under this Act.

Property vested in the Commissioners who may maintain actions in the name of *The Commissioners of Highways for the Parish of Fredericton*.

Inhabitants of Fredericton deemed competent witnesses.

X. And be it enacted, That the said Commissioners, or the major part of them, shall and may in their discretion survey the Town Plat of Fredericton, and such other parts of the said Parish above described as they may deem advisable, and procure a proper Plan of such Survey for the use of the Commissioners for the time being, the reasonable expense of which Survey and Plan to be defrayed from the "Fredericton Road Fund;" and it shall be the duty of the said Commissioners, or the major part of them, to cause to be removed all encroachments from the said Streets or Highways, in order that the said Streets and Highways may be restored to their full width, according to the original Plan and Survey of the said Parish: Provided always, That when such encroachments consist of dwelling houses or other erections of a permanent nature, such removal shall not be compelled, except in case of the destruction of such encroachments by fire or the decay or dilapidation thereof: And further Provided, That the Surveyor who shall make the Survey herein authorized shall be sworn before one of Her Majesty's Justices of the Peace to the faithful performance of the work, previous to his making such Survey.

Commissioners may cause a survey of the Town to be made, and cause all encroachments to be removed.

Proviso for encroachments of a permanent nature.

XI. And be it enacted, That all contracts or expenses incurred for repairing or improving the said Streets or Highways by the Commissioners for the time being or the major part of them, shall be binding upon their successors in office as fully and effectually to all intents and purposes as if such contracts were made or expenses incurred by the said Commissioners, and they shall pay such expenses and discharge such contract out of the first monies which shall come into their hands after such contracts or expenses fall due.

Contracts and expenses for repairing the Streets to be binding on the successors of the Commissioners contracting.

XII. And be it enacted, That whenever the said Commissioners or a major part of them shall deem it advisable to improve the Promenades or Sidewalks in the populous parts of the said Parish of Fredericton by laying down Wood or Stone, or otherwise, they shall provide one half of the expense of making such improvements from the Fredericton Road Fund, and the other half they shall levy and assess in manner provided for in this Act upon the proprietors of Houses and Land abutting on the said Side walk or Promenade so to be improved or immediately benefited thereby; which Assessment shall be collected in the same manner and subject to the same provisions as the Rates prescribed by this Act, shall and are required to be collected by this Act.

Expense of improving side walks to be defrayed from the Road Fund and by assessment for the purpose.

Monies may be appropriated for the improvement of Public Landings, although without the limits of a Highway or Street.

XIII. And be it enacted, That the Commissioners shall have power and authority from time to time to appropriate such sums from the monies levied and assessed under this Act for the improvement and protection of the Public Landings, Public Squares, and Banks of the River Saint John, in that part of the said Parish above described as they may deem absolutely necessary for the improvement or preservation thereof, when such Landings, Squares or Banks are not within the limits of any Highway or Street.

Hauling buildings on the Streets, between 15th March and 15th December.

XIV. And be it enacted, That every person or persons who shall, at any time between the fifteenth day of March and fifteenth day of December in each and every year, draw or haul any House or Building whatever on any part of the said Streets or Highways above described, shall for each and every offence forfeit a sum not less than three pounds nor exceeding ten pounds, in the discretion of the Justice before whom such offender shall be prosecuted; and every person or persons who within the said period of time shall drag or haul on any of the said Streets or Highways, any Log, Boards, Timber or Scantling, without securing the same from touching the said Streets or Highways, shall for each and every offence forfeit and pay a sum of not less than ten shillings nor exceeding twenty shillings, in the discretion of the Justice before whom the offender shall be prosecuted; which penalties with costs of suit, shall and may be recovered before any one Justice of the Peace upon the Oath of one or more credible Witness or Witnesses, and levied by Warrant directed to any Constable of the Town or Parish of Fredericton, by distraining the Goods and Chattels of the offender or offenders, and when no such effects are to be found, the offender or offenders to be imprisoned in the common Gaol of the County of York, for a period of time not exceeding one day for every two shillings of the said penalty.

Penalty.

Hauling any Logs, &c., without securing the same from touching the Street

Penalty.

Recovery.

Road List, and account of monies received and expended, &c., to be annually filed with the Clerk of the Peace.

XV. And be it enacted, That the Commissioners of Highways for the said Parish of Fredericton or the major part of them, shall on or before the last day of December in each and every year, file with the Clerk of the Peace for the County of York, a correct copy or duplicate of the Road List or the original Road List, with a correct account of all the monies they may have received or expended, specifying the mode of expenditure, and the vouchers, and a statement of the balance in hand (if any), also a list of the persons excused, and the cause thereof, a statement of any contract made for work not then performed, with the amount due the Contractors, with such other information and statements as will enable their successors in office to ascertain with clearness and certainty the true state of their engagements and liabilities, in order that the same may be audited in the same manner as other County or Parish Accounts, and should any monies remain on hand, such monies shall be paid to their successors in office.

Majority of Commissioners in office to be annually re-appointed.

XVI. And be it enacted, That from and after the passing of this Act, a majority of the Commissioners of Highways for the Parish of Fredericton in office at the end of the year for which they shall be appointed shall be annually re-appointed.

Collector of Road Tax to be compensated.

XVII. And be it enacted, That the Commissioners of Highways or the major part of them shall allow the Collector of Road Tax such compensation for his trouble, not exceeding four per cent, as they may deem proper.

Road Tax deemed legal, although it exceed £500 by 20 per cent.

XVIII. And be it enacted, That the Road Tax authorized by this Act shall be deemed legal, although the aggregate amount thereof shall exceed the sum of five hundred pounds, provided the difference shall not exceed twenty per cent.

Public reserved plots of ground, &c., to be deemed Highways and under the supervision of the Commissioners.

XIX. And be it enacted, That all the public reserved Plots of Ground, Squares and Landings in that part of the Parish of Fredericton, affected by this Act, shall be deemed Public Highways for the purposes of this Act, and under the immediate supervision and control of the Commissioners: Provided always, That nothing herein

herein contained shall affect or in any wise interfere with the rights of the Crown to any such reserved Plots of Ground, Squares and Landings, or of any person or persons deriving any interest therein from the Crown.

Rights reserved.

XX. And be it enacted, That all contracts for repairing or improving the Roads and Highways in that part of the Parish of Fredericton affected by this Act, shall be made by public competition after ten days Public Notice of the making of such contracts shall have been given by the Commissioners, or the major part of them.

Contracts for repairing Roads, &amp;c., to be made by public competition.

XXI. And be it enacted, That no person shall be exempted from taxation under this Act, by reason of his having performed Statute Labour in any other Parish in this Province.

No exemption from taxation by reason of labour performed in another Parish.

XXII. And be it enacted, That the operation of the third, seventeenth, eighteenth, nineteenth, twentieth, twenty first, twenty second, twenty third, twenty fourth, twenty fifth, twenty sixth, twenty seventh, twenty eighth, thirty first, thirty fourth, thirty fifth and thirty sixth Sections of an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to repeal all the Laws now in force for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes of this Province, and to make more effectual provision for the same*, and also the operation of the first, second, third and sixth Sections of an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act in amendment of the Act relating to Highways* be suspended in that part of the said Town or Parish of Fredericton affected by this Act during the continuance of this Act: Provided always, that all the other provisions of the said several Acts shall during the continuance of this Act be, and continue in full force and effect in that part of the said Parish of Fredericton affected by this Act, as fully to all intents and purposes as if the provisions thereof were herein specially enacted.

Certain Sections of 5 W. 4, c. 2, and

6 W. 4, c. 2, suspended.

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

Limitation.

#### CAP. IV.

An Act in addition to and in amendment of the Law of Bankruptcy.

Passed 11th April 1843.

6 **W**HEREAS it is expedient to amend the Law of Bankruptcy;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of Her present Majesty, intituled *An Act relating to Bankruptcy in this Province*, be and the same is hereby repealed, in so far as the same may be inconsistent or at variance with the provisions of this Act; provided always that the same shall continue in force in all other respects whatsoever.

5 W. 4, c. 43, repealed so far as inconsistent with this Act.

II. And be it enacted, That all persons whosoever residing in this Province owing debts to the amount of not less than two hundred pounds, currency, shall be liable to become Bankrupts within the meaning of this Act, and may be declared Bankrupts upon such petition and proof or by such Declaration in writing of his Insolvency as by the said recited Act is required, and that the petition so to be made shall and may state that the person against whom such application is made, is owing debts to an amount to be in no case less than the said sum of two hundred pounds.

Persons owing £200 of debts may become Bankrupts and declared such as in 5 V. c. 43.

III.

Amount of Debt to entitle to petition for a Fiat in Bankruptcy ascertained.

III. And be it enacted, That the amount of the debt or debts of any Creditor or Creditors petitioning for a Fiat in Bankruptcy, shall hereafter be as follows, that is to say, the single debt of such Creditor or of two or more persons being partners petitioning for the same shall amount to fifty pounds or upwards, and the debt of two Creditors so petitioning shall amount to seventy five pounds or upwards, and the debt of three or more Creditors so petitioning shall amount to one hundred and twenty pounds or upwards, and that every person who has given credit to any person for valuable consideration for any sum payable at a certain time, which time shall not have arrived when such person committed an act of Bankruptcy, may so petition or join in petitioning as aforesaid, whether he shall have had any security in writing for such sum or not.

Fiat of Bankruptcy may be granted on declaration filed by Bankrupt, as in 5 W. 4, c. 43, s. 4.

Bond for costs.

IV. And be it enacted, That in all cases of any person filing a Declaration of Bankruptcy under the fourth Section of the said recited Act, a Fiat may be granted thereupon upon the application of the Bankrupt himself, as well as upon the application of Creditors: Provided always, that no Fiat shall be so granted until the Bankrupt shall file in the office of Register of the said Court of Chancery, in such form as the Master of the Rolls shall prescribe, a Bond to the said Register, with two sufficient sureties to be approved of by the Commissioner, under the penalty of thirty pounds, conditioned for the payment of all costs chargeable against the said Bankrupt for and on account of the said proceedings.

Royal Gazette to be evidence of the making and filing of Declaration of Insolvency.

V. And be it enacted, That in case of any person filing a Declaration of Insolvency in the office of the Register of the Court of Chancery of this Province, agreeably to the provisions of the fourth Section of the said recited Act, the Royal Gazette containing the Advertisement of such Declaration having been filed, shall be deemed and taken to be evidence of the making and filing of such Declaration.

Persons after Fiat issued and confirmed, (or Declaration filed if to be contested,) not surrendering nor discovering and delivering up estate and books deemed guilty of a misdemeanor, punishable as in 5 V. c. 31, s. 6.

VI. And be it enacted, That if any person against whom a Fiat in Bankruptcy shall issue, shall not within thirty days after notice to be served on him in manner as provided for by the eighth Section of the said recited Act, surrender himself to the proper Commissioner and sign and subscribe such surrender to be made in writing, or submit to be examined before him from time to time upon oath, or being a Quaker, upon solemn affirmation, or shall not within the time aforesaid file such declaration as therein provided, desiring to contest the alleged Bankruptcy, or in case such Fiat of Bankruptcy after being so contested shall be confirmed by the Chancellor or Master of the Rolls, then if such Bankrupt shall not surrender or conform as aforesaid within thirty days after such Fiat confirmed, or if such Bankrupt upon examination shall not discover all his real or personal estate, and how, to whom, upon what consideration, and when he disposed of, assigned or transferred any of such estate, and all Books, Papers and Writings relating thereunto, except such part as shall have been really and bona fide before sold or disposed of in the way of his trade, or laid out in the ordinary expense of his family, or if such Bankrupt shall not upon such examination deliver up to the said Commissioner all such part of such estate, and all Books, Papers and Writings relating thereunto, as be in his possession, custody or power, excepting the necessary wearing apparel and furniture of himself and his family, in the discretion of the Commissioner; or if such Bankrupt shall remove, conceal or embezzle any part of such estate to the value of twenty pounds or upwards, or any Books of Account, Papers or Writings relating thereunto, with intent to defraud his Creditors, every such Bankrupt shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished in the manner provided for the punishment of certain other misdemeanors by the sixth Section of an Act made and passed in the fifth year of Her Majesty's Reign intituled *An Act to amend the Law relating*

*relating to the punishment of Offences:* Provided always, that no Bankrupt shall be guilty of a misdemeanor under the provisions of this Section unless it shall be proved to the satisfaction of the Commissioners that personal notice of the granting of the Fiat had been served upon him.

Proviso.

VII. And be it enacted, That the Chancellor or the Master of the Rolls shall have power as often as he shall think fit from time to time to enlarge the time for the Bankrupt surrendering himself for such time as the Chancellor or Master of the Rolls shall direct, so that every such order be made five days at least before the day on which such Bankrupt was to surrender himself.

Time for Bankrupt to surrender himself may be enlarged.

VIII. And be it enacted, That it shall and may be lawful for any person arrested upon any Warrant, as provided for in the tenth Section of the said recited Act, or for any person whose Books, Papers, Monies, Securities for Monies, Goods or Chattels have been seized under any such Warrant, to apply at any time after such arrest or seizure, to the Court of the Commissioner issuing such Warrant for an Order and Rule on the Petitioning Creditor named in such Fiat, to show cause why the person arrested should not be discharged out of custody, or why his Books, Papers, Monies, Securities for Monies, Goods and Chattels should not be delivered up to him, and that it shall be lawful for such Court to make absolute or discharge such Order or Rule, and to direct the costs of the application to be paid by either party, provided that such Order may be discharged by the Court of Chancery on application by either party dissatisfied with any such Order.

Persons arrested under 5 V. c. 43, s. 10, or whose books, &c., have been seized, may apply to the Court of the Commissioner for a rule to shew cause.

IX. And be it enacted, That no action shall be brought against any person so appointed by any Commissioner for any thing done in obedience to his Warrant unless demand of the perusal of a Copy of such Warrant hath been made or left at the usual place of abode of such person or persons by his party or parties intending to bring such action, or by his or their Attorney or Agent, in writing, signed by the party or parties demanding the same, and unless the same hath been refused or neglected for six days after such demand; if after such demand and compliance therewith, any action be commenced against the person or persons so appointed as aforesaid, without making the Petitioning Creditor or Creditors Defendant or Defendants, if living, or producing and proving such Warrant at the Trial of such action, the Jury shall give their verdict for the Defendant, notwithstanding any defect of jurisdiction in the Commissioner, and if such action be brought against the Petitioning Creditor or Creditors, and the person so appointed as aforesaid, the Jury shall on proof of such Warrant give their verdict for the person so appointed as aforesaid, notwithstanding any defect in jurisdiction as aforesaid, and if the verdict shall be given against the Petitioning Creditor or Creditors, the Plaintiff or Plaintiffs shall recover his or their costs against him or them, to be taxed so as to include such costs as the Plaintiff or Plaintiffs are liable to pay to the person so appointed as aforesaid.

Protection to persons appointed by any Commissioner for acts done in obedience to his Warrant.

X. And be it enacted, That any such action so brought as aforesaid against the Petitioning Creditor or Creditors, either alone or jointly, with the person so appointed by the Commissioner as aforesaid, for anything done in obedience to his Warrant, proof by the Plaintiff or Plaintiffs in such action that the Defendant or Defendants, or any of them, are Petitioning Creditors shall be sufficient for the purpose of making such Defendant or Defendants liable in the same manner and to the same extent, as if the Act complained of in such action had been done or committed by such Defendant or Defendants.

Proof of defendants' being Petitioning Creditors to be sufficient to render them liable as if act complained of had been done by them.

XI. And be it enacted, That it shall be lawful for the respective Commissioners, by writing under their hands, to summon before them, any person known or suspected to have any of the estate of the Bankrupt in his possession, or who

Persons having any of the estate, being indebted to, or believed to possess information relative



to the Bankrupt or his Estate may be summoned and brought before the Commissioner for examination.

is supposed to be indebted to the Bankrupt, or any person whom the respective Commissioners or the Assignee to be appointed under any Fiat in Bankruptcy may believe capable of giving information concerning the person, trade, dealing or estate of such Bankrupt, or any information material to the full disclosure of the dealings of the Bankrupt, and it shall be lawful for the said Commissioner to require such person to produce any Books, Papers, Deeds, Writings or other Documents in his custody or power, which may appear to such respective Commissioners or Assignee necessary to the verification of the deposition of such person, or to the full disclosure of any of the matters which the respective Commissioners or Assignee are authorized to inquire into, and if such person so summoned as aforesaid, shall not come before the Commissioner at the time and place appointed, having no lawful impediment made known to such Commissioner at the time appointed and allowed by him, it shall be lawful for such Commissioner, by Warrant under his hand and seal, to authorize and direct the person or persons therein named to apprehend and arrest such person and bring him before him to be examined as aforesaid.

Such persons and others present may be examined on oath, and on refusal to be sworn, answer questions, or sign examination, or to produce any books, &c., in their power, they may be committed to Gaol until they submit.

XII. And be it enacted, That upon the appearance of any person so summoned or brought before the Commissioner as aforesaid, or if any person be present at any Court of the respective Commissioners, it shall be lawful for such Commissioner to examine every such person upon oath, either by word of mouth or by interrogations in writing, concerning the person, trade, dealing or estate of such Bankrupt, and to reduce into writing the answers of every such person; and such answers so reduced into writing, the party examined is hereby required to sign and subscribe; and if any person shall refuse to be sworn or shall refuse to answer any lawful questions put to him by the said Commissioner touching any of the matters aforesaid, or shall not fully answer to the satisfaction of such Commissioner any such lawful questions, or shall refuse to sign and subscribe his examination so reduced into writing as aforesaid, not having any lawful objection allowed by such Commissioner, or shall not produce any Books, Papers, Deeds and Writings and other Documents in his custody or power, relating to any of the matters aforesaid, which such person was required by such Commissioner to produce, and to the production of which he shall not state any objection to be allowed by such Commissioner, it shall be lawful for such Commissioner to commit him to the Common Gaol of the County or City and County where such Commissioner shall then be, there to remain without bail until he shall submit himself to be sworn and full answers make to the satisfaction of such Commissioner to all such lawful questions as shall be put to him, and shall sign and subscribe such examination, and produce such Books, Papers, Deeds, Writings and other Documents as aforesaid, in his custody or power, to the production of which no such objection as aforesaid has been allowed; and any Sheriff, Gaoler or other person to whose custody such person shall be committed, shall be bound to receive and take charge of such person according to the terms of such commitment.

Warrant of commitment to specify questions put and refused to be answered.

Proceedings under Habeas Corpus or order for discharge, if such be produced.

XIII. And be it enacted, That if any person be committed by any Commissioner for refusing to answer or not fully answering any question put to him by such Commissioner, such Commissioner shall, in the Warrant of commitment, specify every such question; provided that if any person committed by such Commissioner shall bring any Habeas Corpus or order to be discharged from such commitment, and there shall appear on the return of such Habeas Corpus any insufficiency in the form of the Warrant whereby such person was committed, by reason whereof he might be discharged, it shall be lawful for the Court or Judge before whom such party shall be brought by Habeas Corpus, and such

Court

Court or Judge is hereby required to commit such person to the same Prison, there to remain, unless he shall conform, unless it shall be shewn to such Court or Judge by the party committed, that he has fully answered all lawful questions put to him by such Commissioner, or if such person was committed for refusing to be sworn, or for not signing his examination, unless it shall appear to such Court or Judge that he had a sufficient reason for the same: Provided also, that such Court or Judge shall, if required thereto by the party committed, in case the whole of the examination of the party committed shall not have been stated in the Warrant of commitment, inspect and consider the whole of the examination of such party, whereof any such question was a part, and if it shall appear from the whole examination, that the answer or answers of the party committed is or are satisfactory, such Court or Judge shall or may order the party so committed to be discharged.

XIV. And be it enacted, That in every action in respect of any such commitment brought by any Bankrupt or other person committed, the Court or Judge before which or whom such action shall be tried, shall if thereunto required by the Defendant or Defendants in such action, in case the whole of the examination of the party committed shall not be stated in the Warrant of commitment, inspect and consider the whole of such examination, and if upon such inspection and consideration it shall appear to such Court or Judge that the party was lawfully committed, the Defendant or Defendants in such action shall have the same benefit therefrom as if the whole of such examination had been therein stated.

In actions in respect of commitment, Court on requisition to inspect the whole examinations if not stated in the Warrant.

XV. And be it enacted, That no Writ shall be sued out against, nor copy of any process served on any Commissioner for any thing done by him as such Commissioner, unless notice in writing of such intended Writ or Process shall have been delivered to him or left at his usual place of abode by the Attorney or Agent for the party intending 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, and such notice shall set forth the cause of action which such party has or claim to have against such Commissioner, and on the back of such notice shall be indorsed the name of such Attorney or Agent, together with the place of his abode, who shall receive no more than twenty shillings for preparing and serving such notice.

Protection to Commissioners from actions for acts done as such.

XVI. And be it enacted, That no such Plaintiff shall recover any verdict against such Commissioner, in any case where the action shall be grounded on any act of the Defendant or Commissioner, unless it be proved upon the trial of such action that such notice was given as aforesaid, but on default thereof such Commissioner shall recover a verdict and costs; and no evidence shall be permitted to be given by the Plaintiff on the trial of any such action, of any cause of action except such as is contained in the notice.

No verdict to be given against any Commissioner unless notice of action be proved, and no evidence to be given of any cause of action, except as contained in the notice.

XVII. And be it enacted, That every such Commissioner may at any time within one calendar month after such notice, tender amends to the party complaining or to his Agent or Attorney, and if the same be not accepted, may plead such tender in bar of any action brought against him grounded on such Writ or Process, together with the plea of not guilty, and any other plea with leave of the Court; and if upon issue joined thereon the Jury shall find the amends so tendered to have been sufficient, they shall give a verdict for the Defendant, and if the Plaintiff shall become nonsuit, or shall discontinue his action, or if judgment shall be given for such Defendant on demurrer, such Commissioner shall be entitled to his costs; 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 on such other plea or pleas, they shall give a verdict for the Plaintiff and such

Commissioner may tender amends before action, and plead such tender, or pay into Court with leave before issue joined.

damages as they shall think proper, which he shall recover together with costs of suit; provided that if any Commissioner shall neglect to tender any amends or shall have tendered insufficient amends before the action brought, he may by leave of the Court where such action shall depend, at any time before issue joined, pay into Court such sum of money as he shall think fit, whereupon such proceedings shall be had in Court as in other actions where the Defendant is allowed to pay money into Court.

All actions for acts done in pursuance of this act to be commenced within three Calendar months.

XVIII. And be it enacted, That every action brought against any person for any thing done in pursuance of this Act, shall be commenced within three calendar months next after the fact was committed, and the Defendant or Defendants in any such action may plead the general issue, and give this Act and the special matter in evidence at the trial, and that the same was done by authority of this Act, and if it shall appear so to have been done, or that such action was commenced after the time limited for bringing the same, the Jury shall find for the Defendant or Defendants.

Accounts of mutual credits and debts to be stated by the Commissioner and allowed.

XIX. And be it enacted, That when there has been mutual credit given by the Bankrupt and any other person, or when there are mutual debts between the Bankrupt and any other person, the Commissioner shall state the account between them, and one debt or demand may be set off against another, notwithstanding any prior act of Bankruptcy committed by such Bankrupt before the credit given to, or debt contracted by him, and what shall appear due on either side on the balance of such account and no more shall be claimed or paid on either side respectively, and every debt or demand provable against the estate of the Bankrupt may also be set off in manner aforesaid against such estate; provided that the person claiming the benefit of such set-off had not when such credit was given, notice of an act of Bankruptcy by such Bankrupt committed.

No distress for rent to be available for more than one year's rent.

XX. And be it enacted, That no distress for rent made and levied after Fiat in Bankruptcy issued upon the goods or effects of any Bankrupt shall be available for more than one year's rent accrued prior to the date of the Fiat, but the landlord or party to whom the rent shall be due shall be allowed to come in as a Creditor under the Fiat for the overplus of the rent due, and for which the distress shall not be available.

An account of all property of the Bankrupt received, and all payments made, to be kept by the Assignee, open to the Creditors.

Assignee may be summoned under pain of imprisonment to produce before the Court all papers, &c. relating to the Bankruptcy.

XXI. And be it enacted, That the Assignee or Assignees shall keep an account wherein they shall enter all property of the Bankrupt received by them, and all payments made by them on account of the Bankrupt's Estate, which account every Creditor who shall have proved may inspect at all reasonable times; and it shall be lawful for the respective Commissioners at all times by writing under their hands, to summon the Assignees before them, and require them to produce all Books, Papers, Deeds, Writings and other documents relating to the Bankruptcy in their possession, and if such Assignee so summoned shall not come before the Commissioner at the time appointed, having no impediment made known to the Commissioner at the time appointed and allowed by him, it shall be lawful for such Commissioner by Warrant under his hand and seal directed to such person as he shall think fit, and to cause such Assignee to be brought before him, and upon his refusing to produce such Books, Deeds, Writings, Papers or documents as aforesaid, it shall be lawful for such Commissioner to commit the party so refusing to such prison as he shall think fit, there to remain without bail until such party shall submit himself to such Commissioner.

A meeting to be called to audit the accounts of the Assignee.

XXII. And be it enacted, That the respective Commissioners shall at a public meeting to be appointed not sooner than six calendar months from the date of the fiat, whereof and of the purport whereof not less than thirty days notice shall

be

be given in one or more of the public Newspapers published in the County or City and County or District in which such Commissioner hath jurisdiction, and in case no such newspaper shall be published in such County, City and County or District, then in the Royal Gazette, to audit the Accounts of the Assignees; and the Assignees at such meeting shall deliver upon oath a true statement in writing of all money received by them respectively, and when and on what account, and how the same shall have been invested or paid, and the Commissioner shall examine such statement and compare the receipts with the payments, and ascertain what balances have been from time to time in the hands of such Assignees respectively, and shall inquire whether any sum appearing to be in their hands ought to be retained, and it shall be lawful for such Commissioner to examine the said Assignee upon oath, touching the truth of such Accounts, and in such Accounts the said Assignees shall be allowed to retain all such money as they shall have expended in their necessary proceedings under the fiat and all other just allowances.

Assignee to deliver a true statement of receipts and payments or investments, to be examined by the Commissioner.

XXIII. And be it enacted, That the Bankrupt after the appointment of Assignee, shall if thereto required, forthwith deliver up to him upon oath before a Master ordinary or extraordinary in Chancery, or Justice of the Peace, all Books of Account, Papers and Writings relating to his estate, in his custody or power, and discover such as are in the custody or power of any other person, and every such Bankrupt not in Prison or in custody shall at all times after such surrender attend such Assignee upon every reasonable notice in writing for that purpose given by such Assignee to him or left at his house, and shall assist such Assignee in making out the accounts of his estate, and such Bankrupt may at all seasonable times inspect his Books, Papers and Writings in the presence of his Assignee or any person appointed by him, and bring with him each time any two persons to assist him, and every such Bankrupt after he shall have obtained his Certificate, shall, upon demand in writing given to him or left at his usual place of abode, attend the Assignee to settle any accounts between his estate and any Debtor or Creditor thereof, or do any act necessary for getting in the said estate; for which attendance he shall be paid not exceeding ten shillings per day by the Assignee out of the said estate.

Bankrupt to deliver up to the Assignee all books of accounts, &c. relating to his estate, and assist him, &c.

XXIV. And be it enacted, That any Bankrupt who shall have duly surrendered and in all things conformed himself to the Laws in force at the time of issuing the Fiat in Bankruptcy against him, shall be discharged from all debts due by him when he became Bankrupt, and from all claims and demands made provable under such Fiat in case he shall obtain a Certificate of such conformity so signed and allowed, and subject to such provisions as hereinafter mentioned; and no Certificate of such conformity by any such Bankrupt shall release or discharge such Bankrupt from such debts, claim or demands, unless such Certificate shall be obtained, allowed and confirmed according to such provisions: Provided always, that no such Certificate shall release or discharge any person who was a partner with such Bankrupt at the time of his Bankruptcy, or was then jointly bound or had made any joint contract with such Bankrupt.

Bankrupts surrendering and conforming to Laws to be discharged from debts on obtaining a certificate.

XXV. And be it enacted, That it shall be lawful for the Commissioner authorized to act in the prosecution of any Fiat in Bankruptcy already issued or hereafter to be issued, on the application of the Bankrupt named in such Fiat, to appoint a public sitting for the allowance of such Certificate to the Bankrupt named in such Fiat, whereof, and the purport whereof, sixty days notice shall be given in like manner as is before provided by the twenty second section of this Act; and at any such sitting, any of the Creditors of such Bankrupt may be heard against the allowance of such Certificates, but it shall not be requisite for such Certificate to be

A sitting for the allowance of a certificate to Bankrupt to be appointed when Creditors may be heard.

signed

signed by any of the Creditors of such Bankrupt; and such Commissioner having regard to the conformity of the Bankrupt to the Laws relating to Bankrupts, and to the conduct of the Bankrupt, as a Trader, before as well as after his Bankruptcy, shall judge of any objection against allowing such Certificate, and either find the Bankrupt entitled thereto, and allow the same, or refuse or suspend the allowance thereof, or annex such conditions thereto as the justice of the case may require: Provided always, That no Certificate shall be such discharge unless such Commissioner shall in writing, under hand and seal, certify to the Court of Chancery that Bankrupt has made a full discovery of the estate and effects, and in all things such conformed as aforesaid, and that there does not appear any reason to doubt the truth or fulness of such discovery, and unless the Bankrupt make oath in writing that such Certificate was obtained fairly and without fraud, and unless the allowance of such Certificate shall, after such oath be confirmed by the Court of Chancery, against which confirmation any of the Creditors may be heard before such Court.

No certificate to be a discharge from debts unless Commissioner certify to the Court of Chancery the conformity to Law, &c., by the Bankrupt.

Special Commissioners, appointed under Act 5 V. c. 43, s. 31, to be sworn before the Clerk of the Peace.

XXVI. And be it enacted, That any Special Commissioner appointed under and by virtue of the thirty first Section of the said recited Act, before entering upon his duties as such Commissioner, shall be sworn before the Clerk of the Peace of the County or City and County in which he may reside, to the faithful discharge of the same, and shall subscribe his name to a Roll to be kept by such Clerk of the Peace, on which shall be written the affidavit following, that is to say:

‘I, A. B. do swear that I will faithfully, honestly and impartially, according to ‘the best of my skill and knowledge, execute the several powers and trusts reposed ‘in me as a Commissioner of Bankruptcy, under a fiat of Bankruptcy transmitted ‘to me against [*here insert the name of the Bankrupt,*] by virtue of *An Act relating ‘to Bankruptcy in this Province*, and of any Act or Acts made or to be made in ‘addition to or alteration or amendment of the same.’

Allowance for support may be made to the Bankrupt.

XXVII. And be it enacted, That it shall be lawful for the Commissioner, after the granting of the Fiat, to make such allowance to the Bankrupt out of his estate as shall in the discretion of the Commissioner be necessary to support the Bankrupt and his family.

Fiat in Bankruptcy to be published by Register in Chancery and to divest the property in same manner as receipt of Fiat under 5 V. c. 43, s. 7.

XXVIII. And be it enacted, That whenever any Fiat of Bankruptcy shall have been granted under the provisions of the said Act, due notice thereof shall be published in the Royal Gazette of the granting of such Fiat by the Register of the Court of Chancery, the publication of such notice shall ipso facto divest the property of such Bankrupt in the same manner to all intents and purposes as the receipt of such Fiat by the Commissioner is declared, by the seventh section of the said recited Act, to divest such property; and the production of such Royal Gazette containing such notice, shall in all cases be evidence of such publication without other proof thereof.

Gazette to be proof of publication.

Commissioner to call general meetings of the Creditors, at which he shall preside and regulate proceedings.

XXIX. And be it enacted, That it shall be the duty of the Commissioner by a notice to be published as required by the eighth Section of the said recited Act, to call general meetings of the Creditors of the said Bankrupt at such time or times as he the said Commissioner may deem fit and meet, regard being had to the distance at which the Creditors or any of them reside, at which meeting proof may be received of any debt or debts not before proved; and at which meetings and at all other meetings the Commissioner shall attend and preside, and shall regulate the proceedings thereat, and may adjourn any meeting from time to time as occasion may require, and all things done at such adjourned meeting shall be of the like force and effect as if done at the original meeting; at which meeting so to be called or adjourned meeting, the Bankrupt shall submit to such examination on oath as the Commissioner may require, and any other business may be transacted which may be deemed necessary by the Commissioner.

XXX.

XXX. And be it enacted, That when any Bankrupt shall have been indebted at the date of the Fiat to any Servant or Clerk of such Bankrupt in respect of his wages or salary, it shall be lawful for the Commissioner upon proof thereof to order so much of such wages or salary as may be due not exceeding three months wages or salary, and not exceeding twenty pounds, to be paid to such Servant or Clerk out of the estate of the Bankrupt, and any such Servant or Clerk may prove any sum exceeding such amount against the estate of the Bankrupt.

Payment of wages of Clerks and Servants.

XXXI. And be it enacted, That whenever any Bankrupt shall have been indebted at the date of the Fiat to any Labourer or Workman of such Bankrupt in respect of his wages, it shall in like manner be lawful for the Commissioner to order on like proof, so much of such wages so due not exceeding three week's wages or labor, and not exceeding five pounds, to be paid to such Workman or Labourer, who shall be at liberty to prove any further amount due to him against the estate.

Payment of wages of labourers or workmen.

XXXII. And be it enacted, That the said Court of Chancery shall and may from time to time make, establish, alter and amend rules and forms of practice and proceedings, as well for that Court in matters made cognizable before it by this Act or any other Act or Acts made or to be made relating to Bankruptcy in this Province, as for the guidance and direction of the several Commissioners appointed under and by virtue of the said Acts, and their several Courts, in such manner as the Court of Chancery shall see fit; provided that such rules and forms be in no wise repugnant to the said Acts.

Court of Chancery empowered to establish Rules and Forms of practice under acts relating to Bankruptcy.

#### CAP. V.

An Act to authorize the Justices of the Peace for the County of York to regulate the Assize of Bread in the Town of Fredericton.

*Passed 11th April 1843.*

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of York be, and they are hereby authorized and empowered from time to time to make such Rules and Regulations for ascertaining and establishing the assize of bread and the sale thereof for the said Town of Fredericton, as they or the major part of them in General Sessions, or at any Special Sessions to be holden for that purpose, shall deem just and expedient, and to enforce such Rules and Regulations under such fines as they or the major part of them shall think fit.

Justices in Sessions authorized to regulate the Assize and sale of Bread under penalties.

#### CAP. VI.

An Act to authorize the Justices of the Peace for the County of York to levy an assessment to pay off the County Debt.

*Passed 11th April 1843.*

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of York, at any General Sessions of the Peace hereafter to be holden therein, be and they are hereby authorized and empowered to make such rate and assessment of any sum not exceeding the sum of three hundred and fifty pounds, as they in their discretion may think necessary for the purpose of paying off the County Debt and contingent expenses of the said County; the same to be assessed, levied, collected and paid agreeably to any Acts now or hereafter to be in force for assessing, collecting, levying and paying of the County Rates.

Justices in Sessions authorized to assess the County to pay off the County debt and contingent expenses.

## CAP. VII.

An Act to repeal so much of an Act made and passed in the ninth year of the Reign of His Majesty George the Fourth, intituled *An Act to lay a Tax on Dogs in certain parts of the Parishes of Fredericton and Saint Andrews*, as relates to the Owners of Dogs residing on the Commons and Glebe in the Parish of Saint Andrews.

9 G. 4, c. 23.

*Passed 11th April 1843.*

9 G. 4, c. 23, in part repealed.

**BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of an Act made and passed in the ninth year of the Reign of His Majesty George the Fourth, intituled *An Act to lay a Tax on Dogs in certain parts of the Parishes of Fredericton and Saint Andrews*, as imposes a Tax on all Dogs owned or kept by persons residing on the Commons or Glebe in the Parish of Saint Andrews be and the same is hereby repealed.

## CAP. VIII.

An Act to authorize the Justices of the Peace for the County of Sunbury to levy an assessment on certain Parishes within said County to pay off a Debt due from those Parishes.

*Passed 11th April 1843.*

Preamble.

**WHEREAS** the unprecedented distress prevailing among the Poor of the Parishes of Sheffield, Burton, Blissville and Lincoln, in the County of Sunbury, during the past Summer, rendered it necessary for the Justices of the Peace for said County to raise a sum of money to relieve such distress upon the credit of private individuals, the funds of the County being insufficient, which sum when raised, was appropriated towards the Poor in aforementioned Parishes; And whereas, it is just and expedient that the money so raised upon the credit of individuals as aforesaid shall be returned to them;

Justices in Session authorized to assess certain Parishes to pay off money raised upon private credit to relieve distress in these Parishes.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of Sunbury, at any General Session of the Peace or at any Special Sessions to be for that purpose holden in said County, be and they are hereby authorized and empowered to make such rate and assessment of any sum not exceeding sixty pounds, as they in their discretion may think necessary, for the purpose of paying off the money raised as aforesaid, which sum to be assessed on the before mentioned Parishes, in proportion to the respective sums appropriated to each, and to be assessed, levied and collected and paid, agreeably to any Act or Acts now or hereafter to be in force for the assessing, collecting and levying of County Rates.

## CAP. IX.

An Act to authorize the Justices of the Peace in the several Counties to make Rules and Regulations for the Public Wharves and Landings in their respective Counties.

*Passed 11th April 1843.*

Preamble.

**WHEREAS** it is expedient and necessary that Her Majesty's Justices of the Peace for the several and respective Counties in this Province should be authorized and empowered to make Rules and Regulations for the due ordering of Vessels, Boats, Scows, Rafts of Lumber lying at or coming to or removing from the Public Wharves or Landings in their respective Counties;

Justices in Sessions authorized to make regulations for the public wharfs and landings.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the several and respective Counties of this Province at their General Sessions, or at any Special Sessions to be for that purpose holden, be and they are hereby authorized and empowered to make such

such Orders and Regulations for the due ordering of Vessels, Boats, Scows and Rafts either of sawn, square or round Lumber lying at or coming to or removing from any of the Public Wharves or Landings, and for the lading or unlading of Goods, Merchandize, Country Produce or Lumber on, at or near any of the said Wharves or Landings, and for the preventing nuisances, incumbrances and obstructions, for the depositing and leaving of Goods, Merchandize or Country Produce or otherwise howsoever, on, at or near the said Wharves and Landings, and generally for the safe keeping and well ordering of the said Wharves and Landings in all respects, and from time to time to repeal, alter and amend such Orders and Regulations, and to substitute others in their place as to the said Justices in their respective Counties, or the major part of them, at such General or Special Sessions may seem fit and reasonable, and to enforce such Orders and Regulations by pecuniary fines and penalties, so as always that such fines and penalties shall not in any one case exceed the sum of five pounds, which shall be sued for and recovered on the oath of one or more credible Witness or Witnesses, before any Justice of the Peace for the said County where such offence may be committed, and to be levied by Warrant of Distress and Sale of the Goods and Chattels incumbering the said Wharf or Landing, that by conviction of such Justice may appear to be an incumbrance or nuisance on, at or near the said Wharves and Landings, contrary to the said Orders and 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 and Chattels, or to the offender or offenders as the case may be; such fines and penalties to be paid over to the Overseers of the Poor of the Parish wherein such public Wharf or Wharves, Landing or Landings may be situate, to be by them applied towards the support of the Poor of the said Parish.

Penalties may be imposed not exceeding £5.

Recovery.

Application.

II. And be it enacted, That the said Justices in their respective Counties shall and may at the time of making the annual appointments of Town and Parish Officers, have power and authority to appoint one or more fit person or persons to be Wharfinger or Wharfingers of the said Public Wharves and Landings, who shall be sworn to the faithful discharge of his or their said duty or duties, and shall 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 subject by virtue of any Law now in force or hereafter to be enacted, for the appointment and regulation of Town and Parish Officers in the several Counties in this Province, and it shall be the duty of such Wharfinger or Wharfingers to carry into force and effect the Orders and Regulations of the said Justices so to be made as aforesaid respecting the said Wharves and Landings.

Wharfingers to be appointed.

To be sworn and liable as other Parish Officers.

III. And be it enacted, That no person shall be deemed an incompetent Witness in any case under or by virtue of this Act, by reason of such person being an Inhabitant of the said Parish where such Public Wharf or Wharves, Landing or Landings may be situate.

Inhabitants to be competent witnesses.

IV. Provided nevertheless and be it enacted, That the provisions of this Act shall in no wise be construed to extend to the City of Saint John.

Act not to extend to the City of Saint John.



## CAP. X.

An Act to repeal *An Act to encourage the destroying of Wolves*, and *An Act to grant a Bounty on the destruction of Bears in this Province*, and to make other provisions in lieu thereof.

*Passed 11th April 1843.*

Preamble.

32 G. 3, c. 5.

9 G. 4, c. 19.

32 G. 3, c. 5.

9 G. 4, c. 19, repealed.

Bounties granted for killing a Wolf or Bear.

Skin of the head of the Wolf and nose of the Bear to be produced to a Justice of the Peace and bounty to be drawn on his Certificate directed to the Province Treasurer or Deputy.

Limitation.

‘**W**HEREAS the provisions of an Act made and passed in the thirty second year of the Reign of His Majesty George the Third, intituled *An Act to encourage the destruction of Wolves*, and also of an Act made and passed in the ninth year of the Reign of His Majesty George the Fourth, intituled *An Act to grant a Bounty on the destruction of Bears in this Province*, have been found to be defective and insufficient;’

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the thirty second year of the Reign of His Majesty George the Third, intituled *An Act to encourage the destroying of Wolves* and also an Act made and passed in the ninth year of the Reign of His Majesty George the Fourth, intituled *An Act to grant a Bounty on the destruction of Bears in this Province*, be and the same are hereby repealed.

II. And be it enacted, That from and after the passing of this Act, a reward of thirty shillings shall be paid to any Inhabitant or native Indian of the Province, for each and every Wolf they may kill or destroy within the limits of the same, and also the sum of fifteen shillings for each and every Bear they may kill or destroy within the limits aforesaid.

III. And be it enacted, That whosoever shall kill any Wolf or Bear or Wolves or Bears, shall bring the skin of the head or heads of the Wolf or Wolves, and the nose or noses of the Bear or Bears to any one of Her 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, and on being satisfied of his being entitled to the reward, shall burn or otherwise destroy the skin of the head or heads of the Wolf or Wolves, and the nose or noses of the Bear or Bears, 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.

IV. 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 eight.

## CAP XI.

An Act to exempt the Members of the Fire Engine Company in the Parish of Woodstock, in the County of Carleton, from certain Parochial and County Duties.

*Passed 11th April 1843.*

Preamble.

‘**W**HEREAS a Fire Engine Company has been established in the Parish of Woodstock, in the County of Carleton, and the Duties required to be performed by the said Company are such as to render it just and right that the said Company should be exempted from serving as Constables, Surveyors of Highways, Statute Labour on the Highways and Streets, and from serving as Jurors in the General Sessions of the Peace, and in the Courts of Common Pleas;’

Members of the Fire Engine Company exempted

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the said Fire Engine Company in the said

said Parish of Woodstock, in the County of Carleton, and their successors that may from time to time be appointed to fill any vacancies that may occur in the said Company, shall be exempted from serving as Constables, Surveyors of Highways, Statute Labour on the Highways and Streets, and from serving as Jurors in the General Sessions of the Peace, and in the Courts of Common Pleas in the said County.

from serving as Jurors, and in certain Parochical offices.

### CAP. XII.

An Act to provide for the expenses of the Speaker and Members of the House of Assembly, when attending the General Assembly.

*Passed 11th April 1843.*

**W**HEREAS it is expedient to provide for the services of the Speaker of the House of Assembly, and to defray the expenses of the Members when attending in General Assembly;

Preamble.

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 in General Assembly, the sum of fifteen shillings for the attendance of each Member of the House of Assembly, to be certified by the Speaker.

Provision for the expenses of the Members.

III. And be it enacted, That for defraying the travelling charges of the Members of the House of Assembly, there be allowed and paid out of the said Treasury the sum of fifteen shillings per day to each and every Member, allowing twenty miles for each day's travel; the same to be certified as directed in and by the second Section of this Act.

Provision for travelling expenses.

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 the Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, out of the monies now in the Treasury, or as payments may be made at the same.

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. XIII.

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

*Passed 11th April 1843.*

**W**HEREAS by an Act made and passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled *An Act to regulate proceedings before Justices of the Peace in Civil Suits*, it is provided that no execution shall be issued by a Justice after the expiration of one year from the time of rendering Judgment: And whereas the renewal of such Judgment by bringing an action thereon is attended with unnecessary expense; for remedy whereof;

Preamble.

4 W. 4, c. 45.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the said recited Act as provides that no execution shall be issued by a Justice after the expiration of one year from the time of rendering Judgment be repealed: Provided always, that no execution shall issue after the expiration of three years from the time of rendering any such Judgment.

4 W. 4, c. 45, in part repealed.

Proviso for issue of Executions.

## CAP. XIV.

An Act to enlarge, confirm and establish the Bounds of the Provincial Penitentiary.

*Passed 11th April 1843.*

Preamble.

‘ **W**HEREAS the Commissioners appointed by His Excellency the Lieutenant Governor to manage the Provincial Penitentiary, considering that the Land and Premises now appropriated for that establishment are not of sufficient extent to enable them to carry on the operation thereof beneficially, have applied to the Justices of the Peace in and for the City and County of Saint John, for a larger piece of ground belonging to the said Justices to be added thereto, and have caused the same to be surveyed, and a full description of the bounds thereof made ; and the Sessions having consented that the said additional piece of ground may be appropriated for the use and purpose of the said Provincial Penitentiary ;’

Grounds of the Penitentiary extended as herein described.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the grounds appertaining to the said Provincial Penitentiary, shall be extended in the manner applied for by the Commissioners, and agreed to by the Sessions, and that the said Provincial Penitentiary shall be comprised within the limits and bounds following, that is to say, all the tract of Land situate in the Parish of Simonds, in the County of Saint John, bounded as follows, viz. : Beginning at a point on the Eastern side of the Road leading from Blakslee’s Farm to Little River, where it is intersected by the Southwardly Boundary Line of a lot of Land there owned by John Cummings, thence running along the said Boundary Line North 78° East by the Magnet fifty chains and thirty four links to a Stake, thence at right angles South twelve degrees East six chains and ninety four links to another Stake, thence South seventy eight degrees West parallel with the first named course forty eight chains and fifty links to the Eastern Line of the Road aforesaid, and thence Northwardly on the said Eastern Line of said Road, and following the courses thereof to the place of beginning, together with all the buildings, erections and enclosures thereon, or on any part of the said described premises.

A piece of ground set apart for the House of Correction reinvested in the Justices.

II. And be it enacted, That a small angular piece of ground containing about one tenth of an acre included within the bounds of the lot of Land heretofore set apart by the said Justices of the Peace for the use of the House of Correction, and lying Southwardly of the Southern Boundary Line of the Land hereinbefore in the first Section of this Act mentioned, shall and may, and hereby is declared to be reinvested in the said Justices.

Ground and Premises established as the Provincial Penitentiary.

III. And be it enacted, That the said piece of ground and premises hereinbefore described, shall be, and hereby is declared to be, and is established as the Provincial Penitentiary.

## CAP. XV.

An Act to authorize the Justices of the Peace in and for the County of Carleton, to extend the Gaol Limits of the said County.

*Passed 11th April 1843.*

Preamble.

‘ **W**HEREAS the Gaol Limits for the County of Carleton are so small and otherwise inconvenient, that it is deemed necessary that they should be extended ; for remedy whereof,’

Justices in General Sessions authorized to extend the Gaol Limits.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Justices of the Peace of the County of Carleton, at any General Sessions of the Peace, further to extend the Limits for the

the Gaol of said County, southerly along the River Saint John, as far as Upham's Creek, so called, and to extend westerly or back from said River one mile.

## CAP. XVI.

An Act to amend an Act, intituled *An Act to provide for the collection of the Revenue of this Province.* 6 W. 4, c. 4.

Passed 11th April 1843.

**6** WHEREAS it is deemed expedient to provide for the warehousing of all Goods and Merchandize subject to Provincial duty, and entered at the Ports or Districts of Saint John, Saint Andrews, Saint Stephen, Fredericton and Woodstock, in lieu of giving Bonds for the payment of the duties thereon, upon the first entry of such Goods and Merchandize ;

Preamble.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the seventh, twenty eighth and twenty ninth Sections of an Act made and passed in the sixth year of the Reign of His late Majesty William the Fourth, intituled *An Act to provide for the collection of the Revenue of this Province*, so far as regards Goods entered at the Ports or Districts of Saint John, Saint Andrews, Saint Stephen, Fredericton and Woodstock, shall be and the same are hereby repealed, except so far as relates to any arrears of Duties which shall have become due and payable, or Duties for which Bonds shall have been given under or by virtue of the provisions of the said Act.

6 W. 4, c. 4, s. 7, 28, and 29, so far as regards goods entered at certain Ports, repealed, except as to arrears of duties.

II. And be it enacted, That the Owner, Consignee or person entering any Goods inwards at the aforesaid Ports or Districts of Saint John, Saint Andrews, Saint Stephen, Fredericton and Woodstock liable to duty, shall at the same time pay down all Duties, except in cases of warehousing the Goods, and the Treasurer, Deputy Treasurer or other proper Officer shall thereupon grant his Warrant in writing for the unlading and warehousing of such Goods.

Duties on goods entered at certain Ports to be paid down, except when warehoused.

III. And be it enacted, That so much of the fiftieth and fifty first Sections of the said Act as gives an option to the Importer or Consignee of any Goods entered at the said Ports or Districts of Saint John, Saint Andrews, Saint Stephen, Fredericton and Woodstock, to give a Bond for the Duties when the same may amount to twenty five pounds and upwards, be and the same are hereby repealed.

6 W. 4, c. 4, s. 50, and 51, so far as gives option to give Bond for Duties when amounting to £25, repealed.

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

Limitation.

## CAP. XVII.

An Act to repeal an Act intituled *An Act relating to the Market in Fredericton*, and to make other provisions relating thereto.

Passed 11th April 1843.

**6** WHEREAS an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to the Market in Fredericton*, has been found ineffectual for the purposes for which it was intended ;

Preamble.

5 V. c. 19.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said hereinbefore recited Act be, and the same is hereby repealed.

5 V. c. 19, repealed.

II. And be it enacted, That it shall and may be lawful for the Justices of the Peace for the County of York at any General Sessions of the Peace to be holden in

Justices in Session may make regulations as to the

in

slaughtering of animals in the Town, the selling of dead meats, and management of Market Houses.

in and for the said County, or at any Special Sessions to be for that purpose holden, to make regulations for the slaughtering of any Animals in the said Town of Fredericton, and for the selling or vending of any Dead Meats, except Meats brought in and immediately sold by Farmers and others from the Country, and to make such Rules and Regulations for the care and management of any Public Market House or Market Houses, now or hereafter to be established in the said Town, and from time to time to repeal, alter and amend such Rules and Regulations, and to substitute others in their place, as to such Justices or the major part of them at such General or Special Sessions may seem fit and reasonable, and to enforce such Rules and Regulations by pecuniary fines and penalties, so as always that such fines and penalties shall not in any one case exceed the sum of Five Pounds ; which shall be sued for and recovered on the oath of one or more credible witness or witnesses before any Justice of the Peace for the said County, and to be levied by warrant of distress and sale of the goods and chattels of the offender or offenders as the case may be ; such fines and penalties to be paid over to the Commissioners of the Alms House for the Parish of Fredericton, or to some one of them, to be by them applied towards the support of the Poor of the said Parish.

Penalties.

Recovery.

Inhabitants not to be deemed incompetent witnesses.

III. And be it enacted, That no person shall be deemed an incompetent witness in any case contemplated under or by virtue of this Act by reason of such person being an inhabitant of the said Parish of Fredericton.

Justices may assess for the erection of another Market House.

IV. And be it enacted, That the Justices of the Peace for the County of York at any General Sessions of the Peace to be holden in and for the said County, be, and they are hereby authorized and empowered to make a rate and assessment of a sum not exceeding one hundred pounds for the erection of another Market House in the said Town of Fredericton when they deem the erection of such Market House necessary, which rate and assessment shall and may be made and levied upon the Parish of Fredericton or such part thereof, as they the said Justices in General Sessions may deem advisable, the same to be levied, collected and paid agreeably to any Law in force for the assessing, levying and collecting of County Rates.

Limitation.

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

### CAP. XVIII.

An Act to authorize the extension of the Gaol Limits in the Parish of Fredericton.

*Passed 11th April 1843.*

Preamble.

**W**HEREAS it is deemed advisable to extend the limits of the Gaol of the County of York so as to include the Roman Catholic Burying Ground and the different Public Buildings in Fredericton ;

Justices in General Sessions authorized to extend the Gaol Limits as herein described.

Be it therefore enacted by the Lieutenant Governor, Legislative 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 to extend the Limits of the Gaol of the said County, so as to include all the Lands comprised within that part of the Parish of Fredericton described as follows :—Commencing on the Southerly Bank of the River Saint John at the upper line of the Parish of Fredericton, thence extending back along the same line South thirty two degrees West by the Magnet, until it intersects the Western prolongation of the rear line of the Street which bounds the rear of Fredericton Pasture Lots, thence South Easterly along the

the same Street to the lower side of the College Road, thence East to the River Saint John below the Honorable Neville Parker's Residence, and thence along the front of the River Saint John at low water mark to the place of beginning, including any Wharf or Wharves already erected or hereafter to be erected, extending into the said River, and also all Boats, Vessels, Steam Boats, Rafts and other Crafts fastened to the Shore or Bank forming the River front of the area above described.

### CAP. XIX.

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

*Passed 11th April 1843.*

**‘** WHEREAS as in cases of fire or other disasters on board Steam Vessels, Preamble.  
 ‘ the lives of Passengers are frequently endangered or sacrificed from  
 ‘ the want of a sufficient number of Boats and other precautionary measures, and  
 ‘ it is expedient to remedy the mischiefs arising therefrom as far as may be by  
 ‘ Law ;’

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act no British Boat or Vessel propelled by Steam shall be permitted by the Captain or owner thereof to depart from any Port or place within this Province to any other Port or place either within or without the Province by Sea with Passengers on board, without having on board or attached in a convenient manner, at least three good and efficient Boats, two of which shall be life boats, properly equipped, with a sufficient number of good oars and other tackle necessary therefor, of sufficient capacity in all to carry sixty adult Passengers exclusive of the Crew ; and no such vessel shall be permitted by the Captain or owner thereof to navigate in any of the Rivers or Inland Waters of this Province with Passengers on board, without having on board or attached in a convenient manner as aforesaid, at least two good and sufficient Boats properly equipped with oars and other tackle as aforesaid, of sufficient capacity to convey in the whole, at least thirty adult Passengers exclusive of the Crew. No British Steam Boats to leave any Port in the Province with Passengers without having Boats and Lanterns of specified number and capacity.

II. And be it enacted, That if any Master or Owner shall permit any such Vessel to depart from any Port or place within this Province, or to navigate in any of the Rivers or Inland Waters of this Province as aforesaid, without having on board or attached such good and sufficient Boats properly equipped with oars and other tackle as aforesaid, they or either of them shall forfeit the sum of fifty pounds for each and every time such Vessel may so depart or navigate without being so provided as aforesaid, to be recovered, levied and applied as is directed in and by the fifth Section of this Act. Penalty for departing or navigating Rivers without the specified Boats.

III. And be it enacted, That from and after the passing of this Act no British Boat or Vessel propelled by Steam as aforesaid, shall be permitted by the Captain or owner thereof to depart from any Port or place within this Province to any other Port or place either within or without the Province by Sea with Passengers on board, without having on board in some convenient place not less than twenty four Fire Buckets, and six Lanterns, and also the following numbers of Life Preservers, that is to say, for a Vessel not exceeding one hundred tons burthen, Fifty ; for a Vessel exceeding one hundred and not exceeding two hundred tons, Seventy five ; and for a Vessel exceeding two hundred tons, One hundred. No British Steam Boat to leave any Port without Fire Buckets, Lanterns and Life Preservers, in specified number.

IV. And be it enacted, That if any such Master or Owner shall permit any such Vessel to depart from any Port or place within this Province as aforesaid, without Penalty for leaving Port without Fire Buckets, Lanterns or Life Preservers,  
 having

having on board such number as aforesaid of Fire Buckets, six Lanterns and Life Preservers, in good serviceable condition, they or either of them shall forfeit and pay the sum of fifty pounds for each and every time such Vessel may so depart without being provided as aforesaid, to be recovered, levied and applied as is directed in and by the said fifth Section of this Act.

Recovery and application of penalties.

V. And be it enacted, That all and every such forfeiture or forfeitures may be sued for and prosecuted by action of debt, bill, plaint or information in the Supreme Court of Judicature for this Province, by any person who shall sue for and prosecute for the same, together with costs of suit, and on recovery one moiety thereof to be applied to the person who may so sue and prosecute, the other moiety to be paid into the Treasury of the Province for the use of the government thereof.

Commissioners for certain Ports or Districts to be appointed to board and examine vessels and report to the Lieutenant Governor.

VI. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, to appoint three Commissioners resident at the City of Saint John, for the Harbour and River Saint John and the Bay of Fundy, and the Harbours and Inland Waters of the County of Charlotte, and also three Commissioners residing at Miramichi, in the County of Northumberland, for the Rivers, Harbours, Inland Waters and Coasts of this Province within the Gulf of Saint Lawrence; which Commissioners so to be appointed, shall be empowered and they are hereby required and directed respectively to go on board as often as need be any such Steam Vessel; and in the event of any such Steam Vessel departing or navigating without being equipped with Boats or furnished with Fire Buckets, Lanterns and Life Preservers as aforesaid, as is prescribed in and by the first and third sections of this Act, it shall be the duty of such Commissioners respectively to report the same to the Lieutenant Governor or Administrator of the Government for the time being, in order that the party or parties so offending may be proceeded against in the manner prescribed in and by the said fifth Section of this Act.

Commissioners empowered to make regulations for the management of Steam Vessels to prevent collision.

VII. And be it enacted, That the Commissioners at the respective places before mentioned, or any two of them, shall have full power and authority, and are hereby required to make such rules and regulations for the better management of Steam Vessels in navigating the Inland Waters and Harbours of this Province, and on the Coast within the district thereof for which they may be appointed, by directing the shewing of a light or lights during the night, the shore to be kept nearest to when ascending and descending the River Saint John and other Rivers, and how Sailing Vessels shall be passed, in order to prevent collision and accidents; and every Master, Commander or owner violating such rules and regulations, shall be subject not only to the penalties of the fifth Section of this Act, but also be liable for any damage sustained in consequence of such violation.

No clearance for Steam Vessels to be given unless Certificate of Commissioners of compliance with Act be produced.

VIII. And be it enacted, That no such Steam Vessel shall be entitled to or allowed a clearance at any of the Custom Houses in this Province, until it shall be made to appear to the Collector of Her Majesty's Customs at the Port where such Steamer shall require a clearance by a Certificate from the said Commissioners or any two of them that such Steamer is equipped in every respect as is required by the several provisions of this Act, and the said Collectors respectively are hereby directed not to make any such clearance until a satisfactory Certificate from the said Commissioners or any two of them to that effect shall be lodged with him or them: Provided always, that no such Certificate shall be required to be produced to such Collector more than once in every month by every such Steamer.

IX. And be it enacted, That in all cases where any damage or injury shall be sustained by any person or persons being a Passenger or Passengers on board any Vessel propelled by Steam, by the exploding, collapsing, blowing up or giving way of any part of the machinery of such Vessel, the fact of such exploding, collapsing, blowing up or giving way, shall in all actions to be prosecuted against the Master or Owner of such Vessel by the person or persons so sustaining injury, be taken to be prima facie evidence of carelessness and negligence in such Master or Owner.

The fact of exploding, &c. to be prima facie evidence of carelessness in action for damages sustained.

X. 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 seven.

Limitation.

### CAP. XX.

An Act to authorize the Justices of the Peace in the several Counties of this Province to make Regulations for the Markets.

*Passed 11th April 1843.*

‘WHEREAS the want of properly established Markets in the several Towns in this Province is found to be attended with great inconvenience to the Inhabitants of the said Towns; for remedy whereof,’

Preamble.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Justices of the Peace for the several Counties in this Province at any General Sessions of the Peace to be holden in and for the said County, to establish and define the bounds of a Market Place in each Town, and to make Regulations for the slaughtering of any animals in the said several Towns, and for the selling or vending of any Dead Meats, except Meats brought in and immediately sold by the Farmers and others from the Country, and to make such Rules and Regulations for the care and management of any Public Market House, now or hereafter to be established in the said several Towns, and to impose and enforce such fines and penalties, not to exceed the sum of forty shillings, for the non-observance of any of such Rules and Regulations, as the said Justices may deem necessary to make, any law, usage or custom to the contrary notwithstanding.

Justices in Sessions authorized to define bounds for a Market Place in each Town, to regulate the slaughtering of animals and selling of dead meats.

II. And be it enacted, That this Act shall not extend or be construed to extend to the City and County of Saint John.

Act not to extend to the City of Saint John.

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 eight.

Limitation.

### CAP. XXI.

An Act to authorize the Justices of the Peace for the City and County of Saint John to assess a portion of the Inhabitants thereof for a loss sustained by William Kilpatrick in consequence of the Fire in Portland, in August, in the year one thousand eight hundred and forty one.

*Passed 11th April 1843.*

‘WHEREAS by the Petition of William Kilpatrick of the Parish of Portland, County of Saint John, Surveyor, verified by a number of Magistrates and others, residing in the said Parish and the City of Saint John, the said William Kilpatrick appears to have had his House and premises situate in the said Parish pulled down by the Public Authorities, in order to stop the further spread of the fire, which happened there in August, in the year one thousand eight hundred and forty one, and which was arrested at the House

Preamble.

‘ next



‘ next his said premises, and all further devastation stayed ; and it seems reasonable that such loss should be proportioned upon and among such of the neighbouring premises as may have been in danger thereby ;’

Justices in General Sessions may assess a portion of the Parish of Portland, to reimburse William Kilpatrick for the pulling down of his house.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Justices of the Peace for the City and County of Saint John, at any General Sessions of the Peace hereafter to be holden, if they shall be satisfied the circumstances of the case require it, to issue their Warrant of Assessment directed to the Assessors of Taxes for the said Parish, requiring them to assess such persons being owners of any houses, stores, warehouses, workshops, mills, foundries or other buildings, situated in the vicinity of such fire, as to the said Justices may seem just and meet, regard being had in making up such assessment to the relative value of the buildings so to be assessed, and the benefit derived to the owners thereof, from the pulling down of the House of the said William Kilpatrick for such sum of money for the reimbursing the said William Kilpatrick for the pulling down and destruction of his premises hereinbefore mentioned or such part thereof, together with the expenses of assessing and collecting, as they may deem expedient ; such assessment to be made by such rateable proportion on the value of the said property as will produce the sum so ordered to be assessed ; and when assessed, the same to be levied, collected and paid over to the said William Kilpatrick, and the Assessors and Collectors respectively in like manner as any of the County Rates, under and by virtue of any Act or Acts of Assembly made or to be made in this Province : Provided always, that nothing in this Act contained shall give power to the said Justices to make an assessment for the purpose aforesaid, exceeding in amount the sum of sixty pounds.

Assessment not to exceed £60.

### CAP. XXII.

An Act to authorize the Justices of the Peace for the City and County of Saint John to levy an assessment to pay off the County Debt.

*Passed 11th April 1843.*

Justices authorized to assess not exceeding £750, to pay off contingent and other County expenses.

**B**E 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 therein, be and they are hereby authorized and empowered to make such rate and assessment of any sum not exceeding seven hundred and fifty pounds, as they in their discretion may think necessary and proper, for the purpose of paying off the balance due by the said City and County for contingent and other County expenses ; the same to be assessed, levied, collected and paid agreeably to any Act or Acts made or to be made for assessing, collecting and levying of County Rates.

### CAP. XXIII.

An Act to authorize the Justices of the Peace for the City and County of Saint John to assess a portion of the Inhabitants thereof for a loss sustained by Angus M'Affee in consequence of the Fire in Portland in August, in the year one thousand eight hundred and forty one.

*Passed 11th April 1843.*

Preamble.

‘ **W**HEREAS by the Petition of Angus M'Affee, of the Parish of Portland, County of Saint John, Tinsmith, verified by a number of Magistrates and others residing in the said Parish and City of Saint John, the said Angus M'Affee appears to have had his Shop and Warehouse situate in the said Parish ‘ pulled

‘ pulled down by the Public Authorities, in order to stop the further spread of  
 ‘ the Fire which happened in August, in the year one thousand eight hundred  
 ‘ and forty one, but which was arrested before reaching his said Premises, and all  
 ‘ further devastation stayed, and it seems reasonable that such loss should be pro-  
 ‘ portioned among such of the neighbouring premises as may have been in danger  
 ‘ thereby;’

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Justices of the Peace for the City and County of Saint John, at any General Sessions of the Peace hereafter to be holden, if they shall be satisfied the circumstances of the case require it, to issue their Warrant of assessment directed to the Assessors of Taxes for the said Parish, requiring them to assess such persons, being owners of any Houses, Stores, Warehouses, Workshops, Mills, Foundries or other Buildings situate in the vicinity of such Fire, as to the said Justices may seem just and meet, regard being had in making up such assessment to the relative value of the buildings so to be assessed, and the benefit derived to the owners thereof from the pulling down of the House of the said Angus M’Affee, for such sum of money for the reimbursing the said Angus M’Affee, for the pulling down and destruction of his premises herein before mentioned, or such part thereof, together with the expenses of assessing, levying and collecting the same, as they may deem expedient; such assessment to be made by such a rateable proportion on the value of the property of the Proprietors as aforesaid, as will produce the sum so ordered to be assessed, and when assessed, the same to be levied, collected and paid over to the said Angus M’Affee, and the Assessors and Collectors respectively, in the same manner as any other County Rates are collected, levied and paid under and by virtue of any Act or Acts of Assembly made or to be made in this Province: Provided always, That nothing in this Act contained shall give power to the said Justices to make an assessment for the purpose aforesaid, exceeding in amount the sum of fifteen pounds.

Justices in General Sessions may assess a portion of the Parish of Portland to reimburse Angus M’Affee for the pulling down of his House.

Assessment not to exceed £15.

## CAP. XXIV.

An Act to amend the Laws now in force relating to Highways.

Passed 11th April 1843.

‘ **W**HEREAS by the twenty ninth section of an Act made and passed in  
 ‘ the fifth year of the Reign of His late Majesty William the Fourth,  
 ‘ intituled *An Act to repeal all the Laws now in force for regulating, laying out and*  
 ‘ *repairing Highways and Roads, and for appointing Commissioners and Surveyors*  
 ‘ *of Highways in the several Towns and Parishes in this Province, and to make more*  
 ‘ *effectual provision for the same,* it is provided that the Surveyors of Highways  
 ‘ respectively, by the direction of the Commissioners or any of them, shall have  
 ‘ full power and authority, and they are thereby 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 make Roads in the Snow, 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 whereas it is deemed  
 ‘ necessary to extend the provisions of the said Section to compel the calling out  
 ‘ of all persons to break Roads, although they may not be in possession of a horse,  
 ‘ horses or teams; for remedy whereof,’

Preamble.

5 W. 4, c. 2.

All persons liable to Statute Labour may be summoned to attend with shovels, to break the Roads in Winter.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Surveyors of Highways in their respective Districts, under the direction of the Commissioners of Highways, shall have full power and authority during the Winter season, to summon all persons liable to perform Statute Labour, to attend upon the Highways with their shovels for the purpose of shovelling Snow and assisting to break Roads in the same manner and subject to the like fines and penalties as persons who have a horse or teams are liable to, and to be recovered and applied in like manner.

5 W. 4, c. 2, s 23, in part repealed.

II. 'Whereas it is expedient to repeal so much of the twenty third section of 'the said recited Act as authorizes any person to do his tour of labour in any 'other Parish than that in which he may reside ;' Be it therefore enacted, That so much of the said twenty third section as authorizes any person to do his tour of labour or produce any certificate of the same having been done in any other Parish than that in which he resides, shall be and the same is hereby repealed.

Limitation.

III. And be it enacted, That this Act shall continue and be in force as long as the Act to which this is an amendment.

### CAP. XXV.

An Act to amend the Laws now in force relating to Trespasses.

*Passed 11th April 1843.*

Preamble.

**W**HEREAS it is expedient to amend the Law in regard to Trespasses 'committed by the breach or escape of any Horse, Swine, Sheep, Goat 'or Neat Cattle ;'

No action of Trespass to be maintained for damage by cattle breaking or escaping into any close, unless close be surrounded with a good fence at least four feet six inches high.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That when hereafter any Horse, Swine, Sheep, Goat or Neat Cattle shall break or escape into any close, no action of trespass shall be maintained by or against any person for any damage arising therefrom, unless such close at the time and place, when and where such breach or escape took place, be enclosed by a good fence, at least four feet six inches high, except in cases where the party complained of shall either by agreement or otherwise, be bound to erect or keep in repair such fence at such time and place, or where certain waters or water fences, gate or gates, may, agreeably to the provisions of any Act of Assembly, or any Regulation of Justices of the Peace in General Session, made in pursuance thereof, be deemed a sufficient protection : Provided always, that in any such action brought in the Supreme Court, the excuse of any such trespass by reason of the want or defect of such fence be specially pleaded by the party alleging the same ; and provided also, that nothing in this Act shall be construed to extend to any trespass wilfully and wantonly committed.

Exceptions.

Proviso.

### CAP. XXVI.

An Act relating to the Clerk of the Pleas.

*Passed 11th April 1843.*

Clerk of the Pleas allowed the sum of £500 in lieu of all fees.

1. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the Clerk of the Pleas shall in lieu of all Fees whatever now or hereafter payable to or receivable by him as such Clerk, be allowed the sum of five hundred pounds, currency, per annum, payable quarterly.

£500 to be deemed a full compensation for all the duties of the office.

II. And be it enacted, That the said sum of five hundred pounds shall be deemed a full compensation for the performance of all the duties of the Office of the said Clerk of the Pleas, and of any Deputy or Deputies, under Clerk or under Clerks, which

which he may from time to time appoint to assist him or to act in his stead, and for contingencies of Office.

III. And be it enacted, That it shall be the duty of the said Clerk immediately, or within ten days after the last day of each and every Term, to pay over to the Treasurer of the Province, for the public use, all such Fees as he shall have received since the last preceding Term, together with a detailed Account or Return thereof, specifying the particular of such Fees and by whom paid; and it shall also be the duty of such Clerk annually, on the first Monday in January, or within ten days thereafter, to file in the Office of the Secretary of the Province, a copy of such Account or Return made up to the last day, inclusive, of the Term next preceding the first Monday in January, in order that the said Account or Return may be laid before the House of Assembly at the then Sittings or next Session of the Legislature.

Clerk to pay over quarterly to the Treasurer all fees received, and render a detailed account.

IV. And be it enacted, That the Judges of the Supreme Court, or any three of them, shall have power from time to time to make such Rules and Regulations as they may deem advisable, as to the mode and time of payment of such Fees by the respective Attornies and Officers of the said Court and all other persons, having respect in such Rules to the amount of such Fees and the state of the Province.

Judges of the Supreme Court empowered to make Rules relative to the mode and time of payment of fees by Attornies, &c.

V. And be it enacted, That there shall be hereafter paid to the Honorable George Shore, the present Clerk of the Pleas, during his incumbency of the said Office, the sum of four hundred pounds per annum, in quarterly payments, in addition to the Salary fixed by the first Section of this Act for the Clerk of the Pleas.

£400 per annum to be paid to the present Clerk in addition to the salary of office.

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

Money to be paid by Warrant on the Treasury.

VII. And be it enacted, That any Clerk of the Pleas hereafter appointed shall be a Barrister of the Supreme Court of this Province, and shall not be allowed to practice in any Court in this Province during his incumbency of the said Office.

Clerk of the Pleas to be a Barrister, and not to practice during incumbency of office.

VIII. And be it enacted, That this Act may be amended during this Session of the Legislature.

Act may be amended.

IX. And be it enacted, That this Act shall come into operation and take effect on the first day of October next, and all Fees payable for any service performed or act done by such Clerk, on or after that day shall be paid over to the Treasurer of the Province.

Commencement of Act.

## CAP. XXVII.

An Act to continue an Act, intituled *An Act to extend the Jurisdiction of the Corporation of the City of Saint John for the regulation of the rates of Pilotage beyond the limits now prescribed by Charter.*

Passed 11th April 1843.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of the Reign of Her present Majesty, intituled *An Act to extend the Jurisdiction of the Corporation of the City of Saint John for the regulation of the rates of Pilotage beyond the limits now prescribed by Charter*, 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 eight.

3 v. c. 70, continued to 1st April, 1848.

## CAP. XXVIII.

An Act in further amendment of the Criminal Law.

*Passed 11th April 1843.*

Preamble.

**6** WHEREAS the practice of Defendants who are indicted for misdemeanors 'at any Court of Oyer and Terminer traversing, without cause shewn therefor, to a following Court, is found from the length of time intervening between the several Courts, and the difficulty of securing the attendance of Witnesses to obstruct the due administration of Justice ;'

Right of traverse by persons indicted of misdemeanors abolished.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the right of traverse now claimed and exercised by persons indicted of any misdemeanor or misdemeanors at any Court or Sessions of Oyer and Terminer appointed to be holden by any Act of Assembly, or by any Commission issued under the Great Seal of this Province, shall be, and the same is hereby taken away and abolished ; and that hereafter every Indictment against any person or persons for any misdemeanor or misdemeanors shall be heard, tried and finally determined at the same Court of Oyer and Terminer, at which such Indictment shall have been preferred, unless the Court shall think proper upon cause shewn to adjourn the same to the next or any subsequent Court of Oyer and Terminer.

Indictments for misdemeanors to be tried at the Court where preferred, unless the Court adjourn the same.

Judge presiding at Oyer and Terminer may issue special precept for summoning Jurors for Trial of persons indicted of any Capital Felony.

II. 'And whereas it may occasionally be necessary for the trial of any person 'or persons indicted of any Capital Felony that more than the ordinary number 'of Jurors should be summoned, and that a special precept or venire should issue 'in such case ;' Be it further enacted, that it shall and may be lawful, whenever the same shall appear to be necessary, for the Judges of the Supreme Court, or any one of them who may preside at any Court of Oyer and Terminer or General Gaol Delivery holden as aforesaid, at which any Indictment may be preferred or shall come on to be tried against any person or persons for any Felony or Crime for which the punishment of death is awarded, to issue a special precept under his hand and seal, or direct a special venire to issue under the seal of the Court, directed to the Sheriff of the County or City and County in which such Court may be holden, commanding such Sheriff to summon such number of men duly qualified as to such Judge may seem proper, and in such precept or venire to be stated, to appear and serve as Jurors for the trial of the person or persons so indicted as aforesaid, on a day to be named in such precept or venire, which day shall in no case be earlier than the third day inclusive, after the day on which such precept or venire shall be issued ; and such Sheriff shall cause such persons to be personally summoned, and shall return a panel of such Jurors to the Court on the day named in the precept or venire ; and such Jurors so summoned shall give their attendance accordingly ; and the names of such Jurors so summoned, impannelled and returned, shall be called from the said panel when the indictment is to be tried, and if any of the persons so called as Jurors, shall not appear, or shall be challenged, excused or set aside, then a further number shall be called, until twelve shall be allowed and sworn, who shall be the Jury for the said trial : Provided always, that in case a sufficient number of Jurors named in such panel shall not appear or be allowed, a tales may be awarded to complete the Jury, as is now by Law directed : And provided also, that no Juror shall be fined for non-attendance according to the exigency of such special precept or venire, unless proof be duly made by affidavit or *viva voce* in open Court, by the summoning officer, that he was personally summoned at least forty eight hours before the time appointed for his appearance.

Persons to be personally summoned and panel returned.

Jurors to be called from the panel until twelve be allowed.

A tales may be awarded to complete the Jury.

No fine for non-attendance allowed, without proof of 48 hours personal service.

## CAP. XXIX.

An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act further to amend the Law relating to Offences against the Person*. 5 V. c. 33.

Passed 11th April 1843.

**6** WHEREAS in and by the second Section of the said in part recited Act, Preamble.  
 ' it is enacted, That any person who shall be convicted of any offence  
 ' in the said Section of the said Act mentioned, shall be liable, at the discretion  
 ' of the Court, to be imprisoned for the term of the natural life of such offender,  
 ' or for any term not less than three years : And whereas by the third Section of  
 ' the same Act, it is further enacted, That any person who shall be convicted of  
 ' any offence in the said third Section of the said Act mentioned, shall be liable,  
 ' at the discretion of the Court, to be imprisoned for the term of the natural life  
 ' of such offender, or for any term not less than three years : And whereas it is  
 ' deemed expedient to mitigate the punishment prescribed by the said second  
 ' and third Sections of the said Act, for any offence in either of the said Sections  
 ' mentioned ;'

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, those parts of the said second and third Sections of the said Act, which subject any offender convicted of any offence mentioned in either of the said second and third Sections of the said Act, to be imprisoned for the term of the natural life of such offender or for any term not less than three years, be and the same are hereby severally repealed. 5 V. c. 33, s. 2 and 3, so far as they prescribe the punishment of imprisonment for life, &c. repealed.

II. And be it further enacted, That from and after the passing of this Act, every offender who shall be convicted of any offence in either of the said second and third Sections of the said Act mentioned, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding fourteen years. Imprisonment not exceeding fourteen years may be awarded for offences mentioned in 5 V. c. 33, s. 2 and 3.

## CAP. XXX.

An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to amend the Law relating to Burglary*. 5 V. c. 32.

Passed 11th April 1843.

**6** WHEREAS in and by the third Section of the said in part recited Act, Preamble.  
 ' is enacted, That whoever shall be convicted of the crime of Burglary,  
 ' shall be liable at the discretion of the Court to be imprisoned for the term of the  
 ' natural life of such offender, or for any term not less than three years : And  
 ' whereas it is deemed expedient to mitigate the punishment thereby prescribed  
 ' for the said offence ;'

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said third Section of the same in part recited Act be and the same is hereby repealed. 5 V. c. 32, s. 3, repealed.

II. And be it further enacted, That from and after the passing of this Act, whosoever shall be convicted of the crime of Burglary, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding fourteen years. Punishment for Burglary to be imprisonment not exceeding fourteen years.

## CAP. XXXI.

An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to amend the Law relating to Robbery.*

5 V. c. 34.

*Passed 11th April 1843.*

Preamble.

‘**W**HEREAS by the third section of the said in part recited Act, it is enacted that any person who shall be convicted of any offence in the said third section of the said Act mentioned, shall be liable, at the discretion of the Court, to be imprisoned for the term of the natural life of such offender, or for any term not less than three years: And whereas by the fourth section of the same Act, it is further enacted that any person who shall be convicted of any offence in the said fourth section of the said Act mentioned, shall be liable, at the discretion of the Court, to be imprisoned for the term of the natural life of such offender, or for any term not less than three years: And whereas it is deemed expedient to mitigate the punishment prescribed by the said third and fourth Sections of the said Act for any offence therein mentioned;’

5 V. c. 34, s. 3 and 4, so far as they prescribe the punishment of imprisonment for life, &c. repealed.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, those parts of the said third and fourth Sections of the said Act, which subject any offender convicted of any offence mentioned in either of the said third and fourth Sections of the said Act to be imprisoned for the term of the natural life of such offender, or for any term not less than three years, be and the same are hereby severally repealed.

Imprisonment not exceeding fourteen years may be awarded for offences mentioned in 5 V. c. 34, s. 3 and 4.

II. And be it further enacted, That from and after the passing of this Act, every offender who shall be convicted of any offence in either of the said third and fourth Sections of the said Act mentioned, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding fourteen years.

## CAP. XXXII.

An Act to amend an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to amend the Laws relating to burning or destroying Buildings and Ships.*

5 V. c. 35.

*Passed 11th April 1843.*

Preamble.

‘**W**HEREAS by the third section of the said in part recited Act, it is enacted that any person who shall be convicted of any offence in the said third section of the said Act mentioned, shall be liable, at the discretion of the Court, to be imprisoned for the term of the natural life of such offender, or for any term not less than three years: And whereas by the fourth section of the same Act it is further enacted that any person who shall be convicted of any offence in the said fourth section of the said Act mentioned, shall be liable, at the discretion of the Court, to be imprisoned for the term of the natural life of such offender, or for any term not less than three years: And whereas by the seventh section of the same Act, it is further enacted that any person who shall be convicted of any offence in the said seventh section of the said Act mentioned, shall be liable, at the discretion of the Court, to be imprisoned for the term of the natural life of such offender, or for any term not less than three years: And whereas by the eighth section of the same Act, it is further enacted, That any person who shall be convicted of any offence in the said eighth section of the said Act mentioned, shall be liable at the discretion of the Court to be imprisoned for the term of the natural life of such offender, or for any term not less than three years: And whereas it is deemed expedient to alter and amend the said

' said recited Act, by repealing those parts of the said third, fourth, seventh and eighth sections, which subject any offender convicted of any offence in the said third, fourth, seventh and eighth sections of the said Act mentioned, to be imprisoned for the term of the natural life of such offender, or for any term not less than three years ;'

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, those parts of the said third, fourth, seventh and eighth sections of the same Act, which subject any offender convicted of any offence in the said third, fourth, seventh and eighth sections of the same, to be imprisoned for the term of the natural life of such offender, or for any term not less than three years, be and the same are hereby respectively repealed.

5 V. c. 35, s. 3, 4, 7 and 8, so far as they prescribe the punishment of imprisonment for life, &c., repealed.

II. And be it further enacted, That from and after the passing of this Act, every offender who shall be convicted of any offence in either of the said third, fourth, seventh and eighth Sections of the same Act mentioned, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding fourteen years.

Imprisonment not exceeding fourteen years may be awarded for offences mentioned in 5 V. c. 35, s. 3, 4, 7 and 8.

III. And be it further enacted, That the tenth section of the same in part recited Act, be and the same is hereby repealed.

5 V. c. 35, s. 10, repealed.

### CAP. XXXIII.

An Act to amend the Law relating to the Practice in the Inferior Courts of Common Pleas, and render the same uniform in the several Counties.

*Passed 11th April 1843.*

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all actions in the Inferior Courts of Common Pleas in this Province in which the said Courts may be authorized by Law after judgment by default to enquire 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 enquiry and assessment may be made by a Judge of the said Court in vacation ; and upon the production of such assessment signed by such Judge, it shall be lawful for the Clerk of such Court to tax the costs and sign judgment, whereupon execution may issue forthwith: Provided always, that no such enquiry 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 in any such action, may, upon due application therefor, have such enquiry and assessment made by a Jury, and that the Judge who may be applied to in vacation to make such enquiry or assessment, shall have power to order the same to be made by a Jury in like manner as is now the Law and practice in cases before the Court in Term.

A Judge may enquire or assess damages, &c., in vacation, where the Court may do so without a Jury.

Clerk to tax costs and sign judgment.

Enquiry and assessment may be made by a Jury on application of Defendant.

II. And be it enacted, That in all Summary Actions hereafter brought in the said Courts, a copy of the particulars of the Plaintiff's demand in all cases when the Defendant shall be entitled to the same, shall be annexed to the copy of the Writ to be served on the Defendant in such Action, and in every such Summary Action, wherein the Plaintiff may be entitled to judgment by default, such judgment may be entered in vacation as an Interlocutory Judgment, and the damages or amount to be recovered may be assessed and proceedings had to final judgment in like manner as is provided by the first Section of this Act.

Copy of particulars to be annexed to copy of Writ served.

Judgment by default may be entered in vacation as an interlocutory judgment.

III. And be it enacted, That the time for any Defendant in any Summary Action in the said Courts to put in Bail or enter an appearance and file the general Issue, shall be and is hereby enlarged to the period of thirty days after the day

Time for putting in Bail, entering appearance, or filing general issue, enlarged.

on



on which the Writ is returnable; and that in all actions not summary the time for appearance and entering Bail shall also be enlarged to thirty days.

Judgments to be entered as the judgments of the Court.

IV. And be it enacted, That every Judgment to be entered by virtue of this Act, may be entered as the Judgment of the Court, although the Court may not then be sitting on the day of entry and signing thereof; and every Execution issued by virtue of this Act shall and may bear teste on the day of issuing thereof (if issued before the next term after Judgment be so signed) and such Judgment and Execution shall be as valid and effectual as if the same had been entered of record signed and issued in the ordinary course.

Teste of Executions.

Final judgments to be entered up by the Clerks of the Courts only.

V. And be it enacted, That all final Judgments entered and made up in the said Courts, whether in Term or Vacation, shall be signed by the Clerk of such Courts only, any law, usage or practice to the contrary thereof in any wise, notwithstanding.

Fees for summary proceedings.

VI. And be it enacted, That the Fees attending the Prosecution of Suits in a summary way shall be as follows, viz:—

	<i>To the Justices of the said Court.</i>		
To the Justices.	Upon Entering the Cause,.....	£0	2 0
	Assessing Damages,.....	0	3 0
	Trial, .....	0	3 4
	Taking Bail,.....	0	2 0

	<i>To the Clerk.</i>		
Clerk.	For Signing and Sealing Writ and filing Precipe,.....	£0	1 6
	Filing all other Papers each,....	0	0 6
	Filing Writ and Entering Cause,.....	0	1 6
	{ Entering Assessment and final Judgment		
	{ Taxing Costs,.....	0	2 0

	<i>To the Attorney.</i>		
Attorney.	Writ, Precipe, Affidavit and Declaration,.....	£0	11 8
	If no Affidavit,.....	0	10 0
	Copy of Writ for Defendant or Bail each,.....	0	5 0
	Bill of Particulars, for original and copy, per folio,.....	0	0 6
	Attending Assessment of Damages and Entering Judgment,	0	3 4
	Attending Taxation of Costs,.....	0	1 0
	Attending Execution of Writ of Enquiry,.....	0	3 4
	And in all cases that do not go to a Jury, for all other proceedings to final Judgment,.....	0	8 4

For every motion necessarily made to the Court in Term, and for all other necessary proceedings in conducting or defending any cause under the provisions of this Act and not herein otherwise provided for, the Fees shall be the same as are allowed and taxable in and by the Act of Assembly regulating the Fees in actions not Summary in the Inferior Courts of Common Pleas.

*Counsel.*

Counsel. On every cause entered for Trial, and for every Argument before the Court in Term, not less than *eleven shillings and eight pence*, nor more than *one pound three shillings and four pence*, as the Judge presiding may determine on.

Section 5 (in part) of 35 G. 3, c. 2.

VII. And be it enacted, That such part of the fifth 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 for the summary trial of certain actions* as requires the Court to grant a stay of execution

execution for three months, or until the next Term as therein mentioned, and such part of the seventh Section of the said recited Act as requires the presiding Justice to sign the entry made in the Minutes of the said Court of the Judgments given in the said Courts as therein mentioned, and the whole of the eighth Section of the same Act, and also the fourth Section of an Act made and passed in the Forty second year of the Reign of His said Majesty George the Third, intituled *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*, be and the same are hereby repealed.

Section 7, (in part)  
of 35 G. 3, c. 2.

Section 8 of 35 G. 3,  
c. 2, and

Section 4 of 42 G. 3,  
c. 7, repealed.

### CAP. XXXIV.

An Act to amend an Act for granting Patents for useful Inventions.

*Passed 11th April 1843.*

**W**HEREAS in and by the fifth Section of an Act made and passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled *An Act to grant Patents for useful Inventions*, the latter part of the oath therein required to be taken by the applicant for a Patent, is as follows: "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:" And whereas it may sometimes happen, that after such discovery or invention, but before the original Inventor of such invention or discovery applies for a Patent, some other person may have made the same discovery or invention, or the same may have become known or used, in which case such original Inventor might not be able to take the above mentioned latter part of the oath required by the said fifth Section of the said hereinbefore in part recited Act;

Preamble.

4 W. 4, c. 27.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in every case where any person or persons applying for a Patent cannot take that part of the oath (hereinbefore set forth) required by the said fifth Section of the said hereinbefore in part recited Act, in consequence of some other person, subsequent to his, her or their discovery or invention, having also made the same discovery or invention, or of the same having so subsequently become known or used, then and in such case it shall be sufficient for such applicant or applicants, in lieu of that part of the oath hereinbefore mentioned, required to be taken by the said fifth Section of the said hereinbefore in part recited Act, to swear or affirm in the mode pointed out by the said Section, in addition to the said preceding part of the said oath mentioned in the said Section, that such invention or discovery was not, to the best of his, her or their knowledge or belief, known or used in this Province or in any other Country before the same was so made or invented by such applicant.

Oath required by  
Act 4 W. 4, c. 27,  
s. 5, may be varied  
so as to include  
cases in which the  
same invention may  
have been made by  
another person after  
the applicant.

### CAP. XXXV.

An Act for the amendment of the Charter of the City of Saint John.

*Passed 11th April 1843.*

**W**HEREAS sundry improvements are requisite in the Charter of the City of Saint John, and the Mayor, Aldermen and Commonalty of the said City, and a large and respectable number of the Inhabitants thereof, being Freemen and Freeholders, have, by their Petition prayed that such improvements may take place in the said Charter, and that the same may accordingly be amended by Law;

Preamble.

I.

Aldermen and Assistant Aldermen to be freemen of the City, and possessed of a defined amount of property.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That no person shall hereafter be elected to the office of Alderman of the City of Saint John, under the Charter of the said City, who shall not be a Freeman of the said City, before and at the time of his election, and be possessed as owner thereof of Real or Personal Property, or both together, within the said City, over and above all Mortgages, Judgments, Bonds to the Queen or Her Successors, and all other incumbrances whatsoever to the extent of at least two hundred and fifty pounds, and no person shall be elected to the office of Assistant Alderman of the said City, under the said Charter, who shall not be a Freeman of the said City, before and at the time of such election, and in like manner be possessed as owner thereof of Real or Personal property, or both, within the said City, over and above all just debts and incumbrances whatsoever, to the extent of at least one hundred and fifty pounds.

No elector to be allowed to vote until he has paid up all his rates.

II. And be it enacted, That no Freeman or other person qualified by the said Charter to vote for Members of the Common Council of the said City, shall hereafter exercise such right to vote, until such person shall have previously paid all rates or assessments imposed on and required of such person by Law, prior to the period of such election taking place.

Annual Licences may be granted to British subjects to trade, &c., within the City.

III. And be it enacted, That it shall and may be lawful for the Mayor of the said City, and he is hereby authorized to licence persons being natural born British Subjects, or such as shall become naturalized or be made denizens, to use any art, trade, mystery or occupation, or carry on any business in merchandize or otherwise, within the said City, on paying yearly such sum not exceeding five pounds, nor less than five shillings, to be fixed and determined by an ordinance of the Corporation, for the use of the Mayor, Alderman and Commonalty of the said City of Saint John, together with the fees of office, and be subject also to the payment of all other charges, taxes, rates or assessments as any Freeman or other Inhabitant of the said City, may by Law be liable to or chargeable with.

Annual Licences may be granted to Aliens to trade, &c., within the City.

IV. And be it enacted, That Aliens, the subjects of any other Country at peace with Great Britain, may be licenced by the Mayor of the said City, to use any art, trade, mystery or occupation, or to carry on any business in merchandize or otherwise, within the said City, on paying annually for the use of the Mayor, Aldermen and Commonalty of the said City, a sum not exceeding twenty five pounds, nor less than five pounds, together with fees of office to be regulated by ordinance of the Corporation, and be subject also to the payment of all other charges, taxes, rates or assessments as any freeman or other inhabitant of the said City, may by Law be liable to or chargeable with.

Any Alderman or Assistant Alderman may be expelled from the Common Council for improper conduct.

V. And be it enacted, That the Common Council of the said City shall have power and authority in the event of any one of the Aldermen or Assistant Aldermen of the said City, being found guilty of grossly improper conduct at any of the meetings of the said Common Council, (two thirds of the Members of the said Council concurring therein,) to expel such Member from the said Common Council, and the member so expelled shall thereby forfeit all his right and power as an Alderman or Assistant Alderman for the year for which he may have been elected; and it shall and may be lawful for the Mayor of the said City, and he is hereby required forthwith after such expulsion, to order a new election for the choice of some properly qualified person to serve in the place of the Member so expelled.

Time for holding elections of Charter officers to be appointed by the Common Council

VI. And be it enacted, That the Common Council of the said City shall appoint the time of day and place for holding all elections for Charter Officers, or for any of them, in the respective Wards within the said City, and also shall have

power

power to appoint one or more Commissioner or Commissioners for each Ward for holding the said elections, and shall and may by Ordinance make such further regulations for conducting the said elections, and under such penalties not exceeding five pounds for any one breach thereof, as to the said Common Council may from time to time appear to be necessary for such purpose.

who may appoint Commissioners for elections, &c., and make regulations therefor with penalties.

VII. And be it enacted, That the Common Council of the said City shall have full power and authority from time to time to displace the Chamberlain or Treasurer of the said City, appointed under and by virtue of the said Charter, for neglect of duty or other misconduct, (two thirds of the Members of the Council concurring in the motion,) and appoint another in his place.

Chamberlain may be displaced for improper conduct and another appointed.

VIII. And be it enacted, That the Mayor, Aldermen and Commonalty of the said City, shall and may have power, by their Bye Laws, to enforce the payment of penalties thereby imposed by imprisonment of the offenders for a limited period of time, not exceeding forty days, in case no goods or chattels can be found whereon to levy the said penalties: Provided always, that such Bye Laws before being carried into force shall be confirmed by the Lieutenant Governor or Commander in Chief and Executive Council of the Province.

Corporation may by Bye Laws enforce payment of penalties by imprisonment.

IX. And be it enacted, That every person hereafter to be appointed Mayor of the said City, shall and may take the oaths of office required by the Charter of the City, before the Lieutenant Governor or Administrator of the Government of the Province for the time being, or any Commissioner or Commissioners to be by him appointed, instead of taking the said oaths as is now required in the presence of the Lieutenant Governor and three or more Aldermen of the said City.

Mayor may take the oaths of office before the Lieutenant Governor or a Commissioner.

X. And be it enacted, That it shall be the duty of the Common Council of the City, to publish in two of the Newspapers published in the City two months before the annual election of Charter Officers in each year for the information of the Citizens of Saint John, a full and detailed statement of the receipts and expenditure of the Corporation during the year, and in every such statement the different sources of City Revenue and the amount received from each, the several appropriations made by the Common Council, the objects for which the same were made, and the amount of monies expended under each, the monies borrowed on the credit of the Corporation, the authority under which each loan was made, and the terms on which the same was obtained, shall be clearly and particularly specified, and that such statement and accounts shall be made up to the thirty first day of December, preceding such publication in every year.

Statements of receipts and expenditure of the Corporation containing specified particulars to be published.

XI. And be it enacted, That from and after the passing of this Act the Mayor, Common Clerk, Chamberlain, and all the other officers of the Corporation shall be remunerated by fixed salaries, to be settled, adjusted and determined from time to time by the Common Council of the said City: Provided always, that the salary of the Mayor so to be settled shall not be less than four hundred pounds, and the salary of the Clerk not less than five hundred pounds, which salaries shall be in lieu and substitution of all Fees by them receivable under and by virtue of their respective offices.

Mayor, Common Clerk, Chamberlain and other officers to be remunerated by fixed Salaries.

XII. And be it enacted, That all costs, fees and emoluments whatever payable to and receivable by the said Mayor, Common Clerk and Chamberlain, or any other officer of the said City, judicial or ministerial for any act, matter or thing done by him or them by virtue of his office in any capacity whatever, shall be paid by such officer on receiving them or entitled thereto to the Chamberlain or Treasurer of the said City for the time being, for the public use of the said City in such manner and under such Rules and Regulations for duly accounting therefor as the Common Council shall by Bye Law, Rule or Ordinance from time to time prescribe

Fees receivable by the officers to be paid over to the Chamberlain for the use of the City.

prescribe and determine, and under and subject to such pains and penalties as the Common Council may by Bye Law, Rule or Ordinance from time to time prescribe and determine.

## CAP. XXXVI.

An Act to amend several Acts relating to the relief of old Soldiers of the Revolutionary War and their Widows.

*Passed 11th April 1843.*

4 V. c. 16, s. 1 and 2, repealed.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the first and second Sections of an Act made and passed in the fourth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to continue and amend an Act, intituled An Act for the relief of old Soldiers of the Revolutionary War and their Widows*, be and the same are hereby repealed.

No new claimants for Bounty to be certified.

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

## CAP. XXXVII.

An Act to establish a Register of Freemen of the City of Saint John in lieu of the Register lately destroyed by fire.

*Passed 11th April 1843.*

Preamble.

**WHEREAS** in consequence of the destruction by fire of the Register of Freemen of the City of Saint John, it is necessary to provide for the establishment of a new Register;

Corporation by Bye Laws may establish a new Registry of Freemen.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, and full power and authority is hereby given to them at any Common Council hereafter to be holden, to frame, constitute, ordain and make all such Laws, Ordinances or Bye Laws as shall and may be necessary to establish and make a new Register of the Freemen of the said City, in lieu and place of the said Register so destroyed.

Register so established to be the Register of the Freemen of the City.

II. And be it enacted, That any Register to be established and made in pursuance of any Law, Bye Law or Ordinance of the said Common Council made and passed under and by virtue of this Act, shall to and for all purposes and intents whatever be and be held and taken to be the Register of Freemen of the said City of Saint John, in lieu and place of the said Register so destroyed.

## CAP. XXXVIII.

An Act to revive and continue the Acts relating to Parish Schools.

*Passed 11th April 1843.*

7 W. 4, c. 8.

**BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the several Acts relating to Parish Schools made and passed in the seventh year of the Reign of His late Majesty William the Fourth, intituled *An Act to repeal all the Acts now in force relating to Parish Schools, and to make other provisions respecting the same*, and the Act made and passed in the third year of Her present Majesty's Reign in amendment thereof, be and the same are hereby revived and continued until the first day of May, which will be in the year of our Lord one thousand eight hundred and forty five.

3 V. c. 39, revived and continued.

## CAP. XXXIX.

An Act relating to the appointment of Special Constables.

Passed 11th April 1843.

**6** WHEREAS it is expedient to extend the several provisions of an Act Preamble.  
 'made and passed in the seventh year of the Reign of His late Majesty  
 'William the Fourth, intituled *An Act to provide for increasing the number of* 7 W. 6, c. 12.  
 'Constables of Saint John, and for appointing Special Constables within the City and  
 'County of Saint John, to the several Counties in this Province ;'

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Special Constables  
 may be appointed  
 for any County in  
 same manner as for  
 the County of Saint  
 John, under Act 7  
 W. 4, c. 12.  
 Assembly, That any two Justices of the Peace in any County in this Province,  
 shall have the like power and authority to appoint persons residing in their several  
 Counties to act as Special Constables in and for any such County, in all respects  
 the same as any two Justices of the Peace in and for the said City and County of  
 Saint John are authorized and empowered in and by the said Act to appoint  
 Special Constables.

II. And be it enacted, That the several provisions of the said recited Act shall Provisions of 7 W.  
 4, c. 12, extended  
 to the several Coun-  
 ties and Constables  
 appointed.  
 apply and be extended to the said several Counties, and to any Special Constables  
 appointed in pursuance of this Act, to all intents and purposes.

## CAP. XL.

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

Passed 11th April 1843.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assem-  
 bly, That there be allowed and paid out of the Treasury of the Province  
 for the services hereinafter mentioned, the following sums, to wit:

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

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

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

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

To the Clerk of the Legislative Council in General Assembly the sum of one Clerks of the Coun-  
 cil and Assembly.  
 hundred and fifty pounds for his services during the present Session.

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

To the Clerk Assistant of the Legislative Council in General Assembly the sum Clerks Assistants.  
 of seventy five pounds for his services during the present Session.

To the Clerk Assistant of the House of Assembly the sum of seventy five pounds  
 for his services during the present Session.

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

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

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

To

- Province Treasurer.** To the Province Treasurer the sum of six hundred pounds for his services for the year one thousand eight hundred and forty three; and a further sum of two hundred pounds to enable him to pay a Clerk for the same period.
- Clerk.**
- Messenger to the Treasury.** To Beverley Robinson, Esquire, Province Treasurer, the sum of ninety one pounds five shillings, being for the services of a Tide Waiter or Messenger to the Treasury for the year one thousand eight hundred and forty three.
- Parish Schools.** To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twelve thousand pounds towards the encouragement of Parish Schools, agreeably to a Law of the Province.
- Apprehension of Deserters.** To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding one hundred pounds to be applied in rewarding persons for apprehending Deserters from Her Majesty's Land Forces within this Province; Provided always, that no greater sum than five pounds be paid for the apprehension of any one Deserter.
- Master in Chancery.** To the Master in Chancery appointed to carry Messages from the Legislative Council to the House of Assembly, the sum of forty pounds.
- Tide Waiter, Saint John.** To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of ninety one pounds five shillings to enable the Province Treasurer to pay John Abrams for his services as Tide Waiter at Saint John, for the year one thousand eight hundred and forty three.
- Legislative Librarian.** To the Librarian of the Legislative Library the sum of sixty pounds for his services to the end of the present Session.
- Tide Surveyor, Miramichi.** To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of sixty pounds for the services of a Tide Surveyor at Miramichi, for the year one thousand eight hundred and forty three.
- Destruction of Bears and Wolves.** To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding three hundred pounds to encourage the destruction of Bears and Wolves, agreeably to a Law of the Province.
- Grammar Schools.** To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the following sums for Grammar Schools for the year one thousand eight hundred and forty three, agreeably to a Law of the Province:
- For the Grammar School in Westmorland the sum of one hundred pounds;
  - For the Grammar School in Saint John the sum of one hundred and fifty pounds;
  - For the Grammar School in King's County the sum of one hundred pounds;
  - For the Grammar School in Queen's County the sum of one hundred pounds;
  - For the Grammar School in the County of Charlotte the sum of one hundred pounds;
  - For the Grammar School in the County of Sunbury the sum of one hundred pounds;
  - For the Grammar School in the County of Northumberland the sum of one hundred pounds;
  - For the Grammar School in the County of Gloucester the sum of one hundred pounds;
  - For the Grammar School in the County of Carleton the sum of one hundred pounds;
  - For the Grammar School in the County of Restigouche the sum of one hundred pounds;
  - For the Grammar School in the County of Kent the sum of one hundred pounds.
- Light Houses in the Bay of Fundy.** To the Commissioners of Light Houses in the Bay of Fundy the following sums to pay for the services for the year one thousand eight hundred and forty three:

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

Light Houses in the Bay of Fundy. —Continued.

To the Keeper of the Light House on Thrum Cap, Quaco, the sum of eighty pounds ;

To the Keeper of the Light House on Point Le Proe the sum of seventy five pounds ;

To the Keeper of the Light House on Partridge Island the sum of seventy five pounds ;

To the Keeper of the Beacon Light the sum of seventy five pounds ;

To the Keeper of the Light House on Campo Bello the sum of ninety pounds ;

To the Keeper of the Light Houses on Machias Seal Island the sum of one hundred pounds ;

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

To the Keeper of the Light House on Cape Enrage the sum of seventy five pounds for his services.

To the Commissioners of the Light House in the Gulph of Saint Lawrence the sum of seventy five pounds to provide for the services of a Keeper for the year one thousand eight hundred and forty three at the Light House on Point Escuminac.

Light House at Point Escuminac.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty two pounds ten shillings for a Tide Surveyor at Shippegan and Carraquet, in the County of Gloucester, for the year one thousand eight hundred and forty three.

Tide Surveyor at Shippegan.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty two pounds ten shillings for a Tide Waiter at Bathurst, in the County of Gloucester, for the year one thousand eight hundred and forty three.

Tide Waiter at Bathurst.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty pounds to provide for a Tide Waiter at Dalhousie, in the County of Restigouche, for the year one thousand eight hundred and forty three.

Tide Waiter at Dalhousie.

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

Monies to be paid by Warrant.

## CAP. XLI.

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

Passed 11th April 1843.

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

To the Commissioners of Light Houses in the Bay of Fundy the further sum of twenty pounds to pay the Keeper of the Light House on Thrum Cap, Quaco, for his services for the year one thousand eight hundred and forty three.

Light Houses. Thrum Cap, Quaco.

To the Commissioners of Light Houses in the Bay of Fundy the sum of forty pounds to pay the Keeper of the Light House on Gannet Rock for his services for the year one thousand eight hundred and forty three.

Gannet Rock.



Free School, Saint  
John.

To the Justices of the Peace of the City and County of Saint John the sum of fifty pounds towards the support of a Free School in the said City, unconnected with the Madras Board; the same having been granted at the last Session by the House, and agreed to by the Legislative Council, as follows:—One hundred and fifty pounds for the services referred to, but only one hundred pounds of the same as inserted in the engrossed Act through mistake.

W. Watts.

To William Watts ten pounds for his services as Crier and Usher in the Supreme Court for the last year.

Sub-Collector and  
Deputy Treasurer  
at Woodstock.

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

E. Cavanagh.

To Edward Cavanagh the sum of twenty pounds for teaching a School in the Parish of Carleton and County of Kent for one year ending the ninth day of August in the year one thousand eight hundred and forty two.

T. Hayward.

To Thomas Hayward the sum of ten pounds for having taught a School in the Parish of Lancaster, in the County of Saint John, for six months ending the twenty first day of December in the year one thousand eight hundred and forty two.

J. Laird.

To James Laird the sum of six pounds thirteen shillings and four pence for having taught a School in the Parish of Kingston, King's County, for four months ending the fourth of May one thousand eight hundred and forty two.

D. O'Leary.

To Dennis O'Leary the sum of five pounds for having taught a School in the Parish of Saint Patrick, in the County of Charlotte, for three months ending the nineteenth day of February one thousand eight hundred and forty two.

J. M'Garrigle.

To John M'Garrigle the sum of twenty pounds for having taught a School in the Parish of Pennfield, in the County of Charlotte, for one year ending the sixteenth day of August in the year one thousand eight hundred and forty two.

W. Foster.

To Wilfred Foster the sum of twenty pounds for having taught a School in the Parish of Westfield, in King's County, for one year ending the first day of September in the year one thousand eight hundred and forty two.

E. Williams.

To Elizabeth Williams the sum of six pounds thirteen shillings and four pence for having taught a School in Chatham, in the County of Northumberland, for four months ending the sixteenth day of April one thousand eight hundred and forty two.

A. S. Armstrong.

To Anna S. Armstrong the sum of eight pounds six shillings and eight pence for having taught a School at Saint George, in the County of Charlotte, for five months ending the tenth day of July one thousand eight hundred and forty two.

J. D. Gault.

To John D. Gault the sum of ten pounds for having taught a School at Woodstock, in the County of Carleton, for six months ending the first day of June one thousand eight hundred and thirty eight.

J. O'Leary.

To Jeremiah O'Leary the sum of twenty pounds for having taught a School at Bathurst, in the County of Gloucester, for one year ending the tenth day of February one thousand eight hundred and forty two.

Pierre Roi.

To Pierre Roi the sum of twenty pounds, having taught a School at the Acadian Settlement of Little Roche, in the Parish of Bathurst and County of Gloucester, for one year ending in October one thousand eight hundred and forty two.

H. Whiteside.

To Henry Whiteside, Deputy Treasurer at Saint John, seventy five pounds in addition to the two hundred and twenty five pounds for his services for the year ending the thirty first of December one thousand eight hundred and forty two, and in consideration

consideration of his salary having been reduced without notice and after he had been paid the sum of three hundred pounds as allowed the preceding year.

To Matthew Brannen, of the Secretary's Office, fifteen pounds as a mark of approbation for his long and faithful services in that office. M. Brannen.

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

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

To the Widow of Isaac W. Jouett, late Usher of the Black Rod to the Legislative Council, the sum of ten pounds to assist her in her present destitute circumstances. Mrs. I. W. Jouett.

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

To Ann Fowler, Widow of the late Caleb Fowler, who served as an Ensign in the Revolutionary War in America, the sum of ten pounds to assist her in her present destitute circumstances. A. Fowler.

To Sarah Cyphers, Widow of an Officer of the Revolutionary War, the sum of ten pounds to aid her in her present circumstances. S. Cyphers.

To the Widow of Thomas Burden, Lieutenant of the Corps of Loyal Associated Refugees, the sum of ten pounds towards assisting her in present distressed circumstances. Widow of T.  
Burden.

To the Commissioners of Government House the sum of one hundred pounds for Coals for Government House. Government  
House, Coals.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty pounds to remunerate John Street, a settler on the Arestook Portage, for the encouragement of such settler, when it shall be certified to His Excellency that the conditions required by the Resolution of the fifteenth of March one thousand eight hundred and twenty seven have been complied with, this being the third and last payment. John Street, Settler  
on the Arestook  
Portage.

To Stephen Wiggins and Son the sum of twenty six pounds eight shillings for drawback on two hundred and sixty four gallons of Claret Wine exported in the barque Pearl and landed at Saint Thomas. S. Wiggins & Son,  
Drawback.

To John Miller, Deputy Treasurer at Bathurst, the sum of twenty five pounds in consequence of the great diminution in the emoluments of his office. John Miller.

To Michael Samuel, of Chatham, in the County of Northumberland, the sum of eight pounds five shillings for return of Duties on Teas imported from London *via* Prince Edward Island. M. Samuel,  
Return Duty.

To William Fruing and Company, of Shippegan, in the County of Gloucester, the sum of seven pounds seventeen shillings and six pence, being return Duties paid by them on certain articles imported for the use of the Fisheries. W. Fruing and  
Company, Return  
Duty.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding two hundred pounds in aid of individual subscription towards removing obstructions at the Grand Falls, when it shall be certified to His Excellency that a similar amount has actually been subscribed, paid and expended in that work; it being understood that only such amount be granted, not exceeding the said sum, as may be paid by private subscription to meet this grant. Removing Rocks in  
Grand Falls.

To Seymour Pickett, Cloth Manufacturer, the sum of fourteen pounds nine shillings for return of Duty paid by him on certain articles of Machinery imported from the United States. S. Pickett,  
Return Duty.

- W. Watts. To William Watts the sum of ten pounds for airing and taking care of the Province Hall.
- T. M'Elroy.  
Return Duty. To Thomas M'Elroy the sum of fifty three pounds four shillings and eight pence for return of Duties on articles consumed in the Great Fire in Portland on the seventeenth of August one thousand eight hundred and forty one.
- Appraisers at Saint John. To the two Appraisers at Saint John, under the Imperial Act, the sum of twenty five pounds each, to remunerate them for their services during the past year.
- Lieut. Col. Blois,  
52nd Regiment,  
Return Duties. To Lieutenant Colonel Blois, of Her Majesty's Fifty Second Regiment, the sum of one hundred and twenty eight pounds nine shillings and three pence for a return of Duties on Wine used by the Officers of that Regiment during the last year.
- Infant School,  
Saint John. To the Committee of Management of the Infant School at Saint John the sum of twenty pounds in aid of individual subscription towards that Institution.
- Dr. G. P. Peters. To Doctor G. P. Peters, Surgeon to the Vaccine Institution, Central Board, Saint John, the sum of fifteen pounds for his services for the year one thousand eight hundred and forty two.
- Roman Catholic School, St. John. To the Justices of the Peace of the City and County of Saint John, in aid of individual subscription towards the support of the Roman Catholic School established in the said City, and now in most efficient operation, the sum of one hundred and fifty pounds.
- Madras School. To the Governor and Trustees of the Madras School the sum of four hundred pounds for the year one thousand eight hundred and forty three, towards the support of that Institution.
- Clerk Crown,  
Supreme Court. To the Clerk of the Crown in the Supreme Court the sum of one hundred pounds for his services for the year one thousand eight hundred and forty two.
- Wesleyan Academy  
Sackville. To the Trustees of the Wesleyan Academy at Sackville the sum of two hundred pounds towards the support of that Institution.
- Melicite Tribe of  
Indians. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds for a Missionary for the Melicite Tribe of Indians stationed at Fredericton for the year one thousand eight hundred and forty three.
- Sheriffs for execut-  
ing Writs of  
Election. To the Sheriffs of the several Counties in the Province, for executing Writs of Election and returning the Members to serve in General Assembly, the following sums :
- To the Sheriff of Charlotte, twenty pounds ;
  - To the Sheriff of Carleton, twenty pounds ;
  - To the Sheriff of York, twenty pounds ;
  - To the Sheriff of Sunbury, ten pounds ;
  - To the Sheriff of Queen's, twenty pounds ;
  - To the Sheriff of King's, twenty pounds ;
  - To the Sheriff of Westmorland, twenty pounds ;
  - To the Sheriff of Kent, twenty pounds ;
  - To the Sheriff of Northumberland, twenty pounds ;
  - To the Sheriff of the City and County of Saint John, thirty five pounds ;
  - To the Sheriff of Gloucester, ten pounds ;
  - To the Sheriff of Restigouche, ten pounds.
- R. Martin. To Rachel Martin, a valuable instructress of youth, the sum of twenty pounds for teaching a School in the Parish of Portland, County of Saint John, for the past year.
- Courier between  
the Head of Petit-  
codiac River and  
Harvey. To the Justices of the Peace for the County of Westmorland the sum of twenty five pounds to enable them to pay a Courier between the head of Petitcodiac River

River and Harvey, through the Parishes of Coverdale, Hillsborough and Hope-well.

To His Excellency the Lieutenant Governor or Administrator of the Govern-ment for the time being, the sum of twenty five pounds towards remunerating a Missionary stationed at Madawaska for the purpose of giving attendance to the Tobique and other Indians established in the neighbourhood.

Missionary at  
Madawaska.

To His Excellency the Lieutenant Governor or Administrator of the Govern-ment for the time being, the sum of five hundred pounds to reimburse in part the Overseers of the Poor for the City of Saint John for expenses incurred in the year one thousand eight hundred and forty two in the support of the Tempo-rary Provincial Lunatic Asylum there established.

Temporary Provin-  
cial Lunatic  
Asylum.

To His Excellency the Lieutenant Governor or Administrator of the Govern-ment for the time being, the sum of fifty pounds in aid of the Grammar School presently taught at Newcastle, in the County of Northumberland, by John Sevewright, to whom the same shall be paid in part of his salary for teaching said School the present year, on its being certified to His Excellency by Henry B. Allison and the Reverend James Souter, that the same is due to the said John Sevewright for such service.

Grammar School  
taught by John  
Sevewright.

To the Commissioners of Light Houses in the Gulph of Saint Lawrence the sum of one hundred and seventy five pounds ten shillings and nine pence, being the amount due them for the support of a Light House on Point Escuminac, agreeably to the Report of the Select Committee on the twentieth of March last ; the same to be taken from the Light House fund.

Light House on  
Point Escuminac.

To His Excellency the Lieutenant Governor or Administrator of the Govern-ment for the time being, a sum not exceeding four hundred and fifty pounds for Provincial Contingencies for the year one thousand eight hundred and forty three.

Provincial Contin-  
gencies.

To His Excellency the Lieutenant Governor or Administrator of the Govern-ment for the time being, the sum of twenty pounds to aid the inhabitants of the County of Westmorland to employ a Courier to convey the Mails from Cape Tormentine to the Great Road of Communication through that County.

Courier between  
Cape Tormentine  
and the Great Road.

To Richard S. Clarke, late High Sheriff of the County of Northumberland, the sum of forty pounds towards relieving him in his present necessitous condition.

R. S. Clarke.

To the Commissioners of the Provincial Penitentiary the sum of sixty three pounds ten shillings and three pence to enable them to pay Daniel Sullivan a balance due him for services performed at that establishment under the direction of the late Commissioners, and which they were unable to discharge for want of funds.

Provincial Peni-  
tentiary,  
D. Sullivan.

To His Excellency the Lieutenant Governor or Administrator of the Govern-ment for the time being, the sum of three pounds four shillings and eleven pence to enable him to reimburse Edmund Ward, Emigrant Agent in Fredericton, expenses incurred by him in passages and otherwise to distressed Emigrants.

E. Ward, Emi-  
grant expenses.

To John Simpson, Esquire, Queen's Printer, the sum of one thousand four hundred pounds in part of his Account for Printing the Journals, Laws, and various publications in the Royal Gazette, and towards the balance due him.

J. Simpson,  
Printing.

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

Quarter Master  
General of Militia.

To Catherine M'Donald, of Woodstock, in the County of Carleton, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds.

C. M'Donald.

To the Justices of the Peace of the County of Charlotte the sum of ten pounds towards paying the debt due on the Court House ; the grant of the last Session having

Justices of Char-  
lotte County.

having been for one hundred and fifty pounds, and the Warrant having been issued for only one hundred and forty pounds.

Catholic School,  
Saint Andrews.

To the Managing Committee of the Catholic School in the Town of Saint Andrews the sum of thirty pounds to enable them to keep up that Institution.

Lieut. Col. Ormond,  
30th Regiment,  
Return Duties.

To Lieutenant Colonel Ormond, of Her Majesty's Thirtieth Regiment, the sum of seventy one pounds twelve shillings and two pence for return Duties on Wine consumed by the Officers of that Regiment.

D. M'Millan.

To David M'Millan, of Saint John, the sum of twelve pounds fourteen shillings and four pence for damage sustained by him on Province Laws by Fire.

Index to Laws.

To John Gregory the sum of ten pounds to prepare an Index to the Laws of the present Session.

Managing Com-  
mittee, Baptist  
Seminary.

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

J. Craven, for  
services as Tide  
Waiter.

To John Craven the sum of seventeen pounds four shillings, being for eighty six days services as Tide Waiter in the County of Carleton, from the sixth day of October one thousand eight hundred and forty one to the first day of January one thousand eight hundred and forty two.

To establish an  
African School at  
Saint John.

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

To establish a  
Free School at  
Portland.

To the Reverend James Dunphy, of Saint John, the sum of thirty pounds in aid of individual subscriptions to establish a Free School in the Parish of Portland, County of Saint John.

Provincial Agent.

To the Committee of Correspondence, such sum as will procure a Bill for two hundred pounds sterling, to be remitted to Henry Bliss, Esquire, Provincial Agent, for his services for the year one thousand eight hundred and forty two.

B. Wolhaupter, for  
Government House  
repairs, and ser-  
vices.

To Benjamin Wolhaupter, Commissioner of Government House, the sum of two hundred and seven pounds eleven shillings and one penny, being amount expended by him in repairs for Government House during the year one thousand eight hundred and forty two; and the further sum of fifty pounds to remunerate him for his services for the past year; also a further sum of twenty nine pounds eight shillings and eleven pence to discharge a balance due James Taylor, Senior, and Company.

Government House  
repairs.

To the Commissioners of Government House a sum not exceeding five hundred pounds towards repairs and improvements on Government House and Premises in the year one thousand eight hundred and forty three.

J. Kollock.

To Jacob Kollock the sum of fifteen pounds as an old and meritorious Soldier, to aid him in his present indigent circumstances.

Bathurst Bridge.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and fifty pounds to enable the Commissioners for erecting the Bathurst Bridge to pay the Contractor a part of the balance due him for that work.

J. M'Cardy.

To Jane M'Cardy, Widow of an old meritorious Officer of the Revolutionary War, the sum of ten pounds to relieve her in her present distressed circumstances.

Oat Mills and Kilns

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding five hundred pounds, for the purpose of encouraging the erection of Oat Mills and Kilns in proper situations throughout

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

To John Simpson the sum of two hundred and seventy five pounds for printing the Daily Journals of the Legislative Council and House of Assembly for the present Session ; and the further sum of one hundred and fifty pounds towards printing the Laws of the present Session ; and the further sum of one hundred and fifty pounds towards printing the Revised Journals and Appendix of both Houses of the Legislature for the present Session.

J. Simpson,  
Printing.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds to enable him to pay a Messenger to the Executive Council.

Messenger to the  
Executive Council.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seven hundred and eighteen pounds one shilling to reimburse the Overseers of the Poor of the City of Saint John in the year one thousand eight hundred and forty two, the balance due them for the support of the Temporary Provincial Lunatic Asylum there established ; and the further sum of one hundred and twenty five pounds to remunerate George Matthew, one of the said Overseers, Superintendent of the said Asylum, for his services for that year.

Temporary Provin-  
cial Lunatic  
Asylum.

G. Matthews.

To David Vaughan, of Saint Martin's, the sum of thirty pounds two shillings and seven pence, being the amount expended by him in repairing the Breakwater at Quaco.

D. Vaughan,  
Breakwater at  
Quaco.

To John Kerr and Company, of Saint John, the sum of nineteen pounds three shillings and one penny to reimburse them for Duties paid on Tobacco destroyed at the Great Fire in one thousand eight hundred and forty one, in Her Majesty's Ware House.

John Kerr and  
Company, Return  
of Duties.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifteen hundred pounds to provide for the expense of protecting and collecting the Provincial Revenue for the current year.

Provincial Re-  
venue, protecting,  
&c.

To David S. Kerr, Esquire, the sum of seventy five pounds towards expenses incurred by him in reporting and printing the Decisions of the Supreme Court.

D. S. Kerr, De-  
cisions Supreme  
Court.

To Elizabeth Fairchild, a Schoolmistress in Saint John, the sum of ten pounds for her services in that capacity.

E. Fairchild.

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

Adjutant General  
Militia Forces.

To Mary Ann Smith, for upwards of forty years a Schoolmistress in Saint John, the sum of ten pounds for her services in that capacity.

M. A. Smith.

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

D. A. Lugin.

Provincial Penitentiary.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seven hundred and fifty pounds for the support of the Provincial Penitentiary for the current year, in addition to the sum of three hundred pounds provided for by Law.

Treasury Contingencies;

To the Province Treasurer the sum of one hundred and sixty two pounds nineteen shillings and one penny, being amount expended for contingencies for the past year.

Extra Clerk hire ;  
and

To the Province Treasurer the sum of fifty pounds to reimburse him for extra Clerk hire in his Office the past year.

Travelling charges.

To the Province Treasurer the sum of forty one pounds five shillings to reimburse him for travelling charges on public business the past year.

D. W. Jack,  
Gauging.

To David W. Jack the sum of five pounds ten shillings for Gauging and Weighing at Saint Andrews the past year.

James Gourlie,  
Gauging.

To James Gourlie the sum of twenty two pounds two shillings for Gauging and Weighing at Miramichi the past year.

Province Hall, repairs.

To a Commissioner to be appointed by His Excellency the Lieutenant Governor, a sum not exceeding thirty pounds to be applied in painting the Roof of the Province Hall.

Agricultural Societies.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, not exceeding the following sums for the support and encouragement of Agricultural Societies in the respective Counties the present year, viz :

Restigouche, seventy five pounds ;

Westmorland, seventy five pounds ;

Queens, seventy five pounds ;

Gloucester, seventy five pounds ;

Kings, seventy five pounds ;

Sunbury, seventy five pounds ;

Northumberland, seventy five pounds ;

Saint John, seventy five pounds ;

York, seventy five pounds ;

Kent, seventy five pounds ;

Charlotte, seventy five pounds ;

Carleton, seventy five pounds ;

which sums, or aliquot portions thereof, shall be paid to the order of the Presidents of the respective Agricultural Societies, when it shall be certified to His Excellency that any portion of the inhabitants of any one of the said Counties have subscribed and paid during the present year, a sum equal to one half of the respective sums above mentioned, or the said aliquot portions thereof, for the support of Agriculture ; which sums so paid shall be accounted for to the Legislature : Provided always, that in such Counties in which District Agricultural Societies are found, embracing one or more Parishes only, it shall and may be lawful for His Excellency to apportion the amounts so to be granted to those Counties among the said District Societies ; and further provided, that no Warrant do issue for such sums, or any parts thereof, until an Account Current for the past year of the Society for whose benefit such application may be made, duly attested by the Treasurer, be first laid before His Excellency the Lieutenant Governor or Administrator of the Government for the time being, to be laid before the Legislature at its next meeting.

Justices of Saint  
John, for sick and  
indigent Emigrants

To the Justices of the Peace of the City and County of Saint John the sum of one thousand two hundred and twenty seven pounds one shilling and ten pence

to reimburse the Overseers of the Poor for one thousand eight hundred and forty two the amount advanced by them for the support and relief of sick, distressed and indigent Emigrants the past year; also the sum of seventy five pounds to provide for the services of George Matthew, Superintendent, and one of the said Overseers; and fifty pounds to Doctor Peters, the Medical attendant; the same to be taken from the Emigrant Fund.

To the Justices of the Peace of the City and County of Saint John the sum of one hundred and forty six pounds four shillings to reimburse the Overseers of the Poor for the Parish of Portland in part for advances made towards the support and relief of sick, indigent and distressed Emigrants for one thousand eight hundred and forty two, including Medical attendance; the same to be taken from the Emigrant Fund.

Justices of Saint John, for distressed Emigrants, Parish of Portland.

To the Commissioners of the Alms House and Overseers of the Poor of the Parish of Saint Andrews the sum of four hundred and forty pounds sixteen shillings and six pence to reimburse them in part for advances in one thousand eight hundred and forty two for similar purposes, including Medical attendance and Superintendent; the same to be taken from the Emigrant Fund.

Distressed Emigrants, Parish of Saint Andrews.

To the Overseers of the Poor for the Parish of Saint Stephen the sum of eighty one pounds fifteen shillings to reimburse them in part for similar advances, including Medical attendance; the same to be taken from the Emigrant Fund.

Distressed Emigrants, Parish of Saint Stephen.

To the Justices of the Peace of the County of Northumberland the sum of one hundred and seventeen pounds eleven shillings and four pence to reimburse them in part for expenses incurred in relief of sick and indigent Emigrants; the same to be taken from the Emigrant Fund.

Distressed Emigrants, County of Northumberland.

To the Overseers of the Poor of the Parish of Dalhousie, County of Restigouche, the sum of eight pounds fifteen shillings to reimburse them in part for similar advances; the same to be taken from the Emigrant Fund.

Distressed Emigrants, Parish of Dalhousie.

To the Commissioners of the Alms House in the County of York the sum of one hundred pounds to reimburse them in part for similar advances, this to include the claim of Doctor Woodforde; the same to be taken from the Emigrant Fund.

Distressed Emigrants, County of York.

To Miss Asenath Moore, of Saint David, in the County of Charlotte, the sum of ten pounds for teaching a School in said Parish for six months ending on the fifteenth of December one thousand eight hundred and forty two.

Asenath Moore.

To Edmund Ward the sum of forty four pounds thirteen shillings, being amount of his Account for publishing sundry Advertisements from the Crown Land Office in one thousand eight hundred and forty two, agreeably to the recommendation of the Select Committee.

Edmund Ward.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of ten pounds to pay James Burpe the balance due him for building a Scow on the Thoroughfare at the French Lake.

James Burpe, for Scow on Thoroughfare, French Lake.

To Timothy Kehoe the sum of fifteen pounds for attending the Draw in the Oromocto Bridge the past year to the thirty first December last; and further resolved, that the expense of the Draw in future should be defrayed by Vessels and Boats passing through the said Bridge.

T. Kehoe.

To the Justices of the Peace of the City and County of Saint John the sum of sixty pounds to reimburse the Overseers of the Poor for the Parish of Simonds for expenses incurred during the past year in the support and relief of sick, distressed and indigent Black Refugees.

Black Refugees, Parish of Simonds.

To Xenophon Jouett, for many years Gentleman Usher of the Black Rod, the sum of twenty pounds to relieve him in his present distressed condition.

Xenophon Jouett.



Thomas Lanham,  
Relief.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifteen pounds to be paid Thomas Lanham, a Private in Her Majesty's Sixty ninth Regiment, in consideration of having his leg fractured at a fire in Saint John, which rendered him incapable of further serving Her Majesty.

Relief of distressed  
Indians.

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

Clerk of late Board  
of Health, St. John.

To the Clerk of the late Board of Health of the City of Saint John the sum of eighty pounds seventeen shillings and seven pence, being the amount over expended for the year ending March one thousand eight hundred and forty two.

Ann M'Donald.

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

Cape Sable Seal  
Island Light House

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

Fitting up the  
Council Chamber.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of five hundred and three pounds eighteen shillings for expense incurred in fitting up the Council Chamber, agreeably to an Address of the House of Assembly of the fourth of April one thousand eight hundred and forty two.

Postage of Legisla-  
ture.

To William B. Phair, Esquire, Postmaster at Fredericton, the sum of two hundred and fifty two pounds and four pence for the Postages of the Legislature during the present Session.

Contingent expen-  
ses of the Legisla-  
ture.

To the Clerk of the House of Assembly the sum of two thousand and thirty two pounds ten shillings and nine pence for the Contingent expenses of the present Session.

Money to be paid  
by Warrant.

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

## CAP. XLII.

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

*Passed 11th April 1843.*

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

Saint John to the  
Nova Scotia Line.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of five hundred pounds for the Road from Saint John to the Nova Scotia Line, to be appropriated as follows: For that part of  
the

the Road leading from Saint John to Hayward's Mill, two hundred and fifty pounds; thirty pounds of which to be expended on the old Westmorland Road from Hammond River towards Saint John; and two hundred and fifty pounds from Hayward's Mills to the Nova Scotia Line; so much of the last mentioned sum to be expended on the Tantamar Marsh (old Road) as may be necessary to keep the same in repair.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and forty pounds for the Road from Saint John to Saint Andrews.

Saint John to  
Saint Andrews.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred pounds for the Road from Fredericton to Saint John *via* Nerepis.

Fredericton to  
Saint John *via*  
Nerepis.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of forty pounds for the Road from Nerepis to Gagetown.

Nerepis to  
town.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty pounds for the Road from Dorchester to Shediac.

Dorches  
Shediac

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty four pounds for the Road from Shediac to Petitcodiac.

Shediac  
codiac.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and sixty pounds to improve the Road from Richibucto to Chatham and to enable the Supervisor to pay the balance due for the repair of the Bridge over Davidson's Creek, so called.

Richib  
Chathi

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and twenty pounds for the Road from Newcastle to Bathurst; one hundred and fifteen pounds six shillings of which sum to be appropriated in payment of the balance due to David Crocker, and the remainder of the grant to be expended between Bartibog River and Bathurst.

Newcast  
Bathurst.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of eight hundred pounds for the Great Road from Bathurst to Campbeltown, at the entrance of the Kempt or Metis Road in the County of Restigouche, the same to be expended in the County of Restigouche.

Bathurst to Camp-  
beltown.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of five hundred and sixty pounds for the Great Road from Fredericton to Woodstock; a sum of not exceeding forty pounds of which to be laid out on the North side of the River Saint John; the further sum of fifty five pounds to pay the balance due to Nelson Cliff for building the Bridge over Currier's Creek; and also a sum not exceeding eleven pounds five shillings to George Cheyne, Esquire, for damage incurred in altering the Road through his land in Prince William, if, in the opinion of the Supervisor, he is entitled to that sum.

Fredericton to  
Woodstock.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds, in addition to the ordinary Road Appropriations, to repair the Bridge across the Cocagne River.

Bridge over  
Cocagne River.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred and forty pounds for the Road from Woodstock to the Arestook.

Woodstock to  
Arestook.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds for the Road from Fredericton to the Finger Board.

Fredericton to  
Finger Board.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of eighty pounds for the Road from Bellisle to Saint John.

Bellisle to St. John.

To

Fredericton to  
Newcastle.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of four hundred and eighty pounds for the Road from Fredericton to Newcastle; twenty five pounds of which to be paid to John Wilson for a Team Ferry Boat across the North and South West Branches of Miramichi River in the year one thousand eight hundred and forty two.

Fredericton to  
Saint Andrews.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of four hundred pounds for the Road from Fredericton to Saint Andrews.

Salisbury to Hope-  
well.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and twenty pounds for the Road from Salisbury to Hopewell.

Shediac to Richi-  
bucto.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and eighty pounds for the Road from Shediac to Richibucto.

Woodstock to  
Houlton.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of forty pounds for the Road from Woodstock to Houlton.

Waweig to Saint  
Stephen.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty pounds for the Great Road from Waweig to Saint Stephen, and to enable the Supervisor to pay Andrew Hay the balance due him for repairs on the Bridge near Connick's.

Oromocto to Gage-  
town.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty pounds for the Road from the Oromocto to Gagetown.

Oak Bay to Eel  
River.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and fifty pounds for the Road from Oak Bay to Eel River; one hundred of which sum to be expended on the upper end of the said Road.

Arestook to Grand  
Falls.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of four hundred and forty pounds for the Road from the Arestook to the Grand Falls; fifteen pounds of which to enable the Supervisor to pay Dennis Ring and Edmund Ring the balance due them for contract on the said Road.

Fredericton to  
Bend of Petit-  
codiac.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred pounds for the Road from Fredericton to the Bend of Petitcodiac; seventy four pounds seventeen shillings and seven pence of which to be paid Thomas O. Miles, Esquire, Commissioner on that Road, a balance due him.

Saint Andrews  
Road to George  
Wynnes'.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds to reimburse in part the Commissioners for opening the new Road from Saint Andrews Road to George Wynnes'.

Magaguadavic  
Bridge.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding forty pounds to assist in repairing the Bridge over the Magaguadavic River, between the upper and lower Falls of the said River.

Kouchibouguac  
Bridge.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of sixty five pounds to repair the Bridge across the River Kouchibouguac, in the County of Westmorland.

Money to be exp-  
ended by Super-  
visors and Com-  
missioners ap-  
pointed by the

II. And be it enacted, That the said several and respective sums of money and every part thereof shall be expended under the direction of such Supervisors and Commissioners as His Excellency the Lieutenant Governor or Administrator

Administrator of the Government for the time being, by and with the advice of the Executive Council, may be pleased to appoint, and shall be paid to the several and respective persons who shall actually work and labour in making, completing and repairing the several Roads and Bridges or in furnishing materials therefor, at the most reasonable rates that such labour and materials can be provided; and every Commissioner so to be appointed, shall, as early in the season as may be, carefully examine the part of the Road where any sums of money is to be expended, and shall lay out and mark off such allotment or allotments as may conveniently be contracted for, in order that the making and repairing of the same may be let by auction to the lowest bidder, and in all such cases such Commissioners respectively are hereby required to put up a sufficient number of notices, not less than ten days previous to such sale, in three or more of the most public places in the neighbourhood where the work is to be done, which notice shall specify and describe the work to be performed, and also the place, day and hour when and where the same will be let by auction as aforesaid; and it shall further be the duty of such Commissioners respectively to attend personally at the time and place so appointed, and then and there to let out to the lowest bidder such allotment and allotments, and at the same time to enter into written contracts for the faithful performance of the work in time and manner set forth in such contracts; and in cases where the work required to be performed cannot be conveniently let at auction, it shall be the duty of said Commissioners to agree with fit and proper persons to perform the same by days labour, provided that in no such case shall more than one quarter part of any grant be so expended; and the said Commissioners shall severally keep an exact account of the expenditure of such monies, and shall produce receipts in writing of the several and respective persons to whom any part of the said money shall be paid, as vouchers for such payment, and render an account thereof upon oath (which oath any one of the Justices of the Peace in the several Counties is hereby authorised to administer) to be transmitted to the Secretary's Office on or before the first day of December next, to be laid before the General Assembly at the next Session.

Governor with  
advice of Council.

Duty of Commis-  
sioners in expend-  
ing the money.

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

Money to be paid  
by the Treasurer  
by Warrant.

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

Compensation to  
Commissioners.

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

Money to be ex-  
pended before first  
of October.

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

No money to be  
expended on altera-  
tions not recorded.



# Anno Quinto VICTORIÆ Reginae.

## CAP. XLI.

An Act to limit the duration of the Assembly, and for other purposes therein mentioned.

Passed 29th March 1842.

**6** WHEREAS it is expedient to limit the duration of the General Assembly Preamble.  
'in this Province;'

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the twenty third section of an Act made and passed in the thirty first year of the Reign of His Majesty King George the Third, intituled *An Act for regulating Elections for Representatives in General Assembly, and for limiting the duration of Assemblies in this Province*; and also so much of the third section of the same Act, as relates to the qualifications of candidates or persons to be chosen as Members of the Assembly; and also the first section of an Act made and passed in the ninth year of the Reign of His late Majesty King George the Fourth, intituled *An Act further to amend the Act for regulating Elections of Representatives in General Assembly*, be and the same are hereby repealed.

31 G. 3, c. 17, s. 23, and  
31 G. 3, c. 17, s. 3, in part, and  
9 W. 4, c. 36, s. 1, repealed.

II. And be it enacted, That no person shall be capable of being elected a Member of the Assembly of this Province, who shall not be legally seized as of freehold for his own use and benefit of Lands or Tenements within the Province, of the value of three hundred pounds currency, over and above all Rents, Mortgages, Judgments, Executions or Extents, charged upon or due and payable out of or affecting the same, and shall have been seized of such Lands or Tenements six months previous to the teste of the Writ for such Election; and that every Candidate at any Election of Representatives in the General Assembly before he shall be capable of being elected, shall, if required by any other Candidate or any Elector, or by the Sheriff or Officer holding such Election, make before the said Sheriff or other Officer the following declaration:—

Qualification of Members of Assembly.  
Candidates if quired to testify to qualification.

'I, A. B. do declare and testify that I am duly seized as of freehold for my own Form.  
'use and benefit of Lands or Tenements in the Province of New Brunswick, of the  
'value of three hundred pounds currency, over and above all Rents, Mortgages,  
'Judgments, Executions and Extents charged upon or due and payable out of or  
'affecting the same, and that I have been seized of such Lands or Tenements for  
'the period of six months previous to the teste of the Writ for this Election.'

III. And be it enacted, That if any person shall knowingly and wilfully make a false declaration respecting his qualification as a Candidate, at any Election as aforesaid, such person shall be deemed to be guilty of a misdemeanor, and being thereof lawfully convicted, shall suffer the like pains and penalties as by law are incurred by persons guilty of wilful and corrupt perjury, in the County in which such false declaration shall have been made. False Declaration a misdemeanor, and punishable as such.

IV.

Duration of the  
General Assembly  
limited to four years

IV. And be it enacted, That every General Assembly of this Province hereafter to be summoned and chosen, shall, notwithstanding any demise of the Crown, continue for four years from the day of the return of the Writs for choosing the same, and no longer, subject nevertheless to be sooner prorogued or dissolved by the Lieutenant Governor or person administering the Government of the Province.

Acts suspended until  
Her Majesty's ap-  
probation be had.

V. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's Royal approbation be thereunto had and declared.

*[This Act was specially confirmed, ratified, and finally enacted by an Order of the Queen in Council, dated the 11th day of August, 1842, and published and declared in the Province on the 7th day of September, 1842.]*

### CAP. XLII.

An Act to increase the Representation of the County of Restigouche.

*Passed 29th March 1842.*

Preamble.

**6** WHEREAS the increase of population, commercial advancement and 'progressive improvement of the County of Restigouche, render it 'expedient and just to increase the Representation of the said County in the 'General Assembly of this Province;

County of Resti-  
gouche to send one  
additional Member  
to serve in General  
Assembly.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said County of Restigouche shall be entitled to send one additional Member to serve in General Assembly of this Province for the said County, to be elected by the Freeholders in the said County, in like manner and subject to the like Laws, Rules and Regulations, under which the other Members are elected in the several Counties in this Province respectively: Provided always, that no Writ shall issue for the election of such Member, until there shall be a General Election for the Province.

No Writ to issue  
until there be a  
General Election.

Acts suspended until  
Her Majesty's ap-  
probation be de-  
clared.

II. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's Royal approbation be thereunto had and declared.

*[This Act was specially confirmed, ratified, and finally enacted by an Order of the Queen in Council, dated the 11th day of August, 1842, and published and declared in the Province on the 7th day of September, 1842.]*

### CAP. XLIII.

An Act relating to Bankruptcy in this Province.

*Passed 4th April 1842.*

Preamble.

**6** WHEREAS a due regard to the interest and security of Creditors, as well 'as to the relief of Debtors in insolvent circumstances, renders it 'necessary to make Legislative provision respecting the same;

Commissioners of  
the Estates of Bank-  
rupts in certain  
Counties to be ap-  
pointed.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for His Excellency the Lieutenant Governor or Commander in Chief of this Province for the time being, by and with the advice of Her Majesty's Executive Council, to appoint for each of the following Counties in this Province, that is to say—the County of Northumberland, the County of Carleton, the County of York, the County of Charlotte, and the City and County of Saint John, one person, being a Barrister of the Supreme Court of Judicature of this Province, of not less than five years standing, to be Commissioner in the said Counties and City and County respectively, of the

the Estates and Effects of Bankrupts within the provisions of this Act ; each of which said Commissioners shall have jurisdiction and shall reside in the County or City and County for which he shall be so appointed, and shall hold his place and be removable therefrom at the pleasure of the Lieutenant Governor or Commander in Chief for the time being, who shall and may from time to time, by and with the advice aforesaid, fill up any vacancy or vacancies as the same may occur ; and each of the said Commissioners, before entering on the duties of his said Office, shall be sworn to the faithful discharge of the same, before the Clerk of the Peace of the County or City and County for which he shall or may be so appointed, or before such other person as shall be named for that purpose in the Warrant or Commission appointing such Commissioner, and shall subscribe his name to a Roll to be kept by such Clerk of the Peace for that purpose, on which Roll shall be written the affidavit following, that is to say :—

Jurisdiction and  
tenure of Office.

To be sworn.

‘ I, A. B. do swear that I will faithfully, impartially and honestly, according to the best of my skill and knowledge, execute the several powers and trusts reposed in me as a Commissioner of Bankruptcy for the City and County of Saint John, (or County of —, as the case may be) and such other County and Counties as may hereafter be united thereto, by virtue of an Act relating to Debtors and Creditors, and of any Act or Acts made or to be made in addition to or alteration or amendment of the same.

Oath of Office.

‘ SO HELP ME GOD.’

II. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Commander in Chief of this Province for the time being, by and with the advice of Her Majesty’s Executive Council, whenever hereafter His Excellency and Council may deem it necessary, to extend the provisions of this Act to the Counties of Restigouche, Gloucester, Kent, Westmorland, Sunbury, Queen’s County and King’s County, either by appointing one Commissioner for each of the said Counties, to have jurisdiction in the County for which he may be so appointed, under this Act, and subject and liable to the provisions thereof, or one Commissioner to have jurisdiction in and for two or more of the said Counties, or by uniting one or more of them, for the purposes of this Act, with any of the Counties mentioned in the first Section hereof : Provided always, that should it be deemed expedient at any time or times hereafter to appoint one person to be Commissioner of Bankruptcy in and over two or more of the said Counties of Restigouche, Gloucester, Kent, Westmorland, Sunbury, Queen’s County, and King’s County, such Commissioner shall and may reside in and be sworn before the Clerk of the Peace of any of the Counties for which he shall be so appointed.

Provisions of this  
Act may be ex-  
tended to other  
Counties.

III. And be it enacted, That all persons whosoever residing in this Province, owing debts to the amount of not less than five hundred pounds, currency, shall be liable to become Bankrupts within the meaning of this Act ; and may, upon Petition to the Chancellor or Master of the Rolls of this Province, of one or more of their Creditors, to whom they owe debts amounting in the whole to not less than two hundred pounds currency, or of any other person or persons on the behalf of such Creditor or Creditors, on oath, in duplicate, accompanied by the further proof hereinafter mentioned, be declared accordingly, by fiat of the said Chancellor or Master of the Rolls as hereinafter mentioned in the following cases : that is to say,—Whenever such persons shall depart from this Province with intent to defraud their Creditors, or to avoid service of, or arrest by the ordinary process of the Law, or shall conceal themselves to avoid being arrested, or having been arrested

All persons owing  
debts to the amount  
of £500 liable to be-  
come Bankrupts,  
and may be de-  
clared such by the  
Chancellor or Mas-  
ter of the Rolls,  
upon application.

What shall consti-  
tute an Act of  
Bankruptcy.



arrested by mesne or final process, or rendered in discharge of their bail shall escape or remain a prisoner either in Gaol or on the limits thereof, for the space of two months, or shall willingly or fraudulently procure themselves to be arrested, or their Goods, Chattels, Lands or Tenements to be attached, distrained, sequestered or taken in execution, or shall remove their goods, chattels or effects, or conceal them to prevent their being levied upon or taken in execution, or by other process, or shall make any fraudulent conveyance, sale, assignment, gift, loan or transfer, Warrant of Attorney to confess a Judgment, or other device of, or affecting their Lands, Tenements, Goods or Chattels, Monies, Credits or Evidences of Debt: Provided always, that no person shall be liable to become Bankrupt by reason of any such Act of Bankruptcy committed more than six months before the issuing of the fiat in Bankruptcy against him.

Filing a Declaration of Insolvency in the Court of Chancery, and publishing a Memorandum thereof deemed an Act of Bankruptcy.

IV. And be it enacted, That if any person owing debts to the amount of not less than five hundred pounds currency, shall file in the office of the Register of the Court of Chancery of this Province, a declaration in writing, signed by such person and attested by an Attorney or Solicitor, that he is insolvent or unable to meet his engagements, the said Register shall sign a memorandum that such declaration hath been filed, which memorandum shall be authority for the Printer of the Royal Gazette to insert an advertisement of such declaration therein, and every such declaration shall be deemed an Act of Bankruptcy committed by such person at the time when such declaration was filed, and a fiat may be granted thereupon upon the application of Creditors as and to the amount aforesaid: Provided always, that no fiat shall be so granted after the expiration of three calendar months, nor unless such advertisement shall have been inserted in the Royal Gazette within fifteen days after such declaration was filed.

Allegations necessary to be set forth in applications for a fiat of Bankruptcy.

V. Provided always, and be it enacted, That the Petitions so to be made, by or at the instance of a Creditor or Creditors aforesaid, shall set forth the nature and amount of the debts alleged to be due to such Creditor or Creditors, together with a declaration to the best of the knowledge and belief of the Petitioner or Petitioners that the person against whom such application is being made, is owing debts to an amount to be in no case less than the said sum of five hundred pounds, and shall also contain a particular statement of the facts and circumstances relied on as constituting an Act or Acts of Bankruptcy, which facts and circumstances shall further be verified by the affidavit in duplicate of at least two reputable Witnesses.

Fiat of Bankruptcy, &c., to be transmitted to the proper Commissioner.

VI. And be it enacted, That whenever any fiat in Bankruptcy shall have been granted as aforesaid, the same, together with one set of the documents exhibited on the application therefor, shall be transmitted by the said Chancellor or Master of the Rolls, under close cover, sealed with his seal, to the Commissioner of Bankruptcy having jurisdiction in the County, City and County, or District, in which the said Bankrupt resided at or immediately before the time of the said application, and the other set shall remain with the Chancellor or Master of the Rolls, to be filed in the Registry of the Court of Chancery.

All property, &c., of the declared Bankrupt vested in such Assignee as may be appointed.

VII. And be it enacted, That all the property and rights of property, of every name and nature, and whether real or personal, except as hereinafter excepted, of every person who shall by fiat as aforesaid be declared a Bankrupt within this Act, shall by mere operation of Law, *ipso facto*, from the time of the receipt of such fiat by the proper Commissioner, be deemed to be divested out of such person without any assignment or other conveyance whatever, and the same be vested by force of the same fiat in such Assignee as from time to time shall be appointed as hereinafter directed.

VIII.

VIII. And be it enacted, That when and so soon as the proper Commissioner shall have received any fiat and documents as aforesaid, he shall forthwith endorse thereon the day and hour on which he received the same, and by Warrant under his hand and seal, shall appoint one fit and proper person to be a provisional assignee of the estate and effects of the said alleged Bankrupt, and shall cause notice to be personally served on such alleged Bankrupt, if he shall be found within the jurisdiction of such Commissioner; and if not so found then to be left at the last place of abode or business of the said alleged Bankrupt, or delivered to his wife, or some adult member of his family, or agent, by which notice the said alleged Bankrupt shall be required within thirty days after service thereof as aforesaid, to surrender and conform to, or dispute the alleged Bankruptcy; and in case the said alleged Bankrupt should within the said period of thirty days file with said Commissioner a declaration in writing of such dissent, and desire to contest such alleged Bankruptcy, that then the said Commissioner shall forthwith transmit such declaration to the Chancellor or Master of the Rolls who shall proceed to the determination of the question so in contest as hereinafter directed, and in case the said alleged Bankrupt should not within the said period of thirty days after service of such notice file with the said Commissioner such declaration, or when the said Chancellor or Master of the Rolls shall have determined and confirmed the said fiat of Bankruptcy, that then the said Commissioner shall as soon as may be thereafter, cause public notice of the said appointment to be published in one or more of the Newspapers of the County, City and County, or District, in which such Commissioner hath jurisdiction, and if there shall be no Newspaper printed in said County, City and County, or District, then in the Royal Gazette of this Province, and shall thereby require all persons indebted to the said Bankrupt by a certain day to be therein expressed, to pay all such sum or sums of money, debts or duties, as they may owe to the said Bankrupt, and deliver up all other property and effects of said Bankrupt in their possession, power or custody to him the said Assignee, and by the same notice shall require all the Creditors of the said Bankrupt who shall or may be resident in this Province, or in any other of Her Majesty's North American Provinces, or in the West Indies, or in the United States of America, within three months of the day of the date of such notice, to deliver in and prove to the satisfaction of the said Commissioner their respective claims and demands whether the same be actually due or to become due against the said Bankrupt; and if it should appear, or if the said Commissioner should have reason to believe that any Creditors of the said Bankrupt reside in any part of the United Kingdom of Great Britain and Ireland, then notice shall be forthwith transmitted for publication in the London Gazette, calling upon such Creditors to appoint an Agent or Agents in this Province, and to deliver and prove to the satisfaction of the said Commissioner their respective claims and demands as aforesaid against the said Bankrupt within three months from the day of the date of the said notice so published in the London Gazette.

IX. And be it enacted, That if such Chancellor or Master of the Rolls shall find the petitioning Creditor's debt or debts, or the general debt or debts due by the said alleged Bankrupt, or the facts and circumstances relied on as constituting the Act or Acts of Bankruptcy, are not sufficiently proved to satisfy the provisions of this Act, that then the said fiat so by him first granted shall thereby be annulled, and all the property and rights of property affected by such fiat shall thereupon revert in the said alleged Bankrupt as fully and completely to all intents and purposes as if the said fiat never had been granted or provisional Assignee appointed.

Commissioner to endorse date of receipt of fiat, and appoint a Provisional Assignee of the Estate.

Notice to be served on the alleged Bankrupt.

Proceedings when dissent by Bankrupt is entered and disallowed, and fiat confirmed.

Appointment of Provisional Assignee to be published, and the Debtors and Creditors called upon to pay and prove amounts due, &c.

If Acts of Bankruptcy, &c. be not sufficiently proved, fiat to be annulled and property to revert in the Bankrupt.

Person of Bankrupt liable to be imprisoned in certain cases.

X. And be it enacted, That if it shall be proved to the satisfaction of any Commissioner after the receipt of any fiat in Bankruptcy as aforesaid, by the oaths of two or more reputable witnesses, that there is reasonable or probable cause for believing that the Bankrupt or alleged Bankrupt therein named is about to quit this Province, or to remove or conceal or otherwise dispose of any of the property or rights of property divested out of him by operation of Law as aforesaid, or hath removed any of the same, or concealed them upon his person or elsewhere, with intent to defraud his Creditors, it shall and may be lawful for such Commissioner to issue a Warrant under his hand and seal, directed to any person or persons such Commissioner shall think fit, whereby such person or persons shall have full power and authority to arrest and search the person of such Bankrupt or alleged Bankrupt, and seize and take the goods and chattels aforesaid, wheresoever he or they may be found within this Province, and for that purpose taking with him or them a Peace Officer, shall and may break open any house, outhouse, chamber, shop, warehouse, trunk, chest, or any place or thing wherein any such property shall be sworn to be concealed as aforesaid, and him the said Bankrupt or alleged Bankrupt and the said property to safely keep until the expiration of the time for annulling such fiat, or until such Bankrupt shall be dealt with according to the provisions of this Act: Provided always, that in case the said Bankrupt or alleged Bankrupt shall happen to be a Prisoner in any Gaol at the time of the executing of such Warrant, no search of his person shall be made, unless in the presence of the Sheriff, Deputy Sheriff or Gaoler, in whose custody he may be, and such Sheriff, Deputy Sheriff and Gaoler shall and may and they are hereby required to be aiding and assisting in the executing of the said Warrant.

Search for concealed property.

Search of Bankrupt's person.

Appointments of Provisional Assignees and Assignees.

XI. And be it enacted, That the Provisional Assignee so appointed shall hold his place until some other person or persons shall be appointed by the Chancellor or Master of the Rolls, on the application of a majority of the Creditors in number and value of the said Bankrupt, if they think proper so to do; and in case of the vacancy of any Assignee by death, the said Commissioner shall appoint another fit and proper person to fill such vacancy, who shall in like manner hold his situation until some other person or persons shall be appointed by the Chancellor or Master of the Rolls on the application of Creditors as aforesaid; and every Assignee before entering upon the duties of his office shall be sworn before the Commissioner to the faithful performance of the duties of the same; and the said Commissioner shall also require and receive from every Assignee a Bond with at least two Sureties satisfactory to such Commissioner, and in such sum as he may deem proper, conditioned for the faithful discharge of all his duties as such Assignee; which Bond shall be given to such Commissioner by the name of his office, and shall and may in case of any breach of the conditions thereof be sued and sueable by the said Commissioner or his successor in office, under the order of the Chancellor or Master of the Rolls, in any Court of Record in the Province, for the benefit of the Creditors and others interested.

Assignees to be sworn and give security.

Powers of Assignees.

XII. And be it enacted, That the Assignee duly appointed under this Act, shall be vested with all legal and equitable right, title, power and authority, to collect, sell, manage and dispose of all the property and rights of property of the said Bankrupt, and also to annul and defeat any conveyance, transfer, security or judgment by the said Bankrupt, or on his behalf, given or made at any time before his Bankruptcy, and void or voidable by reason of fraud or want of consideration, and to recover back any money or other property, lent, given away, or transferred by the said Bankrupt, with intent at any time to defraud or delay his Creditors as before mentioned; and to sue for and defend on behalf of the estate,

estate, subject to the orders and directions of the proper Commissioner, as fully to all intents and purposes as the same were vested in or might be exercised by such Bankrupt or his Creditors before or at the time of his Bankruptcy declared as aforesaid; and all suits at Law or in Equity, then pending, in which such Bankrupt is a party, may be prosecuted and defended by such Assignee to their termination in the same manner and with the same effect as they might have been by said Bankrupt, and no suit commenced by or against any Assignee shall be abated by his death or removal from office, but the same may be prosecuted and defended by his successor in the same office; provided that there shall be excepted from the operation of this Act the wearing apparel, the necessary household and kitchen furniture, and such other articles and necessaries of such Bankrupt as the proper Commissioners shall designate and set apart, having reference to the amount of the family, condition and circumstances of the Bankrupt.

Certain matters reserved for the use of the Bankrupt and his family.

XIII. And be it enacted, That all bargains, sales, judgments, transfers, assignments, mortgages, conveyances, agreements, payments, bills, bonds, notes or other acts of whatsoever nature or kind, by which any lands, tenements, hereditaments or interests in the same, or any goods, chattels, effects, money, rights, credits or evidence of debt shall be directly or indirectly affected, if made, done or executed by any Bankrupt within four calendar months of the day of the date of the fiat granted against him, notwithstanding the same may have been made and done for valuable consideration, shall be deemed and taken to be fraudulent as regards the said Bankrupt, if it shall appear to the proper Commissioner that the same had been made, done or executed by him, the said Bankrupt, or on his behalf, in contemplation of Bankruptcy, or for the purpose of giving any surety, creditor, indorser, acceptor or other person, any preference or priority over the general creditors of such Bankrupt; and all such bargains, sales, judgments, mortgages, transfers, assignments, conveyances, agreements, payments, bills, bonds, notes or other acts so made within two months of the day of the date of the fiat as aforesaid, shall be deemed fraudulent and utterly void and not sufficient in Law or Equity to pass, incumber or affect any property whatsoever, if it shall appear that the said bargains, sales, judgments, transfers, assignments, mortgages, conveyances, agreements, payments, bills, bonds, notes or other acts, although made, done and executed for full value, were accepted or received, collusively, or with knowledge that the said Bankrupt contemplated Bankruptcy at the time of making, doing or executing the same; and the said Assignee shall be entitled to claim, sue for, recover and receive the same as part of the assets of the Bankrupt.

Transfers and preferences by Bankrupt made in contemplation of Bankruptcy to disqualify Bankrupt from obtaining a Certificate.

To be void if made collusively.

XIV. And be it enacted, That every Bankrupt who shall have duly surrendered, and in all things conformed himself to the provisions of this Act, shall be discharged from all debts due by him at the time of issuing the fiat, and from all claims and demands against him in case he shall obtain a certificate of such conformity so signed and allowed, and subject to such provisions as hereinafter directed, but no such certificate shall release or discharge any person who was a partner with such Bankrupt at the time of his Bankruptcy, or who was then jointly bound or had made any joint contract with such Bankrupt.

Bankrupt conforming to this Act, to be discharged from all debts, on obtaining a Certificate of such conformity.

XV. And be it enacted, That such certificate shall be signed by four fifths in number and value of the Creditors of the Bankrupt who shall have proved debts to the amount of ten pounds or upwards who shall thereby testify their consent to the Bankrupt's discharge as aforesaid; but no such certificate shall be such discharge unless the Commissioner shall in writing, under his hand and seal, certify to the Chancellor or Master of the Rolls, that such Bankrupt has made a full discovery

Certificate of discharge, how to be signed and certified.

discovery of his estate and effects, and in all things conformed as aforesaid, and that there does not appear any reason to doubt the truth or fulness of such discovery, and also that the Creditors have signed in manner herein directed, and unless the Bankrupt make oath in writing that such certificate and consent were obtained without fraud.

Jurisdiction of the Commissioners.

XVI. And be it enacted, That every Commissioner so to be appointed as aforesaid shall have jurisdiction in all matters and proceedings in Bankruptcy arising under this Act, or any Act hereafter to be passed on the subject of Bankruptcy within the County, City and County or District for which he shall be so appointed; and the jurisdiction hereby conferred on any and every Commissioner shall extend to all cases and controversies in Bankruptcy arising between the Bankrupt and any person claiming any debt or demand under the Bankruptcy, to all cases and controversies between the Creditor and the Assignee of the Estate, whether in office or removed, to all cases and controversies between such Assignee and the Bankrupt, and to all matters and things to be done under and by virtue of the Bankruptcy, until the final distribution and settlement of the Estate of the Bankrupt, and the close of the proceedings in Bankruptcy, subject however to appeal to or review by the Court of Chancery as before and hereinafter provided.

Court of Chancery to have appellate Jurisdiction, with power to order the trial of feigned issues in the Supreme Court, in questions of fact.

XVII. And be it enacted, That the Court of Chancery in this Province shall have an appellate jurisdiction of all matters cognizable by the said Commissioner, and if upon the hearing of any matter whatever upon appeal or otherwise brought before the said Court relating to Bankruptcy, any question of fact shall arise which in the opinion of the said Court cannot be satisfactorily determined without a trial by Jury, such Court shall have authority to order a feigned issue to be made up in the Supreme Court, and to prescribe the manner of making up such issue so as to present the question in dispute, and to direct the County in which the same shall be tried; and the Supreme Court shall have power to grant new trials of such issues as in personal actions pending in that Court, and the final determination of such issue shall be conclusive as to the facts therein controverted in the proceedings before the Court of Chancery, and it shall be in the discretion of the said Court of Chancery to order and direct by whom and in what manner the costs and expenses attending such issue shall be paid.

Commissioners may employ Clerks, &c.

XVIII. And be it enacted, That it shall and may be lawful for the said Commissioners respectively, from time to time, as they shall think fit, to hire and employ a Clerk or Clerks and all such other officers and servants as may by them be deemed necessary for the purpose of assisting the Assignee in the management of the Estate, and transaction of the affairs thereof, or of assisting the Commissioners in any of the proceedings in Bankruptcy, and such Commissioners respectively shall allow and order to be paid to such Clerk or Clerks, and all such other officers and servants, and shall allow to every Assignee to be appointed by virtue of this Act, such reasonable compensation for his or their services as such Commissioners may think proper or as may be agreed upon, and the said Commissioners may also if they think fit, appoint the Bankrupt to assist in settling the Estate and Effects of the said Bankrupt, in such manner and on such terms as they may think best for the interest of the Creditors; provided always, that should a majority of the Creditors object to the amount of any allowance to be made to any such Assignee, or other officer as aforesaid, the same shall be heard by Petition before the said Chancellor or Master of the Rolls and by him decided according to the very right of the case.

Payment of expenses.

Employment of Bankrupt allowed.

Creditors may object to amount of expenses.

Proof of debts.

XIX. And be it enacted, That all the Creditors who shall come in and prove their

their debts under any Bankruptcy, shall at the time of lodging their claim with the Assignee of the Bankrupt Estate, accompany the same with an affidavit or affidavits verifying the truth and justice of such debts sworn by themselves, their Agents or other persons, before any Judge of the Supreme or Inferior Court of Common Pleas of this Province, or any Commissioner for taking affidavits, or Master or Master Extraordinary in Chancery, or before any Judge of any Superior Court, or Mayor or Chief Magistrate of any City or Town in any part of the British Dominions, or British Consul, if in any Foreign Country; and in order to afford an opportunity for contesting the same or any claim which may be preferred by the Assignee in opposition thereto, the said Commissioner shall appoint one or more public meetings of the Creditors of the said Bankrupt's Estate by reasonable notice of the time and place of such meeting in any one or more of the public Newspapers printed and published in the County, City and County, or district of the proper Commissioner, or Royal Gazette, if there be no such Newspaper printed and published as aforesaid, when and where all persons interested may attend for the purposes aforesaid, and may at any time prior to any such meeting, examine the said claims with the said Assignee, and be prepared to present to the proper Commissioner a minute in writing, containing the particular point or points intended to be disputed, and all claims made by any person in manner aforesaid, which shall not be objected to by the Assignee or any of the Creditors of the said Bankrupt at the first meeting after the same shall be lodged, and any balance thereof, after deducting any payment or set off not already credited and not disputed by such claimant, shall be deemed to be proved debts; and all debts so proved, together with all other debts which shall from time to time be established against the Bankrupt after contest, shall entitle the persons to whom the same may be payable, to share in the Bankrupt's property, and effects in proportion to the amount thereof, without any priority or preference whatsoever, except only debts due by the said Bankrupt to the Queen's Majesty, Her Heirs and Successors, excepting also any debt due before the fiat of Bankruptcy to any Clerk or Servant, Labourer or Workman of such Bankrupt, in respect of the wages or salary of such Clerk or Servant, Workman or Labourer, not exceeding six months wages or salary, and such Clerk or Servant, Workman or Labourer to be at liberty to prove under the fiat for any greater amount; and all Creditors whose debts are not due and payable until a future day, all Annuitants, Holders of Bottomry and Respondentia Bonds, Holders of Policies of Insurance, Sureties, Drawers, Indorsers, Bail, or other persons having uncertain or contingent demands against such Bankrupt, shall be permitted to come in and prove such debts or claims under this Act, and shall have a right when their debts and claims become absolute, to have the same allowed them in case no dividend or dividends shall already have been paid on such debts, and such Annuitants and holders of debts payable at a future day, may have the present value thereof ascertained under the direction of the proper Commissioner, and allowed them accordingly as debts actually due; and no Creditor or other person coming in and proving his debt or claim shall be allowed to maintain any suit at Law or in equity therefor, but shall be deemed thereby to have waived all right of action against such Bankrupt, and all proceedings already commenced for any such debt or claim.

XX. And be it enacted, That no Creditor having security shall receive upon any such security more than a rateable part of such debt, except in respect of any execution levied by seizure upon or any mortgage upon any part of the property of such Bankrupt or any lien on his personal property before the fiat in Bankruptcy.

A Meeting of Creditors to contest or pass debts or claims to be called.

Proved debts to entitle to a proportionate share in Bankrupt's estate.

Exceptions.

Admission of debts due at a future time.

No action to be had by Creditors proving their debts.

What securities shall entitle to more than a rateable part of the debt.

Bankrupt not to be entitled to a second discharge under this Act, unless his Estate pay 50 per cent. on amount of debts.

Meetings of Creditors may be called to receive offers of composition.

Proceedings, if composition be accepted.

Expenses of taking out and carrying through the proceedings in Bankruptcy.

Person of Bankrupt after surrender to be free from arrest.

Bankrupt uncertified to remain liable.

XXI. And be it enacted, That if any person who shall have been discharged under this Act shall afterwards become Bankrupt, he shall not again be entitled to a discharge under this Act, unless his Estate shall produce after all charges sufficient to pay every Creditor fifty per cent on the amount of the debt which shall have been allowed to each Creditor.

XXII. And be it enacted, That it shall and may be lawful for the Chancellor or Master of the Rolls, at any time after the issuing of a Fiat in Bankruptcy against any person or persons, on application by Petition to him made by the Bankrupt or Bankrupts, or any of his friend, or successors, if deceased, to call a public meeting of his or their Creditors, for the purpose of offering a composition, with sureties to the said Creditors for payment of such composition, giving at thirty days notice in the Royal Gazette and one or more Newspapers printed and published in this Province; and the Assignee of the Estate shall preside at such meeting, and take a record of the proceedings thereof; and if three fourths of the Creditors then present, in number and amount, shall resolve that the offer of and security shall be intertained for consideration, the Assignee shall call another meeting, to be held at a specified hour on a specified day thereafter then to be decided upon, being not less than thirty days thereafter, and at a specified place, and shall at least twenty days before such other meeting, advertise a notice thereof in the Royal Gazette and one other Newspaper printed and published in this Province; and if at the meeting so called, a majority of three fourths in number and value of the Creditors shall accept the said offer, then it shall be lawful for the Chancellor or Master of the Rolls as aforesaid, to make an order releasing and discharging the said Bankrupt from all his debts, except the composition agreed upon at such meeting, and to supersede the Bankruptcy, and the property and effects of every description shall reinvest in the said Bankrupt as fully as before the issuing of the Fiat, as well as any monies or securities in the hands of the Assignee; Provided also, that all expenses be paid by the Bankrupt.

XXIII. And be it enacted, That all the expenses incurred in taking out and carrying through the proceedings in Bankruptcy, under the provisions of this Act, shall be in the first instance borne by the petitioning Creditor or Creditors, and repaid to him or them out of the proceeds of the Bankrupt's Estate.

XXIV. And be it enacted, That from and after the time when, after any such Fiat shall be so received, the Bankrupt shall surrender and conform or shall prefer his petition against the alleged Bankruptcy, such Bankrupt or alleged Bankrupt shall not be arrested or imprisoned by or at the suit of any Creditor on any process whatever; and if any such Bankrupt, after the surrender or petition against the alleged Bankruptcy as aforesaid, or during the continuance of the proceedings in Bankruptcy, or after the granting of the Bankrupt's Certificate of discharge as aforesaid, be arrested or have any action brought against him for any debt, claim or demand, proved or provable under the Fiat against such Bankrupt, the Court out of which the process may have issued or wherein such action may have been brought, or any Judge thereof, shall forthwith discharge such Bankrupt from the said arrest on Common Bail; and if any Bankrupt shall be taken in Execution or detained in Prison, or on the Limits for any such debt, claim or demand, it shall be lawful for any Court out of which the process issued and on which such Bankrupt was taken in Execution, detained in Prison or on the Limits as aforesaid, or any Judge thereof, forthwith to order any Officer who shall have such Bankrupt in custody by virtue of such Execution or process as aforesaid, to discharge such Bankrupt without exacting any Fee: Provided always, that nothing herein shall be construed to prevent any Creditor from proceeding

proceeding to arrest or imprison any Bankrupt who shall be finally refused his Certificate of discharge under the provisions of this Act.

XXV. And be it enacted, That all sales, transfers and other conveyances by the Assignee of the Bankrupt's Estate, of any property or rights of property, shall be made at such times and in such manner as shall be ordered and approved by the proper Commissioner, and not otherwise; and that every conveyance of lands made by any Assignee under the provisions of this Act, containing a recital of the Fiat in Bankruptcy, the appointment of the Assignee, and the order of the sale of any lands of the Bankrupt having been first duly acknowledged or proved according to the Laws relating to the Registry of Deeds, and affidavit having been made by such Assignee before any Officer or Court duly authorized to take acknowledgment or proof of the execution of Conveyances, and indorsed on the said Conveyance that the Premises mentioned in such Conveyances have been duly advertized and sold according to the order of the proper Commissioner, may be registered in the Registry Office where the Lands lie; and such Conveyance so registered, or a copy thereof, may be given in evidence in any Court of Law or Equity in this Province, and shall have effect in like manner with and under the same rules and restrictions as any other Registered Deed, and when so given in evidence, shall be deemed and taken to be evidence that all the proceedings on which such Conveyance is founded were rightly had and done, and shall be as effectual to pass all the title and interest of such Bankrupt's Estate in such Lands.

Sales and conveyances of Bankrupt Estate and Effects how made.

Effect of proof, and registration of deed or conveyance.

XXVI. And be it enacted, That in order to ensure a speedy settlement and close of the proceedings in each case in Bankruptcy, it shall be the duty of the several Commissioners to order and direct a collection of the assets and a reduction of the same to money, and a distribution thereof at as early a period as practicable, consistently with a due regard to the interests of the Creditors, and a dividend and distribution of such assets as shall be collected and reduced to money or as much thereof as can be safely so disposed of, consistently with the rights and interests of third persons having adverse claims thereto, shall be made among the Creditors who have proved their debts, as often as once in six months from the time of the Fiat in Bankruptcy, notice of such dividends and distribution to be given in some Newspaper or Newspapers of the County, City and County, or District of the proper Commissioner, or in the Royal Gazette, where no such Newspaper shall be published, fourteen days at least before the order therefor shall be passed; and the pending of any suit at Law or in Equity by or against such third persons shall not postpone such division or distribution, except so far as the assets may be necessary to satisfy the same, and where any Creditor shall not have proved his debt until a dividend and distribution shall have been made and declared, he shall be entitled to be paid the same amount in proportion, out of the remaining dividends or distributions thereafter made, as the other Creditors have already received before the latter shall be entitled to any portion thereof.

Assets to be reduced to money, and Dividend declared.

Creditor not having proved his debt before first Dividend to be paid pro rata out of the second.

XXVII. And be it enacted, That after the lapse of twelve months from the date of the Fiat, if it shall appear to the Commissioner expedient to sell any interest which the Creditors have in the outstanding debts, he shall fix a day for holding a meeting of the Creditors to take the same into consideration, and shall give thirty days notice thereof in one or more of the Newspapers printed and published within the District for which he may act, if any such there be, and in the Royal Gazette of this Province, of the time and place of such meeting, and if three fourths of such Creditors in number and value then assembled, shall decide in favor of such sale, such debts may be sold under the order of the Commissioner

Sale of outstanding debts may be made if agreeable to three fourths of the creditors in number and value.

at



Certificate of sale to be evidence in all Courts of Law.

at such time as he may direct, giving due notice thereof, and a certificate signed by such Commissioner of such sale shall be in all Courts of Justice evidence of such sale and assignment, and the purchasers thereof may sue for and recover such debt or debts in any Court of competent jurisdiction within this Province as assignee thereof.

Bankrupt refusing to answer, &c. may be committed to close custody.

XXVIII. And be it enacted, That whenever any Bankrupt shall wilfully refuse to answer any questions put to him by the proper Commissioner touching the Estate of the said Bankrupt in Bankruptcy, or relating to the disposal or management thereof, before the receipt of the Fiat in Bankruptcy, or whenever from any other cause the confinement of the said Bankrupt in close custody may become necessary, in order that a full disclosure of all property and rights of property may be made by the said Bankrupt for the benefit of the Creditors, it shall and may be lawful for the said Commissioner, by warrant under his hand and seal, upon being satisfied of the necessity for so doing, on the oaths of two or more reputable persons, to order and direct the said Bankrupt to be committed to the custody of the Sheriff of the County, City and County, or County of the District of such Commissioner, to be confined in the Common Gaol of the same, and there to be kept without bail or mainprize until he shall be purged of his offence by submission, or make satisfactory disclosures relating to the said Estate, or shall be delivered from such custody by an order of the Chancellor or Master of the Rolls, upon his petition for that purpose made, and upon good cause shewn therefor to the satisfaction of such Chancellor or Master of the Rolls, and it shall be the duty of the said Commissioner to order a reasonable allowance to be paid by the Assignee for the necessary support of such Bankrupt during the time he shall be so in confinement as aforesaid.

Monies received by Assignee to be lodged in a Bank, and drawn by order, countersigned by the Commissioner.

XXIX. And be it enacted, That all monies from time to time received by any Assignee in Bankruptcy on account of the Bankrupt's Estate, shall be paid over by him into any one of the Banks in this Province, and also be entered there as deposits of the particular estate for which he may be Assignee, and shall only be drawn therefrom and paid on the order of the said Assignee, countersigned by the proper Commissioner for the time being.

Partners in trade becoming Bankrupt, proceedings in such cases.

XXX. And be it enacted, That where two or more persons who are partners in trade become insolvent, an order may be made in the manner provided in this Act on the petition of any Creditor of the partners; upon which order all the joint stock and property of the Company and also all the separate Estate of each of the partners shall be taken, excepting such parts thereof as are herein excepted, and all the Creditors of the Company and the separate Creditors of each partner shall be allowed to prove their respective debts, and the Assignees shall also keep separate accounts of the joint stock or property of the company and of the separate Estate of each member thereof, and after deducting out of the whole amount received by such Assignees the whole of the expenses and disbursements paid by them, the net proceeds of the joint stock shall be appropriated to pay the Creditors of the Company, and the net proceeds of the separate Estate of each partner shall be appropriated to pay his separate Creditors; and if there shall be any balance of the separate Estate of any partner after the payment of his separate debts such balance shall be added to the joint stock for the payment of the Joint Creditors; and if there shall be any balance of the joint stock after payment of the joint debts, such balance shall be divided and appropriated to and among the separate Estates of the several partners according to their respective rights and interests therein and as it would have been if the partnership had been dissolved without any Bankruptcy; and the sum so appropriated to the separate Estate of each

Disposition of balances in favor of partnership business, or separate Estates of the Partners.

partner

partner shall be applied to the payment of his separate debts, and the certificate of discharge shall be granted or refused to each partner as the same would or ought to be if the proceedings had been against him alone under this Act, and in all other respects the proceedings against partners shall be conducted in the like manner as if they had been commenced and prosecuted against one person alone.

Certificates of discharge.

XXXI. And be it enacted, That whenever it shall appear to the Chancellor or Master of the Rolls of this Province for the time being, that the proper Commissioner to whom any fiat in Bankruptcy ought to be transmitted under the provisions of this Act shall be disqualified from acting under the authority of such fiat by reason of affinity to either of the parties by or against whom such fiat shall be prayed or by reason of being interested therein, such fiat with the documents aforesaid shall be transmitted by the Chancellor or Master of the Rolls as aforesaid, to such person as he may think suitable to act as the Commissioner in the whole of the proceedings in Bankruptcy under that fiat, and such Commissioner shall have the like powers and privileges and be subject to the like duties in all respects under such fiat as are given to the proper Commissioner under this Act; and in case the Commissioner before whom any proceedings under this Act may be pending shall die or remove from the County, City and County or District for which he may be appointed or be superseded, such proceedings shall be continued by the Commissioner to be appointed in his place in the same manner and with like effect as if done by the Commissioner who began the same, and should any matter require to be adjudicated before any such Commissioner wherein either party may be of affinity with such Commissioner, or wherein such Commissioner may have an interest, the same may be heard and determined by any suitable person to be nominated for that purpose by the Chancellor or Master of the Rolls as aforesaid, whose duties shall in that respect be the same as those of the proper Commissioner in such case.

In case of the death or disqualification by affinity of the proper Commissioner, Court of Chancery to appoint another.

XXXII. Provided always and be it enacted, That nothing in this Act shall extend or be construed to extend to release or discharge the person or property of any Crown Debtor from liability as such Crown Debtor; but all Crown claims and demands shall remain to be sued for, prosecuted and recovered, in all respects, as if this Act had not been passed.

Act not to affect the person or property so far as concerns Crown Debts.

XXXIII. And be it enacted, 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 words "Her Majesty" shall mean also and include the Heirs and Successors of Her Majesty; the word "Property" shall mean and include Lands, Tenements and Hereditaments, and any interest therein, and Money, Fees, Offices, Annuities, Goods, Chattels, Wares, Merchandizes and Debts; and the word "Month" shall mean a Calendar Month; and the word "Oath" shall include affirmation, where by Law such affirmation is required or allowed to be taken in place of an Oath, 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 bodies corporate as well as individuals, and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things, and every word importing the masculine gender only shall extend and be applied to a female as well as a male; and that this Act shall extend to Aliens, Denizens and Women, both to make them subject thereto and to entitle them to all the benefits given thereby; and that this Act shall be construed in the most beneficial manner for promoting the ends hereby intended.

Interpretation clause.

"Her Majesty."

"Property."

"Month."  
"Oath."

Singular and Plural numbers.

Gender.

Aliens, Denizens and Women.

Act suspended  
until Her Majesty's  
approbation be had  
and declared.

XXXIV. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's Royal approbation be thereunto first had and declared.

TABLE OF FEES TO BE ALLOWED UNDER THIS ACT.

Fees.			
To the Commissioner for receiving, opening and filing every			
Fiat of Bankruptcy,.....	£1	3	4
For the appointment of Assignee by Warrant,.....	0	5	0
For Warrant to arrest Bankrupt, &c.....	0	5	0
For causing the necessary Notices of Bankruptcy to be inserted in the Newspapers,.....	1	3	4
For receiving Petition of alleged Bankrupt, &c.....	0	5	0
For granting Copy of same and Documents, per folio, 1s.; to be paid by the alleged Bankrupt.			
For every Warrant to summon Jury or Witness,.....	0	2	6
For each days sitting in Court to hear any cause for meeting of Creditors to prove or contest debts, make distribution or oppose Bankrupt's Certificate, to be apportioned among the different cases,.....	1	3	4
For Copy of Minutes and Evidence for the Chancellor or Master of the Rolls, per folio, 1s.; to be paid by the party appealing.			
For Bankrupt's Certificate,.....	0	11	8
For any Order made on hearing,.....	0	11	8
For Examination of Bankrupt or Order on personal inspec- tion of his property,.....	1	3	4
For Administering an Oath,.....	0	1	0

[*This Act was specially confirmed, ratified, and finally enacted by an Order of the Queen in Council, dated the 11th day of August, 1842, and published and declared in the Province on the 7th day of September, 1842.*]

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6TH VICTORIA. A. D. 1843.

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