

W. H. Murray

ACTS

OF

THE GENERAL ASSEMBLY

OF

His Majesty's

PROVINCE OF NEW-BRUNSWICK,

PASSED AT TWO SESSIONS OF THE GENERAL ASSEMBLY,

IN THE YEAR

1832.



FREDERICTON :

JOHN SIMPSON, PRINTED TO THE KING'S MOST EXCELLENT MAJESTY.

MDCCCXXXII,

Dec. 16, 1902.

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First Session.

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ANNO REGNI

GULIELMI IV.

BRITANNIARUM REGIS SECUNDO.

AT the General Assembly of the Province of New Brunswick begun and holden at Fredericton, on the Seventh Day of February, *Anno Domini* One thousand eight hundred and thirty one, in the First Year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith; and from thence continued, by several Prorogations, to the Nineteenth Day of January 1832, being the Second Session of the Tenth General Assembly convened in the said Province.

THE ACTS
OF THE
GENERAL ASSEMBLY, &c.

CAP. I.

An Act to amend an Act, intituled *An Act to repeal all the Laws in Force relating to the Establishment, Regulation and Improvement of the Great Roads of Communication through the Province, and to make more effectual Provision for the same.* S G. 4. c. 21.

Passed 27th February 1832.

WHEREAS it is expedient for the Convenience of the Public, that Alterations should be made in certain Parts of the Great Road from Saint John to the Nova Scotia Line ; Preamble.

I. Be it enacted by the Lieutenant Governor, Council, and Assembly, That the Road leading from the City of Saint John to Westmorland, be by the following Line or Route ; that is to say, From Saint John to the Fork of the Road on the Great Marsh, from thence following the present Road towards Gondola Point as far as Andrew Henigar's, from thence to the Hammond River near Ketchum's, from thence by the most practicable Route to Hampton Ferry, and through Sussex Vale to the Bridge over the Salmon River, Line of Road from the City of Saint John to Westmorland
near

near the Portage, from thence nearly in a North Course, by a Line lately explored round the Portage Hill, till it meets the present Road near Coogle's, and from thence to the Nova Scotia Line.

8 G. 4, c. 31,
in Part repealed.

II. And be it further enacted, That so much of the said Act as relates to the Great Road from Saint John to the Nova Scotia Line, be and the same is hereby repealed.

CAP. II.

An Act to authorize a further Extension of the Gaol Limits in the Town of Fredericton.

Passed 27th February 1832.

The Justices of York County authorized to extend the Gaol Limits as herein specified.

BE it enacted by the Lieutenant Governor, Council, and Assembly, That it shall and may be lawful for the Justices of the Peace of the County of York, at any General Sessions of the Peace, or Special Sessions for that Purpose to be holden, further to extend the Limits of the Gaol of the said County along George Street Northwesterly to its Intersection by York Street, and to comprehend and include the Church called 'Saint Paul's Church,' situate on the Corner of said George Street and York Street, and the Whole of the said Church, with the Inclosure around the same: Provided always, that nothing herein contained shall be construed to authorize the Justices aforesaid to include any of the Dwelling Houses situate on the said Street, within the Limits thus to be extended.

CAP. III.

An Act to continue the Acts relative to the Herring Fishery in the County of Charlotte.

Passed 27th February 1832.

BE it enacted by the Lieutenant Governor, Council,

Council, and Assembly, That an Act made and passed in the Eighth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield and Saint George, in the County of Charlotte, and to provide for the Inspection of smoked Herrings in the said Parishes*; also an Act made and passed in the First Year of the Reign of His present Majesty King William the Fourth, intituled *An Act to amend an Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield and Saint George, in the County of Charlotte, and to provide for the Inspection of smoked Herrings in the said Parishes*, be and the same are hereby continued for the Term of Two Years.

8 G. 4, c. 11, and

1 W. 4, c. 8.

continued for
Two Years.

CAP. IV.

An Act to amend an Act, intituled *An Act to repeal the Acts now in Force regulating the Exportation of Lumber, and to make other Provisions in lieu thereof*.

1 W. 4, c. 45.

Passed 27th February 1832.

I. BE it enacted by the Lieutenant Governor, Council, and Assembly, That so much of the above recited Act as requires that Boards and Plank should be of an equal Width throughout, be and the same is hereby repealed.

1 W. 4, c. 45,
in Part repealed.

II. And be it further enacted, That this Act shall continue and be in Force as long as the above recited Act, of which this is an Amendment, and no longer.

Limitation.

CAP. V.

An Act to empower the Owners of the Saw Mill at the Rolling Dam on the River Digdeguash, in the County of Charlotte, to erect a Boom for the securing of Saw Logs on the said River.

Passed 27th February 1832.

Owners of the Saw Mill empowered to erect Piers and lay Booms in the Channel.

I. **BE** it enacted by the Lieutenant Governor; Council, and Assembly; That from and after the passing of this Act; it shall be lawful for the Owners of the Saw Mill at the Rolling Dam on the River Digdeguash, in the County of Charlotte, to erect Piers in the Channel of the said River at the Rolling Dam aforesaid, and there to lay such Boom or Booms as may be necessary for stopping and securing such Logs as may by the Owners thereof be intended to be sawn at the said Mill: Provided always, that the said Boom and Erections shall not include more than Two Thirds of the Channel of the said River: And provided also, that there shall be left a convenient Passage, sufficient for the floating down past the said Mill of all Saw Logs and Timber of whatever Description that may by the Owners thereof be intended to be floated down the said River: And provided also, that the Owners of the said Saw Mill shall furnish the necessary Hands, as nearly as may be in Proportion to the Quantity of Saw Logs which they may own in any Drive of Timber or Saw Logs, to assist in assorting, securing or sluicing the same, as the Case may be, at all Times when the Owners of such Logs and Timber as may be intended to be floated down the said River may think proper to attend the sluicing and driving the same.

[Proviso.]

To furnish Hands to assist in assorting, securing or sluicing Timber or Logs in Proportion to the Quantity owned by them.

Limitation.

II. And be it further enacted, That this Act shall continue and be in Force for Two Years.

CAP. VI.

An Act to repeal an Act, intituled *An Act in Addition to an Act, intituled, An Act for the Appointment of Town and Parish Officers in the several Counties in this Province.*

Passed 27th February 1832.

WHEREAS Difficulties have arisen in procuring proper Persons to fill some of the parochial Offices in the several Counties in this Province, owing to the Laws not allowing Officers of the Court to be appointed; Preamble.

Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That an Act passed in the Ninth and Tenth Years of His late Majesty's Reign, intituled *An Act in Addition to an Act, intituled, An Act for the Appointment of Town and Parish Officers in the several Counties in this Province;* be and the same is hereby repealed. 9 & 10 G. 4, c. 12, repealed.

CAP. VII.

An Act to alter the Great Road of Communication from Fredericton to Saint Andrews.

Passed 27th February 1832.

WHEREAS by the Laws now in Force, the Great Road leading from Fredericton to Saint Andrews, is established by the following Line or Route; that is to say, From the Market House in Fredericton to the Rushiagonis by the way of Maryland, thence to Hartt's Mills at the North Branch of the Oromocto, thence by Fletcher's to M'Dougal's at Shin Creek, thence to the Block House near the Forks of Magaguadavic River, thence by the Pleasant Ridge to Whittier's, thence by the Digdeguash River to Connick's, thence to Gilman's, and thence to Saint Andrews: And Whereas it has been found expedient to alter the Preamble.

Line of Road
from Fredericton
to Saint An-
drews.

‘the greater Part of the said Line or Route;’

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That the following shall be the Line or Route of the Road leading from Fredericton to Saint Andrews; that is to say, From the Market House in Fredericton to the Residence of the Honorable Thomas Baillie, thence through the Hanwell Settlement, thence to the River Magaguadavic, near Brockway's, thence by the Flume Ridge to McFarlane's Mills on the River Digdèguash, thence to Connick's, thence to Gilman's, and thence to Saint Andrews.

Two Supervisors
to be appointed.

II. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the Time being, by and with the Advice of His Majesty's Council, to appoint by Warrant under his Hand and Seal Two fit and discreet Persons to be Supervisors of the said Great Road, One to have the Superintendence of that Part which is between the Market House in Fredericton and the Western Bank of the River Magaguadavic, and the other to have the Superintendence of that Part which is between the said River and Saint Andrews; such Supervisors to be subject and liable to all the Provisions and Regulations of the Laws of this Province in similar Cases made and provided.

CAP. VIII.

An Act for raising a Revenue in the Province.

Passed 9th March 1832.

I. **WE**, His Majesty's most Dutiful and Loyal Subjects, the Assembly of New-Brunswick, in General Assembly convened, for raising the Supplies necessary to defray the Expenses of His Majesty's Government of the Province, have

' have freely and voluntarily resolved to give and
' grant unto the King's Most Excellent Majesty
' the several Rates and Duties hereinafter men-
' tioned, and do therefore pray Your Excellen-
' cy that it may be enacted ;' And be it enacted
by His Excellency the Lieutenant Governor, by
and with the Advice and Consent of the Council
and Assembly in General Assembly convened;
and by the Authority of the same, That
from and after the First Day of April next, there
be granted to the King's Most Excellent Majesty,
His Heirs and Successors, for the Use of this
Province, and for the Support of the Government
thereof, the several Rates and Duties hereinafter
mentioned, on the following Articles which may
be imported or brought into this Province either
by Sea, Inland Navigation, or by Land ; (that is
to say,)

Supplies granted
to defray the Ex-
penses of the Go-
vernment of the
Province, by Du-
ty on

For every Gallon of Rum, One Shilling;

Rum. 1*s*.

For every Gallon of Molasses, One Penny;

Molasses. 1*d*

For every Pound of Coffee, One Penny;

Coffee. 1*d*

For every Gallon of Shrub, Santa, and Lime-
Juice; Six Pence;

Shrub, &c. 6*d*.

For every Hundred Weight of Brown or Mus-
covado Sugar, on the Quantity mentioned in the
original Invoice, allowing Twenty five *per Cent*.
for Tare and Wastage, Two Shillings and Six
Pence;

Sugars.

And for every Pound of Loaf Sugar, One
Penny;

And in Addition to the Rates and Duties al-
ready imposed by the Means and Power of any
Act or Acts of the Imperial Parliament, or un-
der and by virtue of this Act, the following Rates
and Duties shall be granted as aforesaid ; (that
it to say,)

For every Gallon of Brandy, One Shilling
and Ten Pence;

Brandy.

And for every Gallon of Whiskey, Hollands,
Geneva, and Cordials, One Shilling and Six
Pence ;

Whiskey, &c.

- Wine.** For every Gallon of Wine in Bottles; One Shilling and Three Pence; and for every Gallon of Wine not in Bottles, One Shilling and Six Pence;
- Cattle.** For every Head of Foreign Oxen, Two Pounds;
For every Cow, or other Horned Cattle, Three Pounds and Ten Shillings;
- Dead Meats.** And for every Hundred Pounds of Dead Meats of all Kinds, Six Shillings and Eight Pence;
- Horses.** For every Foreign Horse, Five Pounds, and where a Duty on such Horse shall have been paid or secured at the Custom House by the Means and Powers of any Act or Acts of the Imperial Parliament, then the Difference only between the Amount so paid or secured at the Custom House and the Duty herein imposed shall be demanded and received;
And upon the following Articles, not being of the Manufacture of and not imported from any Part of the United Kingdom, in Addition to the Rates and Duties already imposed or which may be imposed by the Means and Powers of any Act or Acts of the Imperial Parliament, the following Rates and Duties upon every Hundred Pounds of the real Value thereof; (that is to say,)
- Chairs, &c.** For Chairs, Clocks, Watches, and every Description of Household Furniture, Twenty five Pounds;
- Soap & Candles.** For Soap and Candles, Ten Pounds;
- Bread.** For Bread, Ten Pounds;
- Tobacco.** For Manufactured Tobacco, Fifteen Pounds;
- Non-enumerated Articles.** And for all other such Articles not herein enumerated, or otherwise charged with Duty by this Act, Ten Pounds, excepting nevertheless, Liquors, Pitch, Tar, Turpentine, and Lumber of every Description, Grass Seed, Hides, Tallow, Cotton Wool, Plants and Seeds of every Description, Indigo, Fruit, whether preserved, dry or green, Dye Woods, Salt, Leaf Tobacco, Bess' Wax, Felt,

Exceptions.

Felt, Lignum Vitæ, Bristles, Horse Hair, Horns; Cordage, Canvas, Hemp, Iron and India Rubber, and Books;

And in all Cases where the Duties imposed by this Section are charged upon the real Value of the Articles imported, such Value shall be ascertained by the Declaration of the Importer or Consignee of such Articles before the Treasurer of the Province, or any Deputy Treasurer, in Manner and Form following; (that is to say.)

Value of Articles how ascertained.

“ I, A. B. do declare that the Articles mentioned in this Entry, subject to Provincial Duty, and contained in the several Packages therein particularly described, are of the Value of _____, to the best of my Knowledge and Belief; and that the same were entered of the same Value at the Custom House.

(Signed)

“ A B.”

Which Declaration shall be endorsed on the Bill of Entry of such Articles in the Presence of the Treasurer or his Deputy; Provided that if it shall appear to the Treasurer or his Deputy, that such Articles have been invoiced below the true and real Value thereof at the Place from whence the same were imported, or if the Price is not known, the Articles shall in such Case be examined by Two competent Persons, to be nominated and appointed by the Lieutenant Governor or Commander in Chief of the Province; and such Persons shall declare before the Treasurer or his Deputy what is the true and real Value of such Articles; and the Value so declared on the Declaration of such Persons shall be deemed to be the true and real Value thereof, and upon which the Duties imposed by this Act shall be charged and paid.

II. And be it further enacted, That the Rates and Duties imposed by this Act shall be paid at the Time of Importation of such Articles as are liable to the same, to the Treasurer of the Province,

Duties payable at the Time of Importation, when under £25.

Bonds to be taken when the Duties exceed that Amount.

or to any Deputy Treasurer at the Place where the same may be imported, unless such Rates and Duties on any One Cargo or Importation, as mentioned in the Master's or the Owner's or Consignee's Report, shall amount to upwards of Twenty five Pounds; and when the said Duties upon any One Importation as aforesaid shall exceed Twenty five Pounds and not amount to Fifty Pounds, it shall and may be lawful for the said Treasurer, or any Deputy Treasurer, to take a Bond duly executed by the Owner or Consignee of such dutiable Articles, with at least One good and sufficient Surety, in Double the Amount of such Duties, for the Payment of the same in Three Months; and when the said Duties amount to Fifty Pounds and are under One hundred Pounds, then the Bond shall be taken, and duly executed in like Manner aforesaid, for the Payment of the same, One Half in Three Months and One Half in Six Months; and when the said Duties amount to One hundred Pounds and are under Two hundred Pounds, then the Bonds shall be taken, and duly executed in like Manner as aforesaid, for the Payment of the same, One Third in Four Months, One Third in Eight Months, and the remaining Third in Twelve Months; and when the said Duties shall amount to Two hundred Pounds and upwards, then the Bond shall be taken, and duly executed in like Manner as aforesaid, for the Payment of the same, One Third in Six Months, One Third in Twelve, and the remaining Third in Eighteen Months: all which Bonds shall be taken in His Majesty's Name, and made payable to His said Majesty, His Heirs and Successors, and conditioned for the Payment of the Amount of the said Duties respectively at the Time or Times specified therein, to the Treasurer of the Province or to his Deputy at the Place where the same may be taken: Provided always, that in Cases where by the Provisions of this Act the Importer or

Discount allowed when such Duties are paid at

Importers

Importers are entitled to have Credit for Payment of any Duties upon giving Bonds as aforesaid, the Treasurer or any Deputy Treasurer shall be and they are hereby authorized to receive Payment at the Time of Entry if required, and to allow a Discount or Abatement thereupon at and after the Rate of Six *per Centum per Annum*, proportionable to the Credit which the said Importer or Importers may be so entitled to have.

the Time of Entry.

III. And be it further enacted, That the Masters or Persons having charge of all Ships and Vessels arriving in any Port or Place in the Province, shall severally and respectively, within Twenty four Hours after their Arrival, or sooner if required by the Treasurer or any of his Deputies, make a Report to the said Treasurer of the Province, or to One of his Deputies at or nearest the Place of such Arrival, under a solemn Declaration, and subscribed by them respectively, containing an exact Account of the whole Cargo of the Ship or Vessel under his Command or Charge, whether subject to Duties or not, and shall in the same Report state, upon Declaration as aforesaid, the Name of each and every Owner and Consignee of such Cargo, and where the same is intended to be landed, and whether any and what Part thereof has been landed and taken from such Ship or Vessel after arriving within the Province; and upon Neglect or Refusal of such Master or Person having charge as aforesaid to make such Report, he shall forfeit and pay the Sum of One hundred Pounds; and in Addition to the Report of the Master or Person having charge of any Ship or Vessel, each and every Owner, or each and every Consignee of the Cargo, shall also make a Report in Writing by him subscribed, upon solemn Declaration before the said Treasurer or Deputy Treasurer, as the Case may be, of all dutiable Articles belonging

Master within Twenty four Hours to make Report.

Particulars of Report.

Penalty.

Owners and Consignees to report.

Landing Articles
before reporting
and obtaining a
Permit.

ing to or consigned to him on board such Ship or Vessel: and any Part of such Cargo which shall be landed before such Report of the Master or Person having charge, and before the Reports of the several and respective Owners or Consignees thereof, and a Permit obtained from the said Treasurer or Deputy, as the Case may be, for landing the same, shall, together with any dutiable Articles which may be found on board such Ship or Vessel, or landed therefrom and not included in the Report of the Master or Person having charge and the Report of the said Owners or Consignees, be forfeited, and the Master or Person having charge of such Ship or Vessel, and every Person concerned in concealing such Articles on board, or in landing them without a Permit for that Purpose, shall each respectively forfeit and pay the Sum of One hundred Pounds: and it shall and may be lawful for the said Treasurer or any of his Deputies, at all Times, to enter on board any Ship or Vessel, and to search the same for dutiable Articles, and if any are found on board not having been duly reported, and the Duties paid or secured, to seize and take the same from such Ship or Vessel; and the said Treasurer, or any Deputy Treasurer, being authorized by Writ of Assistance under the Seal of His Majesty's Supreme Court, or of the Inferior Court of Common Pleas in the County in which such Articles shall be found, (which Writ the proper Officers of such Courts respectively are hereby authorized and required to issue upon the Allowance or Fiat of One of the Justices of such Court,) shall and may take One or more Constable or Constables, and, at all Times in the Day Time, enter and go into any House, Store, Ware house, Out house or other Building, and, if resisted, break open any Door or Doors, and search for dutiable Articles, and, if any such are found having been imported and
landed

Penalty.

Treasurer empowered to search Vessels, and, with Writ of Assistance, Houses &c.

landed contrary to Law, seize and carry the same away ; and it shall be the Duty of the said Treasurer or any Deputy Treasurer to cause the same Articles forthwith to be appraised and valued by Three respectable Persons ; and in all Cases where the Value of the Articles shall not exceed the Sum of Twenty five Pounds, they shall be prosecuted to Condemnation in the Name of the Treasurer, or Deputy Treasurer making the Seizure, in Thirty Days from the Time of making such Seizure, before any Two of His Majesty Justices of the Peace residing near the Place where the Seizure shall have been made, who are hereby required and directed to keep a Book of Record, in which they shall fairly enter all Causes tried before them under this Act, together with all the Evidence taken in the course of the Investigation ; and when the Value of the Articles so seized and taken as aforesaid shall exceed the Sum of Twenty five Pounds, they shall be prosecuted to Condemnation as aforesaid in the Name of the Treasurer, or Deputy Treasurer making the Seizure, or by Information of His Majesty's Attorney or Solicitor General, or any of the King's Counsel learned in the Law, in Ninety Days from the Time of making such Seizure, before His Majesty's Supreme Court, or before any Two Justices of the Inferior Court of Common Pleas in the County where the Seizure shall have been made ; and if any Dispute shall arise whether any of the Articles so seized as aforesaid were illegally imported, the Proof in all Cases shall be upon the Owner or Person claiming such Articles.

Appraising and prosecuting Articles seized.

The *Onus probandi* to be upon the Party claiming the Articles.

IV. And be it further enacted, That when any dutiable Articles imported into the Province are intended to be exported without being landed, the same shall be stated in the Report and Entry required to be made by this Act, and the Articles intended to be exported particularly described and specified in such Report ; and such

Articles for Exportation without being landed to be entered, and, on Proof of Exportation, Duties to be returned or Bonds cancelled.

Articles

Articles so reported for Exportation shall be actually exported in the same Vessel in which they were imported, or re-shipped on board of any other Ship or Vessel without being landed, and shall actually be exported in such Ship or Vessel to any Port or Place without the Limits of the Province, then and in either of these Cases, any Duties which may have been paid on any Articles so exported shall be repaid, and any Bonds which may have been given for securing such Duties shall be cancelled, after the requisite Proofs of the actual landing of such Articles without the Province in either Case shall have been produced at the Office where the same were First reported for Exportation.

Drawbacks allowed on Articles exported after being landed.

V. And be it further enacted, That upon the following Articles upon which the Duties have been paid or secured, there shall be allowed when exported after having been landed from the Vessel in which they were imported, or imported by Land or Inland Navigation, or which may have been purchased at any Custom House Sale or Sale of Government Stores, the following Drawbacks ; to-wit, for every Gallon of Rum, One Shilling ; for every Gallon of Wine in Bottles, One Shilling and Three Pence ; for every Gallon of Wine not in Bottles One Shilling and Six Pence ; for every Gallon of Brandy, and other distilled spirituous Liquors, One Shilling ; for every Gallon of Shrub, Santa, Cordials, and Lime Juice, Six Pence ; for every Gallon of Molasses, One Penny ; for every gross Hundred Weight of brown Sugar, Two Shillings and Six Pence ; for every Pound of Coffee, One Penny ; upon every Head of Foreign Horned Cattle, Forty Shillings : Provided always, that no Drawbacks shall be allowed unless the Articles be exported within Twelve Months from the Time of their Importation, and in the same Package or Cask in which they were imported, and not in less Quantity in any One

Exceptions.

One Ship or Vessel, at any One Time, than Fifty Gallons or more of Wine (except in Cases where the Importer of Wine may bottle the same or any Part thereof, or may have occasion to shift the same or any Part thereof into Casks of smaller Size, and in such Cases the said Importer, but no other Person whomsoever, shall be entitled to Drawback on the Exportation of such Wine so bottled or shifted in like Manner as if the same had been exported in the original Cask or Package; with the Limitation that no less Quantity than Six Dozen Bottles of such Wine, nor a less Quantity than Twenty-five Gallons thereof in any One Cask, shall be entitled to such Drawback), Brandy, Hollands and Geneva; Five hundred Gallons or more of Molasses; One hundred Gallons or more of any other Liquors; Ten hundred Weight or more of brown Sugar; and Five hundred Weight of Coffee, nor unless the requisite Proofs of their having been landed without the Province be produced at the Office within Twelve Months from the Time of Exportation; and no Drawback shall be allowed upon Articles landed in any Part of the United States; Eastward of Machias Harbour; and provided also, that when satisfactory Proof is lodged with the Treasurer or Deputy Treasurer of the Export of any Article subject to Duty, the said Duty shall not be exacted within Twelve Months after the Exportation of such Articles.

Return of Duty on Exportations not to be exacted within Twelve Months.

VI. And be it further enacted, That the Evidence to be required of the Exportation of dutiable Articles in the same Bottom shall be Declaration of the Master, and of the Owner or Consignee, before the Treasurer or One of his Deputies; and the Declaration of the Master shall be as follows:

Evidence of Exportation of Articles in the same Bottom without being landed.

“ I, A. B. do declare that the following Articles, to-wit, _____, are now actually on board
‘ the

“ the _____, whereof I am Master ; that the same
 “ were imported in the same Vessel, and are the
 “ same that were mentioned in the Entry and
 “ Report of the said Vessel and Cargo at this Of-
 “ fice on the _____ Day of _____ ; and that the said
 “ Articles are now in the same State in which they
 “ were at the Time of Importation thereof ; that
 “ no Part of the same are to be landed within the
 “ Province to the best of my Knowledge and
 “ belief.”

And the Owner or Consignee of the same Ar-
 ticles shall, at the same Time and Place, make
 and subscribe a Declaration that he is the Owner
 or Consignee of such Articles, and that the Con-
 tents of the Declaration made by the Master are
 just and true to the best of his Knowledge and
 Belief : and when Articles are not exported in
 the same Bottom in which they were imported ;
 then the Master of the Vessel in which they were
 imported shall make and subscribe a Declara-
 tion as follows ; (to-wit,)

“ I, A. B. do declare that the following Arti-
 “ cles, to-wit, _____, were imported into the
 “ Province in the Vessel called the _____, whereof
 “ I am Master, and are the same mentioned and
 “ specified in the Entry and Report of the said
 “ Vessel and Cargo at this Office on the _____
 “ Day of _____ ; that they are now in the same
 “ State in which they were at the Time of Im-
 “ portation ; that no Part thereof has been land-
 “ ed since the said Entry and Report ; and that
 “ the same have been actually shipped on board
 “ the Vessel called the _____, in the Harbour of
 “ _____, whereof _____ is Master.”

And the Owner or Consignee of the same Ar-
 ticles shall, at the same Time and Place, make
 and subscribe a Declaration that he is the Own-
 er or Consignee of such Articles, and that the
 Contents of the Declarations made by the said
 Masters are just and true, and that the said Ar-
 ticles

Evidence when
 not exported in
 the same Bot-
 tom.

Articles are not be landed within the Province to the best of his Knowledge and Belief; and the Master of the Vessel on board of which such Articles have been reshipped, shall at the same Timemake and subscribe a Declaration that the Articles mentioned in the Declaration of the Master of the Vessel in which they were imported are actually on board the Ship or Vessel of which he is Master, and that the same or any Part thereof are not to be again landed in the Province to the best of his Knowledge and Belief.

VII. And be it further enacted; That when any dutiable Articles are exported for Drawback after having been landed in the Province, the Evidence of such Exportation shall be a Declaration made and subscribed by the Owner or Consignee of such Articles, before the Treasurer or Deputy Treasurer, as follows; (to-wit;)

Evidence of Exportation of Articles after being landed.

“ I, A. B. do declare that the Articles by me now shipped on board the _____, whereof _____ is Master, were lawfully imported (or purchased at a Custom House Sale, or Sale of Government Stores) in the _____, whereof _____ was Master, from _____; and that the Duties thereon have been paid or secured to be paid by me at this Office; and that the same or any Part thereof are not intended to be re-landed in the Province, to the best of my Knowledge and Belief.”

Also a Declaration made and subscribed by the Master of the Vessel in which the Articles are to be exported, as follows; (to-wit;)

“ I, A. B. do declare that the Articles shipped by _____, as mentioned in his Declaration, are now actually on board the _____, whereof I am Master, bound for _____; and that the same or any Part thereof are not to be re-landed within the Province, to the best of my Knowledge and Belief.”

Provided always, that before any Drawback shall

shall be paid, or a Remission of Duties upon Articles exported in the same Bottom, or transhipped into another Vessel and exported without being landed, obtained, it shall be incumbent on the Owner or Consignee of such Articles to produce to the Treasurer, or Deputy to whom the Duties shall have been paid or secured, within One Year from the Time of Exportation thereof, a Certificate under the Hand and Seal of the Collector or principal Officer of the Customs or of the Revenue of the Place to which the same were exported, or a Certificate of Two resident Merchants of the Place where such dutiable Articles may have been landed, that such Articles have been there actually landed, and he shall at the same Time make and subscribe the following Declaration ; (to-wit,)

“ I. A. B. do declare that the Articles exported by me in the ———, whereof ——— was Master, a Certificate of the landing of which is by me now exhibited, have been actually landed at ———, to the best of my Knowledge and Belief.”

Drawbacks to be endorsed on Bonds without Reference to the Instalments.

Provided also, that the Drawbacks upon all Articles exported, and entitled thereto, and for the Duties on which Bonds have or may be given, shall be endorsed upon such Bonds; and be deemed equivalent to Cash Payments, without any Reference to the Times when the several Instalments of the same are payable or become due.

Landing articles exported for Drawback or Remission of Duty.

“ VIII. And be it further enacted, That if all or any of the Articles reported for Exportation without being landed, or which having been landed have been shipped for Exportation, with a View to obtain a Remission of the Duties thereon, or to obtain the Drawbacks allowed by this Act, have been landed or relanded contrary to the true Intent and Meaning of this Act, all such Articles so landed or relanded, and such as may be on board at the Time of discovering such intended

tended Fraud, shall be forfeited, and shall and may be seized and prosecuted to Condemnation, and the Proceeds of such Forfeitures applied, as hereinafter directed ; and if it shall be discovered within One Year after the Articles so reported for Exportation, or which may have been shipped for Exportation after having been landed, or after any Drawbacks may have been paid or received, that the Whole or any Part thereof have been fraudulently relanded within the Province, the Owner or Consignee of such Articles, and the Master or Owner of the Ship or Vessel from which the same were relanded, shall severally forfeit and pay the Sum of One hundred Pounds, to be recovered and applied as hereinafter directed.

Forfeiture.

If the Fraud be discovered within one Year

Penalty.

IX. And be it further enacted, That the Evidence required to obtain any Drawback on Horned Cattle exported from this Province, shall be a Certificate of the Treasurer or Deputy Treasurer, as the Case may be, that the Cattle upon which the Drawback is claimed were on the Importation of such Cattle reported for Exportation, also a Declaration shall be annexed, in Manner and Form as follows; (to wit,)

Evidence required to obtain Drawback on Horned Cattle.

“ I, A. B. do declare that the following (*here state the Number and Description of Cattle*)
 “ now on board the ———, whereof ——— is Master, bound for ———, and that they are the same as are mentioned in the annexed Certificate, and were reported for Exportation, and that the same are not intended to be relanded in this Province, to the best of my Knowledge and Belief.”

And also the Declaration of the Master of the Vessel mentioned in the Owner's or Consignee's Declaration, and subscribed by him in Form following; (to wit,)

“ I, A. B. do declare that the ———, shipped by ———, are now actually on board the
 “ ———”

“———, whereof I am Master, bound for ——;
 “and that the same are not to be relanded in
 “this Province with my Knowledge or Con-
 “sent, unavoidable Accident excepted.”

Drawback how
to be allowed
and paid.

Which Declaration and Certificate shall be filed
 in the Office where taken: Provided always,
 that no Drawbacks shall be allowed and paid in
 less than One Month after the sailing of the Ves-
 sel in which the Cattle for which the same are
 claimed were shipped, nor unless the Cattle re-
 ported for Exportation shall be actually ex-
 ported within Three Months from the Time of
 their Importation: Provided always, that if any
 Cattle shall be fraudulently relanded in this Pro-
 vince after Shipment for Exportation as afore-
 said, the same shall be forfeited, and may be
 sold forthwith, without further Process, by the
 Treasurer or nearest Deputy Treasurer, and
 the Proceeds applied, One Half to the Informer
 the Residue to His Majesty for the Use of the
 Province; and the Owner or Consignee of such
 Cattle, and the Master of the Vessel from which
 they have been fraudulently relanded, shall sever-
 rally forfeit and pay a Fine of One hundred
 Pounds.

Fraudulent re-
landing of Cat-
tle.

Forfeiture.

Application.

Penalty.

Duties on Rum
&c. to be se-
cured, or Arti-
cles warehoused.

X. And be it further enacted, That any Im-
 porter or Consignee of Rum, Whiskey, Brandy,
 Geneva, Wine, Shrub, Santa, Cordials, Loaf
 and Brown Sugars, may have his Option either
 to secure the Duties on the same in the Manner
 prescribed in and by this Act, or to warehouse
 such Articles and pay the Duties thereon from
 time to time as the same may be sold for Home
 Consumption, and before Delivery thereof from
 such Warehouse as hereinafter provided.

Articles to be
entered for
warehousing,
and a sufficient
Warehouse to be
provided.

XI. And be it further enacted, That before
 the Owner, Agent or Consignee of any such Ar-
 ticles shall have the Benefit of the Option here-
 in before provided, it shall be the Duty of the
 Owner, Importer or Consignee of any such Ar-
 ticles

Articles to enter the same for warehousing, and to provide a good and sufficient Warehouse to be approved of by the Treasurer of the Province or Deputy Treasurer, as the Case may be, and fitted and prepared in every Respect to the Satisfaction of the said Treasurer or Deputy; and before any such Articles shall be admitted into any such Warehouse, the Owner, Importer or Consignee of the same shall, instead of the Bonds herein before required, give Bonds with Two sufficient Sureties to be approved of by the said Treasurer or Deputy, as the Case may be, in Double the Amount of the Duties payable on such Articles, conditioned for the safe depositing of such Articles in such Warehouse mentioned in the Entry of the same, and for the Payment of the Duties upon such Articles, or for the Exportation thereof, according to the Account First taken of such Articles upon the landing of the same, and with the further Condition, that no Part thereof shall be taken out of such Warehouse until cleared from thence upon due Entry and Payment of Duty, or upon due Entry for Exportation, and with the further Condition, that the Whole of such Articles shall be so cleared from such Warehouse, and the Duties upon the Deficiency (if any) of the Quantity according to such First Account, shall be paid within Two Years from the Date of the First Entry thereof; Provided always, that no One Importer of Articles subject to Duties under the Provisions of any Act or Acts of the General Assembly of this Province, shall be allowed the Privilege of warehousing the same unless the Duties upon such Importation shall amount to Fifty Pounds.

Bond before Articles are Warehoused.

Conditions.

Proviso.

XII. And be it further enacted, That if any Articles which have been entered to be warehoused shall not be duly carried and deposited in the Warehouse, or shall afterwards be taken

Articles entered to be Warehoused and not deposited &c. to be forfeited.

out

out of the Warehouse without due Entry and Clearance, or having been entered and cleared for Exportation from the Warehouse shall not be duly carried therefrom and shipped, or shall afterwards be relanded, except with the Permission of the proper Officer of the Treasury, such Goods shall be forfeited.

Bond upon Entry outwards of Articles to be exported from the Warehouse.

XIII. And be it further enacted, That upon the Entry outwards of any Articles to be exported from the Warehouse, the Person entering the same shall give Security by Bond in Treble the Duty thereon, with Two sufficient Sureties to be approved by the Treasurer or Deputy Treasurer, conditioned that the same shall be landed at the Place for which they be entered outwards, or be otherwise accounted for to the Satisfaction of the said Treasurer or Deputy Treasurer; and all Articles deposited in any Warehouse pursuant to this Act, shall be taken out for Home Consumption or for Exportation within Two Years from the Date of the original Report and Entry of such Articles.

Articles to be cleared within Two Years.

Drawbacks to be paid agreeably to Act in force when Articles exported.

XIV. And be it further enacted, That the Drawback upon all dutiable Articles exported before the passing of this Act, shall be allowed and paid agreeably to the Act in Force at the Time of the Exportation of such Articles, notwithstanding the Expiration or Repeal of such Acts; any Thing in any Act of the General Assembly to the contrary notwithstanding.

Power to enlarge the Time of Payment of Duties, when the Vessel or Articles are supposed to be lost at Sea.

XV. And be it further enacted, That when dutiable Articles have been exported agreeably to the Provisions of this Act, and the Treasurer or any Deputy Treasurer, as the Case may be, shall have good Cause to believe that such Articles, or the Vessel in which they were exported, were lost at Sea, and that in consequence of such Loss no Certificate could be returned to entitle the Owner or Exporter of such Articles to the Drawback allowed on such Articles, then it shall
and

and may be lawful for the said Treasurer or any Deputy Treasurer, as the Case may be, to enlarge the Time of Payment of the Duties which may have been secured on such Articles until the Owner or Exporter shall have Time, by Application to the General Assembly, to obtain Remission of such Duties: Provided always, that if such Application should be refused, then it shall be the Duty of the said Treasurer or Deputy Treasurer, as the Case may be, upon receiving Notice of such Refusal, forthwith to take the necessary Steps for the Recovery of such Duties agreeably to the Provisions of this Act.

XVI. And be it further enacted, That whenever any Merchant at any Port in this Province, when the Provincial Duties are received or secured on any Dutiable Articles entitled to Drawback on Exportation, shall ship such Articles coastwise to his Agent at any Port or Place in this Province, it shall and may be lawful for such Agent to export the same and receive the Drawback thereon in the Name of the original Importer: Provided always, that such Articles shall be accompanied with a regular Permit from the Treasurer or Deputy Treasurer, as the Case may be, to shew that the Duties thereon have been paid or secured to be paid at the Office of the said Treasurer or Deputy Treasurer, expressing also the Place from, the Time when, and the Vessel's Name in which such Articles were imported, together with the Marks and Number of the Cask and Package containing such Articles, and also that such Casks and Packages are the same in which such Articles were originally imported, and in the same State as when so imported: Provided also, that the same Proof of the Exportation of such Articles by any Agent as aforesaid, shall be required to obtain the Drawback thereon, as is required upon

Agents for Goods shipped Coastwise may export the same, &c., and receive the Drawback.

Provide.

on the Exportation of such Articles under the Provisions of this Act.

XVII. And for the more effectually securing the Duties imposed on Cattle and Horses by this Act; be it further enacted; That it shall and may be lawful for the Treasurer of the Province to appoint fit and proper Persons, in every such Place and Places within the Province as he may judge meet and expedient, to be Collectors of such Duties; and every such Person so appointed, or who may have been appointed under any former Act relating to the Revenue, are hereby authorized to detain, and report to the Treasurer or Deputy Treasurer, all such Cattle and Horses, as may be found on any Road, Place or Places, and so imported and brought as aforesaid; unless the Owner or Owners, Person or Persons having charge of and driving such Cattle and Horses shall produce a separate Certificate for each and every such Horse or Head of Cattle from the Treasurer, or One of his Deputies, that the Duties have been paid or secured to be paid on such Cattle and Horses; and the said Collectors shall give Bonds to the Treasurer in the Sum of One hundred Pounds, with Two sufficient Sureties in the Sum of Fifty Pounds each, for the faithful Discharge of their Trust, and shall be allowed One Half of the Commission to be received by the Deputy Treasurer of the County in which such Collectors shall reside; and also One Half of the net Proceeds of the Sale of all Cattle and Horses so detained and forfeited under and by virtue of this Act.

XVIII. And be it further enacted; That no Duties on any Horses or Horned Cattle shall be collected at any Places in the Province except at the Office of the Treasurer of the Province, or the Deputy Treasurers at Saint Andrews, Saint Stephen, and Woodstock; and all Foreign

Treasurer to appoint Collectors of Duty on Cattle and Horses.

Their Powers.

To give Security.

Allowances.

Duty to be collected at Saint John, Saint Andrews, Saint Stephen and Woodstock only.

Foreign Horses and Horned Cattle which may be found within the Province (except when on the Way to any of the said Places) without a Certificate from the said Treasurer, or some one of the said Deputy Treasurers, for each and every such Horse, and for each and every Head of such Horned Cattle, that the Duty thereon had been paid either at the Deputy Treasurer's Office at Saint Andrews, Saint Stephens or Woodstock, shall be seized and forfeited, and may be prosecuted to Condemnation in Manner and Form as provided in and by the Third Section of this Act.

XIX. And be it further enacted, That the Deputy Treasurers of Saint Stephens and Woodstock shall have the same Powers to the fullest Extent as other Deputy Treasurers have under the Provisions of this Act, as far as relates to Horses, Horned Cattle, Goods, Wares and Merchandize imported by Inland Navigation or by Land.

Powers of Deputy Treasurers at Saint Stephens and Woodstock.

XX. And be it further enacted, That in Cases where any live Stock, or Dead Meats, or any other Description of perishable Articles, have been seized as forfeited for a Breach of this Act, or any other Act relative to the Revenue, and any Person shall appear to claim and defend such live Stock or perishable Articles, then and in such Case it shall and may be lawful to and for the Treasurer, or any of his Deputies who may have seized the same, to take a Bond, with Two good and sufficient Sureties, in double the Amount of the Duties on such Articles so seized, from the Person so claiming the same, to be recovered upon the Condemnation of the said Articles so seized in like Manner as other Bonds mentioned in this Act; which Bond in case the said Articles should not be condemned as forfeited, shall be cancelled and may be destroyed; but if no Person shall appear to claim such live Stock

Proceedings in Cases of Seizure of Live Stock, Dead Meats, or perishable Articles.

or perishable Articles so seized as aforesaid, then it shall and may be lawful to and for the said Treasurer, or Deputy Treasurer so seizing the same, to prosecute such live Stock to Condemnation within Forty eight Hours after the Time of such Seizure, or such perishable Articles within Twenty four Hours after the Time of such Seizure, in the Manner pointed out in and by the Third Section of this Act.

Articles seized
and sold by the
Officers of Customs
liable to
Duty &c

XXI. And be it further enacted, That all Articles which are subject to Duties by the Provisions of this Act, and which having been seized and sold by the Officers of His Majesty's Customs in any Part of the Province for having been illegally imported or smuggled, shall be liable to the same Rates and Duties as if the same had been legally imported and entered at the Treasurer's or any Deputy Treasurer's Office, as required by this Act ; and the Purchaser or Purchasers of any such Articles sold as aforesaid shall, within Twenty four Hours after such Sale and Purchase, and before any Part of the Articles so purchased shall be consumed, make report to the Treasurer, or his Deputy at the Place nearest the Sale, in Writing, under Declaration, of the Articles so purchased, and the Duties arising thereon shall then be paid or secured to be paid in the same Manner and subject to the same Regulations as Duties arising on such Articles when legally imported ; and upon the Exportation of any such Articles so purchased, reported, and upon which the Duties have been paid or secured as aforesaid, the Purchaser shall be entitled to the like Drawback as is herein before allowed upon the Exportation of the like Articles, subject always to the like Regulations, Provisoos, and Restrictions as are herein before made and provided : and if any dutiable Articles which may have been imported into the Province,

Articles for the
Use of the Army

or purchased from some resident Merchant or Trader, for the Use of His Majesty's Army or Navy, and upon which no Duties have been paid, or upon which the Duties may have been repaid, shall at any Time be sold by Order of Government, the Purchaser or Purchasers shall report the same, and pay or secure to be paid the same Amount of Duties as such Articles are liable to when imported into the Province, and shall be entitled to the same Drawbacks upon the Exportation thereof, subject to the same Regulations, Provisoos and Restrictions as are herein before provided and made as aforesaid: and any Purchaser of dutiable Articles at any Custom House Sale, or at the Sale of Government Stores as aforesaid, who shall refuse or neglect to make report of such Articles so purchased, and to pay or to secure the Duties thereon, shall, if the same Articles cannot be found, forfeit and pay the Sum of One hundred Pounds, and if the Whole of the same are found, then in lieu of such Penalty, the said Articles shall be forfeited, and may be searched for, seized, taken away and prosecuted by Order of the Treasurer or any Deputy Treasurer, and the Proceeds thereof applied in Manner as herein after directed.

or Navy, and sold by Order of Government, liable to Duty &c.

Penalty on Purchasers for not reporting such Articles.

XXII. And be it further enacted, That any Articles subject to Duties by this Act which may be imported expressly for the Use of His Majesty's Army, Navy or Ordnance, and actually delivered to the Commissary or any authorized Officer of Government, shall be, and the same are hereby exempted from the Duties herein before imposed upon the like Articles; and any such Articles which may be supplied by any resident Merchant or Trader for the Uses aforesaid, and actually delivered to the Commissary or any other authorized Officer of Government, shall also be exempt from the Payment of any Duties herein imposed; and if the Duties thereon shall have been

Articles imported, or supplied by a resident Merchant, for the Navy, Army or Ordnance, exempted from Duty.

Evidence requi-
red.

been paid, then such resident Merchant or Trader shall receive back the Amount of such Duties, or if indebted to the Treasury shall have credit for the same by deducting the Amount from the gross Amount of his Bond, the Installments of which shall be regularly paid upon the Balance thereof: Provided always, that before any such dutiable Articles shall be exempted from the Payment of Duties, and before any Repayment of Duties shall be made, or Credit given therefor, the Commissary or other authorized Officer of Government shall; if the said Articles have been imported, produce the Invoice or Bill of Lading of such Articles to the Treasurer or his Deputy at the Place of Importation, and shall make and subscribe a Declaration before the said Treasurer or Deputy as aforesaid, that the several Articles contained in such Invoice or Bill of Lading are imported expressly for the Use of His Majesty's Army, Navy or Ordnance, and received into his Charge for that Purpose; and if any such Articles shall be supplied for the like Purpose by any resident Merchant or Trader, such Merchant or Trader shall report, and make and subscribe a Declaration before the Treasurer or his Deputy as aforesaid, that the Articles mentioned in the Report and Declaration were actually delivered to the Commissary or other authorized Officer, and the said Commissary or other authorized Officer shall also make and subscribe a Declaration before the Treasurer or Deputy Treasurer that the Articles mentioned in the said Report and Declaration of the Merchant or Trader are actually delivered into his Charge for the Uses aforesaid.

Gauging Liquors
and Molasses.

XXIII. And be it further enacted, That the Quantity of all dutiable Liquors and Molasses shall be ascertained by Gunter's Callipers, and shall be gauged by a sworn Gauger or Gaugers appointed by the Lieutenant Governor or Com-
mander

mander in Chief ; which Gaugers shall not gauge any dutiable Articles in which they have any Interest or Property.

XXIV. And be it further enacted, That it shall be the Duty of the Treasurer of the Province for the Time being to appoint fit Persons, to be approved of by the Lieutenant Governor or Commander in Chief, to be his Deputies in each Port or Place in the Province where a Deputy may be required for the due Enforcement of this Act, or any other Act relating to the Revenue ; which Person so appointed and approved of shall give good and sufficient Security, by Bond to His Majesty, for the faithful Discharge of their Duties respectively, as follows; (that is to say,) the Deputy Treasurers of Saint Andrews and Miramichi respectively, in a Sum not less than Four thousand Pounds ; of Richibucto in the County of Kent, in a Sum not less than Two thousand Pounds ; the Deputy Treasurer of West Isles, in a Sum of One thousand Pounds ; and all other Deputies respectively, in a Sum not less than Five hundred Pounds ; and all such Bonds shall also be executed by at least Two good and sufficient Sureties to be approved of by the Treasurer, and shall be taken in the Name of His Majesty, His Heirs and Successors; and the said Deputies respectively shall be accountable to the said Treasurer, when thereunto required, for all Sums to be received by them by virtue of this or any other Act; and all such Deputies shall have the same Powers to the fullest Extent in every Respect to make Seizures and proceed to Condemnation and Sale as are given to the Treasurer by virtue of this Act; and each Deputy shall and may retain for his Services Ten Pounds for every Hundred Pounds which he shall receive or secure for Duties imposed by this Act, over and above his Proportion of the Seizures and Forfeitures which he may make under

Deputy Treasurers to be appointed.

To give Security.

Powers.

Allowances.

under and by virtue of this Act; provided always that the Sum so retained as aforesaid, shall not in any One Year exceed Three hundred Pounds for the services of any One Deputy: and it shall and may be lawful for the said Treasurer in case of Sickness or necessary Absence from the City and County of Saint John, to appoint a fit Person to act as his Deputy there, for whose Acts the said Treasurer shall be responsible; which Deputy, during his Continuance in Office, shall have the same Power and Authority in every Respect as the Treasurer hath by virtue of this Act, when personally executing the Duties of his Office, but shall receive no Compensation or Allowance from the public Treasury for his Services, except his Proportion of the Proceeds of any Seizures which he may make, or of any Penalties and Forfeitures which may be incurred by this Act during his Continuance in Office as aforesaid.

Deputy Treasurer at St. John.

Powers.

Allowances.

Tide Surveyors, Waiters, &c. to be under the Control of the Treasurer and his Deputies.

Their Duties.

XXV. And be it further enacted, That the Tide Surveyors, and Waiters, and all other Revenue Officers who may be appointed by the Lieutenant Governor or Commander in Chief, for the Port of Saint John, or for any other Port or Place in the Province, shall in all Respects be under the Orders, Directions and Control of the Treasurer or his Deputies respectively for the Places where such Officers may be appointed; and the said Tide Surveyors, and Waiters, and other Revenue Officers, shall attend to the unloading of Ships and Vessels with dutiable Articles, and shall not allow any such dutiable Articles to be landed from any Ship or Vessel arriving at any Port or Place for which they are respectively appointed, without a Permit from the Treasurer or Deputy Treasurer, as the Case may be; which Permit to land dutiable Articles shall be made by the said Treasurer or Deputy immediately upon the Duties thereon being paid or secured

cured agreeably to the Provisions of this Act: and if any Tide Surveyor, or Waiter, or other Revenue Officer attending the unloading of any Vessel with dutiable Articles shall discover any such Articles on board which have not been entered and particularly mentioned in the Master's Report of the Cargo of such Vessel, or in the Report of any of the Owners or Consignees of such Articles, or if any such Articles shall be by such Officer found to have been landed from such Ship or Vessel, or otherwise imported contrary to the Provisions of this Act, it shall be the Duty of such Tide Surveyors, and Waiters; and other Revenue Officers respectively, and they are hereby required, forthwith to take Possession of such Articles and detain the same, and make report thereof to the Treasurer or Deputy Treasurer, as the Case may be; and the said Treasurer or Deputy Treasurer shall immediately seize the said Articles, and proceed to dispose of the same in the Manner directed in and by the Third Section of this Act; and the Proceeds of such Seizure shall be applied, One Moiety thereof to His Majesty for the Use of the Province, and the other Moiety equally between the Treasurer or Deputy Treasurer prosecuting the same, and the Officer first detaining such Articles.

Power to detain Articles illegally imported.

Application of Seizures.

XXVI. And be it further enacted, That for the Recovery of all such Duties as are imposed by this Act, and shall not be paid at the several Times limited for the Payment thereof respectively as aforesaid, the said Treasurer, or his Deputy of the Port or Place in which such Bonds may have been taken, is hereby directed to transmit the same within Thirty Days to His Majesty's Attorney General for Prosecution; and His Majesty's Attorney General is hereby required forthwith to cause Process to be issued against all and every Person or Persons so standing indebted, and to pursue the same to final Judgment

Proceedings on Bonds not paid when due.

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Surety discharged.

ment and Execution, unless Payment of the Sum due and Costs be previously made; and in case the said Bonds shall not be transmitted to be prosecuted within the said Thirty Days, the Surety on such Bond shall be discharged, and Recourse only to be had against the Principal to the same, or against the Treasurer or Deputy Treasurer so neglecting to transmit the same for Prosecution; Provided always, that all Bonds entered into for the Security of Duties imposed by this Act shall be void and may be cancelled or destroyed, unless such Bonds shall be sued within One Year from the Time limited in such Bonds for the Payment of such Duties, or the last Instalment limited in the same; and if such Bond shall not be prosecuted to final Judgment and Execution in Three Years from the Time limited as aforesaid, then and in such Case such Bonds shall be void and may be cancelled and destroyed.

Bonds void.

Half Yearly Returns of Bonds to be made to the Office of the Provincial Secretary.

XXVII. And be it further enacted, That it shall be the Duty of the Treasurer of the Province, and of the several Deputy Treasurers, to make half yearly Returns to the Office of the Provincial Secretary, of the Bonds by them respectively taken for Duties, and then remaining unpaid, stating the Names of the Obligors, the Amount secured, the Terms of Payment, and Date of such Bonds, and the Amount (if any) which has been paid thereon, and any other Particulars which may be necessary; which Returns shall be annually laid before the House of Assembly with the Treasurer's Accounts; and the Treasurer or any Deputy Treasurer who shall neglect to make such Returns for a longer Period than Two Months after the Expiration of each and every Period, shall severally forfeit and pay the Sum of Fifty Pounds, to be applied to the Use of the Province.

Penalty.

Monies to remain in the Treas-

XXVIII. And be it further enacted, That all the Monies received by virtue of this, or any former

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mer Act for raising a Revenue, shall remain in the Treasury, and the same shall be disposed of or appropriated by an Act or Acts of the General Assembly, to be for that Purpose enacted.

jury until disposed of by Law.

XXIX. And be it further enacted, That the Treasurer of the Province and his Deputies respectively, are hereby authorized and empowered to receive all the Declarations required to be made and taken for carrying the several Provisions of this Act into Effect; and every Person who shall be convicted of making a false Declaration to any of the Particulars herein required to be declared to, shall be liable to all the Pains and Penalties to which Persons are liable for wilful and corrupt Perjury.

Declarations to be made to the Treasurer or Deputies.

Declar'g falsely made Perjury.

XXX. And be it further enacted, That the several Penalties and Forfeitures incurred under the Provisions of this Act, may be recovered by Information of the Treasurer of the Province, or any Deputy Treasurer, or of His Majesty's Attorney or Solicitor General, or any of the King's Counsel learned in the Law, before any Two of His Majesty's Justices of the Peace residing near the Place where such Penalties and Forfeitures may be incurred; and the said Justices shall summon the Party accused to appear before them, and if such Party shall make Default, they shall and may proceed, and, upon due Proof of One or more credible Witness or Witnesses, convict such accused Party in the Penalty incurred, and shall cause the same to be levied by Warrant of Distress and Sale of such Offender's Goods and Chattels, and for Want of such Distress whereon to levy the same, shall commit such Offender to Prison for a Term not exceeding Six Months, unless such Penalty or Forfeiture, with Costs, be sooner paid: Provided always, that in any Case where the Party accused shall upon such Summons as aforesaid appear to make Defence, then the further Prosecution for

Penalties and Forfeitures how to be prosecuted and recovered.

such Penalty or Forfeitures shall be had before the Inferior Court of Common Pleas for the County where such Penalty or Forfeiture shall have been incurred, or in the Supreme Court in this Province; and if in either of the said Courts the Party accused shall be convicted, he shall be dealt with in the same Manner as is in this Section provided in Cases of Conviction on Default.

Vessels of Fifteen Tons and under, Carriages, Horses and Cattle, how to be prosecuted.

XXXI. And be it further enacted, That all Vessels and Boats of Fifteen Tons and under, and all Carriages, Horses and Cattle which may be siezed under this or any other Act relating to the Revenue of the Province, may be prosecuted upon Information of the Treasurer of the Province, or any Deputy Treasurer, or the Commander of any Revenue Vessel, in the same Manner as is provided in and by the Third Section of this Act.

Bond for Duty on Articles subject to Duty under this Act and warehoused under Acts of Parliament.

XXXII: And be it further enacted, That upon the Entry of any Goods of Foreign Growth or Produce subject to Duties under this Act, and which are also subject to Duties and intended to be warehoused under the Provision of any Act or Acts of the Imperial Parliament, the Importers of such Goods, instead of paying or securing the Provincial Duty as directed in and by this Act, shall give Bond with at least One sufficient Surety to be approved of by the Treasurer or Deputy Treasurer, in Double the Amount of Duties payable at the Treasury thereupon, with Condition for safe depositing the Goods in the Warehouse, and for the Payment of such Duties before taking the same out of the Warehouse for Home Consumption or for the Exportation thereof, and with further Condition, that if the Goods be not taken out of the Warehouse in Two Years the Duties shall at the Expiration of that Period be paid.

Goods taken from Warehouse except for Exportation.

XXXIII. And be it further enacted, that if any Goods which shall have been so warehoused shall

shall be taken out of the Warehouse, except for Exportation, without Payment of the said Duties so imposed by this Act, such Goods shall be forfeited, and may be seized and disposed of in the Manner directed in and by this Act.

tion, without Payment of Duties to be forfeited.

XXXIV. And be it further enacted, That all Forfeitures and Penalties incurred and recovered under and by virtue of this Act, after deducting the Costs and Charges of Prosecution, together with all Charges that may have accrued, shall be paid as follows; (that is to say,) One Half Part to the Officer seizing and prosecuting the same Articles to Condemnation, or complaining against and prosecuting such Offender or Offenders, and the other Half into the Hands of the Treasurer of the Province for the Use thereof.

Forfeitures and Penalties how to be applied.

XXXV. And be it further enacted, That all Articles which shall have been seized, condemned and forfeited under and by virtue of this Act, shall (under the Direction of the Treasurer or Deputy Treasurer at the Port or Place where such Articles shall have been so seized, condemned and forfeited) be sold by public Auction to the highest Bidder, and the Proceeds of such Sales disposed of as is provided in and by this Act.

Articles condemned to be sold by public Auction.

XXXVI. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to prevent any Person or Persons considering himself or themselves aggrieved by the Decision of any of the Justices of the Peace under the Provisions of this Act, from the Benefit of an Appeal from such Decision to the Supreme Court of the Province.

Act not to prevent Appeal to the Supreme Court.

XXXVII. And be it further enacted, That it shall and may be lawful to and for the Treasurer of the Province to appoint such and so many fit Persons, to be approved of by the Lieutenant Governor or Commander in Chief of the Province, to be his Deputy or Deputies at or near the Western

Deputy Treasurers to be appointed at the Western Boundary of the Province.

Western Boundery of the Province, as he may deem necessary for securing the Duties upon Horses, Horned Cattle, and all Articles which may be imported into the Province by Inland Navigation or by Land, or for the Detection and Punishment of Offences against the Revenue Laws of the Province; which Deputies so appointed or to be appointed, shall have the like Powers, in every Respect, as other Deputy Treasurers have, except so far as relates to the Entry of Goods, Wares and Merchandize imported by Sea.

Their Powers.

Penalty for not reporting and paying Duty on Horses, &c. imported by Inland Navigation or by Land, to the Treasurer, or Deputy at Saint Andrews, Saint Stephen or Woodstock.

XXXVIII. And be it further enacted, That any Person importing by Inland Navigation or by Land, into Part of this Province, Horses, Horned Cattle, or any Articles which are subject to a Duty under this or any other Act or Acts of the General Assembly of this Province, who shall neglect to report the same and pay the Duties thereon to the Treasurer of the Province, or the Deputy Treasurers at Saint Andrews, Saint Stephens or Woodstock, as the Case may be, shall for each and every Neglect or Offence be liable to the same Forfeitures and Penalty as Persons are who may be convicted of fraudulently landing any dutiable Articles from on board of any Ship or Vessel arriving at any Port or Place in the Province, to be recovered and applied in the same Manner as the Penalties are in and by the Third Section of this Act; and all Goods so imported as aforesaid may be seized by the Treasurer of the Province or any Deputy, as the Case may be, and prosecuted to Condemnation and Sale in the same Manner as Goods siezed and forfeited may be under and by virtue of this Act.

Penalty for not reporting, and paying Duties on Horses &c., imported by Inland Navigation or by Land, to the De-

XXXIX. And be it further enacted, That if any Person or Persons shall import into this Province, by Inland Navigation or by Land, any Horses, Horned Cattle, or any Goods, Wares or Merchandize of any Description subject to
Duty

Duty under any of the Revenue Laws of this Province, and shall neglect to report the same, and pay the Duties on such Articles so imported, at the Office of the Deputy Treasurer at Saint Andrews, Saint Stephens, or Woodstock, such Person or Persons so offending shall be liable to the same Penalty as Persons are in and by the Third Section of this Act who shall land Articles from any Ship or Vessel before Report of the Cargo of such Ship or Vessel, to be recovered in the like Manner as the Penalties are in and by the Third Section of this Act; and all Horses, Horned Cattle, Goods, Wares and Merchandize of every Kind, which may be seized for Non-payment of the Duties, or for Default made to the Deputy Treasurer as aforesaid, may be proceeded against in the same Manner as Seizures are in and by the Provision of this Act.

Deputy Treasurer at Saint Andrews, Saint Stephens or Woodstock.

XL. And be it further enacted, That when any Goods, Wares and Merchandize shall be seized as forfeited, and prosecuted to Condemnation and Sale by the Treasurer of the Province or any Deputy Treasurer, under the Provisions of this Act or any other Act for raising a Revenue, Notice of such Sale shall be given to the Principal Officers of the Customs nearest to where such Condemnation and Sale shall take place; and if it shall appear that such Goods, Wares and Merchandize so condemned as forfeited are subject to Duties by the means and powers of any Act or Acts of the Imperial Parliament for the general Regulation of Trade, and that such Duties have not been paid, then and in such Case it shall be the Duty of the said Treasurer or Deputy Treasurer, as the Case may be, to deduct the Amount of such Parliamentary Duties from the Proceeds of the Sale of such Goods, Wares and Merchandize so condemned and sold as aforesaid, and account for the same in the same Manner as if the Amount thereof had

Notice of Sale of Articles seized, to be given to the nearest Officers of the Customs.

When such Articles are liable to a Parliamentary Duty, such Duty to be deducted and accounted for.

Application of
the Residue.

had been received from such principal Officer of the Customs as aforesaid, and the Residue of such Proceeds shall be applied in the same Manner as the Proceeds of other Seizures are under the Provisions of this Act.

Limitation.

XLI. And be it further enacted, That this Act shall continue and be in force from the First Day of April next until the First Day of April which will be in the Year of our Lord One thousand eight hundred and thirty-three.

CAP. IX.

An Act to provide for maintaining Light Houses within the Bay of Fundy.

Passed 9th March 1832.

10 & 11 G. 4,
C. 14,

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Tenth and Eleventh Years of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal all the Acts now in force relating to the Light House on Partridge Island, and to make Provision for the future Support thereof, and of other Light Houses at the Entrance of the Harbour of Saint John*; and also an Act made and passed in the same Year, intituled *An Act to provide for the Maintenance of the Light House established upon the Island of Campo Bello, near Head Harbour, in the County of Charlotte*, be and the same are hereby repealed.

10 & 11 G. 4,
C. 23, repealed.

Duty imposed on
Vessels arriving
within the Bay
of Fundy for the
Support of Light
Houses.

II. And be it further enacted, That there be and is hereby granted to His Majesty, His Heirs and Successors, for the Support of the several Light Houses now erected, or which may be hereafter erected, upon any of the Coasts of the Bay of Fundy, or upon any of the Islands or Rocks in or adjacent thereto, a Duty of Four Pence per Ton for each and every Ton which each

each and every Vessel (excepting Coasters and fishing Vessels, new Vessels not registered, and Vessels proceeding to any of the Ports of the United States within the Bay of Passamaquody), shall admeasure agreeably to their Registers, which may arrive in any Port or Place within the Bay of Fundy from any Port or Place without the Limits hereinafter described for Coasters; and for registered Coasters and fishing Vessels under Thirty five Tons a Duty of Twelve Shillings *per Annum*; from Thirty five to Fifty Tons Twenty five Shillings *per Annum*; from Fifty to Seventy five Tons Thirty Shillings *per Annum*; and for all such Vessels over Seventy five Tons Thirty five Shillings *per Annum*.

III. And be it further enacted, That all the Light Duties imposed in and by the Second Section of this Act, shall be paid by the Master, Owner or Consignee of each and every Vessel, at the Time of the Arrival of such Vessel at any Port or Place within the Bay of Fundy, to the Treasurer of the Province, or to any Deputy Treasurer at or near the Port or Place where such Vessel may arrive, who are hereby severally authorized and required to demand and receive the same; and upon the Neglect or Refusal of any Master or Person having charge, or of any Owner or Consignee of any such Vessel so arriving as aforesaid, to pay the Duties imposed by this Act, the same shall be recovered upon Application to any One of His Majesty's Justices of the Peace at or near the Place where such Neglect or Refusal shall take place, and levied by Warrant of Distress under the Hand and Seal of such Justice, and Sale of the Guns, Boats, Tackle, Apparel and Furniture of such Vessel, and the Overplus (if any) after deducting Costs of such Distress and Sale shall be paid to the Master or Person having charge of such Vessel.

To be paid to the Treasurer or Deputy at Place of Arrival.

Neglect or Refusal.

Recovery.

IV. And be it further enacted, That all Vessels

Coasters and

sels

fishing Vessels,
what shall be
deemed such.

sels which are wholly employed in the Bay of Fundy, on either Side thereof, as far Southerly as Cape Sable and including Grand Manan, whether belonging to New Brunswick or Nova Scotia, shall be deemed Coasters within the meaning of this Act; and all Vessels which are generally employed in fishing on any of the fishing Grounds upon the Coasts of the British Provinces or Newfoundland, and when not so employed shall be otherwise wholly employed within the said Bay of Fundy, and the Limits prescribed for Coasters, shall be deemed fishing Vessels within the meaning of this Act: Provided always, that all such Vessels making a Voyage to any Port or Place without the said Bay and Limits aforesaid shall, upon their Arrival at any Port or Harbour in the said Bay of Fundy, from or after such Voyage, be liable to the same Duties as Vessels which are not deemed Coasters or fishing Vessels, and upon the Payment of such Duty, agreeably to the Tonnage of such Vessel, the Master or Person having charge of such Vessel may on Payment of the annual Duty imposed upon Coasters and fishing Vessels receive a new coasting Receipt, which the Treasurer or Deputy Treasurer, as the Case may be, is hereby required to give; which Receipt shall excuse such Vessel from the Payment of any further Light Duty until the First Day of January next following the Date thereof, unless the said Vessel shall again sail beyond the Limits prescribed for coasting and fishing Vessels, in which Case such Vessel shall upon her Arrival again from without such Limits be again liable to the Tonnage Light Duty, and may again, upon Payment of the annual Duty, resume her Character as a Coaster, and so on as often as such Cases may happen: Provided also, that no Vessel shall be deemed or taken to be a coasting or fishing Vessel until the Master or Person having charge shall have paid
the

Proviso as to
such Vessels ma-
king Voyages
without the Bay
and Limits pre-
scribed.

the annual Duty imposed by this Act; and received a Receipt for the same.

V. And be it further enacted, That Receipts given by the Treasurer or any Deputy Treasurer for the annual Duty upon any Coaster or fishing Vessel, which Receipt the said Treasurer or Deputy Treasurer is hereby required to give, shall exempt such Vessel from the Payment of any further Duty (except when such Vessel shall have sailed beyond the Limits prescribed for Coasters and fishing Vessels) until the First day of January following; after which Date they shall be liable, upon their First Arrival at any Port or Place within the Bay of Fundy, to the Payment of the annual Duty imposed in and by the Second Section of this Act.

Receipts for annual Duty to exempt Vessels from further Duty until the First of January following.

VI. And be it further enacted, That the Commissioners who are or may be appointed by the Lieutenant Governor or Commander in Chief for the Time being, to maintain or erect Light Houses upon any of the Coasts or Islands within this Province, shall make public Contracts for furnishing all necessary Supplies for such Light Houses, and for erecting new Light Houses, and for all necessary Alterations and Repairs that may be required to any Light House or Keeper's House, giving at least Six Weeks Notice for public Competition, and shall in all Cases accept the lowest Tenders which are accompanied with the proper Securities for the due Performance of such Contracts; and the said Commissioners so appointed, or to be hereafter appointed, shall annually, before the Twenty fifth Day of December, render to the Treasurer of the Province an Account, in Detail, duly attested, of all Contracts and Expenses by them incurred, to be by him transmitted to the Lieutenant Governor or Commander in Chief for the Time being, for the Information of the General Assembly.

Commissioners of Light Houses to make public Contracts for Supplies, Repairs &c.

Accounts of Contracts and Expenses to be rendered.

VII. And be it further enacted, That all Mo-
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Money received

to be applied for
the Support of
Light Houses
within the Bay.

Surplus to be dis-
posed of by spe-
cial Act.

Vacancy by
Death or Remo-
val of Keepers
of Light Houses,
how supplied.

nies which shall or may be received under and by virtue of this Act, or which have been received under any former Acts for the Purpose of erecting and supporting Light Houses, shall be applied to the Support of the several Light Houses in the Bay of Fundy, and such other Light Houses as may be hereafter erected in the said Bay, and paid for such Purposes by Warrant of the Lieutenant Governor or Commander in Chief for the Time being; and any Surplus Light Money which may remain after providing for all the above Purposes, shall be kept separate from the ordinary Revenues of the Province, until disposed of by a special Act to be passed for that Purpose.

VIII. And be it further enacted, That in Case of the Death of any Keeper of a Light House under the Superintendence of any Commissioners for Light Houses, or in Case of any Neglect of Duty of any Keeper, and it becomes necessary to remove such Keeper, full Power and Authority is hereby given to such Commissioners to remove such Keeper for Neglect, and to fill up the Vacancy occasioned by such Removal, or by the Death of any Keeper, until the same can be reported to the Lieutenant Governor or Commander in Chief for the Time being; which Report such Commissioners are required to make forthwith.

CAP. X.

An Act to alter the Name of the Shire Town in the County of Kent from *Liverpool* to *Richibucto*.

Passed 9th March 1832.

Preamble.

WHEREAS much Inconvenience arises in consequence of the Shire Town of the County of Kent being called *Liverpool*: And Whereas the Name of the Shire Town would be more suitable

‘suitable if called after the River running through the said Shire Town;’

Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, the Town or Parish in the said County of Kent now called *Liverpool*, the same being the Shire Town of the County, shall be called and known by the Name of *Richibucto*; any Law to the contrary notwithstanding.

Shire Town of the County of Kent to be called *Richibucto*.

CAP. XI.

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

Passed 9th March 1832.

WHEREAS the Increase of the Number of Firemen in the City of Saint John will be of great Benefit in preserving the Properties of the Inhabitants thereof;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, it shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the City of Saint John, or the Major Part of them in Common Council convened, and they are hereby required to elect, nominate and appoint Forty strong, able, discreet, honest and sober Men, being Freemen or Freeholders of the said City, in Addition to the Number of Firemen appointed or authorized to be appointed in and by an Act made and passed, in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the better extinguishing of Fires that may happen within the City of Saint John, and to repeal all the Acts now in force relating to the same.*”

Corporation of Saint John to appoint Forty Firemen in Addition to those appointed under 7 G. 4, C. 8.

II. And be it further enacted, That the said Firemen so to be appointed in Addition to the

Firemen so appointed to have the same Privileges &c.

said

said Firemen appointed or authorized to be appointed in and by the said in Part recited Act, shall be subject to all the Provisions, and entitled to all the Privileges, as in and by the said in Part recited Act are provided and given for governing and regulating the said Firemen which by the said in Part recited Act are authorized to be appointed.

CAP. XII.

An Act to alter and amend the Laws now in force for the Establishment, Regulation and Improvement of the great Roads of Communication through the Province.

Passed 9th March 1832.

Preamble.
8 G. 4, C. 31.

WHEREAS in and by the Second Section of an Act made and passed in the Third Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal all the Laws now in force relating to the Establishment, Regulation and Improvement of the great Roads of Communication through the Province, and to make more effectual Provision for the same*, the Road leading from Fredericton to the Canada Line is established in part by the following Line or Route; (that is to say,) From the Market House in Fredericton, on the West Side of the River Saint John to Tousant Goodine's, thence across the River Saint John and to join the Road at John Mc. Kean's on the upper Side of the Mactequack River, from thence to join the Road lately opened leading to Pennington's Bridge, on the great Road leading to Joseph Wolverton's; and it is found expedient to alter the said Part of the said Route;

Line of Road from the Market House in Fredericton to the Ca-

Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That in lieu of that Part of the said Route in this Section described

scribed, the following shall be the Line or Route of the said Road leading from the Market House in Fredericton to the Canada Line; (that is to say,) From the Market House in Fredericton, on the West Side of the River Saint John, to Bourgoins Ferry, thence to cross the River Saint John to the East Side of the said River, thence on the East Side of the said River to Pennington's Bridge on the great Road leading to Joseph Wolverton's; and that the Remainder of the said Road leading from Fredericton to the Canada Line shall continue as established in and by the said recited Act.

nada Line altered in Part.

CAP. XIII.

An Act to continue and amend the Acts relating to the Support and Relief of confined Debtors.

Passed 9th March 1832.

I. **BE** it enacted by the Lieutenant Governor, Council, and Assembly, That an Act made and passed in the Tenth and Eleventh Years of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal all the Acts now in force for the Support and Relief of confined Debtors, and to make other and more effectual Provisions in lieu thereof*; and also an Act made and passed in the First Year of His present Majesty's Reign, intituled *An Act to amend the Laws in force relating to insolvent and confined Debtors*, be and the same are hereby continued; (excepting so much of the same as is hereby repealed, altered or amended;) and together with this Act declared to be in force until the First Day of April which will be in the Year of our Lord One thousand eight hundred and thirty four.

10 & 11 G. 4, C. 30, and

1 W. 4, C. 43, continued, except as herein altered.

II. And be it further enacted, That the Second Section of the said First herein before recited Act

10 & 11 G. 4, C. 30, S. 2, repealed.

Debtors unable to support themselves may apply for Maintenance after Fourteen Days' Confinement.

Debtor after Notice to Plaintiff &c. to be examined on Oath, and if unable to provide Support &c. a weekly Allowance to be ordered.

Act be and the same is hereby repealed; and in lieu thereof, Be it enacted, that whenever any Person may be confined within any Gaol or the Limits thereof, within this Province, for any Debt, Damages or Costs, whether on mesne or final Process, and such Persons so confined shall be unable to provide or obtain his or her necessary Support, it shall and may be lawful for such Person, after Fourteen Days' Confinement, to make Application to any Judge of the Supreme Court, or any Two Justices of the Inferior Court of Common Pleas of the County where such Person shall be confined, for a weekly Support or Maintenance; and such Judge or Justices, after Fourteen Days' previous Notice to the Plaintiff or Person at whose Suit such Person may be confined, his or her Attorney, shall examine on Oath such Person so confined as to his or her Ability to support himself or herself, and if on Examination, to be taken in Writing on Oath as aforesaid, to be filed in the Office of the Clerk of the Court out of which such Process may have issued, it shall appear to such Judge or Justices that such Person is utterly unable to support him or herself, and has no Property whatever, real or personal, of what Nature or Kind soever, except necessary Bedding, wearing Apparel, Kitchen Utensils, and necessary Tools of his Trade or Occupation, not exceeding in Value in the Whole Fifteen Pounds, and that such confined Person hath not, at any Time since he or she was served with the First or mesne Process in the Suit in which he or she may have been confined, or since he or she had Notice of the said Suit having been commenced, made over, assigned, transferred, or put out of his or her Possession or Power, either directly or indirectly, any Property whatsoever, whether real or personal, for the Purpose of defrauding such Plaintiff, or giving any undue Preference to any other

other Plaintiff or Creditor, that then it shall be lawful for such Judge or Justices to make an Order for the Party at whose Suit such Person may be confined to pay a weekly Sum to be applied for the Support of such Person; which Sum shall be paid weekly, and the First Payment be made at the Time such Judge or Justices may in such Order direct, and from the First Day of November, until the last Day of March shall be Five Shillings per Week, and the Remainder of the Year Four Shillings per Week; and after such Order made, it shall be the Duty of such Party, without any further Notice, to pay such weekly Support agreeably to such Order; and in case of Failure thereof it shall and may be lawful for any such Judge or Justices as aforesaid, on such Failure being made known to him or them, to make an Order under his or their Hands, directed to the Sheriff or Gaoler, to discharge the said Person out of Confinement by reason of such Suit; Provided that nothing in this Act shall prevent any Plaintiff from prosecuting his or her Suit if on mesne Process to final Judgment, or from taking out *Fieri Facias* against the Goods and Chattels, Lands and Tenements of such Defendant, or from recovering in any other Manner the Amount of the Judgment obtained in the Suit, so always that the Person of any Debtor so discharged shall be freed from Arrest in any Proceeding or Action upon such Judgment; And provided also, that in any Case where Two Justices of the Inferior Court of Common Pleas cannot attend, that then it shall and may be lawful for any Justice of the Peace of the County, being of the Quorum, to act in the Stead of such Justice of the Inferior Court of Common Pleas who shall not attend upon such Examination.

First Payment.

Rate.

On Failure Debt-
or to be dis-
charged.

Proviso.

When Two Jus-
tices of the Com-
mon Pleas can-
not attend, any
Justice of the
Quorum may act.

CAP. XIV.

An Act to empower the Deputy Treasurer at Miramichi to recover from the Commissioners of Buys and Beacons for the County of Northumberland the Balance of Monies now remaining in their Hands.

Passed 9th. March 1832.

Preamble.

10 & 11 G. 4.
C. 16.

WHEREAS in and by the Fourth Section of an Act made and passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal an Act, intituled An Act for the better Security of the Navigation of certain Harbours in the County of Northumberland, and to make more effectual Provision for the better Security of the Harbours in the Counties of Northumberland, Kent and Gloucester*, it is provided that the Commissioners to be appointed under the said Act shall have full Power and Authority to call upon the Deputy Treasurer of their respective Districts, and the Persons to be by him appointed, for such Sum and Sums of Money as they shall from time to time respectively have collected under and by virtue of the said Act: And Whereas also in and by the Seventh Section of the said Act it is further provided, that the Balance (if any) of the Monies so to be received by them, in the Hands of the said Commissioners of the Harbours respectively, on the Twentieth Day of December in each and every Year, shall be applied by the said Commissioners, or the major Part of them, for the Purpose of further improving the Navigation of the said Buys and Harbours: And Whereas it appears by the Accounts of the Province Treasurer that a large Sum is now unexpended in the Hands of the said Commissioners for the County of Northumberland, which will not be required for the Purposes contemplated by the said Act;

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That it shall and may be lawful for the Commissioners of Buoys and Beacons for the County of Northumberland, and they are hereby authorized and required, forthwith to pay over to the Deputy Treasurer at Miramichi the Amount of Balance at present remaining in their Hands respectively; on Account of Monies received by them under the said Act; and the said Deputy Treasurer is hereby empowered to receive such Balance, and to render a separate Account of the same, together with any Surplus that may arise hereafter; the said Sum or Sums to be disposed of as the Legislature may hereafter direct.

Commissioners required to pay over the Balance of Monies in their Hands.

A separate Account thereof, and any other Surplus, to be rendered.

II. And be it further enacted, That in case the said Commissioners, or either of them, shall neglect or refuse to pay the same over into the Hands of the Deputy Treasurer at Miramichi by the First Day of June next, it shall and may be lawful for the said Deputy Treasurer, and he is hereby required, to sue for and recover the same, in his own Name, in the Supreme Court of Judicature, or any other Court of Record; the same when recovered to be applied as is directed in and by the First Section of this Act.

On Neglect or Refusal Deputy Treasurer to sue for the same.

CAP. XV.

An Act to enable the Province Treasurer to borrow the Sum of Ten thousand Pounds for the public Service of the Province.

Passed 9th March 1832.

WHEREAS in and by the Sixteenth Section of an Act of the General Assembly of this Province made and passed in the First Year of His present Majesty's Reign, intituled *An Act to incorporate sundry Persons by the Name of the New Brunswick Fire Insurance Company,*

Preamble.

1 W. 4, C. 32.

it is enacted, that the Capital or Stock of the Company collected at each Instalment, and at the Times and in the Manner therein before provided, shall be by the said Directors invested and disposed of in such public Funds, or to such public or corporate Bodies or Associations, as may be deemed advisable: And Whereas the Sum of Ten thousand Pounds, being One Fifth Part of the Capital Stock of the said Corporation, hath been actually collected and paid in pursuant to the Provisions of the said Act of Incorporation: And Whereas it is deemed expedient that the same should be invested in the public Funds of this Province;

Treasurer authorized to borrow £10,000 from the President and Directors of the New Brunswick Fire Insurance Company.

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That the Treasurer of the Province be and he is hereby fully authorized and empowered to borrow and receive of and from the President and Directors of the New Brunswick Fire Insurance Company the sum of Ten thousand Pounds, and to apply the same towards the Payment of any Warrants which may have been drawn upon the Province Treasury, and to grant to the said President and Directors a Receipt, in Duplicate, for the same, under his Hand and Seal.

Interest to be paid annually by Warrant.

H. And be it further enacted, That it shall and may be lawful for the Lieutenant Governor, by and with the Advice of His Majesty's Council, to issue his Warrant for the Payment of the Interest on the said Loan, at and after the Rate of Six per Centum per Annum, in favour of the said President and Directors, to be paid annually from and after the First Day of March One thousand eight hundred and thirty two, during such Period as the said Funds may remain so invested.

CAP. XVI.

An Act to amend an Act, intituled *An Act to repeal an Act passed in the Fiftieth Year of the Reign of His Majesty King George the Third, intituled, An Act to declare the Qualifications of Church Wardens and Vestrymen in the several Parishes in this Province, and of the Persons having Voices in their Election, and to make other and more effectual Enactments in lieu thereof*, so far as the same relates to the Parish Church of Saint Andrews.

Passed 9th March 1832.

WHEREAS the Provisions of an Act made Proambia.
and passed in the First Year of the Reign of I W. 4, C. 28.
His Majesty King William the Fourth, intituled
An Act to repeal an Act passed in the Fiftieth Year of the Reign of His Majesty King George the Third, intituled, An Act to declare the Qualifications of Church Wardens and Vestrymen in the several Parishes in this Province, and of the Persons having Voices in their Election, and to make other and more effectual Enactments in lieu thereof, have been found to be injurious to the Interests of the Parish Church at Saint Andrews in the County of Charlotte;

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That each Pewholder in the said Parish Church at Saint Andrews if the actual Occupier, or if such Pewholder be not the actual Occupier, then the Tenant or joint Tenant in the actual Occupation of the Pew, shall or may be qualified to serve as Churchwarden or Vestryman, and also to vote at the Election of Churchwardens and Vestrymen.

II. Provided always, and be it further enacted, That where a Pew in the said Church is owned or leased by more than One Person, the Whole of said Pewholders or Pew Tenants shall constitute but One Vote, in order that there shall be no more Votes than Pews; and that none but Pewholders in the actual Occupation of such Pew

Pewholders being Occupiers, or Tenants in Occupation of Pews, may serve as, and vote at the Election of, Church Wardens and Vestrymen.

Each Pew to entitle to One Vote only.

Pewholders or Tenants in Occupation alone to

vote or hold Of-
fice.

Pew, or any Tenant or joint Tenant in the actual Occupation thereof, shall have the Power of voting, or be eligible for Office.

Limitation.

III. And be it further enacted, That this Act shall be and continue in force in and from Easter Monday next ensuing, until the First Day of May which will be in the Year One thousand eight hundred and thirty five.

CAP. XVII.

1 W. 4, C. 40.

An Act to amend an Act passed in the First Year of the Reign of His present Majesty King William the Fourth, intituled *An Act to make more effectual Provision for preventing the Importation and Spreading of infectious Distempers within the Towns and Sellements in the Counties of Charlotte and Northumberland.*

Passed 9th March 1832.

Preamble.

WHEREAS the above recited Act has not been found to be sufficiently effectual to prevent the Introduction of infectious Distempers into the said Counties of Charlotte and Northumberland;

W. 4, C. 40,
extended to all
Vessels having
Passengers on
board.

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That all the Provisions, Pains and Penalties of the said recited Act shall be and the same are hereby extended and applied to all Vessels having Passengers on board which shall or may at any Time after the passing of this Act arrive at any Port or Place within the said Counties, whether such Vessel or Vessels shall or may have any Sickness or infectious Distempers on board or not, as fully to all Intents and Purposes as if this Act had been embodied with and made a Part of the said recited Act, so far as the same are applicable.

Limitation.

II. And be it further enacted, That this Act shall continue and be in force as long as the said recited Act, of which this is an Amendment, and no longer.

CAP.

CAP. XVIII.

An Act to repeal all the Laws now in force relating to Saint Andrew's Church in the City of Saint John, and for incorporating certain Persons Pewholders of the said Church and of the several Churches erected or to be erected in this Province in Connexion with the Church of Scotland.

Passed 9th March 1832.

WHEREAS according to the Forms and Usages of the Church of Scotland as by Law established, the spiritual and temporal Affairs of the said Church are kept separate and distinct; And Whereas the present Acts of Incorporation vesting the temporal Affairs of Saint Andrew's Church in the City of Saint John, in Connexion with the Church of Scotland, in the Minister and Elders of the said Church, is at variance with the Forms and Usages of the said Church of Scotland: And Whereas it appears to be the Desire of the Members of the said Church in Saint John, and of a large Majority of the Churches now established in this Province in Connexion with the said Church of Scotland, to be incorporated in strict Conformity with the Forms and Usages aforesaid, and to enable them to manage their temporal Affairs in Accordance therewith;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That an Act made and passed in the Fifty sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Minister and Elders for the Time being of the Church in Communion with the Kirk of Scotland lately erected in the City of Saint John to hold the same to them and their Successors forever, and for other Purposes therein mentioned;* and an Act passed in the Fifty eighth Year of the same Reign, intituled *An Act to extend the Powers of the Minister and Elders of the Kirk of Scotland in the City*

56 G. 3, C. 28,
and

58 G. 3, C. 12,
repealed.

City

City of Saint John, be and the same are hereby repealed.

Trustees herein named, and their Successors forever, incorporated by the Name of *Trustees of Saint Andrew's Church in the City of Saint John*.

II. And be it further enacted, That the present Committee of Management in the said Church, consisting of Twelve Members, namely, Thomas Walker, Robert Rankin, John Wishart, John Robertson, James Kirk, Robert Keltie, James Burns, Henry Hood, William Parks, William Walker, James Robertson and Daniel Leavitt, elected on the Fifteenth Day of August last, together with the Elders of the said Church, namely, John Paul, Robert Robertson, Thomas Nisbet, William Hutchinson, Angus Mc. Kenzie, and John Gillies, be and they are hereby declared to be Trustees for the said Church until the Election and Appointment of Twelve other Trustees as herein after mentioned; and the above named Trustees and their Successors (the said Twelve Trustees to be chosen and appointed in Manner as herein after directed, and their Successors) forever shall be a Body Politic and Corporate in Deed and Name, and shall have Succession forever, by the Name of the *Trustees of Saint Andrews Church in the City of Saint John*, and by that Name shall be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and Places whatsoever within this Province; and shall have full Power and Capacity to purchase, receive, take, hold and enjoy, for the Use and Benefit of the said Church, as well Goods and Chattels, as Lands, Tenements and Hereditaments, and improve and use the same for the Benefit of the said Church according to their best Discretion, and the true Intent and Meaning of the Donors when the same shall be given, devised or bequeathed to the Use and Benefit of the said Church; any Law, Usage or Custom to the Contrary notwithstanding: Provided always, that the Amount of annual Rents, Profits and Receipts of such Lands

Amount of Annual Rents, &c. not to exceed £800

Lands, Tenements, Goods, Chattels and Hereditaments, shall not exceed the Sum of Five hundred Pounds.

III. And be it further enacted, That the several Lots of Land forming a Block on which the said Church is built, situate in Queen's Ward of the said City, and fronting on Germain Street, together with a Lot of Land situate in the Parish of Portland, whether the same are now legally vested in the present Corporation of the said Church by the Title of the *Minister and Elders of the Church of Scotland in the City of Saint John*, or are still standing out in the original Trustees to whom they were conveyed for the Use and Benefit of the said Church, according to their full Metes and Boundaries, together with the said Church thereon erected, shall be and remain fully and absolutely vested in the said Trustees of Saint Andrew's Church in the City of Saint John, and their Successors forever, as a good and absolute Estate in Fee Simple, for the Use, Trust and Benefit aforesaid, and shall be so deemed and taken in all Courts of Law and Equity in this Province, any Law, Usage, or Custom, to the contrary thereof in any Wise notwithstanding; saving to all Purchasers, Tenants, or Occupiers of the Pews in the said Church, or to all Tenants or Occupiers of the said Lots of Land or any Part thereof, their present legal Rights therein and thereto.

Lands herein described, and said Church, vested in said Trustees.

Rights reserved.

IV. And be it further enacted, That the Owners or Proprietors of the Pews in the said Church shall, on the First Wednesday in June forever hereafter, yearly and every Year, assemble and meet together at the said Church, and then and there by a Plurality of Voices of the said Pew-holders then present, between the Hours of Twelve and Two o'Clock in the Afternoon, elect and choose any Number not exceeding Twelve Persons, being Owners or Proprietors of Pews in the said

Twelve Trustees to be annually elected on the First Wednesday in June.

A Pew to entitle
only One Person
to vote.

said Church, to be the Trustees for the Purposes aforesaid, who shall thereupon enter into the Execution of their Office, and continue in the same for One Year, and until other fit Persons shall be chosen in their Stead: Provided always, that the Ownership or Proprietorship of a Pew or Pews shall not entitle more than One Person to vote at any such Election.

Powers of Trustees.

V. And be it further enacted, That the said Trustees of Saint Andrew's Church so chosen and appointed, or the major Part of them assembled upon due Notice publicly given, shall have full Power and Authority to have, use and take all lawful Ways and Means as they in their Discretion shall think meet, by the Sale of the Pews of the said Church, or the letting of them to hire, or by the letting to hire of the said Lands, or of any other Lands which may come into their Possession (provided the same be for a Term or Terms not exceeding Twenty one Years), and by the Improvement and Use as aforesaid of such Goods, Chattels, Lands, Tenements and Hereditaments as shall be hereafter given or purchased to or for the Use and Benefit of the said Church: Provided always, that the said Trustees shall not be empowered to sell or dispose of the said Church, Lands, Tenements and Hereditaments absolutely.

Minister how to
be chosen.

VI. And be it further enacted, That in case of a Vacancy, or the Expiration of any Agreement made or to be made with any Minister for the said Church, the Call or Nomination of any Candidate or Candidates for the pastoral Charge of the said Church shall be in the Trustees and Elders if such Candidate or Candidates shall be in British America, and the Choice among such Candidate or Candidates, or Choice ^{or} Rejection of such Candidate, shall lie in the Congregation, being Pewholders or Communicants, and including the said Elders and Trustees or a Majority

7
Repealed
Another Sec.
substituted
by 3^o of 1834.
C. 16 - page 112
1833 -

Majority of them; and if it shall be found necessary to call a Minister from any Part of Great Britain, the Arrangements for that Purpose shall be solely vested in the said Trustees and Elders of the said Church; Provided always, that in either Case, the Minister to be called shall be a duly ordained or licensed Preacher, by a Presbytery in Connexion with the established Church of Scotland:

VII. And be it further enacted, That the Minister, Elders, and Deacons, and other Officers of the said Church, shall be elected, chosen, and appointed, and have, hold, exercise, and enjoy their respective Offices, according to the Usages of the said Church of Scotland, except so far as the same may be altered or abridged by this Act.

Minister and other Officers to be chosen, &c. according to Usages of the Church of Scotland, except as altered.

VIII. And be it further enacted, That the said Trustees of Saint Andrew's Church, hereby incorporated, shall be held both in Law and in Equity bound for any Engagement made by any former Trustees, or other Persons belonging to the said Church, for the Minister's Stipend, and Expenses of his coming to this Country, and the same shall be paid by the said Corporation so as to relieve the said Trustees or other Persons of the Burthen of such Engagement; and if the Amount thereof shall happen to exceed the yearly Income of the said Church, the same shall be a Burthen on the said Church and Corporation as such, and shall not make the said Trustees responsible in their individual and private Capacity.

Trustees hereby incorporated to be liable for previous Engagements for Stipend, &c.

IX. And be it further enacted, That the Trustees of the several and respective Churches already erected within this Province, and also of all Churches which may hereafter be erected, in Connexion with the established Church of Scotland shall, when elected, chosen and appointed in Manner and Form as directed in and by this Act, be Bodies Politic and Corporate in Deed

Trustees of Churches erected or to be erected in Connexion with the Church of Scotland, incorporated.

and Name, and shall have Succession forever, by the Name of the Trustees of the several and respective Churches to which they respectively belong; and this Act, and every Clause, Direction, Authority and Power in the same contained, shall extend and be in force for all such Churches, in the same Manner as if the said Clauses, Directions and Authorities were particularly re-enacted and applied to such Churches respectively (save and except only the Eighth Section of this Act); and all Lands, Tenements and Hereditaments conveyed or to be conveyed to and for the Use and Benefit of the said Churches, shall be vested in the said several and respective Corporations, as fully and absolutely to all Intents and Purposes as the Lands and Church mentioned in the Third Section of this Act are hereby vested in the said Trustees of Saint Andrew's Church in the City of Saint John.

*This Exception
intended
by 5th Wm
4. C. 6.
page 39
of 8th Section to extend
as if such exception
had not been inserted*

CAP. XIX.

An Act to provide against the Importation and Spreading of Distempers in the Counties of Westmorland, Gloucester and Kent.

Passed 9th March 1832.

Preamble.

WHEREAS from the Arrival of shipping from Foreign Ports to the different Harbours of Shediac, and at the Head of the Bay of Fundy, in the County of Westmorland, and also in the Harbours of Richibucto, Bouctouche and Cocagne in the County of Kent, Restigouche, Bathurst, Carraquet and Shippegan in the County of Gloucester, it has become expedient to make Regulations to prevent the Importation of infectious Distempers;

Vessels herein described, not to proceed further into herein spa

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That no Vessel having on board the Small-Pox, Yellow Fever,

ver, Putrid Bilious Fever, or other pestilential or contagious Distemper, or coming from any Place infected with such Distempers, or at which any such Distempers at any Time of her Departure were known or supposed to prevail, or on board of which Vessel any Person during the Voyages had died or been sick of any such Distemper, or having on Board Passengers, shall come or proceed or be navigated further from the Sea into the Bay of Fundy towards any Port or Place in the County of Westmorland, or further from the Sea into the Harbours of Bay de Vert and Shediac in the County of Westmorland, or further from the Sea into the Harbours of Restigouche, Bathurst, Carraquet and Shippegan in the County of Gloucester, or further from the Sea into the Harbour and Rivers of Richibucto, Bouctouche and Cocagne in the County of Kent, than such Place or Places as the Justices of the Peace in the Counties of Westmorland, Gloucester and Kent, at their General Sessions of the Peace, or at any Special Session to be for that Purpose convened, shall in such Counties respectively order and appoint, until such Vessel shall have been duly inspected and examined by the Physician or Physicians, or Health Officer, to be for that Purpose as hereinafter mentioned appointed, and shall have received a Licence for that Purpose from Two of His Majesty's Justices of the Peace; and in case such Licence shall be denied and it shall be judged expedient by the Justices of the Peace of the said Counties respectively, or by any Two of them, that such Vessel with her Cargo and all Persons on board shall ride or perform Quarantine, then the Master or Commander of such Vessel for the Time being shall forthwith cause such Vessel with all the Persons, Goods and Cargo on board thereof, to be removed to and anchor at such Place, and for

such Harbours and Rivers in Westmorland, Gloucester and Kent, than shall be appointed, until inspected and Licence obtained.

Licence being denied Vessel to be brought to Anchor at Place appointed.

such

such Length of Time (not exceeding Forty Days), as the said Justices or any Two of them in either County shall direct and appoint; and during the Time such Vessel shall be performing such Quarantine, the Master or Commander thereof shall not permit any Intercourse between the Persons on board such Vessel and the Shore or Shores, or any other Vessel or Vessels in the said Harbour or Harbours, except under the Direction of the said Physician or Physicians; and the Master or Commander of any such Vessel, and all and every such Person or Persons belonging to, or being on board of such Vessel, who shall disobey any such Orders and Directions, as aforesaid; or shall neglect to execute and perform the same, or who shall come on Shore or go on Board of any other Vessel within the said Harbour or Harbours, or shall presume to bring or put, or aid or assist in bringing and putting, on Shore or on Board any other Vessel as aforesaid, any Person or any Goods from any such Vessel so having come to Anchor, or which shall be ordered to perform Quarantine as aforesaid, without the Licence or Permission of the said Physician or Physicians being for that Purpose first obtained, shall for each and every Offence severally forfeit and pay a Sum not less than Fifty Pounds nor more than Two hundred Pounds current Money of this Province.

II. And be it further enacted, That the Master or Commander of every Vessel having on board any pestilential or contagious Distemper, or coming from any Place infected with such Distemper or Distempers, or at which any such Distempers at the Time of her Departure were known or supposed to prevail, or on board of which Vessel any Person during the Voyage had died or been sick of any such Distemper, shall immediately after her Arrival at such Place or Places as shall be appointed as aforesaid, by the

Justices

During Quarantine, no Intercourse permitted except under Direction of Physician.

Disobeying any Orders; &c.

Penalty.

Signal to be hoisted in the Starboard Mast Rigging of described Vessels on Arrival at Places appointed.

Justices of the Peace of the said Counties respectively in General or Special Sessions convened, hoist such Vessel's Ensign with the Union down, or if there no Ensign on-board then he shall hoist such other Colours as shall be on Board, in the Starboard Main Rigging; and continue the said Signals so hoisted until a Licence be had to remove the same from the said Justices or any Two of them for the said Counties respectively, under the Penalty of Twenty Pounds for each and every Offence.

Penalty.

III. And be it further enacted, That the several Branch Pilots in the aforesaid Counties of Westmorland, Gloucester, and Kent respectively, shall be furnished with printed or written Instructions, containing such Memorandum or Abstract of the Provisions of this Act, and of the Regulations to be made in pursuance thereof, as the said Justices of the Peace of the said Counties respectively at any General or Special Sessions may direct; and such Instructions shall in all Cases contain a Notice to the following Effect:— That the Master or Commander of any such Vessel shall not put on Shore or on board of any other Vessel, or suffer any other Person to go or put on Shore or on board of any other Vessel, any Person or Goods out of the said Vessel, until such Vessel shall have been so inspected by the Physician or Physicians, Health Officer or Officers, and his or their Licence for that Purpose obtained, under the Penalty of not less than Fifty Pounds nor more than Two hundred Pounds, and further that the said Master or Commander shall cause the said Vessel's Ensign or such other Colours as shall be on board to be hoisted in the Starboard Main Rigging (if the Ensign, with the Union down), and shall continue the same so hoisted until Leave be granted by Two Justices of the Peace to remove the same, under the Penalty

Branch Pilot's to be furnished with Instructions.

Conte...

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To be read or
Purport commu-
nicated to Mas-
ters of Vessels.

of Twenty Pounds : and it shall be the Duty of the said Pilots respectively on first boarding any Vessel coming into any of the said Harbours to read such Notice to the Master or Commander of such Vessel, or to communicate to him the Purport and Effect of such Notice, and any Branch Pilot or Person having charge of any Vessel who shall neglect his Duty in this Respect shall for the First Offence forfeit and pay the Sum of Ten Pounds, and for the Second Offence, in Addition to the further Penalty of Ten Pounds, be prevented forever after from holding a Branch.

Penalties.

Part of l. W. 4,
C. 40, to be con-
sidered as Part
of this Act.

IV. And be it further enacted, That the Provisions of Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth Sections of an Act made and passed in the First Year of the Reign of His present Majesty King William the Fourth, intituled *An Act to make more effectual Provision for preventing the Importation and spreading of infectious Distempers within the Towns and Settlements in the Counties of Charlotte and Northumberland*, shall extend and be construed to extend to the Counties of Westmorland, Gloucester and Kent, and shall be taken and considered as Part and Parcel of this Act.

Limitation.

V. And be it further enacted, That this Act shall continue and remain in force until the First Day of January One thousand eight hundred and thirty seven.

CAP. XX.

An Act to regulate the Service of Writs of *Scire Facias*.

Passed 9th March 1832.

Proceeding by
Two *Nihilis* re-
turned, and sum-

I. **BE** it enacted by the Lieutenant Governor, Council, and Assembly, That the proceeding
ing

ing by Two *Nihil*s returned, and also that of summoning by Summoners, on Writs of *Scire Facias*, shall be abolished.

moning by Summoners, on Writs of *Scire Facias*, abolished.

II. And be it enacted, That Writs of *Scire Facias* may be directed to the Sheriff of any County within the Province, whether or not it be the County in which the Court sits, or in which the Venue is laid, and may be served in any County although directed to the Sheriff of another County.

Direction and Service of Writs.

III. And be it enacted, That when the Defendant or Defendants in Writs of *Scire Facias* can be found within the Province, or have a known Place of Abode therein, such Writs shall be served by delivering a Copy of the Writ to each Defendant; or leaving such Copy at the Defendant's Place of Abode, with the Wife, or an adult Member of the Family, or a Person having the Care of the House, of such Defendant; which Service shall be proved by Affidavit made and filed: Provided that in Cases where the Service is not personal, it shall not be deemed good Service without the Order of the Court, or a Judge of the Court, from which the Writ has issued, upon reading the Affidavit of Service.

Service when Defendant can be found, or has a known Abode, within the Province.

Proviso.

IV. And be it enacted, That when any Defendant cannot be found within the Province, and has not a known Place of Abode therein, Writs of *Scire Facias* may be served by delivering a Copy of the Writ to any known Agent of such Defendant, or to any Person having charge of any Property, real or personal, of such Defendant, or being jointly interested in any Property, real or personal, of such Defendant, within the Province; and such Service shall be deemed good Service when so ordered by the Court, or a Judge of the Court, from which the Writ has issued, upon Affidavit of such Service, and upon its being also made to appear upon Affidavit to the Satisfaction of such Court or Judge that

When Defendant cannot be found, or has not Abode, within the Province.

the

the Defendant cannot be found, and has no known Place of Abode within the Province.

Good Service according to this Act equivalent to Return of *Scire Feci*.

When Writs cannot be served in Modes before specified, a Rule for Appearance to be entered, and published.

No Appearance, Proceedings as in Cases of Default after Service.

8 G. 4, C. 4, S. 4. repealed.

V. And be it enacted, That good Service of Writs of *Scire Facias* according to the Provisions of this Act, shall in all Cases be equivalent to a Return of *Scire Feci* by the Sheriff as heretofore practised.

VI. And be it enacted, That when it shall be made to appear upon Affidavit to the Satisfaction of the Court or a Judge of the Court from which a Writ of *Scire Facias* may have issued, that such Writ cannot be served in any of the Modes herein before specified for that Purpose, such Court or Judge shall, after the Return and Filing of the Writ, direct a Rule to be entered requiring any Defendant as to whom such Service cannot be made to appear to such Writ within Twenty Days after the last Publication of such Rule in One or more Newspapers published in such Parts of the Province as such Court or Judge shall direct; and a Copy of such Rule, certified by the Clerk of the Court, shall be published in such Newspaper or Newspapers for Four Weeks successively; and if an Appearance to the *Scire Facias* shall not be duly entered for such Defendant within the said Twenty Days, such Proceedings may be had as in the Case of Default of Appearance after due Service of the Writ; Affidavit of the due Publication of such Rule according to the Tenor thereof being first made and filed.

VII. And be it enacted, That the Fourth Section of an Act made and passed in the Eighth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for the more easy Assessment of Damages on Bonds payable by Instalments and other similar Instruments; and for the more convenient Service of Writs of Scire Facias*, be and the same is hereby repealed.

VIII.

VIII. And be it enacted, That this Act shall commence and take effect on the First Day of May in the present Year.

Commencement
of Act.

CAP. XXI.

An Act to amend an Act passed in the Fiftieth Year of the Reign of His Majesty King George the Third, intituled *An Act for the more easy and speedy Recovery of small Debts*

Passed 9th March 1832.

WHEREAS it is necessary for the Purposes of Justice, that the Expense attending Suits at Law should bear a reasonable Proportion to the Amount of Injury sustained: And Whereas also, in order in some Measure to accomplish this Object, it is expedient in Cases involving Damages comparatively trifling to establish a summary and cheap Remedy;

Preamble.

I. Be it enacted by the Lieutenant Governor, Council, and Assembly, That the Eighteenth Section of an Act made and passed in the Fiftieth Year of the Reign of King George the Third, intituled *An Act for the more easy and speedy Recovery of small Debts*, be and the same is hereby repealed.

50 G. 3. C. 17,
S. 18. repealed.

II. And be it further enacted, That the Jurisdiction of the Justices of the Peace in the said Act mentioned shall also be held and is hereby made to extend to all Actions of Trespass, Trover, and other Wrongs, where the Amount of the Damages demanded for the Injury or Wrongs complained of shall not exceed Forty Shillings, except in Cases where the Title to Lands shall come in Question, and except also Cases for Libel and Slander; and the Judgment of any of the said Justices, or the Verdict of the Jury in favor of the said Plaintiff, for such Sum as he or they may think proper, not exceeding the said Forty Shillings, shall be a full Determination of the

Jurisdiction of
Justices extend-
ed to Actions of
Trespass, &c.
under Forty
Shillings.

[Exceptions.]

whole Matter laid before him or them, and a Bar to the Recovery of any further Damage for the same or any Part of the same Matter, Injury or Wrongs, although the Damage may be much greater than the said Sum of Forty Shillings.

Same Proceedings to be had, where applicable, as in 50 G. 3, C. 17.

III. And be it further enacted, that the same Proceedings shall be had in all Cases arising under or by virtue of this Act, where the same are applicable, as are provided in and by the said above recited Act, as fully as if this Act were incorporated with and made a Part of the said above recited Act.

50 G. 3, C. 17, S. 17, in Part repealed.

IV. And be it further enacted, That so much of the Seventeenth Section of the above in Part recited Act as relates to the Fees of Constables for serving Subpœnas be repealed, and in lieu thereof a Sum not exceeding One Shilling be allowed for serving each and every Subpœna, including Mileage and all other Fees.

Fee for serving Subpœnas.

CAP. XXII.

An Act to alter and amend an Act, intituled *An Act to incorporate sundry Persons by the Name of the 'New Brunswick Fire Insurance Company.'*

Passed 9th March 1832.

I W 4, C. 20. ' I. **W**HEREAS in and by the Fifteenth Section of an Act passed in the First Year of the ' Reign of His present Majesty King William the ' Fourth, intituled *An Act to incorporate sundry ' Persons by the Name of the ' New-Brunswick ' Fire Insurance Company,*' the Directors of the ' said Corporation are required to make half ' yearly Dividends of all the Profits, Rents, Premi- ' ums and Interest of the said Corporation: And ' Whereas it is expedient that some Provision ' should be made by the Directors of the said ' Company to meet any Contingencies that may ' happen,

‘ happen, by creating a surplus Fund out of the
 ‘ Profits, Rents, Premiums and Interest of the
 ‘ said Corporation; Be it therefore enacted
 by the Lieutenant Governor, Council, and
 Assembly, That the Directors of the said
 Corporation shall not at any half yearly Divi-
 dend of the Profits, Rents, Premiums and Inter-
 est of the said Company divide or pay; or cause
 or permit to be divided or paid, any greater or
 larger Dividend than will amount to the Rate of
 Six Pounds *per Centum* on the total Amount of
 Capital Stock collected and actually invested
 and disposed of as is provided in and by the said
 Act of Incorporation, and of such surplus Fund
 as may be created; and also that the Sum at any
 Time divided and paid shall not exceed Two
 Thirds of the net Amount of the actual Gains
 and Earnings of the said Company, gained or
 earned since the making of the then last Divi-
 dend: Provided always, that whenever the Ca-
 pital Stock collected and actually invested as by
 the said Act of Incorporation is required; and
 the surplus Fund, shall together amount to the
 Sum of Twenty five thousand Pounds, then
 the Directors of the said Company may, if
 they shall think the same advisable, divide and
 pay the Whole of the net Amount of the Gains
 and Earnings of the said Company at each half
 yearly Dividend; any Thing herein before con-
 tained to the contrary thereof in any Wise not-
 withstanding.

Half yearly Di-
 vidends not to
 exceed the Rate
 of Six per Cent.
 on Stock collect-
 ed, nor Two
 Thirds of the
 Gains.

Proviso.

‘ II. And Whereas the said Company or Cor-
 ‘ poration in and by the Sixteenth Section of the
 ‘ said Act of Incorporation are restrained from
 ‘ directly or indirectly dealing in the lending of
 ‘ Money, or in Bills of Exchange or other nego-
 ‘ tiable Instruments, by way of Discount or
 ‘ otherwise; and also in and by the Seventeenth
 ‘ Section of the same Act are prevented from
 ‘ lending Money upon Mortgage on Lands or
 ‘ other

' other real Property, or from holding Lands or
 ' real Property in Security for the Payment of
 ' Money, unless by way of additional Security
 ' for Debts contracted with the said Company in
 ' the course of its lawful Dealings : And Where-
 ' as in and by the First Section of this Act it is
 ' provided that a surplus Fund shall be created
 ' out of the Profits, Rents, Premiums and Inter-
 ' est of the said Company : And Whereas it
 ' would be highly injurious as well to the Stock-
 ' holders in the said Company as to the Public in
 ' general, to compel the said Company to keep out
 ' of Circulation the Amount of its Gains and
 ' Earnings ; Be it therefore enacted, That it
 shall and may be lawful to and for the Directors
 of the said Corporation to use, apply and dispose
 of the Monies arising in the course of the Deal-
 ings of the said Corporation, and all the Profits,
 Rents, Premiums and Interest thereof, by letting
 the same out at Interest, either upon the Securi-
 ty of Lands or other Property or otherwise as the
 Directors thereof may think fit ; any Thing in the
 said Act of Incorporation contained to the con-
 tained thereof in any Wise notwithstanding : Pro-
 vided always, nevertheless, that no Monies of the
 said Corporation shall be put out at Interest, nor
 any Security taken for the same either by Mort-
 gage, Bond, Bill, Note or otherwise, for a short-
 er Period than One Year.

Monies arising
 from the Deal-
 ings of the Cor-
 poration, may be
 let out at Inter-
 est on landed
 Security or o-
 therwise.

Proviso.

CAP. XXIII.

An Act to improve the Law relating to Mortgages.

Passed 9th March 1832.

Preamble.

' WHEREAS the existing Law relating to
 ' Mortgages needs Amendment in certain Res-
 ' pects ;

Mortgages may

I. Be it enacted by the Lieutenant Governor,
 Council,

Council, and Assembly, That from and after the passing of this Act, any Mortgage already registered, or which may hereafter be registered, under the Provisions of the Acts in force for the public registering of Deeds and Conveyances, may be discharged by a Certificate under the Hand and Seal of the Mortgagee, his Executors, Administrators, or Assigns, declaring that all the Monies due upon the Mortgage have been paid, or that the Mortgage has been otherwise satisfied and discharged; which Certificate shall be duly acknowledged or proved in like Manner as a Deed or Conveyance under the Provisions of the said Registry Acts; and shall be registered at full Length, with the Acknowledgment or Proof thereof in the Registry Book in the Office where the Mortgage is registered; and the Register shall make an Entry in the Margin of the Registry of the Mortgage, that such Mortgage is satisfied and discharged, which Entry shall refer to the Book and Page where such Certificate is registered; and such Certificate shall also be filed in the Registry Office.

be discharged by
Certificate of
Mortgages, &c.

Acknowledg-
ment, or Proof,
and Registry of
Certificate.

II. And be it declared and enacted, that every Discharge of Mortgage duly made and entered in the Registry Book according to the Provisions of the Seventeenth Section of an Act made and passed in the Twenty sixth Year of the Reign of King George the Third, intituled *An Act for the public registering of all Deeds, Conveyances, and Wills, and other Incumbrances which shall be made of, or that may affect, any Lands, Tenements or Hereditaments within this Province*, or according to the Provisions of this Act, shall be valid and effectual to discharge and release the Mortgage to all Intents and Purposes, as well at Law as in Equity, from the Time when such Entry is made, and to re-vest the legal Estate in the Mortgagor, his Heirs, Executors, Administrators or Assigns, without any Reconveyance thereof.

Discharge of
Mortgage ac-
cording to 26 G.
3, C. 3, S. 17,
or this Act, to
discharge the
Mortgage and re-
vest the Estate
in the Mortga-
gor, &c. without
Reconveyance.

III. And be it enacted, That where any Action shall

In Actions for

Money secured by a Mortgage, &c. if the Person having Right to redeem the Premises, pay to the Mortgagee, or, in Case of Refusal, bring into Court the Principal, &c. the same to be deemed Satisfaction and Discharge of Mortgage.

shall be brought on any Contract or Obligation for Payment of the Money secured by a Mortgage; or upon any Covenant in the Mortgage Deed, for Payment of such Money, or where any Action of Ejectment shall be brought for the Recovery of any mortgaged Lands, Tenements or Hereditaments, and no Suit shall be then depending in the Court of Chancery of this Province for or touching the foreclosing or redeeming of such mortgaged Lands, Tenements or Hereditaments, if the Person or Persons having Right to redeem such mortgaged Lands, Tenements or Hereditaments, and who shall appear and become Defendant or Defendants in such Action; shall at any Time pending such Action pay unto such Mortgagee or Mortgagees, or in case of his, her or their Refusal shall bring into the Court where such Action shall be depending, all the principal Monies and Interest due on such Mortgage, and also all such Costs as have been expended in any Suit or Suits at Law or in Equity upon such Mortgage (such Money for Principal, Interest and Costs to be ascertained and computed by the Court where such Action is or shall be depending, or by the proper Officer by such Court to be appointed for that Purpose), the Monies so paid to such Mortgagee or Mortgagees, or brought into such Court, shall be deemed and taken to be in full Satisfaction and Discharge of such Mortgage; and the Court shall and may discharge every such Mortgagor or Defendant of and from the same accordingly, and shall and may by Rule or Rules of the same Court compel such Mortgagee or Mortgagees, at the Costs and Charges of such Mortgagor or Mortgagors, either to discharge the Mortgage in the Manner and Form provided by Act of Assembly for that Purpose, or else (at the Option of such Mortgagor or Mortgagors) to assign, surrender or reconvey such mortgaged Lands,

Court by Rule, to compel Mortgagee to discharge the Mortgage and deliver all Deeds &c.

Lands, Tenements and Hereditaments, and such Estate and Interest as such Mortgagee or Mortgagees have or hath therein, and also in either Case to deliver up all Deeds, Evidences and Writings in his, her or their Custody, relating to the Title of such mortgaged Lands, Tenements and Hereditaments, unto such Mortgagor or Mortgagors who shall have paid or brought such Monies into the Court, his, her or their Heirs, Executors or Administrators, or to such other Person or Persons as he, she or they shall for that Purpose nominate or appoint.

IV. And be it enacted, That hereafter in any Action of Ejectment brought by a Mortgagor or Mortgagors, his, her or their Heirs, Executors, Administrators or Assigns, to recover Possession of any Lands, Tenements or Hereditaments under Mortgage, no Defendant other than the Mortgagee or Mortgagees, his, her or their Heirs, Executors, Administrators or Assigns, shall be permitted to set up the Mortgage to bar the Right of Recovery, or to defeat the Title of such Mortgagor or Mortgagors, his, her or their Heirs, Executors, Administrators or Assigns; any Law or Usage to the contrary notwithstanding.

In Actions of Ejectment by a Mortgagor, no Defendant other than Mortgagee to set up the Mortgage to bar Right of Recovery, or defeat Title of Mortgagor.

CAP. XXIV.

An Act further to amend the Laws regulating the Qualifications of Church Wardens and Vestrymen in this Province.

Passed 9th March 1832.

WHEREAS by an Act passed in the First Year of His present Majesty's Reign, intituled *An Act to repeal an Act passed in the Fiftieth Year of the Reign of His Majesty King George the Third, intituled, An Act to declare the Qualifications of Church Wardens and Vestrymen in the severall Parishes in this Province,*

Repealable.

1 W. 4, C. 23.

vince, and of the Persons having Voices in their Elections, and to make other and more effectual Enactments in lieu thereof, Owners or Proprietors of Pews are eligible to the Offices of Church Wardens and Vestrymen of the Church in the Parish only in which they actually reside: And Whereas it is desirable and proper that Owners or Proprietors of Pews, although residing in an adjoining Parish, shall be qualified to be elected to the said Offices;

Owners of Pews in a Church in the Parish adjoining that in which they reside, may be Church Wardens and Vestrymen.

Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, the Inhabitants of the several and respective Parishes in this Province who shall be Owners or Proprietors of Pews in any Church, or Chapel of Ease thereto belonging, situate in the Parish adjoining that in which they reside, shall and may be qualified and capable to be elected and appointed, and to have and hold the Offices or Places of Church Wardens and Vestrymen in such Church; any Thing in the said in Part recited Act to the contrary in any Wise notwithstanding.

CAP. XXV.

An Act to establish and regulate a Ferry and public Landing at Indian Town in the County of Saint John.

Passed 9th March 1832.

Justices of the City and County of Saint John may make Regulations for the Landing at Indian Town, establish a Ferry and fix the Fares.

BE it enacted by the Lieutenant Governor, Council, and Assembly, That the Justices of the General Sessions of the Peace for the City and County of Saint John, be and they are hereby authorized and empowered to make Regulations for the public Landing at Indian Town in the Parish of Portland, and to establish a Ferry from that Place to the opposite Shore near to Lovet's Point, and to fix the Rates and Fares to be

be taken at such Ferry, and to make and ordain Rules and Regulations for keeping the Landings upon each Shore clear from Rafts and other Obstructions of every Nature and Kind whatsoever, and to fix Penalties for the Breach of such Rules and Regulations, not exceeding Five Pounds for any One Offence, to be recovered on the Oath of One or more credible Witness or Witnesses before any One of the Justices of the Peace for the City and County of Saint John, and levied by Distress and Sale of the Offender's Goods and Chattels; One Half of which Penalties so recovered to be paid to the Party complaining, and the other Half to the Overseers of the Poor for the said Parish of Portland, for the Use of the Poor thereof.

Penalties.

Recovery.

Application.

CAP. XXVI.

An Act to incorporate sundry Persons by the Name of the *Saint John Water Company*.

Passed 9th March 1832.

‘ WHEREAS it is thought the Establishment of a Water Company in the City of Saint John would promote the Interest and Convenience of the Inhabitants of the City of Saint John, by increasing and facilitating the Means of procuring Water therein;’

Preamble.

I. Be it enacted by the Lieutenant Governor, Council, and Assembly, That the Honorable William Black, Nehemiah Merritt, James White, John Ward, George D. Robinson, Thomas Barlow, Hugh Johnston, John M. Wilmot, James Hendrick, Thomas Millidge, Robert W. Crookshank, Zalmon Wheeler, Robert Parker, William B. Kinnear, Richard Sands, Lauchlan Donaldson, Charles Simonds, James T. Hanford, William Leavitt, and Noah Diabrow, their Associates, Successors, and Assigns, be and they are hereby declared to be a Body corporate

Persons herein named, their Associates, Successors, and Assigns, incorporated under the Name of the *Saint John Water Company*.

May hold real
and personal
Property,

by the Name of the *Saint John Water Company*; and that they shall be Persons able and capable in Law to have, get, receive, take, possess and enjoy Houses, Lands, Tenements, Hereditaments and Rents, in Fee Simple or otherwise, and also Goods and Chattels, and all other Things, real, personal or mixed, and also to give, grant, let or assign the same or any Part thereof, and to do and execute all other Things in and about the same as they shall think necessary for the Benefit and Advantage of the said Corporation; and also that they be Persons able, in Law capable, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of Law or Equity, or other Places whatsoever, in all and all Manner of Actions, Suits, Complaints, Demands, Pleas, Causes and Matters whatsoever, in as full and ample a Manner as any other Person or Persons are in Law capable of suing and being sued, pleading and being impleaded, answering and being answered unto; and also that they shall have One common Seal to serve for the en- sealing of all and singular their Grants, Deeds, Conveyances, Contracts, Bonds, Articles of Agreements, Assignments, Powers, Warrants of Attorney, and all and singular their Affairs and Things, touching and concerning the said Corporation; and also that the said Company or the major Part of them shall from time to time and at all times have full Power, Authority and Licence to constitute, ordain, make and establish such Laws and Ordinances as may be thought necessary for the good Rule and Government of the said Corporation; provided that such Laws and Ordinances be not contradictory or repugnant to the Laws or Statutes of that Part of the United Kingdom of Great Britain, and Ireland, called England, or repugnant or contrary to the Laws and Statutes of this Province.

Sue and be sued,

Have a common
Seal, and

Make Bye Laws.

II. And be it further enacted, That the Capital or Stock of the said Corporation shall consist of current Gold and Silver Coins of the Province to the Amount of Twenty thousand Pounds: Five per Cent. of which to be paid in current Gold and Silver Coins of the Province within Twelve Months after the passing of this Act, and the Residue thereof as may be required by the President and Directors of the said Company for the Service thereof, a Month's Notice being by them previously given in Two of the public Newspapers of the said City of Saint John that the Residue or any Part thereof will be required: the whole Amount of the said Stock to be divided into Shares of Five Pounds each, making in the whole Four thousand Shares.

III. And be it further enacted, That whenever One thousand Shares have been subscribed, a general Meeting of Members and Stockholders, or the major Part of them, shall take place, by Notice in One or more public Newspapers of the City of Saint John Thirty Days previous to such Meeting, for the Purpose of making, ordaining and establishing such Bye Laws, Ordinances and Regulations for the good Management of the Affairs of the Corporation as they shall deem necessary, and for the Purpose of choosing Thirteen Directors, being Stockholders and Members of the Corporation, under and in pursuance of the Rules and Regulations hereinafter made and provided; which Directors so chosen shall serve until the First annual Meeting for Choice of Directors, and shall have full Power and Authority to manage the Concerns of the said Corporation, and shall commence the Operations of the said Company, subject nevertheless to the Rules and Regulations hereinafter made and provided.

IV. And be it further enacted, That there shall be a general Meeting of the Stockholders and

Twenty thousand Pounds to be the Capital.

c
Five per Cent. to be paid in Twelve Months, and Residue when required.

*By 4th Nov 41 C. 4
p. 99 - the 6th June
extended to 2 years
from 22nd March 11*

Stock to be divided into Shares of Five Pounds each.

When One thousand Shares have been subscribed, a general Meeting to be called for making Bye Laws and choosing Directors.

At the Annual Meeting, which

and

is to be held on the Second Tuesday in May, Thirteen Directors to be chosen.

Directors to choose a President.

Proviso.

Directors to appoint Officers &c.

All Expenses to be paid out of the Corporate Funds.

Seven Directors to form a Board, of which the President to be One. [Exception.]

and Members of the said Corporation to be annually holden on the Second Tuesday in May in each and every Year, at the City of Saint John; at which annual Meeting there shall be chosen by a Majority thereof Thirteen Directors, who shall continue in Office for One Year, or until others are chosen in their Room; in the Choice of which the Stockholders and Members of the said Corporation shall vote according to the Rules hereinafter mentioned; and the Directors when chosen shall at their First Meeting after their Election choose out of their Number a President: Provided always, that Seven of the Directors in Office shall be reelected at such annual Meeting, for the next succeeding Twelve Months, of which the President shall always be One.

V. And be it further enacted, That the Directors for the Time being shall have power to appoint such Officers, Clerks and Servants as they or the major Part of them shall think necessary for executing the Business of the said Corporation, and shall allow them such Compensation for their respective Services as to them shall appear reasonable and proper; all which, together with the Expenses for building Reservoirs, Conductors, Pipes, and all other Contingencies, shall be defrayed out of the Funds of the Corporation; and the said Directors shall likewise exercise such other Powers and Authorities for the well regulating the Affairs of the said Corporation as shall be prescribed by the Bye Laws and regulations of the same.

VI. And be it further enacted, That not less than Seven Directors shall constitute a Board for the Transaction of Business, of which the President shall always be One, excepting in Cases of Sickness or necessary Absence, in which Case the Directors present may choose One of their Board as Chairman in his Stead; that the President

President shall vote at the Board as a Director, and in case of their being an equal Number of Votes for and against any Question before them, the President or Chairman shall have a casting Vote.

President or Chairman to have a casting Vote.

VII. And be it further enacted, That no Director shall be entitled to any Salary or Emolument for his Services; but that the Stockholders and Members of the said Corporation may make such Compensation to the President as to them shall appear reasonable and proper.

No Director to have a Salary.

Compensation to President.

VIII. And be it further enacted, That no Person shall be eligible as a Director unless such Person is a Stockholder, and holding not less than Twenty Shares of the Capital or Stock of the said Corporation.

Qualification of Directors.

IX. And be it further enacted, That the Number of Votes to which each Proprietor of Shares in the said Corporation holding One or more Shares in the said Company shall be entitled on every Occasion when in conformity with the Provisions of this Act the Votes of the Members of the said Corporation shall be given, shall be in the Proportion following; (that is to say), For One Share and not more than Two, One Vote; for every Two Shares above Two and not exceeding Ten, One Vote, making Five Votes for Ten Shares; for every Four Shares above Ten and not exceeding Thirty, One Vote, making Ten Votes for Thirty Shares; for every Six Shares above Thirty and not exceeding Sixty, One Vote, making Fifteen Votes for Sixty Shares; for every Eight Shares above Sixty and not exceeding One hundred, One Vote, making Twenty Votes for One hundred Shares; for every Ten Shares above One hundred Shares and not exceeding One hundred and fifty, One Vote, making Twenty five Votes for One hundred and fifty Shares; but no Person or Persons, Copartnership, Body Politic or Corporate, being a Member or Mem-
bers

Votes to be regulated by the Number of Shares.

Scale.

bers of the said Company, shall be entitled to a greater Number than Twenty five Votes.

Stockholders may vote by Proxy.

X. And be it further enacted, That all Stockholders resident within this Province or elsewhere may vote by Proxy, provided such Proxy be a Stockholder, and do produce sufficient Authority from his Constituent or Constituents so to act.

No Person for the first Twelve Months to hold more than Fifty Shares.

XI. And be it further enacted, That no Member or Corporate Body during the First Twelve Months, to be accounted from and after the passing of this Act, shall be entitled to hold or subscribe for more than Fifty Shares of the said Capital or Stock, except the Corporation of the City of Saint John, who shall be allowed to take up the Whole or any Part thereof, if demanded within One calendar Month after the passing of this Act; and no Person or Persons, Body Politic or Corporate, shall, until the Expiration of One calendar Month from the passing of this Act, be allowed to take or subscribe for any Shares of the said Capital or Stock, unless the said Corporation of the said City of Saint John shall have sooner taken up the Number of Shares intended to be taken by the same Corporation, or declared its Option not to take any.

[Exception.]

Nor to subscribe for any Shares within One Month unless the Corporation of Saint John sooner take, or decline taking Shares.

Vacancies in Board of Directors by Death, &c. how filled up.

XII. And be it further enacted, That the Directors be and they are hereby authorized to fill up any Vacancy that shall be occasioned in the Board by the Death, Resignation, or Absence from the Province for Three Months, of any of its Members; but that in the Case of the Removal of a Director by the Stockholders for Misconduct or Misdadministration, his Place shall be filled up by the said Stockholders; and the Person so chosen by the Directors or Stockholders shall serve until the next succeeding annual Meeting of the Stockholders.

Shares to be assignable.

XIII. And be it further enacted, That the Shares of the Capital or Stock shall be assignable

ble and transferable according to the Rules and Regulations that may be established in that Behalf; but no Assignment or Transfer shall be valid or effectual unless such Assignment or Transfer shall be entered and registered in a Book to be kept by the Directors for that Purpose, nor until such Person or Persons so making the same shall previously discharge all Debts actually due and payable by him to the said Corporation; that in no Case shall any fractional Part of a Share, or other than a complete Share or Shares, be assignable or transferable; that whenever any Stockholder shall transfer in Manner aforesaid all his Stock or Shares in the said Company to any other Person or Persons whatever, such Stockholder shall cease to be a Member of the said Corporation.

Part of a Share not to be assigned.

XIV. And be it further enacted, That the Directors shall make half yearly or yearly Dividends, as may to them appear most proper, of all the Profits, Rents, Premiums and Interest of the said Corporation, payable at such Time and Place as the Directors shall appoint, of which they shall give Thirty Days' previous Notice in Two of the Newspapers published in the City of Saint John.

Directors to make yearly or half yearly Dividends of the Profits.

XV. And be it further enacted, That the said Corporation shall have full Power and Authority to draw Water from, erect Reservoirs on, and to carry Pipes or Conductors through; (when such shall be deemed absolutely necessary for the Conveyance of Water to the City by the said Corporation,) the private Property of Individuals whose Lands may lie at the Source, or in the Line; the said Corporation shall think it expedient to convey the Water from, or through which it may be necessary to carry such Pipes or Conductors, or erect such Reservoirs: Provided always, that no such Water be drawn, Reservoirs erected, or Pipes or Conductors carried from

Corporation may draw Water from, or conduct it through private Property.

Compensation to be made.

Compensation to be determined by Arbitrators in case of Disagreement.

If the Owner of Property do not agree, or appoint an Arbitrator, Supreme Court to grant a Writ to summon a Jury.

from, upon or through the private Property of any Person, without a reasonable and proper Compensation being allowed and paid for the Use and Convenience of the same, and for any Damage sustained by the Operations of the said Corporation, to be agreed upon by the said Corporation, and the respective Owners of such private Property; and in case of Disagreement between the said Corporation and the said Owners or any of them, then such Compensation shall be determined by Three Arbitrators. One to be chosen by the said Corporation and One by the Owner or Owners of the private Property in Question, which Two Arbitrators so chosen shall choose the Third Arbitrator, and in Case of their not agreeing in such Choice within Ten Days after their Appointment, then and in such Case it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the Time being, upon Application of the said Corporation, to appoint the Third Arbitrator, and the Award of the said Arbitrators or any Two of them shall be final and conclusive in the Matters referred to them; and in case any of the said Owners of such private Property shall decline making any such Agreement or appointing such Arbitrator, then and in every such Case the said Corporation may make Application to the Supreme Court of this Province (stating the Grounds of such Application), and such Court is hereby empowered and required from time to time upon such Application to issue a Writ or Warrant directed to the Sheriff of the City and County of Saint John, or in Case of his being a Party interested, then to the Coroner of the said City and County, and in Case of the said Sheriff and Coroner being both interested, then to some Person or Persons who may be disinterested, commanding such Sheriff, Coroner, Person or Persons, as the Case may be, to summon and empanel a Jury of Twelve Free holders

holders within the said City and County who may be altogether disinterested; which Jury upon their Oaths (all which Oaths, as well as the Oaths to be taken by any Person or Persons who shall be called upon to give Evidence, the Officer or Person or Persons summoning such Jury is hereby empowered to administer) inquire of, assess and ascertain the distinct Sum or Sums of Money, or annual Rent, to be paid for the Use and Convenience of such private Property, or the Indemnification to be made for the Damage that may or shall be sustained as aforesaid; and the Inquisition, Award or Verdict of such Jury shall be returned and filed in the Office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the Parties; and the Costs and Expenses of these Proceedings, to be taxed and allowed by the said Supreme Court, shall be borne by the said Corporation.

Jury on Oath to assess the Sum or annual Rent to be paid.

Inquisition to be returned to the Clerk and to be final.

XVI. And be it further enacted; That it shall and may be lawful for the said Company, at a proper and convenient Depth under the Surface of each and every of the Roads and Streets leading into and through the said City and its Vicinity, to lay down, set and place such and so many Pipes, Leaders and Conduits for the said Water as they shall find to be necessary for conveying it to any or every dwelling House in the said City or its Vicinity, and from time to time as often as the said Company shall think proper to lay down such Pipes, Leaders and Conduits, or shall have occasion to alter, amend or repair the same, it shall also be lawful for the said Company to break up and open any Part whatsoever of the said Roads and Streets, or of the Covering, Pavement or Side Walks thereof, and the same to keep open and uncovered during the Time necessary for the said Purposes: Provided always, that before the said Company shall break

Pipes and Conduits may be laid under the Roads and Streets.

Notice of Intention to break up any Road or

Street to be given to the Mayor, &c.

Company to restore such Roads and Streets to former Condition.

On Failure the Mayor, &c. may cause them to be repaired and sue the Company for the Expense.

Vents and Openings to be made by the Company, for supplying Water in case Fire.

up or open any such Road or Street, they shall give previous Notice of their Intention so to do to the Mayor, Aldermen and Commonalty of the said City, and shall receive their Permission in Writing therefor, and not otherwise: And provided also, that the said Company shall and do, at their own proper Costs and Charges, and to the Satisfaction of the said Mayor, Aldermen and Commonalty, and without unnecessary Delay, repair and amend the said Roads and Streets in every Part where they shall be so broken up and opened as aforesaid, and restore the Covering, Pavement and Side Walks thereof respectively, to the Condition in which they were before breaking up or opening the same.

XVII. And be it further enacted, That if the said Company shall not repair the said Roads or Streets, or any of them, so broken up, to the Satisfaction of the said Mayor, Aldermen and Commonalty, it shall be lawful for the said Mayor, Aldermen and Commonalty to cause the same to be repaired, and to sue for and recover the Expense incurred therein from the said Company in the Supreme Court of the Province, or in case the Sum demanded shall not exceed Five Pounds, then before any Justice of the Peace for the said City and County not being an Alderman of the said City; such Justice to proceed in the Manner directed in the Act for the more easy and speedy Recovery of small Debts.

XVIII. And be it further enacted, That the said Company do and shall, in every Street or Road through which the said Pipes shall be laid, make and provide proper Vents and Openings for supplying Water whenever Fires shall happen in the said City or the Vicinity thereof, and do and shall make such Vents and Openings in such Places, and at such Distances from each other, as the Mayor, Aldermen and Commonalty of the said City in Common Council convened shall

shall from time to time direct and appoint, under Penalty of forfeiting the Privileges and Immunities granted in and by this Act: Provided always that the said Mayor, Aldermen and Commonalty shall pay any additional Expense that may be incurred by the making and maintaining of such Vents and Openings for supplying Water in Cases of Fire.

Penalty.

Expense to be defrayed by the Mayor, &c.

XIX. And be it further enacted, That in case the Mayor, Aldermen and Commonalty of the said City of Saint John shall take up and subscribe for the Whole of the said Capital or Stock within One calender Month after the passing of this Act, as provided for in the Eleventh Section of this Act, then and in such Case the Establishment of the said Corporation by the Name of the *Saint John Water Company* shall not take effect, and all the Provisions herein before contained relating to the Establishment, Constitution and Regulation of the said Company shall be void and of no Effect; and then and in such Case also the said Mayor, Aldermen and Commonalty of the City of Saint John shall have and exercise all the Powers, Privileges and Authorities, and be subject to all the Regulations and Provisions in the Fifteenth, Sixteenth, Seventeenth and Eighteenth Sections of this Act mentioned and contained, so far as the same may be applicable to the said Mayor, Aldermen and Commonalty; and then and in such Case also it shall be the Duty of the said Mayor, Aldermen and Commonalty, and they are hereby required forthwith to proceed to carry into Effect the Intention of this Act, by supplying the said City and its Vicinity with Water in the Manner herein contemplated.

If the Mayor, &c. take up the whole Stock within One Month, the Corporation not to take effect.

The Mayor, &c. then forthwith to carry into effect the Intention of this Act.

CAP. XXVII.

An Act further to amend the Act relative to the Importation and Spreading of infectious Distempers in the City of Saint John, and to extend the Provisions thereof.

Passed 9th March 1832.

Preamble.

WHEREAS sundry Defects have been discovered in the Act made and passed in the Tenth and Eleventh Years of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal all the Acts now in force relative to the Importation and Spreading of infectious Distempers in the City of Saint John, and to make more effectual Provision for preventing the same; And Whereas it is necessary to obviate the said Defects by further amending and extending the Provisions of the Act;*

10 and 11 G. 4.
C. 27, S. 8, repealed.

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That the Eighth Section of the said herein before in Part recited Act be and the same is hereby repealed.

Line further than which no Vessel is allowed to proceed until examined &c., altered.

II. And be it further enacted, That the Line in the Second and Fourth Sections of the said Act mentioned, running Westwardly from Broad or Main Street to Sand Point in Carleton, further or higher up than which no Vessel by the said Act is allowed to proceed or be navigated until the Provisions thereof shall be complied with, shall from and after the passing of this Act be altered to a Line running Westwardly from the Breakwater, so called, on the Eastern Side of the Harbour of Saint John, to Sand Point in Carleton, which shall and is hereby declared to be the Line further or higher up than which no Vessel situated as in the said Sections of the said Act is mentioned shall be allowed to proceed or be navigated, until the Provisions of the said Act respecting the said Line be fully complied with.

III. And be it further enacted, That the Master or Commander of every Ship or Vessel which shall arrive in the Harbour of Saint John from any Port or Place in the West Indies, South America, the United States of America, from Boston and the Southward of Boston, Bermuda, Africa, or the Mediterranean, or having Passengers on board from any Port or Place in any Part of the World (save and except in this Province, Canada, Nova Scotia, Newfoundland, and the United States of America to the Northward of Boston), between the First Day of May and the First Day of November in any Year, shall hoist the said Vessel's Ensign, or such other Colour as may be on board, in the Starboard Main Rigging of the said Vessel, and shall not proceed with the said Vessel further or higher up into the said Harbour than a Line running Westwardly from the said Breakwater to Sand Point in Carleton aforesaid, and shall not suffer or permit any Passenger, Seaman or other Person to be landed, or himself land, from the said Ship or Vessel, until such Ship or Vessel shall have been visited, inspected and examined by the Physician or Physicians in the said Act mentioned, and his or their Permission in Writing first obtained for the said Vessel to proceed, and the said Persons to land as aforesaid; and the Master or Commander of any Vessel who shall not hoist the said Vessel's Ensign or other Colour as aforesaid in Manner aforesaid, or shall suffer or permit any Passenger, Seaman or other Person as aforesaid to be landed, or himself land as aforesaid, or whose Vessel shall proceed higher up than the Line herein before aforesaid and specified as aforesaid, until such Permission shall be obtained as aforesaid, shall for each and every Offence forfeit and pay the Sum of Twenty Pounds, to be prosecuted, sued for, recovered and applied

Signal to be hoisted in herein described Vessels, and such Vessels not to proceed further into the Harbour than Line before specified, and no Person to land therefrom, until inspected and Permission obtained.

Penalty.

as in and by the Ninth Section of the said in Part recited Act is provided.

Landing Persons within the City and County before Vessel be brought into the Harbour.

IV. And be it further enacted, That no Master or Commander of any Vessel arriving in the Bay of Fundy, and having on board any pestilential or contagious Distemper, or in any Particular circumstanced as in the Second Section of the said Act mentioned, shall land, or suffer or permit to be landed, any Person or Persons whomsoever; or himself land, from the said Vessel, on any Part or Place whatever within the City and County of Saint John, until he shall bring the said Vessel into the Harbour of Saint John, in order that he may comply with all the Requisitions of the said Act, under the Penalty of Two hundred Pounds for such Offence, to be sued for, recovered and applied as in and by the said Ninth Section of the said Act is provided; and if Disease of a contagious Nature should break out among any Persons landed contrary to the Provisions of this or the said in Part recited Act, or in any Case whatever among Persons or Passengers landed from any such Vessel, it shall and may be lawful for the Mayor or Recorder of the said City, together with Six other Magistrates of the City and County of Saint John to be summoned by the said Mayor or Recorder; to order and direct the Removal of the said Person or Persons so diseased to some proper Place, as far as conveniently may be, to prevent communicating the Infection to others.

Penalty.

Contagious Disease breaking out among Persons landed, Mayor, &c. may order their Removal.

Persons breaking the Provisions of 10 and 11 G. 4, C. 27.1 W. 4, C. 35, or of this Act, may be held to Bail for the Penalties ;

V. And be it further enacted, That on the Breach of any of the Provisions of this Act, or of the said Act to which this is an Amendment, or of a certain Act made and passed in the First Year of His present Majesty's Reign, intituled *An Act to amend an Act, intituled, An Act to repeal all the Acts now in force relative to the Importation and Spreading of infectious Distempers in the City of Saint John, and to make more effectual*

effectual Provisions for preventing the same, all and every Person and Persons guilty of a Breach of any One or more of the said Provisions, shall and may be held to Bail for the Penalty or Penalties accruing by reason of such Breach or Breaches thereof, at the Suit of the Person entitled to prosecute the same, by virtue of an Order for that Purpose to be obtained under the Hand of any Judge of either of the said Courts in the said in Part recited Act mentioned, on proper Affidavits being laid before him satisfactorily establishing the Breach of all or any of the Provisions aforesaid; which Order any One of the Judges of the said Courts is hereby authorized to grant; and in Default of giving such Bail, such Person or Persons so as aforesaid ordered to be held to Bail shall be committed to Prison, or to such other Place within the said City and County, in case the said Person or Persons should be infected with any contagious Distemper as aforesaid, as the said Mayor or Recorder and Six Magistrates so aforesaid to be summoned shall think necessary to prevent the spreading of such contagious Distempers, to await his or their Trial.

And in Default of giving Bail may be committed to Prison, &c.

CAP. XXVIII.

An Act further to continue an Act, intituled *An Act more effectually to provide for the Support of a nightly Watch in the City of Saint John.*

Passed 9th. March 1832.

BE it enacted by the Lieutenant Governor, Council, and Assembly, That an Act passed in the Fifty sixth Year of the Reign of His Majesty King George the Third, intituled *An Act more effectually to provide for the Support of a nightly Watch in the City of Saint John*, be and the same is hereby continued and declared to be in

56 G. 3, C. 17,
continued.

in Force until the First Day of April which will be in the Year of our Lord One thousand eight hundred and thirty four.

CAP. XXIX.

1 W. 4, C. 33. An Act to amend an Act, intituled *An Act to repeal all the Laws now in Force for regulating and repairing the Highways and Heads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual Provision for the same.*

Passed 9th March 1832.

The altered Parts of Roads may be shut up when they are not settled by the Erection of Houses, &c.

Proviso.

Commissioners may shut up any Road upon Application of all the Owners.

I. **BE** it enacted by the Lieutenant Governor, Council, and Assembly, That whenever an Alteration is made in any Highway or Road in the Province pursuant to the Provisions of the said in Part recited Act, and the Part or Parts of such Road or Highway between the Points of such Alteration are not settled by the Erection of dwelling Houses thereon, and where the Alteration so made shall not cut off any Proprietor from the Road so altered, then and in such Case it shall and may be lawful to and for the Commissioners of Highways in the Town or Parish where each Alteration may be made, to order and direct that the said Points between such Alteration may be stopped up and inclosed by the Proprietor or Proprietors of the Lands between such Points of Alteration as aforesaid, after which Order and Direction the said old Road shall no longer be considered public: Provided always, that the altered or new Part of the Road shall be made equally as good and as passable for Travellers as the old Road, before the latter shall be shut up and inclosed as aforesaid.

II. And be it further enacted, That the Commissioners of Highways in the respective Towns or Parishes for which they shall be appointed be and they are hereby authorized and empowered, upon

upon the Application and with the Consent of all the Owners of the Land over which any Road may pass, to shut up and stop the same; provided that the said Commissioners shall be of the Opinion that such Road shall not be required for the Convenience of the Inhabitants of the Town or Parish in which any such Road is situated, or of the Inhabitants of the next adjoining Towns, Villages and Neighbourhoods.

Proviso.

III. And be it further enacted, That the said Commissioners shall from time to time make Returns of all Roads or Highways which shall be by them shut and stopped up within their respective Towns or Parishes, into the Office of the Clerk of the Peace of the County in which such Roads are situated, in like Manner as is directed in and by the Fourteenth Section of the said Act to which this is an Amendment; which said Return shall be entered by such Clerk of the Peace in the same Way as is provided for by the said Section; and whatsoever the said Commissioners shall do according to the Powers given to them by this Act, being so returned and entered, shall be valid and good to all Intents and Purposes whatsoever.

To make returns of Roads shut up as directed by 1 W. 4, C. 33, S. 14.

CAP. XXX.

An Act to authorize the Issue of Treasury Debentures to the Amount of Five thousand Pounds.

Passed 9th March 1832.

‘ I. **WE**, His Majesty’s most dutiful and loyal
 ‘ Subjects, the Assembly of New Brunswick, in
 ‘ General Assembly convened, towards raising
 ‘ the necessary Supplies which we have cheer-
 ‘ fully granted for the public Service, have freely
 ‘ and voluntarily resolved to give and grant unto
 ‘ the King’s most Excellent Majesty the Sum
 ‘ herein

S

herein after mentioned, and do therefore most humbly pray Your Excellency that it may be enacted; And be it enacted by His Excellency the Lieutenant Governor, by and with the Advice and Consent of the Council and Assembly, in General Assembly convened, and by the Authority of the same, That from and after the First day of June next, it shall and may be lawful for the Treasurer of the Province for the Time being to prepare, make and issue, or cause to be prepared, made and issued, Treasury Debentures not exceeding in the whole Amount the Sum of Five thousand Pounds Currency, in the Manner and Form herein after mentioned, payable at the Expiration of Eighteen Months after the Date of the same, with Interest at and after the Rate of Six *per Centum per Annum*; and that the said Debentures shall be numbered according to their Classes in numerical Progression, beginning with each Class with the Number One.

Province Treasurer to issue Debentures to the Amount of Five thousand Pounds.

Scale of the Amounts.

II. And be it further enacted, That the said Treasury Debentures so to be issued in pursuance of this Act, shall be issued as follows; (to wit,)

Class A. Ten Debentures of One hundred Pounds each.

Class B. Twenty Debentures of Fifty Pounds each.

Class C. Forty Debentures of Twenty five Pounds each.

Class D. One hundred Debentures of Twenty Pounds each.

Which Debentures shall be according to the Form prescribed in Schedule A. to this Act.

III. And be it further enacted, That the said Debentures shall issue in the following Proportions, and at the following Times; (that is to say,) the Sum of Two thousand five hundred Pounds on the First Day of June One thousand eight hundred and thirty two, and the Sum of One

To be issued at the Times herein specified.

One thousand five hundred Pounds on the First Day of July then following, and the Balances of said Five thousand Pounds (say One thousand Pounds) on the First Day of August then following; and the said Treasurer shall insert in the said Debentures the Day of the Month from which Interest is to be calculated.

IV. And be it further enacted, That all the Monies to be received under and by virtue of this Act shall be paid into the Treasury, and appropriated for the Payment of Warrants on the Treasury for the Monies granted for the Service of Roads and Bridges throughout the Province.

Money to be appropriated for Payment of Grants for Roads and Bridges.

V. And be it further enacted, That all the Treasury Debentures issued by virtue of this Act, and all Interest accruing or becoming due thereon, or which shall become payable in respect of the said Sum of Five thousand Pounds, shall be and are hereby made chargeable upon the Treasury of this Province, and repaid out of any Monies which may be in the same, or which shall come into the same, after the said Debentures shall respectively become due and payable.

Debentures and Interest made chargeable upon the Treasury.

VI. And be it further enacted, That as soon as the said Treasury Debentures which shall or may be issued in pursuance of this Act shall become due, all Interest shall cease thereafter and shall be no longer payable thereon.

Interest to cease after the Debentures become due.

VII. And be it further enacted, That the said Province Treasurer for the Time being shall, after the said Debentures have been issued and Amount paid into the Treasury for the same, make a Return to the Lieutenant Governor or Commander in Chief of the Amount of Debentures issued, and to whom issued, in pursuance of the Provisions of this Act, to be laid before the General Assembly at their next Session.

Treasurer to make a Return to the Lieutenant Governor after the Debentures have issued.

VIII. And be it further enacted, That all Treasury Debentures which from time to time shall be discharged and paid off, shall be cancell-

Mode of discharging and cancelling the Debentures.

ed and made void by the Party holding the same receipting the said Debenture by stating the Amount of Principal and Interest received on the same, and writing his or their Name or Names thereupon in Words at Length; and that after the said Debentures shall be so paid off, the said Treasurer shall as soon after as may be make a Return to the Lieutenant Governor or Commander in Chief of the Debentures so paid off, for the Purpose of being laid before the House of Assembly at their next Session; and that after the Accounts of the Payment of the said Debentures shall be audited and allowed by the General Assembly, they shall be burnt or destroyed as being of no further Use to the public Service.

Counterfeiting.

IX. And be it further enacted, That if any Person or Persons whatsoever shall forge, counterfeit or alter any of the said Treasury Debentures issued by virtue of this Act, and shall be found guilty thereof, shall be deemed guilty of Forgery and liable to all the Pains and Penalties for the same.

Penalty.

SCHEDULE A.

CLASS ——. NUMBER ——.

Treasury Department, New Brunswick.

Form of Debenture.

Whereas by virtue of an Act of the General Assembly of 2 Will. 4, Cap. —, intituled "An Act to authorize the Issue of Treasury Debentures to the Amount of Five thousand Pounds," — of (*here insert Parish, City, County, or as Case may be*) having paid into the Treasury for the Use of the Province the Sum of — Pounds;

Now therefore this Debenture is chargeable on the Monies which may be in the Treasury of the said

said Province, or which shall be paid into the same on or after the — Day of — which shall be in the Year of our Lord One thousand eight hundred and thirty —, for the said Sum of — Pounds with Interest to be chargeable on the same from — Day of —, to the said — or to such other Person or Persons as he shall authorize to receive the same.

Given under my Hand this — Day of — in the Year of our Lord One thousand eight hundred and thirty two.

Debenture £ _____
 Interest _____ Province Treasurer:
 Amount £ _____ due.

FORM OF TRANSFER.

I authorize —, or such Person as he shall appoint, to receive the Amount of the within Debenture and Interest thereon. Form of Transfer.

CAP. XXXI.

An Act further to continue the Acts relative to Streets and Highways in the City and County of Saint John.

Passed 9th March 1832.

BE it enacted by the Lieutenant Governor, Council, and Assembly, That an Act made and passed in the Fiftieth Year of the Reign of King George the Third, intituled *An Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John;* 50 G. 3, C. 16, and an Act made and passed in the Fifty eighth Year of the same Reign, intituled *An Act further to continue and amend an Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John;* 55 G. 3, C. 9, and an Act made and passed in the Fifth Year of the Reign 5. G. 4, C. 26, and

9 G. 4, C. 5,
S. 8,
Continued:

Reign of King George the Fourth, intituled *An Act further to continue and amend the Acts for more effectually repairing the Streets and Bridges in the City and County of Saint John*; and the Third Section of an Act made and passed in the Ninth Year of the last mentioned Reign, intituled *An Act to continue until the First Day of April One thousand eight hundred and thirty certain Acts providing for the more effectually repairing the Streets and Bridges in the City and County of Saint John, and to amend the same*, he and the same are hereby continued until the First Day of April One thousand eight hundred and thirty six.

CAP. XXXII.

An Act further to amend the Acts relating to the Great Roads of Communication through the Province.

Passed 9th March 1832.

Preamble.

WHEREAS the Acts relating to the great Roads of Communication through the Province require Amendment in the Manner herein after mentioned;

Supervisors of
Parts of Great
Roads vested
with Powers,
&c. of Acts re-
lating to great
Roads.

I. Be it enacted by the Lieutenant Governor, Council, and Assembly, That any Supervisor already appointed, or who may hereafter be appointed, for any Part or District of any One of the said great Roads, shall with regard to such Part or District for which he may be so appointed be singly and solely vested with all the Powers, and be subject to all the Provisions, of the several Acts of Assembly relating to the Establishment, Improvement and Regulation of the said great Roads.

Proprietors of
Lands under
Mortgage, &c. to
be deemed the
Owners to whom
Value and Da-

II. And be it enacted, That the Proprietor or Proprietors in the Possession, either by themselves or by Tenants holding under them, of improved Lands through which any Supervi-

nor may wish to lay out a public Road, shall be deemed to be the Owner or Owners of such improved Lands to whom the Value thereof and the Damages sustained are to be paid under the Provisions of the Sixteenth Section of an Act made and passed in the Third Year of the Reign of King George the Fourth, intituled *An Act to repeal all the Laws now in Force relating to the Establishment, Regulation and Improvement of the great Roads of Communication through the Province, and to make more effectual Provision for the same*, notwithstanding such Lands may be under Mortgage or other Incumbrance; and that the Freeholders appointed to set and appraise such Value and Damages shall also inquire and return in their Verdict who are such Owner or Owners to whom such Value and Damages are to be paid; and upon Payment of such Value and Damages to the Person or Persons whom the said Freeholders may so return in their Verdict to be the Owner or Owners of such Lands, or upon Tender and Refusal thereof, such Supervisor shall be fully authorized and empowered to lay out such public Road through such improved Lands.

damages are to be paid under 2 G. 4, C. 31, S. 16.

Freeholders to inquire and return who are the Owners.

CAP. XXXIII.

An Act to appropriate a Part of the public Revenue to the Payment of the Ordinary Services of the Province.

Passed 9th March 1832.

I. BE it enacted by the Lieutenant Governor, Council, and Assembly, That there be allowed and paid out of the Treasury of the Province; for the Services herein after mentioned, the following Sums; (to wit;)

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

To

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

Clerk of Council. To the Clerk of the Council in General Assembly the sum of fifty pounds, and twenty shillings *per diem* during the present Session.

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

Clerk Assistant. To the Clerk Assistant of the House of Assembly the sum of twenty shillings *per diem* during the present Session.

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

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

Door Keepers. To the Door Keepers attending the Council and Assembly the sum of twelve shillings and sixpence *per diem* each during the present Session.

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

Attorney General. To His Majesty's Attorney General for his services for the year one thousand eight hundred and thirty one the sum of one hundred pounds.

Solicitor General. To His Majesty's Solicitor General for his services for the year one thousand eight hundred and thirty one the sum of fifty pounds.

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

Hon. Richard Simonds. To the Honorable Richard Simonds the sum of six hundred pounds for his services from the thirty first day of December one thousand eight hundred and thirty to the thirty first day of December one thousand eight hundred and thirty one; and a further sum of one hundred pounds to enable him to pay a Clerk for the same period.

To

To the Keeper of the Light House on Partridge Island the sum of one hundred pounds for the year one thousand eight hundred and thirty two.

Keeper of Partridge Island Light House.

To the Keeper of the Beacon Light in the Harbour of Saint John the sum of one hundred pounds for the year one thousand eight hundred and thirty two.

Keeper of the Beacon Light.

To His Excellency the Lieutenant Governor a sum not exceeding two hundred pounds for the encouragement of the destruction of Bears agreeably to a Law of this Province.

Destruction of Bears.

To His Excellency the Lieutenant Governor the sum of one hundred and twenty pounds to pay the Keeper of Campo Bello Light House for his services for the year one thousand eight hundred and thirty two.

Keeper of Campo Bello Light House.

To His Excellency the Lieutenant Governor a sum not exceeding five hundred pounds to enable His Excellency to make up the deficiency of the grant for one thousand eight hundred and thirty for the encouragement of raising Grain on new land agreeably to the Acts of the General Assembly.

Deficiency of Grain Bounty 1830.

To His Excellency the Lieutenant Governor the sum of fifty pounds for the purpose of aiding the Milicete Tribe of Indians to maintain their Priest.

Milicete Tribe of Indians.

To His Excellency the Lieutenant Governor a sum not exceeding three thousand five hundred pounds for the encouragement of raising Grain on new Land; and a sum not exceeding three thousand and five hundred pounds for the encouragement of the Fisheries of the Province for the year one thousand eight hundred and thirty two, agreeably to the Acts of the General Assembly.

Grain Bounty.

Fish Bounty.

To His Excellency the Lieutenant Governor the sum of one hundred and fifty pounds for the services of David W. Jack, Tide Surveyor at the Port of Saint Andrews, from the first of April

Tide Surveyor at St. Andrews.

one thousand eight hundred and thirty one. to the first Day of April one thousand eight hundred and thirty two.

Tide Surveyor at Miramichi.

To His Excellency the Lieutenant Governor the sum of seventy five pounds for the services of a Tide Surveyor at Miramichi for the Year one thousand eight hundred and thirty two.

Tide Surveyor at Richibucto.

To His Excellency the Lieutenant Governor the sum of twenty five pounds for services of a Tide Surveyor at Richibucto for the year one thousand eight hundred and thirty two.

Tide Surveyor at Bathurst and Restigouche.

To His Excellency the Lieutenant Governor the sum of forty pounds for a Tide Surveyor at Bathurst and Restigouche for the year one thousand eight hundred and thirty two.

Tide Surveyor at Saint John.

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

Tide Waiters at Saint John.

To His Excellency the Lieutenant Governor the sum of ninety one pounds and five shillings to enable the Treasurer to pay John Abrams for his services as Tide Waiter at Saint John for the year one thousand eight hundred and thirty two.

Revenue Cutter Defiance.

To the Hon. R. Simonds, Province Treasurer, the sum of one hundred and thirty nine pounds eight shillings and eight pence being the balance on the accounts of the Revenue Cutter Defiance.

Treasury Contingencies.

To the Hon. R. Simonds, Province Treasurer, the sum of ninety pounds nineteen shillings and eight pence being for contingent expenses at his office for the year one thousand eight hundred and thirty one.

B. C. Chaloner.

To B. C. Chaloner, Provincial Guager at Saint John, the sum of one hundred and seven pounds sixteen shillings and six pence, being for

his

his account for gauging and weighing in the year one thousand eight hundred and thirty one.

To D. W. Jack, Gauger at Saint Andrews, the sum of twenty nine pounds one shilling and six pence being amount of his account for the year one thousand eight hundred and thirty one.

D. W. Jack.

To Robert Watson, Gauger at Saint Stephen, the sum of six pounds five shillings and six pence being amount of his account for the year one thousand eight hundred and thirty one.

R. Watson.

To C. H. Jouett the sum of sixteen pounds and nine shillings for gauging at West Isles in the year one thousand eight hundred and thirty one.

C. H. Jouett.

To George Henderson the sum of seven pounds five shillings and six pence for gauging at Miramichi in the year one thousand eight hundred and thirty one.

G. Henderson.

To the Commissioners of Saint Paul's Island Light House the sum of four hundred and twenty seven pounds three shillings and three pence being amount expended by them in erecting buildings on that Island for the reception of shipwrecked persons, and other expenses incurred by them for the relief of such persons.

Commissioners
of Saint Paul's
Island Light
House.

To the Commissioners of Cape Sable Seal Island Light House the sum of four pounds eleven shillings and ten pence being the balance due them on the erection of the said Light House, agreeably to the report of the Committee of Accounts, the same to be taken from the Light House fund.

Commissioners
Cape Sable Seal
Island Light
House.

To the Commissioners of Light Houses for the Bay of Fundy the sum of six hundred and seventeen pounds thirteen shillings and ten pence being the balance due them on the erection of two Light Houses on Gannet Rock and Point Lepreau agreeably to the report of the Committee of Accounts, the same to be taken from the Light House fund.

Gannet Rock
and Point Le-
preau Light
Houses.

To

Fog Bell, Cape
Sable Seal Is-
land Light
House.

To the Commissioners of Cape Sable Seal Island Light House a sum not exceeding one hundred pounds to be applied towards procuring a Fog Bell for that Island, provided a similar sum be granted for that purpose by the Legislature of Nova Scotia, the same to be taken from the Light House fund.

Parish Schools.

To His Excellency the Lieutenant Governor a sum not exceeding four thousand and five hundred pounds for encouragement of Parish Schools agreeably to a law of this Province.

Money to be
paid by the Treas-
urer by War-
rant.

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

CAP. XXXIV.

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

Passed 9th March 1832.

Money granted
for Roads and
Bridges.

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

Richibucto to
Chatham.

The sum of nine hundred pounds for the great road from Richibucto to Chatham; two thirds of this sum to be expended on that part of the road from Richibucto to the Bay du Vin River, and in building a Bridge over the Aldoune river.

The

The sum of five hundred pounds for the road leading from the Mill Bridge in the City of Saint John to the public landing in Indian Town, in the Parish of Portland. Mill Bridge to Indian Town.

The sum of five hundred pounds for the great road from Shediac to Richibucto. Shediac to Richibucto.

The sum of seven hundred and fifty pounds for the great road from Fredericton to the Canada Line. Fredericton to Canada Line.

The sum of two hundred and fifty pounds for the great road from Fredericton to the Finger Board. Fredericton to the Finger Board.

The sum of one hundred pounds for the road through the Marsh in Saint John. Marsh in Saint John.

The sum of one hundred pounds for the great road from Bellisle to Saint John. Bellisle to Saint John.

The sum of one hundred and seventy five pounds for the great road from Shediac to the bend of Potticodiac. Shediac to Bend of Potticodiac.

The sum one hundred pounds for the improvement of the road through the Marsh in Dorchester. Marsh in Dorchester.

The sum one hundred pounds for the road through the great Marsh in Sackville; part of this sum to be applied to the payment of a balance due William Crane, Esquire, late acting Supervisor. Marsh in Sackville.

The sum one hundred pounds for the road through the great Marsh in Sackville; part of this sum to be applied to the payment of a balance due William Crane, Esquire, late acting Supervisor. [W. Crane, Esq.]

The sum of one thousand pounds for the great road from Saint John to the Nova Scotia Line; part of which (say five hundred pounds) to be expended on the road from the Nova Scotia Line to Hayward's Mills, and the other part, being five hundred pounds, on the road from thence to Andrew Hennigar's. Saint John to Nova Scotia Line.

The sum of seven hundred pounds for the great road from Fredericton to Newcastle. Fredericton to Newcastle.

The sum of six hundred pounds for the great road from Fredericton to Saint John; *via* Nerepis. Fredericton to Saint John, *via* Nerepis.

The sum of one hundred and twenty five pounds for the great road from Dorchester to Shediac. Dorchester to Shediac.

The

Newcastle to
Restigouche.

The sum of nine hundred pounds for the great road from Newcastle to Restigouche; six hundred pounds of which sum to be expended in the County of Gloucester, and the residue in the County of Northumberland.

Gage Town to
Nerepis.

The sum of one hundred pounds for the road from Gage Town to Nerepis.

Hammond River
to Hopewell.

The sum one hundred and fifty pounds for the road from Hammond River to Hopewell, through the Emigrant Settlement.

Saint John to
Saint Andrews.

The sum of one thousand pounds for the great road from Saint John to Saint Andrews; two hundred and fifty pounds, part of the above sum, to be laid out between Magaguadavic and Saint Andrews.

Reappropriations.

Hammond River
to Hampton Ferry.

The sum of ten pounds granted in the year one thousand eight hundred and twenty eight to alter the road near Rulof Rulofson's, and the sum of twenty five pounds granted in the year one thousand eight hundred and thirty to build a bridge over the brook on the late Spence's farm; be reappropriated and expended on the great road between Hammond River and Hampton Ferry.

Goodfellow's
to Forein's on
Road from Miranichi to Bathurst.

The sum of thirty pounds granted in the year one thousand eight hundred and thirty one for the purpose of building a bridge on the Little Esquedillock, and that the sum of sixty pounds granted in the year one thousand eight hundred and thirty one for the purpose of building a bridge over the Bartibog, between the Parishes of Newcastle and Alnwick, be reappropriated and expended by the Supervisor of the great road on that part of the great road from Miranichi to Bathurst which lays between Goodfellow's and Forein's.

David Pickard,
for Bridge over
Pickard's mill
stream.

The sum of twenty pounds granted in one thousand eight hundred and twenty eight for improving the road from Phillip Williams' to the mouth of the Keswick Creek to be reappropriated and applied

applied to repay David Pickard for building a bridge over Pickard's mill stream.

II. And be it further enacted, That the said several and respective sums of money, and every part thereof, shall be paid to the several and respective persons who shall actually work and labour in making, completing and repairing the said several roads and bridges, or in furnishing materials therefor, at the most reasonable rates that such labour and materials can be provided; and the several and respective persons who shall be intrusted with the expenditure of the said several and respective sums shall give due notice, by public advertisement, of the time and place where they propose to expend the same, and shall let out the said work by public auction, excepting where the situation of the roads are such that in the opinion of the Supervisors it would be advisable that the work should be done by the day, in such case they are hereby authorized to expend one quarter part of the several sums so intrusted to them by day's work; and the said Supervisors shall keep an exact account of the expenditure thereof, and shall produce receipts in writing from the several and respective persons to whom any part of the said sum shall be paid, as vouchers for payment, and render an account thereof upon oath (which oath any Justice of the Peace in the several and respective Counties is hereby authorized to administer), to be transmitted to the Secretary's office to be laid before the General Assembly at the next Session; and such persons intrusted with the expenditure of the several and respective sums of money shall stand charged and chargeable with all sums intrusted to them and not accounted for as aforesaid, and shall repay the same into the Province Treasury.

Money to be paid to those who work or furnish materials.

Duty of Commissioners with respect to sums intrusted to them.

III. And be it further enacted, That all the before mentioned several and respective sums of money

Money to be paid by the Treasurer by Warrant.

money shall be paid by the Treasurer, by Warrant of His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, out of the Monies now in the Treasury or as payment may be made at the same and not otherwise.

CAP. XXXV.

An Act to appropriate a Part of the Public Revenue for the Services therein mentioned.

Passed 9th March 1832.

I. BE it enacted by the Lieutenant Governor, Council, and Assembly, That there be allowed and paid out of the Treasury of this Province the following sums ; (to wit,)

H. Vaughan.

To Henry Vaughan the sum of ten pounds being the Provincial proportion of a fine imposed upon him for a breach of the Quarantine Laws, it appearing that it arose from a want of knowledge of the said Law.

R. Martin.

To Rachael Martin, of the City of Saint John, Teacher, the sum of ten pounds for her past services in teaching poor Africans and others, and for other services performed during such service.

School in Kent
for Acadian
French Inhabitants.

To His Excellency the Lieutenant Governor the sum of one hundred pounds to be applied towards the support of a school under the direction of the Right Reverend the Bishop of Charlotte Town, to be established in the County of Kent for the higher branches of education among the Acadian French inhabitants of this Province.

D. D. Morrison
to discharge
Bond.

To Donald D. Morrison the sum of one hundred and fifty pounds for drawback on the exportation of fifty oxen to Bermuda, the said sum to be applied towards the payment of a Bond now in the hands of His Majesty's Attorney General for prosecution against one Francis Jones and

and the said Donald D. Morrison, on which Bond the said Morrison was security.

To William Dickey of Sackville in the County of Westmorland the sum of twenty five pounds to enable him to rebuild an oat mill formerly owned by him, the same having been lately destroyed by fire. W. Dickey.

To John Wilson, Esquire, of Saint Andrews, the sum of one hundred pounds fourteen shillings, as drawback on nineteen puncheons of Jamaica rum exported by him to New York. J. Wilson.

To His Excellency the Lieutenant Governor the sum of fifteen pounds, to enable His Excellency to assist the Black Inhabitants of Kingsclear in the County of York to establish a school in said Parish. School in Kingsclear for Black Inhabitants.

To S. L. Lugin the sum of four pounds twelve shillings, being the amount of light dues paid by the Master of his brig Tweed, at Pugwash, in Nova Scotia; the said sum to be deducted from the annual grant made for the support of Cranberry Island Light House. S. L. Lugin.

To Letitia Danville, Widow, the sum of seventeen pounds ten shillings as a remuneration for the services of her husband, a licensed Schoolmaster, deceased, for teaching a school in Hampstead, Queen's County, for nearly one year. L. Danville.

To Ann Fayerweather the sum of ten pounds as a compensation for teaching a school in the Parish of Kingston, King's County, A. Fayerweather.

To His Excellency the Lieutenant Governor the sum of thirty pounds to enable him to pay the Trustees of Schools in the Parish of Fredericton for three schools taught in that Parish during the year one thousand eight hundred and thirty, by Elizabeth Beek, Sarah Cyphers and Charity Williams. Female Teachers in Fredericton.

To the Trustees of schools for Dorchester in the County of Westmorland the sum of ten Female School in Dorchester.

pounds in aid of a female school taught for one year in said Parish ending in November last.

J. Banks.

To Samuel Hallett and Monmouth Fowler, Trustees of Schools, the sum of twenty pounds to enable them to pay Joseph Banks, licensed Teacher, for teaching a school for one year ending in July one thousand eight hundred and thirty, in Hampton, King's County.

Chloe Dow.

To the Trustees of Schools in Northampton, York County, the sum of seven pounds ten shillings in aid of a school taught by Chloe Dow in the year one thousand eight hundred and thirty.

J. Danford.

To Jane Danford, licensed Teacher, the sum of ten pounds for teaching a school in Carleton in the City of Saint John in one thousand eight hundred and thirty one.

Eber Sweet, to discharge a Bond.

To Eber Sweet of Saint Andrews the sum of ninety five pounds being the amount of duty secured on nineteen Horses exported to Barbadoes in the year one thousand eight hundred and thirty one, the said sum to be applied for the discharge of a Bond now in the office of the Deputy Treasurer Saint Andrews, given by the said Eber Sweet and D. D. Morrison on the eleventh of January one thousand eight hundred and thirty one for the above duties.

Distressed Emigrants at Saint John.

To His Excellency the Lieutenant Governor the sum of five hundred and forty one pounds eight shillings and three pence to reimburse the Justices of the Peace for the City and County of Saint John for expenses incurred within the City in the year one thousand eight hundred and thirty one in assisting sick and distressed Emigrants who arrived at the Port of Saint John, many of whom were infected with the small pox and fever; twenty pounds of which to be paid to Alexander Pidlár, Surgeon, and thirty pounds to Thomas L. Nicholson, Overseer of the Poor, for their respective services.

A. Pidlár.

T. L. Nicholson.

To

To His Excellency the Lieutenant Governor the sum of one hundred and eighty four pounds thirteen shillings and six pence to reimburse the Justices of the Peace for the County of Saint John for expenses incurred in relieving distressed emigrants and black refugees in the Parish of Portland in the year one thousand eight hundred and thirty one.

Distressed Emigrants and Black Refugees in Portland.

To the Trustees of Schools for Chatham in the County of Northumberland the sum of ten pounds to pay Ellen Smith, a licensed teacher, for teaching a school in said Parish in the year one thousand eight hundred and thirty.

E. Smith.

To the Trustees of schools for Newcastle in the County of Northumberland the sum of ten pounds to pay Mary Alexis Creelan, a licensed Teacher, for teaching a school in said Parish in the year one thousand eight hundred and thirty.

M. A. Creelan.

To His Excellency the Lieutenant Governor the sum of fifty pounds to defray the expense of a Courier between Newcastle and Fredericton.

Courier, Newcastle to Fredericton.

To Edmund B. Todd of Saint Andrews the sum of forty pounds being the drawback on eight horses exported by him; and to Donald D. Morrison the sum of one hundred and twenty four pounds being the amount of drawback on one horse and thirty four head of horned cattle exported by him; the said E. B. Todd and D. D. Morrison having produced satisfactory proof that the said horses and cattle were landed without the Province.

E. B. Todd.

D. D. Morrison.

To the Trustees of schools for the Parish of Saint Andrews the sum of ten pounds to be paid to Elizabeth Briscoe for teaching a school in that Parish for the year one thousand eight hundred and thirty one.

E. Briscoe.

To Joseph Cunard and Company the sum of twenty two pounds fifteen shillings, the amount of drawback on four puncheons of rum exported to Lower Canada in the year one thousand eight hundred

J. Cunard & Co.

W. McLean. hundred and thirty one; and to William McLean merchant of Saint Andrews the sum of thirty six pounds being the amount of drawback on twelve oxen exported by him to Bermuda; the said J. Cunard and Company and William McLean having produced satisfactory proof that the said sum and oxen were landed without the Province.

W. Taylor. To William Taylor the sum of ten pounds nineteen shillings and six pence, being a sum overpaid by him for auction duties in the year one thousand eight hundred and thirty, as appears by the report of the committee on the Treasurer's accounts at the last Session of the Legislature.

F. McRea. To Flora McRea, widow of the late Captain Alexander McRea of His Majesty's North Carolina Highlanders, the sum of twenty pounds to relieve her under her present distressed circumstances and old age.

M. Brannen. To Matthew Brannen of the Secretary's Office the sum of fifteen pounds as a mark of approbation for his uniformly attentive and courteous conduct in the said office.

J. Whitehead. To James Whitehead, a meritorious old soldier who bravely fought and was desperately wounded in the service of his country, as a private in the New York Volunteers in the Revolutionary War in America, the sum of ten pounds.

S. Teed. To Solomon Teed, a meritorious old soldier in the revolutionary war, where he lost an eye in fighting in the defence of his King, and is now poor and indigent, the sum of ten pounds.

W. Watts. To William Watts the sum of fifteen pounds for airing and taking care of the Province Hall during the year one thousand eight hundred and thirty one.

Cassier, Hop-
well to Bond of
Petticodiac.

To His Excellency the Lieutenant Governor the sum of thirty pounds, in aid of individual subscription, to pay a Courier passing between

Hopewell and the Bend of Petticodiac River in the County of Westmorland.

To William Kennedy of Saint Stephen in the County of Charlotte, the sum of ten pounds to assist him in supporting himself and his family; he being very aged and indigent, and having served his country faithfully during the American revolutionary war.

W. Kennedy.

To Isaac Michaud a settler at the Great Falls of the River Saint John, the sum of ten pounds to enable him to keep up his establishment for travellers passing that post.

J. Michaud.

To Timothy R. Wetmore, Clerk of the Peace for Queen's county, the sum of six pounds for enabling him to pay the respective claimants of bounty for the destruction of Bears previous to the seventh of August one thousand eight hundred and thirty, it appearing that the Schedule for the said bounties was forwarded by the said Clerk of the Peace to the Secretary's office, but was never received at the said office.

T. R. Wetmore,
Queen's County
Bear Bounty.

To Allan Otty the sum twenty pounds for his services in superintending the erection of the Lantern in the Light House on Gannet Rock; the same to be taken out of the Light House fund.

Allan Otty.

To the Governor and Trustees of the Madras school the sum of four hundred pounds for the year one thousand eight hundred and thirty two, towards the support of that Institution.

Madras School.

To His Excellency the Lieutenant Governor a sum not exceeding one hundred pounds to be applied in rewarding persons for the apprehension of deserters from His Majesty's Land Forces within the Province; Provided always that no greater sum than five pounds be paid for the apprehension of any one deserter.

Apprehension of
Deserters.

To the Master in Chancery appointed to carry Messages from the Council to the House of

Master in Chan-
cery.

Assembly; for the present Session, the sum of forty pounds.

Adjutant General.

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 thirty two.

Quarter Master General.

To the Quarter Master General the sum of twenty five pounds for past services, and the further sum of fifty pounds for his services for the present year, in taking care of the arms.

Inspecting Field Officers.

To His Excellency the Lieutenant Governor the sum of four hundred pounds for the services of the Inspecting Field Officers of the Militia for the last year.

Keeper and Assistant of Gannet Rock Light House.

To the Commissioners for Light Houses in the Bay of Fundy the sum of forty eight pounds two shillings and six pence to pay the keeper and assistant of the Light House on Gannet Rock from the sixteenth day of September one thousand eight hundred and thirty one to the thirty first of December following; being at and after the rate of one hundred and sixty five pounds *per annum*; and the further sum of one hundred and sixty five pounds for the like purpose from the thirty first day of December one thousand eight hundred and thirty one to the thirty first day of December one thousand eight hundred and thirty two.

Keeper of Lepreau Light House.

To the Commissioners of Light Houses in the Bay of Fundy the sum of twenty six pounds thirteen shillings and four pence to pay the Keeper of the Light House at Point Lepreau from the first day of September one thousand eight hundred and thirty one to the thirty first day of December following; being at and after the rate of eighty pounds *per annum*; and the further sum of eighty pounds for the like purpose from the thirty first day of December one thousand eight hundred and thirty one to the thirty first day of December one thousand eight hundred and thirty two.

To the Commissioners of Light Houses in the Bay of Fundy a sum not exceeding two hundred pounds to enable them to pay the Commissioners for Light Houses in Nova Scotia the proportion which this Province is to pay towards the support of the light house on the Southern Seal Island.

Southern Seal Island Light House.

To His Excellency the Lieutenant Governor the sum of two hundred and thirty three pounds and one penny to enable His Excellency to pay the expenses incurred in the arrest and prosecution of persons for offences committed in the Madawaska district, to be paid agreeably to the annexed scale :

Expenses of prosecuting offences in the Madawaska District.

For the Sheriff's account, one hundred and eighty three pounds and one penny ;

For the account of the charge of the Attorney General for proceeding to Madawaska, fifty pounds.

To the Trustees of Schools in the Parish of Fredericton the sum of ten pounds to enable them to compensate Catherine Dayton for teaching a school in said Parish.

C. Dayton.

To His Excellency the Lieutenant Governor a sum not exceeding two hundred and fifty pounds to enable His Excellency to pay the Judges of the Circuit Courts, and the farther sum of two hundred and fifty pounds to pay the Clerk of the said Courts, agreeably to a law of the Province.

Circuit Courts.

To His Excellency the Lieutenant Governor a sum not exceeding four hundred and twenty pounds to pay the Adjutants of Militia of the different counties of this Province for the last year, and a further sum not exceeding two hundred and ten pounds to pay the Sergeant Majors of Militia of this Province, for the time being, who have been actually employed for the last year; provided that each Sergeant Major, who shall appear by a certificate from his commanding officer to have faithfully performed his duty, shall receive

Adjutants and Sergeant Majors of Militia.

receive

ceive a sum not exceeding seven pounds and ten shillings.

Protection of
Revenue.

To His Excellency the Lieutenant Governor the sum of four hundred pounds to defray any expenses that may be incurred in the protection of the Revenue of this Province.

Rebuilding of
Partridge Island
Light House.

To the Commissioners of Partridge Island Light House a sum not exceeding three hundred pounds to enable them to rebuild the Light House lately destroyed by fire; the same to be taken from the Light House fund.

New Brunswick
Fire Insurance
Company.

To the President and Directors of the New Brunswick Fire Insurance Company the sum of three hundred and fifty eight pounds nine shillings and ten pence being the interest due to that Company for money lent to the Province to the first day of March one thousand eight hundred and thirty two.

P. Cook.

To Peter Cook, a licensed Teacher, the sum of ten pounds to remunerate him for teaching a school at Addington in the County of Gloucester in the year one thousand eight hundred and thirty.

J. McDonald.

To John McDonald, a licensed Schoolmaster, the sum of twenty pounds for teaching a school in the Parish of Mougerville for one year ending in one thousand eight hundred and thirty.

Briar Island
Light House.

To His Excellency the Lieutenant Governor the sum of one hundred pounds to be applied towards the support of a Light House on Briar Island in the Province of Nova Scotia.

Speaker and
Members of the
House of Assembly.

To the Speaker of the House of Assembly the sum of one hundred and fifty pounds for the present Session, and to each and every Member of the House of Assembly, for defraying the expenses of attendance in General Assembly, for each and every day's attendance the sum of twenty shillings per day, such attendance to be certified by the Speaker; provided always that no greater sum shall be allowed for the attendance of any member

Member for the present Session than fifty pounds, and for travelling charges of the Members, the sum of twenty shillings per day, allowing twenty miles for each day's travel, to be also certified by the Speaker, agreeably to a Law of the Province.

To E. G. N. Scovil, Esquire, late one of the Supervisors on the road from Saint John to the Nova Scotia line, the sum of ninety three pounds ten shillings and three pence, being the balance due him for expenditures on the said road, the same to be taken from the grant made for the said road the present year, in equal proportions from both districts as stated in the said grant.

E. G. N. Scovil, Esquire.

To John Bainbridge and Henry Bliss, Esquires, such sum as will procure Bills of Exchange for one hundred pounds sterling each, for their services as Agents for this Province for the year one thousand eight hundred and thirty one.

J. Bainbridge and H. Bliss, Esquires, Province Agents.

Whereas John Bainbridge and Henry Bliss, Esquires, the Provincial Agents, in consequence of the agitation of questions in England, which if carried would have affected the commercial interests of this country in the most serious manner, have rendered important services in being instrumental in defeating the contemplated measures, and much additional time has been necessarily devoted by them to the interests of the Province, besides the expenses they have become subject to in obtaining information and documents regarding the questions under consideration; therefore resolved, that there be granted to John Bainbridge and Henry Bliss, Esquires, for their services last year, in addition to the usual grant, such sum as will purchase Bills of Exchange for fifty pounds sterling each.

To Robert Scott, Esquire, the sum of twelve pounds fourteen shillings and three pence being the balance overexpended by him on sundry Bye Roads in Westmorland, agreeably to the report

R. Scott, Esquire.

of the Committee of public and private accounts.

J. Baxter.

To Joseph Baxter the sum of one hundred and thirty six pounds, being the balance due him agreeably to the report of the Committee on the Treasurer's accounts.

G. Hayward,
Esq.

To George Hayward, Esquire, the sum of twelve pounds four shillings and three pence, being an amount overexpended by him in exploring a new line of road from Fredericton to Saint Andrews.

H. G. Clopper,
Esq.

To H. G. Clopper, Serjeant at Arms, the sum of fifty seven pounds six shillings, being expenses incurred by him in executing the Speaker's warrant against James M. Spearman and Thomas Jones, for an alleged breach of privilege of this House of Assembly.

Repairs Secretary's Office.

To His Excellency the Lieutenant Governor the sum of thirty nine pounds six shillings and six pence for repairs on the Secretary's office in one thousand eight hundred and thirty one.

John Simpson.

To John Simpson, King's Printer, the sum of two hundred and seventy eight pounds five shillings and ten pence, being the balance due him as reported by the committee of public and private accounts.

H. Chapman.

To Henry Chapman the sum of fifteen pounds, it being the amount due the late Martin Chapman as Adjutant of the second Battalion of Westmorland Militia, and by him assigned to the said Henry Chapman.

Grammar Schools.

To His Excellency the Lieutenant Governor the following sums for Grammar Schools in this Province for the year one thousand eight hundred and thirty two, agreeably to a law of the Province, as follows:—

For the grammar school in the County of Westmorland one hundred pounds.

For the grammar school in Queen's County one hundred pounds.

For

For the grammar school in King's County one hundred pounds.

For the grammar school in the City of Saint John one hundred and fifty pounds.

For the grammar school in Charlotte County one hundred pounds.

For the grammar school in the County of Kent one hundred pounds.

For the grammar school in the County of Sunbury one hundred pounds.

For the grammar school in the County of Northumberland one hundred pounds.

To the Chairman of the Committee of Correspondence the sum of ten pounds for the postages of public letters.

Chairman of
Committee of
Correspondence.

To James White, High Sheriff of the City and County of Saint John, the sum of ten pounds, being an additional sum for executing Writs of Election and returning Members to serve in General Assembly in the year one thousand eight hundred and thirty, the said sum being now granted to put him upon an equality in point of remuneration with other Sheriffs where there were contested elections.

J. White, Esq.

To His Excellency the Lieutenant Governor the sum of sixty pounds towards defraying the expense of printing the Laws of the present Session.

Printing Laws.

To His Excellency the Lieutenant Governor the sum of one hundred and fifty pounds towards defraying the expense of printing the Journals of the Legislature for the present Session.

Printing Journals.

To His Excellency the Lieutenant Governor the sum of one hundred and sixty pounds towards the expense of printing the daily Journals of the present Session.

To the Chairman of the Committee of public and private accounts the sum of seventy five pounds for his services during the recess in conformity with the directions of the House, as also

Chairman of
Committee of
public and private
accounts.

for

for extra services during the Session, in auditing, examining and reporting the same.

Journals of Legislative Council.

To His Excellency the Lieutenant Governor the sum of two hundred and ten pounds fifteen shillings for the payment of the balance due in arranging, compiling and printing the Journals of the Honorable the Legislative Council.

J. Robertson.

To His Excellency the Lieutenant Governor, the sum of forty two pounds for the purpose of paying John Robertson the amount of fish bounty due for the schooner Mary, in the year one thousand eight hundred and thirty, agreeably to an Act of this Province for the encouragement of the cod and scale fisheries, part of the certificate having been erased by the Officers of His Majesty's Customs at Saint John, which prevented the warrant issuing agreeably to the Act.

T. Sandall.

To Thomas Sandall the sum of seven pounds five shillings, being the amount of duties paid on Bread imported from New York in the Brig Margaret and exported in the same vessel to Africa.

E. W. Miller.
Repairs on Province Hall,

To Edward W. Miller the sum of forty six pounds and one shilling, being the balance due him on his accounts as a Commissioner for shingling and painting the Province Hall.

Government House.

To the Commissioners of Government House the sum of five hundred and forty three pounds one shilling and eleven pence, being for expenditures thereon, and on the outbuildings, in the year one thousand eight hundred and thirty one.

G. Hayward,
Esq.

To George Hayward, Esquire, Supervisor of the Great Road from Fredericton to the Finger Board, the sum of ninety nine pounds to enable him to pay the balance due the contractors for building a bridge over the Estey Creek.

Government House.

To His Excellency the Lieutenant Governor a sum not exceeding seven hundred and fifty pounds, to be paid over to a Commissioner for procuring furniture and for repairs for Govern-

ment House, no more than two hundred pounds of said sum to be applied for such repairs.

To His Excellency the Lieutenant Governor the sum of one hundred pounds for the improvement of the navigation between Fredericton and the Great Falls, in the construction of towing paths.

Towing Path
Fredericton to
the Great Falls.

To His Excellency the Lieutenant Governor the sum of fifty pounds to remunerate the supervisor of the great road from Fredericton to the Canada line, for the sum expended by him for repairing Bridges during the last year.

Supervisor of
Road Frederic-
ton to the Cana-
da Line.

To His Excellency the Lieutenant Governor or Commander in Chief the sum of one hundred pounds to pay the contingent expenses of the Province.

Provincial Con-
tingencies.

To His Excellency the Lieutenant Governor the further sum of two hundred pounds for the purpose of procuring furniture for Government House.

Furniture for
Government
House.

To His Excellency the Lieutenant Governor the sum of one hundred and fifty pounds to pay a Tide Waiter to the Treasurer at the City Saint John for the year one thousand eight hundred and thirty one.

Tide Waiter to
the Treasury.

To the Clerk Assistant of the Council in General Assembly the sum of twenty shillings *per diem* during the present Session.

Clerk Assistant
of the Council.

The sum of eighty pounds granted at the last Session of the General Assembly for the road from the head of the first Loch Lomond to the head of the third Loch Lomond in the County of Saint John, to be reappropriated and applied on the road from Blakeslee's farm to Little River, and across the Marsh to the east side thereof.

Road from
Blakeslee's farm
to Little River.

To His Excellency the Lieutenant Governor the sum of four hundred pounds to pay the Inspecting Field Officers for the present year.

Inspecting Field
Officers.

To Beverley Robinson, Deputy Treasurer at Saint Andrews, the sum of one hundred pounds for

B. Robinson.
Esq.

for extra services in performing the duty of his office the last year.

Clerk of Assembly for Contingencies.

To the Clerk of the House of Assembly the sum of four hundred and fifty three pounds eight shillings and eight pence to defray the contingent expenses of the present Session.

Dr. John Boyd.

To Doctor John Boyd, innoculating Surgeon of the Vaccine institution at the City of Saint John, the sum of twenty pounds for his services for the year one thousand eight hundred and thirty, and the further sum of twenty pounds for his services for the year one thousand eight hundred and thirty one.

Money to be paid by the Treasurer by Warrant.

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

ANNO REGNI
GULIELMI IV.
BRITANNIARUM REGIS SECUNDO.

AT the General Assembly of the Province of New Brunswick begun and holden at Fredericton, on the Seventh Day of February, *Anno Domini* One thousand eight hundred and thirty one, in the First Year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith; and from thence continued, by several Prorogations, to the Third Day of May 1832, being the Third Session of the Tenth General Assembly convened in the said Province,

Rec. Apr. 16, 1912.

THE ACTS
OF THE
GENERAL ASSEMBLY, &c.

CAP. I.

An Act to alter and amend an Act, intituled *An Act for raising a Revenue in the Province.*

Passed 7th May 1852.

I. **BE** it enacted by the Lieutenant Governor, Council, and Assembly, That the First Section of an Act made and passed in the present Year of His Majesty's Reign, intituled *An Act for raising a Revenue in the Province*, be and the same is hereby repealed; and in lieu of the several Rates and Duties imposed in and by the said First Section; We, His Majesty's Dutiful and Loyal Subjects, the Assembly of New Brunswick, in General Assembly convened, for raising the Supplies necessary to defray the Expenses of His Majesty's Government of the Province, have freely and voluntarily resolved to give and to grant to the King's Most Excellent Majesty the several Rates and Duties herein after mentioned; and do therefore pray Your Excellency that it may be enacted; and be it enacted

2 W. 4, C. 8, S. 1, repealed.

Supplies granted to defray the Expenses of the Government of the Province, by Duty on

acted by His Excellency the Lieutenant Governor, by and with the Advice and Consent of the Council and Assembly, and by the Authority of the same, that from and after the Commencement of this Act, there be and are hereby granted to the King's Most Excellent Majesty, His Heirs and Successors, for the Use of this Province, and for the Support of the Government thereof, the several Rates and Duties herein after mentioned, on the following: Articles which may be imported or brought into this Province either by Sea, by Inland Navigation, or by Land, from any Part of the British Empire or any Foreign Port or Place; (that is to say,)

| | |
|--------------------|--|
| Rum, | ↓ For every Gallon of Rum, One Shilling; |
| Molasses, | ↓ For every Gallon of Molasses, One Penny; |
| Shrub, &c. | For every Gallon of Shrub, Santa, or Lime Juice, Six Pence; |
| Brandy, | For every Gallon of Brandy, One Shilling and Ten Pence; |
| Hollands, &c. | For every Gallon of Hollands, Geneva, and Cordials, One Shilling and Six Pence; |
| Wines, &c. | For every Gallon of Wine in Bottles, One Shilling and Three Pence; |
| | For every Gallon of Wine not in Bottles, One Shilling and Six Pence; |
| Whiskey, | ✓ For every Gallon of Whiskey, Two Shillings and Six Pence; |
| Fruit, | ✓ For every Hundred Weight of dried Fruit, Five Shillings; |
| Coffee and Sugars, | For every Pound of Coffee and Loaf Sugar, One Penny; |
| | For every Hundred Weight of Brown or Muscavado Sugar, on the Quantity mentioned in the original Invoice, allowing Twenty five <i>per Centum</i> for Tare and Wastage, Two Shillings and Six Pence; |
| Horses, | For every Foreign Horse, Five Pounds; |
| Cattle, | For every Foreign Ox, Two Pounds; |

For

For every Foreign Cow; or other horned Cattle, Three Pounds Ten Shillings;

For every Hundred Pounds of Foreign dead fresh Meats of all Kinds, Six Shillings and Eight Pence; Dead Meats,

And upon the following Foreign manufactured Articles, when not imported from the United Kingdom, upon every Hundred Pounds of the real Value thereof, the Rates and Duties following; (that is to say);

For Chairs, Clocks, Watches, and every Description of Household Furniture, Pictures, Mirrors and Looking Glasses, Twenty five Pounds; Household Furniture,

For Soap and Candles, Ten pounds;

Soap and Candles,
Tobacco,

For Tobacco, Fifteen Pounds;

Non-enumerated
Articles.

And for all other Foreign Articles, manufactured or not manufactured, not herein enumerated or described, when not imported from the United Kingdom, upon every Hundred Pounds of the real Value thereof, Ten Pounds; excepting nevertheless, Liquors, Vinegar, Pitch, Tar, Turpentine, Rosin, Lumber of every Description, Grass Seed, and all other Seeds and Plants, Hides, Tallow, Cotton Wool, Indigo, Tea, Dye Woods, Salt, Leaf Tobacco, Bees' Wax, Felt, Lignum Vitæ, Bristles, Horse Hair, Horns, Cordage, Canvass, Hemp, Iron, India Rubber, Books, Flour and Meal of all Kinds, Wheat, Rye, Barley, Oats, Buckwheat, Rice, Peas, Beans, Indian Corn, Bread, and dried and salted Meats;

Exceptions.

And in all Cases where the Duties imposed by this Section are charged upon the real Value of the Articles imported, such Value shall be ascertained by the Declaration of the Importer or Consignees of such Articles; before the Treasurer of the Province, or any Deputy Treasurer, in Manner and Form following; (that is to say,)

Value of Articles, how ascertained.

" I A. B. do declare that the Articles mentioned in this Entry, subject to Provincial Duty,

“ ty, and contained in the several Packages
 “ therein particularly described, (or otherwise
 “ particularly described,) are of the Value of —
 “ — to the best of my Knowledge and Belief.
 (Signed) “ A. B.”

which Declaration (in all Cases to be made before the Treasurer or a Deputy), shall be written on the Bill of Entry of such Articles; and if it shall appear to the Treasurer or Deputy Treasury that such Articles have been invoiced below the real Value thereof at the Place from whence the same were imported, or if the Value is not known, the Articles shall in such Cases be examined by Two competent Persons, appointed or to be appointed by the Lieutenant Governor or Commander in Chief of the Province; and such Persons, or One of them, shall declare before or certify to the Treasurer or Deputy Treasurer what is the real Value of such Articles; and the Value so declared or certified shall be deemed to be the real Value thereof, and upon which the Duties imposed by this Act shall be charged, paid and received.

The above Duties to be collected by the Treasurer, and to be in addition to any Duties imposed by Act of Parliament.

II. And be it further enacted, That the whole Amount of the several Rates and Duties imposed in and by the First Section of this Act shall be demanded, paid and received by the Treasurer of the Province or any of his Deputies, as the Case may be, notwithstanding any Duties which are or may be imposed and collected at any of the Custom Houses in the Province, on any of the Articles and Property therein enumerated and described, by the Means and Powers of any Act or Acts of the Imperial Parliament.

Provisions of the amended Act to extend to the Collection of Duties, allowing Drawbacks, &c. under this Act.

III. And be it further enacted, That the several Rates and Duties imposed under and by virtue of this Act, shall be demanded, paid, received, secured and recovered, and the Drawbacks thereon allowed, in the Manner as directed in and by the Provisions of the Act to which
 this

this Act is an Amendment, intituled *An Act for raising a Revenue in the Province*; and the several Articles and Property by this Act made subject to Duty shall be liable to be seized, forfeited and disposed of, and the like Pains, Penalties and Forfeitures are hereby inflicted and imposed for the non Entry, false Entry, landing or relanding thereof, and shall and may be prosecuted, sued for, recovered and disposed of in such Manner, and by such Ways, Means and Methods, as are directed in and by the said recited Act; and all the Provisions of the same excepting the First Section shall apply (as far as they can be applicable) to this Act; in like Manner to all Intents and Purposes as if the Whole of the said Provisions were herein repeated: and the Right of recovering any of the Duties, Penalties and Forfeitures imposed, inflicted or incurred under the Provisions of any former Act or Acts of the General Assembly for raising a Revenue is hereby expressly saved.

Right of recovering Duties, &c. under former Revenue Acts, reserved.

IV. And be it further enacted, That all Importers who have since the First Day of April last paid to the Treasurer of the Province, or any Deputy Treasurer, Duties upon the Importation of Articles which by this Act are not made subject to Duties, or who may have secured such Duties by Bond, and who shall within Ten Days next after the Commencement of this Act prove to the entire Satisfaction of the said Treasurer or Deputy, as the Case may be, that the Articles upon which such Duties have been paid or secured as aforesaid, or any Part thereof, are still on Hand, and unsold, shall be entitled to receive back from the said Treasurer or Deputy the Amount of such Duties, or so much of the same as were paid on the Articles so remaining unsold, or to have such Amount endorsed on Bonds which may have been given to secure such Duties.

Duties collected since 1st April, on Articles not herein made liable, to be remitted.

Wine exported
within Two
Years from Date
of Importation,
to be entitled to
Drawback.

V. And Whereas in and by the Fifth Section of the said herein before in Part recited Act it is enacted, that no Articles therein mentioned shall be entitled to Drawback, unless the same are exported within Twelve Months from the Time of the Importation of the same, and it is considered that it would be beneficial to the Trade of this Province to extend this Limitation upon Wines to a longer Period than Twelve Months; Be it therefore further enacted, that Importers of Wines shall be entitled to receive the Drawbacks allowed in and by the said Fifth Section upon Wine, if such Wine shall be exported within Two Years from the Time of the Importation thereof; provided every other Provision of the said in Part recited Act relating to Drawbacks, be strictly complied with.

Commencement
of Act, and Limitation.

VI. And be it further enacted, That this Act shall come into Operation on the Fourteenth Day of this present Month of May, and be and remain in Force during the Continuance of the Act to which this Act is an Amendment, and no longer.

CAP. II.

An Act to repeal an Act to incorporate the Minister and Elders of the Kirk of Scotland in the Town of Saint Andrews.

Passed 7th May 1832.

Preamble.

2 W. 4, C. 18.

WHEREAS in and by an Act made and passed in the present Year of His Majesty's Reign, intituled *An Act to repeal all the Laws now in Force relating to Saint Andrew's Church in the City of Saint John, and for incorporating certain Persons, Parisholders of the said Church and of the several Churches erected or to be erected in the Province in Connexion*

with

‘with the Church of Scotland, the Constitution
 ‘of the Kirk of Scotland in the Town of Saint
 ‘Andrews is materially altered and improved;
 ‘and in consequence it is necessary that the for-
 ‘mer Act of Incorporation of the Minister and
 ‘Elders of the said Kirk should be repealed;’

Be it therefore enacted by the Lieutenant Go-
 verner, Council; and Assembly, That an Act
 made and passed in the Seventh Year of the
 Reign of His late Majesty King George the
 Fourth, intituled *An Act to incorporate the Mi-
 nister and Elders of the Kirk of Scotland in the
 Town of Saint Andrews*, be and the same is
 hereby repealed.

7 G. 4, C. 17,
 repealed.

CAP. III.

An Act to amend the Law relative to Statute Labour, so far as the
 same relates to the Parish of Fredericton, in the County of
 York.

Passed 7th May 1832.

‘**W**HEREAS in and by an Act passed in
 ‘the First Year of the Reign of His present Ma-
 ‘jesty, intituled *An Act to repeal all the Acts
 ‘now in Force for regulating, laying out
 ‘and repairing Highways and Roads, and for
 ‘appointing Commissioners and Surveyors of
 ‘Highways in the several Towns and Parishes
 ‘in this Province, and to make more effectual
 ‘Provision for the same*, it is required that all
 ‘Persons liable to perform Statute Labour on
 ‘the Highways, Roads, Streets and Bridges,
 ‘shall work either in Person, or by able and
 ‘sufficient Men in their Stead, such Number of
 ‘Days as is provided in and by the said Act, or
 ‘pay a specified Sum of Money in lieu thereof:
 ‘And Whereas Permission to appoint Substi-
 ‘tutes instead of Working in Person or paying a
 ‘specified Sum in lieu thereof, has been found
 injurious

Preamble.

1 W. 4, C. 53.

‘injurious in its Operation within the said Parish
‘of Fredericton;’

Permission to
appoint Substi-
tutes in Frede-
ricton repealed.

I. Be it therefore enacted, That so much of
the said Act as permits the Appointment of Sub-
stitutes, so far as relates to the said Parish of
Fredericton, be and the same is hereby repeal-
ed.

Persons liable to
Statute Labour
to work in Per-
son or pay Mc-
ney.

II. And be it further enacted, That from and
after the passing of this Act, all and every Per-
son and Persons liable to do Labour on the High-
ways, Roads, Streets and Bridges within the
said Parish of Fredericton, shall either work in
Person, or pay the Sum allowed by Law to be
received in lieu thereof, and shall not be permit-
ted to send Substitutes, any Law, Usage or
Custom to the contrary notwithstanding.

Limitation.

III. And be it further enacted, that this Act
shall continue and be in Force so long as the
herein before in Part recited Act, to which this
is an Amendment, and no longer.

CAP. IV.

An Act to authorize and empower the Magistrates of the County
of Charlotte to sell a certain Piece of Land in the Town of Saint
Andrews, and to vest the Proceeds in purchasing another Piece
of Land for the Purpose of erecting a County Gaol thereon in
said Town.

Passed 7th May 1832.

Preamble.

‘**W**HEREAS the Magistrates of Charlotte
‘County have purchased a Piece of Land in the
‘Town Plat of Saint Andrews, known as Block
‘Letter M. Bulkeley’s Division, for the Purpose
‘of erecting the County Gaol thereon: And
‘Whereas it is deemed inexpedient to build
‘the Gaol thereon: And Whereas another
‘Piece of Land in the Town Plat of Saint An-
‘drews more convenient and suitable for that
‘Purpose can be purchased by said Magis-
‘trates;’

Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That the Magistrates of the County of Charlotte be and they are hereby authorized and empowered in any General or Special Sessions to be holden for that Purpose to sell that Piece or Parcel of Land known (as by Reference to the Plan of the Town of Saint Andrews will more fully appear) as Block Letter M. in Bulkeley's Division in the Town Plat of Saint Andrews, and to appropriate the Monies derived from such Sale towards the Purchase of another Piece of Land in the Town Plat of Saint Andrews, on which to erect said County Gaol and towards the Expense of erecting the same.

Magistrates of Charlotte authorized to sell the herein described Piece of Land, and purchase another Piece, on which to erect the County Gaol.

CAP. V.

An Act to prevent the spreading of infectious or pestilential Distempers.

Passed 7th May 1852.

WHEREAS it is considered necessary that additional Powers should be given to the local Authorities in the City of Saint John, and in the several Counties in this Province, in order to prevent the spreading of infectious or pestilential Distempers;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That the Mayor, Aldermen and Commonalty of the City of Saint John in Common Council convened, the Justices of the Peace in the said City and County of Saint John, and in the several Counties in this Province, respectively, be and they are hereby authorized and empowered at any General or Special Sessions to be holden in their respective Counties to order and direct any Police Officer or Constable within their respective Jurisdictions to cause the Removal of any Dirt, Filth, Rubbish

Removal of Filth &c. may be enforced by Police Officers, under Order of the Corporation of Saint John or Justices in the several Counties.

Rubbish or any other offensive Matter or Thing, which they may consider as tending to endanger the Health of the Inhabitants or any of them, from any Building, Yard, Enclosure, or Premises; and the Authorities aforesaid in Common Council, and at any General or Special Sessions, are hereby respectively empowered to make such Regulations for carrying such Orders into Effect, as they, or a Majority of them may deem necessary.

Officer &c. may justify under the General Issue.

II. Provided always, and be it further enacted, That if any Action or Suit shall be brought in any Court whatsoever against any of the Authorities aforesaid, or against any Police Officer or Constable for any Thing done in Execution of the Powers given by this Act, such Authority, Police Officer or Constable may justify by this Act under the General Issue, without pleading the same specially.

Limitation.

III. And be it further enacted, That this Act shall continue and be in Force until the First Day of April, which will be in the Year of our Lord One thousand eight hundred and thirty four.