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ACTS
OF
THE GENERAL ASSEMBLY
OF
HER MAJESTY'S PROVINCE
OF
NEW BRUNSWICK,
PASSED IN
MARCH AND APRIL 1860.



FREDERICTON:
J. SIMPSON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.
1860.

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ANNO REGNI VICTORIÆ BRITANNIARUM REGINÆ VICESIMO TERTIO.

AT the General Assembly of the Province of New Brunswick begun and holden at Fredericton on the twenty fourth day of June, *Anno Domini* One thousand eight hundred and fifty seven, in the Twenty first Year of the Reign of Our Sovereign Lady VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and from thence continued by several prorogations to the ninth day of February, One thousand eight hundred and sixty; being the Fourth Session of the Eighteenth General Assembly convened in the said Province.

ACTS
OF
THE GENERAL ASSEMBLY.

23^d VICTORIÆ, A. D. 1860.

CAP. I.

An Act to provide for the prompt payment of all demands upon the Provincial Treasury.

Section.

1. Bank Tenders, with conditions of advance and deposit, to be received :
2. To be submitted to the Governor in Council.

Section.

3. On agreement, Treasurer to deposit public moneys.
4. Protection to Treasurer for default of Bank.
5. Limitation of Act.

Passed 8th March 1860.

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

1. The Treasurer is hereby authorized to receive tenders from any Bank, Banking Company, or Branch thereof, that may be willing to advance such sum of money, not exceeding thirty thousand pounds, as may be required from time to time for the public service, having previously advertised therefor in such manner and for such period of time as the Governor in Council may prescribe; the tender shall specify the rate of interest proposed to be charged for money advanced, and what rate of interest such Bank, Banking Company, or Branch, will from time to time allow for any money to the credit of the Province in such Bank, Banking Company, or Branch thereof.

2. The Treasurer shall submit such tenders to the Governor in Council, who may approve of the one most beneficial to the public interest; whereupon the Treasurer shall accept the same, and enter into an agreement therefor in Her Majesty's name, containing such necessary stipulations as the Governor in Council shall prescribe.

3. Upon the completion of the said agreement the Treasurer shall deposit with such Bank, Banking Company, or Branch thereof, all the public moneys which from time to time shall

come into his possession or control, except moneys received for the sale of Provincial Debentures.

4. The Treasurer shall not be charged or chargeable for any failure or default of the said Bank, or Banking Company, or Branch thereof, in the performance of any agreement or contract so to be entered into, nor for any loss or damage that may arise from any act, matter, or thing lawfully done or suffered by him under the provisions and according to the true intent and meaning of this Act; but for any thing done or suffered by him not authorized by this Act, the said Treasurer shall be liable to all intents and purposes in the same manner as if this Act had not passed.

5. This Act shall continue and be in force for five years, and from thence to the end of the next Session of the General Assembly.

CAP. II.

An Act to provide for the attendance and examination on oath of Witnesses before the Legislature or Committees thereof.

Section.

1. Committees authorized to send for persons or papers, and examine on oath.
2. Authority to administer the oath.
3. Penalty for non-appearance or misconduct of Witnesses.
4. Falsely testifying, deigned perjury.
5. Expenses of Witnesses, how defrayed.
6. Summons, how to be signed and served.

Section.

7. Powers under this Act to be specially delegated to Committees.
 8. Certified proceedings to be evidence in Courts of Law.
 9. Protection of Members of the Legislature and Witnesses.
 10. Limitation of Act.
- Schedule—Oath, Summons.

Passed 8th March 1860.

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

1. That any joint Committee of the Legislative Council and House of Assembly, or any Committee of the Legislative Council, or of the House of Assembly, appointed for the purpose of making any investigation or enquiry in relation to any public office or public work, and authorized as hereinafter provided, shall have full power to send for persons, papers, and records, and to examine all Witnesses on oath.

2. The Chairman of any such Committee, or in his absence any member thereof, shall have full power during the sitting of and in the presence of such Committee, to administer the Witnesses' oath in the Schedule to this Act appended, marked

A, to any person or Witness attending before such Committee; and a minute of such oath having been administered, shall be duly entered on the minutes of the proceedings of such Committee.

3. If any person duly served with the Summons, letter B in Schedule hereto, and having his reasonable expenses tendered unto him, if demanded, shall wilfully disobey such summons, or if any Witness before such Committee shall misdemean himself in giving, or refusing to give evidence, the Chairman or any member of the Committee, by resolution of a majority of such Committee, may at any time during the investigation or enquiry, report such misconduct to the Legislative Council or House of Assembly from whichever branch of the Legislature such Committee may have been formed, or if a joint Committee of both Houses then to both; and the Legislative Council or House of Assembly may commit the offender into custody for contempt, for any period during the then Session of the Legislature.

4. Any person duly sworn, wilfully and falsely testifying before such Committee, in any matter material to the investigation or enquiry in question, shall be deemed guilty of perjury, and on conviction shall suffer the penalties prescribed by Law for the crime of perjury.

5. All persons and Witnesses summoned to attend, and attending before any such Committee, shall be entitled to their reasonable expenses, and shall be paid by Warrant of His Excellency the Lieutenant Governor, on such expenses being duly certified by the Chairman of such Committee.

6. That the summons to be issued under this Act, shall be signed by the Chairman, or in his absence by any two members of the Committee, and shall be personally served upon the party to whom it may be directed.

7. That in order to exercise the powers vested by this Act, the same shall be specially delegated to any such Committee, by resolution of the Legislative Council or House of Assembly, from which such Committee may be formed, or by joint resolution of the Legislative Council and House of Assembly, in case the Committee shall be a joint Committee of both Houses.

8. That for the purposes of this Act, a copy of the resolution or resolutions forming such Committee, and delegating

such powers, and of the evidence taken before such Committee, duly certified by the Clerk of the House, shall be evidence in all Courts of Law, of the fact of such Committee under this Act having been formed, and of such evidence having been given.

9. Provided that no Member of the Legislative Council or Assembly, shall be subject to any of the provisions of this Act; but any such Member may, by leave of the House to which he belongs, attend the other House or any of the Committees raised as aforesaid as heretofore accustomed and according to Parliamentary usage; and provided also, that no Witness who may attend any Committee under this Act, shall be compelled to answer any question which may criminate himself, or answer any question which in a Court of Justice he could not be required to answer, or produce any paper which in such Court he could not be required to produce; nor shall any evidence given by such Witness subject him to any action or proceeding whatever by any party in any Court of Law, nor be used against him in any case, other than on an indictment for perjury under this Act.

10. This Act shall not be in force for any longer time than two years from the time of the passing thereof, and thence to the end of the then next Session of the General Assembly.

SCHEDULE.

A

Form of Oath.

The evidence you shall give before the Committee now sitting, touching the matter in question, shall be the truth, the whole truth, and nothing but the truth.—So help you God.

B

You are hereby summoned to attend personally before a Committee of the House of Assembly [*or of the Legislative Council, or before a joint Committee of the Legislative Council and House of Assembly, or before the Legislative Council or House of Assembly, as the case may be,*] at

on the day of at the hour of o'clock in the noon of same day, then and there to testify the truth according to your knowledge in a certain investigation

or enquiry, concerning [*here state generally the subject*] now pending; and this you shall by no means omit, under the penalties in such case provided.

Dated the day of A. D. 186 .

A. B. *Chairman.*

CAP. III.

An Act in amendment of the Law relating to Courts of Probate.

Section.

1. On decree of performance of Contracts, Judge may direct conveyance of Land to be executed.

Section.

2. Bond to be taken in lieu of recognizance from Guardians: suit: maintenance and education.
Form of Bond.

Passed 8th March 1860.

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

1. Whenever any Judge of Probates may after the hearing decree that specific performance shall be made of any Contract under the provisions of Section 43, of Chapter 136, of the Revised Statutes, he may direct a conveyance of the land in question to be executed by any infant heir, or guardian or person appearing on the infant's behalf, or by the person decreed to convey the same under the Contract, or by the Registrar of the Court as the officer thereof; the whole to be done under the sanction and with the approbation of the Judge, and on such terms with respect to the payment of any money which may be due, or any condition to be performed by the party seeking for the specific performance within the conditions of the Contract, and with respect to the costs of the proceeding as may by the said Judge be deemed just.

2. Whenever under the provisions of the forty fourth Section of the said Chapter 136, a guardian shall be appointed for the estate of any infant, the Judge of Probates who may order the appointment of such guardian, shall in lieu of the recognizance therein mentioned, take from him a Bond (A) in the name of such Judge, with one or more sufficient sureties; and on the application of the infant, his next friend, or any person interested, the Judge may, if satisfied of the necessity thereof, order the said Bond to be put in suit in the name of the Judge for the time being, and on such terms as he shall therein pre-

scribe: The Judge of Probates may also on appointment of such guardian, or at any time afterwards, order an allowance to the infant out of the income of the estate, or if insufficient out of any available proceeds thereof, for the maintenance and education of such infant.

(A)

Know all men by these presents, that we, [*the guardian*] and [*the sureties*] are jointly and severally bound unto the Judge of Probates for the County of _____ in the sum of [*double the amount or thereabouts of the alleged value of the estate*] to be paid to him. Sealed and dated this day of _____ in the year of our Lord one thousand eight hundred and _____

The condition of this obligation is such, that if the above bounden _____ do and shall faithfully discharge the duties of guardian of the estate of _____ an infant under the age of twenty one years, and, when maintenance may be ordered by the Judge of Probates, pay and lay out from the income, or if insufficient, from the available proceeds of the estate of such infant, the sum of _____ annually for his maintenance and education until he shall become of lawful age, and shall at all times duly account for such estate when called upon by the said Judge of Probates, in the Probate Court before him, then the above obligation to be void, otherwise to be and remain in full force and virtue.

Sealed and delivered }
in the presence of }

CAP. IV.

An Act to empower the County Council of the County of York to raise a sum of money for Agricultural purposes.

Section.

1. Issue of Debentures authorized: application of proceeds.
2. Form, period, and amount.

Section.

3. Assessments for Interest and Principal authorized.

Passed 8th March 1860.

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

1. That the County Council of the County of York be and are hereby empowered to issue Debentures to the amount of

one hundred and fifty pounds, to be appropriated in assisting the York County Agricultural Society in raising funds for the erection of permanent buildings in the said County of York, for the purpose of holding annual shows and fairs.

2. That the said Debentures shall be in such form and for such a period not exceeding three years, and for such an amount not less than fifty pounds each, as the Warden of said Council shall prescribe.

3. The said County Council of the County of York are hereby authorized and required to make a rate and assessment each and every year, of a sum of money sufficient to discharge the interest and such part of the principal of the loan contracted by virtue of this Act, as they shall think expedient, until the same shall be paid off; all which said several sums of money shall be levied, assessed, and collected in the same manner in all respects as other County or Parish rates.

CAP. V.

An Act to amend an Act intituled *An Act for establishing and maintaining a Police Force in the Town of Chatham, in the County of Northumberland.*

Act 22 V. cap 46, sec. 7, in part repealed; certain sections of 4 V. cap. 25, to apply to Lock-up House in Chatham.

Passed 8th March 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That so much of the seventh Section of an Act made and passed in the twenty second year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Town of Chatham, in the County of Northumberland*, as enacts that all the provisions contained in the second, third, fourth, and fifth Sections of the Act passed in the fifth year of the Reign of Her present Majesty, intituled *An Act to authorize the Justices of the Peace for the County of Northumberland to erect a Lock-up House in the Town of Chatham, in the said County*, shall extend to and be in full force, is hereby repealed; and in lieu thereof,—Be it enacted, that the following shall be inserted and shall read, stand, and be a part of the said seventh Section of the said Act, namely: That all the provisions contained in the second,

third, fourth, and fifth Sections of the Act passed in the fourth year of the Reign of Her present Majesty, intituled *An Act to authorize the Justices of the Peace for the County of Northumberland to erect a Lock-up House in the Town of Chatham, in the said County*, shall extend to the said building, and be in full force; and that the said seventh Section so altered and amended, shall continue and be in force as a part of the said recited Act as fully in every respect as if the same had been originally passed and stood as hereby amended.

CAP. VI.

An Act to repeal an Act intituled *An Act to make further provisions for the support of Buoys and Beacons in the Bay and Harbour of Miramichi*.

Act 17 V. cap. 3, repealed. Fund to be raised as in Chap 19, Rev. Stat.

Passed 8th March 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the seventeenth year of the Reign of Her present Majesty, intituled *An Act to make further provisions for the support of Buoys and Beacons in the Bay and Harbour of Miramichi*, be and the same is hereby repealed; and that the fund for support of Buoys and Beacons in said Port and Harbour be hereafter raised as provided in and by Chapter 19, of Title III, of the Revised Statutes, ‘Of Buoys and Beacons.’

CAP. VII.

An Act to amend an Act intituled *An Act for the establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*.

Section.

Preamble.

1. Assessment for Police Station House authorized.

Section.

2. Provoking a breach of peace by insulting language; penalty.

Passed 8th March 1860.

WHEREAS the Commissioners of the Portland Police, by Act of Assembly 11 Victoria, Chapter 12, Section 42, were authorized to include the sum of two hundred pounds in the first assessment to be made by them for the purposes of the said Police establishment, to meet the expense of erecting

and finishing a Lock-up House : And whereas the said building is now absolutely necessary, and doubts are entertained whether the same could be done at any other time than the first assessment after the passing of the said Act ;—

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

1. The said Commissioners are hereby authorized to assess on the said Parish for a sum not exceeding four hundred pounds. for the erecting and finishing a Police Station House, with Lock-up, for the said Parish, that is to say : Two hundred pounds in the year 1860, and two hundred pounds in a subsequent year, should the same be required for that purpose, to be levied and assessed as in the said Act is provided for making other assessments.

2. Any person who shall by insulting or abusive language or behaviour, taunting epithets, or threatening gestures, attempt to provoke another person to commit a breach of the peace in any part of the Parish of Portland, or in any building therein, or whereby a breach of the peace may be committed, shall be liable to a penalty of not more than forty shillings.

CAP. VIII.

An Act to amend the Act relating to Highways, so far as relates to the Parish of Portland, in the City and County of Saint John.

Section.

Preamble.

1. Provisions of Act 18 V. cap. 12, and Acts in amendment, to be in force in Portland.

Section.

2. Taxes to be recovered under Act 17 V. cap. 37.

Passed 8th March 1860.

WHEREAS by the fourth Section of the Act of Assembly 17th Victoria, Chapter 37, it is enacted—“ That all the provisions of the Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act relating to Highways*, except so far as the same are altered by the Act 17th Victoria, Chapter 37 aforesaid, are declared to be in full force so far as the same are applicable to the Parish of Portland :” And whereas doubts are entertained whether the said Act 13th Victoria, Chapter 4, can be enforced in the said Parish, having been heretofore repealed ;—

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

1. That the provisions of the Act 18th Victoria, Chapter 18, and the several Acts in amendment thereof relating to Highways, shall be in force in the Parish of Portland, instead of the Act 13th Victoria, Chapter 4, so far as the same are applicable to the said Parish.

2. The Collector of Taxes for the Parish of Portland is hereby authorized to proceed for the recovery from defaulters in paying the sum assessed on them by the 17th Victoria, Chapter 37, as directed for the collection of other Parish and County rates.

CAP. IX.

An Act to authorize the enclosing and improving of King's and Queen's Squares in Carleton, in the City of Saint John.

City Corporation authorized to enclose King's and Queen's Squares in Carleton; and make Regulations.

Passed 8th March 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That it shall and may be lawful for the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, to authorize and direct King's Square and Queen's Square in the City of Saint John, on the western side of the Harbour, or either of them, to be enclosed either in whole or in part or parts with open fences or railings, and the same to be laid out in walks or paths, and planted with trees and shrubs, and otherwise improved in such manner as they may deem expedient; and from time to time to make such bye laws, ordinances, rules and orders for the erecting, keeping, and preserving such fences, railings, trees, and improvements of every kind, in order to prevent damage or injury to the same; as also for the due regulation of such Squares, and the passage of foot passengers in, through, or over the same, as to them may seem necessary and proper: provided always, that no such enclosures shall be made so as to narrow or interfere with the passage of the public streets running along the sides of such Squares; nor shall any fences or trees be placed or set out within sixty feet of the buildings fronting on such Squares, or either of them.

CAP. X.

An Act relating to Taxation on the several Parishes of the City and County of Saint John.

Section.

Preamble.

1. Justices in Sessions may order Surveys to aid valuation for taxation ;

Section.

2. May also make Regulations to facilitate information ;

3. May order assessment for expenses.

Passed 8th March 1860.

WHEREAS for the purpose of obtaining a more satisfactory adjustment of the proportions of taxation which the City of Saint John should bear in connection with the several other Parishes of the City and County of Saint John, it is expedient that the Justices of the Peace for the City and County of Saint John should have power to obtain more exact information relating to the real estate liable to taxation, situate in the said City and County, and also to raise the funds necessary to defray the expense thereof;—

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

1. The Justices of the Peace for the City and County of Saint John in General or Special Sessions, are hereby authorized from time to time to order the making of any surveys and plans relating to all real estate situate in the City and County aforesaid, liable to taxation under the assessment laws, in such manner and to such extent as they shall think proper : and for that purpose the Common Council of the said City for the said City, and the said Justices in any such Sessions for the said County, may appoint such persons for the work or any part thereof, and such Committees or persons to superintend the same, as may be necessary ; and also such persons to obtain information respecting the whole of the said real estate or any part thereof, and respecting the value of the same, or the situation thereof with reference to the City and Parish bounds or otherwise, and with reference also to taxation in due proportion among the said Parishes and City of Saint John, as circumstances may require—the object of such surveys, plans and appointments being to ascertain the extent and value of the whole real estate liable to taxation under the Assessment Laws as aforesaid, in the said City and County, and in the said City and each of the said Parishes separately : and all such plans, surveys and information relating to the City of

Saint John, shall be filed in the Common Clerk's Office, and relating to the several Parishes of the said County of Saint John, in the Office of the Clerk of the Peace for the City and County of Saint John.

2. The said Justices may at such Sessions from time to time make such rules and regulations, with penalties in no one case exceeding five pounds, for the purpose of effecting all or any of the objects aforesaid, and of obtaining the information aforesaid from the several proprietors or occupiers of the real estate aforesaid, or from all or any of the public offices of the City and County aforesaid, and may make such orders and arrangements for the purpose of paying all parties employed or entitled to be paid or assisting in any of the objects aforesaid, as they may deem just and proper, and may direct the mode of recovering, and the uses to which such penalties or any of them may be applied.

3. For the purpose of defraying the expenses of all or any of the services hereinbefore mentioned, the said Justices at any such Sessions may order an assessment or assessments from time to time of such sum or sums of money as may by them be considered sufficient for the same, not to exceed in the whole the sum of five hundred pounds; and the said assessment or assessments, when so ordered, shall be assessed on the said City and County and the inhabitants thereof, and levied and collected in the same manner as the contingent or other general assessments of the County of Saint John are assessed, levied, and collected under any laws now or hereafter to be enforced; and the same shall be paid over by the Collector into the hands of the County Treasurer as he shall from time to time collect the same, to be paid by such Treasurer on the orders of the said Justices at any such Sessions passed for the purposes as aforesaid, as occasion may require.

CAP. XI.

An Act to extend the provisions of Chapter 61, Title VIII, of the Revised Statutes, 'Of Fences, Trespasses, and Pounds,' to the City of Saint John.

Chap. 61, Rev. Stat. in part extended to Saint John City.

Passed 8th March 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That so much and such parts of Chapter 61, Title VIII, of the Revised Statutes of this Province, as relates to the erection of Fences, the power and duties of Fence Viewers, and the recovery and collection of the cost and expenses incurred in the making and repairing of line Fences by virtue thereof, shall extend to the City of Saint John and all lands therein; and the Common Council of the said City shall have power to appoint one or more Fence Viewers, who shall have the same power, authority, and rights, and be subject to the same responsibilities and duties within the said City, as any Fence Viewer elected or appointed for any Parish or District under the said Chapter now has or is subject to within such Parish or District.

CAP. XII.

An Act to provide for an Alms House and Work House for the Parish and Town of Woodstock, in the County of Carleton.

Section.	Section.
1. Three Commissioners to be elected in lieu of Overseers of Poor:	10. Assessments for principal and interest how ordered.
2. Authority to purchase and manage a Farm;	11. Application of proceeds.
3. Also materials for setting Poor to work;	12. Board of Supervision constituted.
4. Also to make Regulations and punish.	13. Regulations of Commissioners to be submitted to the Board.
5. Commissioners to make report with Accounts.	14. Statement of money needed and purpose under Sec. 8, to be given to Board of Supervision.
6. Municipal Council to order Assessment on application of Commissioners.	15. Penalty for neglect of duty by Board of Supervision.
7. Profits of work to be accounted for.	16. Two Commissioners may act.
8. Commissioners, with consent of Board of Supervision, authorized to borrow money.	17. Repeal of inconsistent Acts.
9. Certificates of debt to be negotiable.	18. Remuneration of Commissioners.

Passed 8th March 1860.

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

1. Instead of the Overseers of the Poor for the Parish of Woodstock and the incorporated Town of Woodstock, in the County of Carleton, there shall be hereafter elected and appointed three Commissioners in manner following, namely:— One Commissioner shall be appointed annually on or before the last Tuesday in December in each year by the Town Council of the Town of Woodstock, and the other two Commissioners shall be elected or appointed by the rate-payers of the Parish of Woodstock at the same time and in the same

manner as other Parish Officers are elected or appointed under the Law of this Province : At the election of Parish Officers in the said Parish in December next, the said two Commissioners shall be elected ; one of whom, to be decided by lot by the Chairman of the said Election, in the presence of the Electors, shall go out of office at the end of one year : At each succeeding annual Parish Election there shall be elected one Commissioner to replace the Commissioner whose term shall then expire : The term of office of the said two Commissioners to be elected at the Parish Elections as aforesaid, shall be (except in the instance already named) for two years, or until successors are elected or appointed : The present Overseers of the Poor for the Parish of Woodstock shall be the Commissioners under this Act until their successors are appointed : The Board of Supervision shall have power to remove any of the Commissioners at any time for neglect or dereliction of duty, and to fill such vacancy until the next appointment or election under this Act, and also any vacancy occasioned by the death or removal of any Commissioner from the said Parish and Town of Woodstock : The said Commissioners shall have all the powers and authority now belonging to the Overseers of the Poor for the said Parish and Town, shall be sworn to the faithful discharge of their duty, and shall be subject to the same penalties to which Overseers of the Poor are subject.

2. The said Commissioners are hereby authorized and empowered to purchase a Farm and Lands, and to contract and agree for the erection of suitable buildings for an Alms House and Work House in said Parish, and also to purchase stock and materials for said Farm, and to agree upon a certain sum of money for defraying the expenses thereof, which sum of money shall be raised by an assessment upon the inhabitants of the said Town and Parish, and shall be levied and collected in the manner prescribed by law for levying and collecting County rates ; but such assessment shall not exceed one thousand pounds : The title to the said Farm, Lands and property shall be vested in the said Commissioners for the benefit of the Town and Parish aforesaid ; and the sole superintendence and management of the said Farm, Lands, Alms House and Work House, with all the stock and materials thereunto belonging, shall be in the said Commissioners, subject to the supervision hereinafter mentioned.

3. It shall and may be lawful for the said Commissioners from time to time to provide such materials, stock and other things as they shall judge necessary for the setting to work and employing such poor persons, of what age or sex soever they be, who may apply for relief and shall be capable to work, and shall have power and authority at their discretion to compel such idle and poor people begging or seeking relief as do not betake themselves to some lawful employment, or who do or shall hereafter seek or receive alms of the said Town or Parish, or who may stand in need of relief of the said Town or Parish, to dwell in, inhabit, and work in said Alms House or Work House, and on said Farm, and to do all such work for which they shall think them able and fit.

4. The said Commissioners shall have power to make such rules, orders and regulations for the good government and management of the said Alms House, Work House, and Farm, as they shall deem necessary, and to inflict such correction and punishment by solitary confinement or otherwise from time to time as to them shall seem reasonable, on any pauper or paupers within the said Alms House or Work House, or on the said Farm, who shall be so set to work and shall not conform to such rules, orders and regulations to be made as aforesaid, or shall misbehave in or on the same; provided that such rules, orders and regulations shall not be of any effect until approved by the Board of Supervision composed of the Town Councillors of the said Town and the Municipal Councillors elected to the County Council from said Parish hereinafter mentioned.

5. The said Commissioners shall on or before the first day of December in each year make up and file with the Mayor of the said Town, a Report of their proceedings, and of the condition of said Alms House, Work House, and Farm, and a detailed Account of their receipts and expenditures for the past year, and also an estimate of the expenditure for the succeeding year; they shall also lay a copy of said Report, Account and Estimate before the Municipal Council of the said County of Carleton at its semi-annual meeting in January, accompanied by an application to the said Municipal Council, requesting the Council to order a rate upon the said Town and Parish to the amount of said estimate, with the costs of assessing and collecting added thereto.

6. The Municipal Council upon such application from the Commissioners, shall issue a Warrant of Assessment upon said Town and Parish for the support of the Poor therein, and the maintenance of the said Alms House, Work House, and Farm, for such sum as said Commissioners shall require in said application; which said sum of money shall be assessed, levied and collected in such manner and form as by the Laws of the Province are or shall be appointed for the assessment, levying and collection of Poor rates; and such sum when collected shall be paid to the said Commissioners for the use aforesaid and for no other.

7. The profits of any work or labour to be performed under the direction of the said Commissioners shall be duly accounted for by them, and shall be applied towards the support and maintenance of the Poor of the said Town or Parish.

8. The said Commissioners, with the consent of the Board of Supervision hereinafter mentioned, are hereby authorized and empowered to borrow such sums of money as may from time to time be required for the purchase and stocking of said Farm, and the erection and furnishing of the said Alms House and Work House, not exceeding in the whole the sum of one thousand pounds, to be paid off and discharged in manner hereinafter mentioned, the same to be taken in loans of not less than fifty pounds; and the Certificates or Notes in the following form, or to that effect, shall be prepared and delivered to the persons from whom such loans may be obtained, viz :

Number —.

Town and Parish of Woodstock.

These are to certify, that [*here insert name, residence, and addition of lender,*] hath lent and advanced to the Commissioners of the Alms House for the Town and Parish of Woodstock, in the County of Carleton, the sum of fifty pounds currency, which sum is payable to him or to his order, together with interest at the rate of six per centum per annum, payable half yearly on the first day of September and the first day of March, pursuant to an Act of Assembly made and passed in the twenty third year of the Reign of Her Majesty Queen Victoria, intituled *An Act to provide for an Alms House and Work House for the Parish and Town of Woodstock, in the*

12. There shall be a Board of Supervision consisting of the Mayor and Town Councillors of the said Town of Woodstock, and the Municipal Councillors elected to the County Council from the said Parish of Woodstock, a majority of which Board, when properly called together, shall form a quorum, and of which Board the Mayor of the Town shall be Chairman: The Board shall appoint a Secretary from among its members, who shall keep in a Book kept for the purpose a record of its proceedings: The said Board shall meet when called together by the Mayor or any two members.

13. The Commissioners shall from time to time, as they enact any rules, orders or regulations for the good government and management of the Alms House, Work House, and Farm aforesaid, by virtue of the fourth Section of this Act, give a copy of said rules, orders, or regulations, to the Chairman of the said Board, or any two members of the said Board, with a written request that the Board will meet and consider such rules: The said Chairman, or the two members to whom the copy of the rules and the written request have been given, shall call a meeting of the Board to consider said rules, which meeting shall take place within one week of the time when said written notice has been made: The Board at its meeting shall approve or disapprove of the rules, or of one or more of them, as it may think proper, and the Chairman shall make a memorandum of such approval or disapproval, upon the copy of the rules furnished by the Commissioners as aforesaid, and return such copy to them or otherwise notify them in writing of the action of the Board: Such rules, when thus sanctioned by the Board, shall immediately be of full force and effect.

14. When the Commissioners desire to borrow any sum of money under the authority of the eighth Section of this Act, they shall prepare a written statement of the sum needed, and the purpose for which it is required, and give the same to the Chairman of the Board or to any member of it, with a written request that the Board may be called together to consider of the propriety of borrowing said sum or sums: The said Chairman or member shall thereupon call a meeting of the Board, which shall be held within one week from the day upon which such request is made, and if the Board sanction the borrowing

of the sum or sums, or any part thereof, the Chairman shall notify the Commissioners thereof, who shall then be authorized to borrow the same, but not otherwise.

15. The members of the said Board of Supervision shall, for refusing to act, or for neglect of duty, be subject to the same penalties as Parish Officers are under the Revised Statutes, Title VIII, Chapter 52, Section 10.

16. Any act required by this Act to be done by the said Commissioners, may be done by any two of them.

17. The provisions of any Act of Assembly relating to the Poor of the Town or Parish of Woodstock, inconsistent with this Act, are hereby repealed so far as they are thus inconsistent.

18. The Board of Supervision, with the consent of the majority of Rate-payers present at any meeting called for that purpose, or at the annual Parish meeting for election of Parish Officers, shall make the Commissioners such remuneration for their services as the said Board may think proper, the amount to form a portion of the expenditure under this Act.

CAP. XIII.

An Act to continue an Act for the better and more effectual securing the Navigation of the River Saint Croix, in the County of Charlotte.

Act 16 V. c. 18, continued.

Passed 8th March 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the sixteenth year of the Reign of Her present Majesty, intituled *An Act for the better and more effectual securing the Navigation of the River Saint Croix, in the County of Charlotte*, be and the same is hereby continued in force until the first day of May which will be in the year one thousand eight hundred and seventy.

CAP. XIV.

An Act to explain an Act intituled *An Act to amend an Act intituled 'An Act to authorize the draining of German Town Lake, in the County of Albert.'*

Section.

1. Lake District defined.
2. Interest may be included in assessments.

Section.

3. Authority of Commissioners extended, and acts ratified.

Passed 8th March 1860.

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

1. The line describing the boundaries of the Lake District in Section first of said Act, shall be construed to start and terminate at the intersection of the channel of Beaver Brook with the channel of Shepody River, and from Spruce Point said line shall follow the edge or margin of the upland, crossing North and West Rivers, and all other streams running into said District, till it comes to a certain place or stake where the Shepody River joins the upland; thence from edge of upland, in the most direct course, to the channel of the River: and in defining the said bounds the Commissioners for said District are required and empowered to mark out by stakes or otherwise, when necessary, the said line, according to their best judgment and ability; and the line so described and marked out shall be deemed to be the boundary of the said Lake District.

2. The Commissioners may include in any assessment to be made under said Act, interest paid or due on any loan or advance of money made or hereafter to be made by or to the said Commissioners for liquidating all or any of the necessary liabilities which have been incurred or which may be incurred in the prosecution of said draining or in executing the powers conferred by said Act.

3. The authority vested in said Commissioners by the third and eighth Sections of said recited Act shall be construed to extend without the limits of the Lake District for all or any purposes of said Act, and in no case shall any thing heretofore done in connection with the draining of said Lake by said Commissioners be deemed void because not done within the limits of said described District.

CAP. XV.

An Act in amendment of an Act intituled *An Act to incorporate the South West Boom Company.*

Section.
1. Act 18 V. c. 13, repealed.

Section.
2. Rates of Boomage defined.

Passed 8th March 1860.

WHEREAS it is deemed advisable for the interest of the lumbering and mercantile community that the said Company shall have authority to raft as well as boom Lumber floating down the South West Branch of the Miramichi River and its branches ;—

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

1. That an Act made and passed in the eighteenth year of the Reign of Queen Victoria, intituled *An Act in amendment of an Act intituled 'An Act to incorporate the South West Boom Company,'* be and the same is hereby repealed.

2. That the said Corporation shall be entitled to receive a sum not exceeding eight pence per ton for each ton of square or sided timber, and a sum not exceeding two shillings per thousand for each and every thousand superficial feet of logs and other lumber they shall secure in the said Boom or Booms and raft in a substantial manner with good and sufficient boom poles; such payment being in full for securing, booming and rafting the said lumber.

CAP. XVI.

An Act to continue the several Acts relating to the Maduxnikik Boom Company.

Acts 8 V. c. 49, and 10 V. c. 80, continued.

Passed 8th March 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the eighth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the Maduxnikik Boom Company,* and also another Act made and passed in the tenth year of the Reign of Her said Majesty, intituled *An Act to amend the Act to incorporate the Maduxnikik Boom Company,* be and the same are hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy.

CAP. XVII.

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

Section.

1. Moneys granted.

Section.

2. How to be drawn.

Passed 9th April 1860.

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

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

A sum not exceeding six thousand and seventy pounds seventeen shillings and six pence to provide for the Officers and Contingent expenses of the Legislature, including Library and Printing.

A sum not exceeding one hundred and thirty pounds to provide for the Clerk of the Crown and Usher of the Supreme Court and Court of Equity.

A sum not exceeding six thousand eight hundred and ninety one pounds five shillings to defray the expenses of the collection and protection of the Revenue, and of the Controller of Customs Department.

A sum not exceeding two thousand nine hundred and fifty pounds to provide for certain Educational purposes.

A sum not exceeding one hundred and fifty pounds for the encouragement of the erection of Oat Mills.

A sum not exceeding two hundred pounds for the protection of the Fisheries.

A sum not exceeding one thousand five hundred pounds for the expenses of the Provincial Penitentiary.

A sum not exceeding four thousand pounds to provide for the expenses of the Lunatic Asylum.

A sum not exceeding one thousand six hundred pounds to provide for the maintaining of the Tracadie Lazaretto, and towards the erection of an Hospital at Saint John.

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

A sum not exceeding three hundred pounds for the relief of Indians.

A sum not exceeding two hundred and fifty pounds to provide for the expense of the Militia.

A sum not exceeding five hundred pounds for the encouragement of Emigration.

A sum not exceeding five hundred pounds to secure an examination of the Mineral Resources of the Province.

A sum not exceeding one thousand seven hundred and fifty pounds to meet unforeseen expenses during the current year.

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

CAP. XVIII.

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

Section.

1. Moneys granted.
2. By whom, and how to be expended and accounted for.
3. Accounts by Municipal Commissioners.
4. Moneys how to be drawn from Treasury.
5. Compensations.

Section.

6. Money where to be expended; and
7. On what Roads.
8. Bonds to be given.
9. Commissioners in arrear not to be reappointed.
10. Vacant Commissionerships how supplied.

Passed 9th April 1860.

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

1. There shall be granted to His Excellency the Lieutenant Governor, the sum of money hereinafter mentioned, to provide for the improvement of the Roads and Bridges, and other Public Works and Services,—A sum not exceeding forty three thousand five hundred pounds, to provide for the repairs of the Great and Bye Roads of the Province, and for Bridges thereon, for the repairs and extension of the Public Buildings, and the improvement of the Navigation of the Rivers Saint John and Miramichi, and for Steam communication.

2. The said sum of money, and every part thereof, shall be expended under the direction of the Board of Works, and of such Supervisors and Commissioners as the Governor in Council may appoint, and shall be paid to the several and respective persons who shall actually work and labour in

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

3. The Commissioners appointed by the Municipalities of

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

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

5. The said Commissioners intrusted with the expenditure of the several and respective sums of money, shall for their time and labour be allowed to retain at and after the rate of five per centum out of the said money so entrusted to them respectively, together with a reasonable compensation for actual labour and work performed by them on the said several Roads and Bridges, where such moneys are expended on Roads or Bridges.

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

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

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

9. Notwithstanding the provisions of any Law in force for the election of Commissioners of Bye Roads, or otherwise, no

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

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

CAP. XIX.

An Act in addition to and in amendment of an Act passed in the twenty second year of the Reign of Her present Majesty Queen Victoria, intituled *An Act imposing Duties for raising a Revenue.*

Section.

1. Duties imposed by Act 22 V. c. 1, how to be collected and paid after first November next.
2. Table of Exemptions in 22 Vic. c. 1, limited.

Section.

3. Sec. 7 of 22 V. c. 1, repealed as to British West Indies and the United States.
4. Subject to this Act, Act 22 V. c. 1, to be in force.
5. Limitation.

Passed 9th April 1860.

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

1. From and after the first day of November next the Duties imposed in the Table of Duties in the Act passed in the twenty second year of the Reign of Her present Majesty Queen Victoria, intituled *An Act imposing Duties for raising a Revenue*, shall be collected and paid in dollars and cents in lieu of the mode provided by that Act, and in the manner and according to the following Table, viz :—

TABLE OF DUTIES.

<i>Specific.</i>	§ cts.
Axes, each, 3 lbs. weight and upwards, - - -	0 30
Candles of all kinds (except Sperm and Wax) per lb.	0 02
Sperm and Wax, per pound, - - -	0 06
Cider, per gallon, - - - - -	0 05
Coffee, per pound, - - - - -	0 02½
Fruit, dried, (except produce of the United States of America,) per pound, - - - - -	0 02

	\$	cts.
Leather—Sole, Upper Leather, Harness, and Belt		
Leather, per pound, - - -	0	04
Sheep Skins, tanned or dressed, per dozen,	0	60
Calf Skins, tanned, per dozen, - - -	1	20
Malt Liquors of every description, (not being <i>aqua vite</i> , otherwise charged with duty) whether in bottles or otherwise, per gallon, - - -	0	10
Soap, costing less than 10 cents per lb. per pound,	0	01
Spirits and Cordials, viz:—		
Alcohol, per gallon, - - - - -	0	30
Brandy, per gallon, - - - - -	0	80
Gin and Whiskey, per gallon, - - - - -	0	50
Lemon Syrup, Shrub, and Santa, per gallon, -	0	20
All other Cordials, per gallon, - - - - -	0	50
Tinctures, per gallon, - - - - -	0	30
Rum, and all other Spirits not herein enumerated, per gallon, - - - - -	0	30
Sugar, Refined, in loaves, per pound, - - - - -	0	02½
All other kinds of Refined, or white Bastard Sugar, or Sugar Candy, per pound, -	0	02
Brown, or Muscovado, or Clayed, and any other kind of Sugar not Refined, per cwt.	1	20
Tea, per pound, - - - - -	0	04
Tobacco, manufactured, (except Snuff and Cigars,) per pound, - - - - -	0	04
Wines, per gallon, - - - - -	0	50
And on every hundred dollars of the true and real value thereof, in addition, - - - - -	12	50

Ad-Valorem.

On the following articles, for every hundred dollars of the true and real value thereof, viz:—

<p>Anchors; Canvas; Cordage; Chain Cables, and other Chains; Cotton Warp; Copper, and Patent Metals in sheets, bars, bolts, and scraps; Felt, in rolls or sheets; Foreign Hides, green, dried, or salted, (except the produce of the United States of America); Iron in bolts, bars, plates, sheets; Pig Iron; and Railway Rails and Chairs; Oakum; Sails and Rigging for new Ships; Sheathing Paper; Silk Plush for Hatters' purposes; Block Tin; Tin Plates; Lead, in pig or sheets; Zinc, in pig or sheets; Bar and Sheet Steel; Brimstone, crude and roll; Sulphuric Acid; Muriatic Acid; Chloride of Lime; Soda Ash; Copperas; Alum; Phosphorus; Prussiate of Potash; Carboys; Nitre and Saltpetre,</p>	}	\$1 00
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On the following articles, for every hundred dollars of the true and real value thereof, viz :—

<p>Boots and Shoes, of whatever material, and parts of the same; Leather Manufactures; Chairs, and prepared parts of or for Chairs; Clocks, Wheels, Machinery and Materials for Clocks; Household Furniture, (except Baggage, Apparel, Household effects, Working Tools and Implements, used and in use of persons or families arriving in this Province, if used abroad by them and not intended for any other person or persons, or for sale); Looking Glasses; Oranges and Lemons; Brushes; Hats and Hat Bodies; Piano Fortes; Snuff and Cigars; Carriages, Wagons, Sleighs, and other vehicles, and parts thereof; Veneer, and other Mouldings; Frames for Pictures and Looking Glasses; Wooden Wares of all kinds; Matches; Corn Brooms; and all Agricultural Implements, and parts thereof, (except Spades, Shovels, Scythes, and Reaping Hooks); Trunks; Valises; Portmanteaus;</p> <p>Iron Castings, viz :—Cooking, Close, Box, and Round Stoves, and parts thereof, except Square Stoves, designated as Canada Stoves; Apparatus for Cooking Stoves; Franklin Stoves; Register Grates; Fire-frames, and parts thereof; Kitchen Ranges; Boilers; Cast Iron Furnaces, and parts thereof;</p>	}	\$15 00
<p>And on all other Goods, Wares, and Merchandise, not herein otherwise charged with Duty, and not hereinafter declared to be free from Duty, for every one hundred dollars of the true and real value thereof,</p>	}	\$12 50

2. The Table of Exemptions mentioned in the fifth Section of the said recited 'Act imposing Duties for raising a Revenue.' shall only be construed to apply to the Duties imposed by the said recited Act, and this Act.

3. So much of the seventh Section of the said recited 'Act imposing Duties for raising a Revenue,' as authorizes the Governor in Council by Proclamation to admit articles, the growth, production or manufacture of the West Indian Possessions or of the United States of America, into this Province free of Duty, is hereby repealed.

4. Subject to the provisions of this Act, the said recited 'Act imposing Duties for raising a Revenue,' shall remain in

full force and effect in all respects, and the Duties therein specified, computed and determined as is in this Act prescribed, shall be collected, received and paid in all other respects, in the manner prescribed in the said recited Act, and subject to all the provisions and penalties contained in the said recited Act.

5. This Act shall be in force as long as the Act to which it is an amendment.

CAP. XX.

An Act relating to Distilleries.

Section.

1. Penalty for using an unlicensed Distillery: Price and Contents of Licence.
2. Duty on Spirituous Liquors distilled in the Province.
3. Quantity distilled, how ascertained.
4. At inspection, whole quantity to be ex-

Section.

- hibited on oath: Payment of Duty or Warehousing optional.
5. Penalty for improper removal.
6. Proceedings in case of forfeiture or penalty.
7. Chapter 18 Rev. Stat. repealed.

Passed 9th April 1860.

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

1. No Distillery for the manufacture of spirituous Liquors shall be used in this Province, unless an annual Licence be obtained therefor from the Provincial Treasurer, under the penalty of one hundred pounds for every time the same shall be so used without Licence, and the forfeiture of the still, stock, material and things used therein and therefor: No such Licence shall be granted but on the payment of the sum of ten pounds, nor to any other person than the owner of the Distillery, nor until oath be made before the Treasurer of such ownership: The Licence shall contain the name of the Licensee, the Parish and County where his House and Distillery are situate, the sum paid for the Licence, the time of its commencement, and of its termination, which last shall always be on the thirty first day of December in each year.

2. For every gallon of spirituous Liquors other than Gin or Whiskey distilled in the Province, by Licence, the following Duties shall be paid to the Queen for the use of the Province,— Ten pence per gallon of the strength of proof by Sykes's Hydrometer, and so in proportion for any greater or less strength; and for every gallon of Gin or Whiskey so distilled, two shillings and six pence per gallon: On and after the first

day of November next, the Duty to be paid to the Queen as aforesaid, for every gallon of spirituous Liquors so distilled, except Gin or Whiskey, shall be seventeen cents per gallon, of the strength of proof by Sykes's Hydrometer, and so in proportion for any greater or less strength; and for every gallon of Gin or Whiskey so distilled, fifty cents per gallon.

3. The quantity of spirituous Liquors distilled at any Distillery so licensed, shall be ascertained by gauging, and the strength of such spirituous Liquors shall be tested by Sykes's Hydrometer, by or in the presence of an Officer of the Provincial Revenue, acting under the direction of the proper Officer, whenever and as often as such proper Officer may direct; and for this purpose every Still House, or Distillery, or other building used for the purpose of distilling spirituous Liquors, shall be at all times open and subject to the inspection of the proper Officer of the Treasury Department, or of any such person or persons as he may appoint; and such person or persons may enter in the day time, between sunrise and sunset, into any such Still House, Distillery, or other building; but if the doors be closed and admission denied, the Officer or person after first demanding admission and stating the object, may forcibly enter into the same.

4. At the time of any such inspection, the Licensee shall exhibit the whole quantity distilled by him since the date of the last previous visit of the Revenue Officer, and shall furnish the Revenue Officer with a statement under oath of himself and his chief workman, specifying that the quantities of spirituous Liquors then and there produced, are the whole that has been distilled by him since the previous visit and gauge by the Officer of the Revenue; and the quantity of spirituous Liquors being so ascertained, the Licensee shall forthwith pay to the proper Officer of the Treasury Department the Duty herein and hereby imposed; and under the Warrant of the proper Officer, and in the presence of the Officer who gauged such Liquor, remove the same to some building outside of the said Distillery, or he may warehouse the same in the manner prescribed by Chapter 28, Title III, of the Revised Statutes, 'Of Warehousing Goods,' and deposit the said Liquor in one of the general Warehouses appointed by the proper Officer, subject to the rules and regulations of

the said Chapter 28, Title III, of the Revised Statutes, 'Of Warehousing Goods.'

5. Any spirituous Liquors so distilled, removed without Warrant from the proper Officer, as above provided, or having been illegally removed, found in possession of any person or persons, shall be forfeited; and the Licensee from whose Still House or Distillery such Liquors shall have been removed, and the person or persons in whose possession such Liquor may be found, shall severally forfeit and pay the sum of one hundred pounds.

6. The mode of proceeding in case of forfeiture, and all penalties imposed by this Act, shall be sued for, recovered and applied in the manner provided in Chapter 29, Title III, of the Revised Statutes, 'Of Seizures, Forfeitures, and Modes of Proceeding,' and each and every provision of the said Chapter shall apply to forfeitures under this Act when applicable.

7. Chapter 18, Title III, of the Revised Statutes, 'Of the Duties on Distilled Spirits,' is hereby repealed.

CAP XXI.

An Act relating to the Protection of the Revenue.

Section.

1. Penalty for frauds as to Warehousing or removing Goods.
2. Recognizances under Sec. 9, Cap. 29, Rev. Stat. to be forthwith transmitted to Clerk of Crown.
3. Governor in Council to regulate Importations by land;

Section.

4. Such Importations to be between sunrise and sunset.
5. Forfeiture for importing by land by night on unprescribed roads.
6. Form of condemnation under Chap. 12, Rev. Stat.

Passed 9th April 1860.

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

1. Any person who shall enter any goods for warehousing, and shall not duly deposit the same, or shall take such goods from the Warehouse without due entry or clearance, or if such goods have been cleared for exportation or for removal to another Port in the Province, such person shall not duly convey them therefrom and ship them, or shall afterwards reland them without permission of the proper Officer, shall, in addition to the forfeitures of the goods, provided in the second Section of Chapter 28, Title III, of the Revised Statutes 'Of Ware-

CAP. XXII.

An Act further to amend the Law relating to the Protection of the Revenue.

Section.

Section.

- | | |
|--|--|
| 1. What Report of Vessels with Cargo for
Fredericton, sufficient. | 2. True Invoice price to be declared, and
original produced or accounted for. |
|--|--|

Passed 9th April 1860.

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

1. For the purposes of the eleventh Section of Chapter 28, Title III, of the Revised Statutes, 'Of Warehousing Goods,' the Master of any Vessel arriving with a cargo at Saint John, bound for Fredericton, who shall report to the Treasurer the fact of the arrival of such Vessel with a cargo, without producing any manifest, statement, or other specification thereof, shall be deemed to have fully complied with the requirement of the said Section.

2. Where the Duties are charged according to the value of any goods under any Act relating to the Revenue, the importer or importers, owner or owners, consignee or consignees, or his or their known or authorized Agent, shall at the time of the Entry of such goods, declare on oath what is the true Invoice price thereof at the place whence they were imported, and that he or they believe such Invoice price to be the true and current value thereat, and shall at the same time produce and exhibit to the proper Officer, if required by him, the original Invoice or Invoices of such goods, or other documents in lieu thereof or concerning the same, in the same state in which they were received; which Invoices shall be signed by the proper Officer who shall have compared and examined the same; and the person making such Entry shall also certify on oath that they are the original and real Invoices, or if he or they cannot produce the original Invoices, he or they shall make oath thereof, and account for the want of the same, and shall also state on oath what he or they believe to be the correct value of the goods at the place whence they were imported, as near as can be ascertained.

CAP. XXIII.

An Act to amend Chapter 19, Title III, of the Revised Statutes, 'Of Buoys and Beacons.'

Section

1. Chap. 19, Rev. Stat. in part repealed.
2. Duties how collected and paid over, and Accounts kept.
3. Penalty on Master for non-payment within twenty four hours.

Section.

4. Province Treasurer to keep separate Accounts.
5. Compensation and Accounts of Commissioners.
6. Commissioners' balances to be paid into the Treasury.

Passed 9th April 1860.

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

1. That the second, third and sixth Sections of Chapter 19, Title III, of the Revised Statutes, 'Of Buoys and Beacons,' be and the same are hereby repealed.

2. The Deputy Treasurer of the District or Districts mentioned in the first Section of the above named Chapter, or any person appointed by him, shall collect the Duties imposed by the said Chapter, and pay the same as collected into the Provincial Treasury; he shall also keep a separate Account of such Duties, and render the same annually, or as often as may be required, on oath, to the Provincial Treasurer.

3. Any Master of a Vessel liable to such Duty, who shall not within twenty four hours after his arrival, call on such Deputy Treasurer and pay the same, shall forfeit the sum of five pounds, to be recovered in the name of such Deputy Treasurer before any Justice, and be paid into the Provincial Treasury for the purposes mentioned in the said Chapter.

4. That the Provincial Treasurer shall keep separate Accounts of the moneys which may be received under this Act, for each Bay, Harbour, Port, or River, and the same shall be paid out as may be necessary for the purposes of the said Chapter, by Warrant of the Governor; but such moneys shall only be expended in the several Bays, Harbours, Ports. or Rivers, respectively, in which such moneys may be collected.

5. The Commissioners shall be allowed ten per cent. for their services on all moneys expended by them, and they shall annually on the thirty first day of October in each year, render to the Treasurer an account on oath of the moneys received and expended by them, with proper vouchers, to accompany his Public Accounts when transmitted, and they shall also

render a copy of such Accounts to the first General Sessions in every year.

6. That all balances in the hands of the several Commissioners of Buoys and Beacons at the end of the last fiscal year, and not since expended, be forthwith paid into the Provincial Treasury.

CAP. XXIV.

An Act to amend the Law relating to the Registry of Deeds and other Instruments.

Section.

1 When Probate of Wills deposited in Courts out of this Province, may be registered here.

Section.

2. Section 12, Chap. 112, Rev. Stat. to apply to actions by or on behalf of the Queen.

Passed 9th April 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly;—

1. That when any Will affecting any lands, tenements or hereditaments in this Province, or any interest therein, shall be deposited in any Court out of this Province, the Probate of such Will, or of any Letter of Administration with the Will annexed, purporting to be under the hand of the Officer having the custody of such Will, and the Seal of the said Court, or an exemplification of such Probate or Letters of Administration, with the Will annexed, purporting to be certified under the hand of the Officer and the Seal of such Court having the custody of such Will, and the Seal affixed to such Probate or exemplification thereof, or to such Letters of Administration with the Will annexed, being proved before any of the persons authorized by the Laws of the Province to take the acknowledgment or proof of Deeds affecting Lands in this Province, and authenticated in like manner, shall be deemed to be evidence of the said original Will being deposited in the Court granting such Probate or Letters of Administration, with the Will annexed, or exemplification thereof; and such Probate or Letters of Administration, with the Will annexed, or the exemplification thereof, under the hand and Seal aforesaid, and proved as aforesaid, may be registered in the Registry of Deeds in any of the Counties of this Province, as other conveyances are registered; and the same, when so registered,

shall have the same effect as if the original Will had been registered therein.

2. The provisions of Section 12 of Chapter 112, Title XXX, of the Revised Statutes, 'Of the Registry of Deeds and other Instruments,' shall apply to actions or proceedings by or on behalf of Her Majesty the Queen, and the affidavit of the loss of the Instrument may be made by the Attorney or other Officer acting on behalf of Her Majesty.

CAP. XXV.

An Act to amend the Law for the Registry of Deeds and other Instruments.

Construction of Sec. 6, Chap. 112, Rev. Stat.

Passed 9th April 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the sixth Section of Chapter 112, Title XXX, of the Revised Statutes, 'Of the Registry of Deeds and other Instruments,' is hereby declared and enacted to mean, and shall be construed to extend to all cases where, if the Conveyance be acknowledged or proved in any Foreign State or Kingdom, the same may be acknowledged or proved before any British Minister, Ambassador, Consul, or Vice-Consul resident there, or Governor of a State, or Mayor of a City, and certified and authenticated under the hand and seal of office of such public functionary, as in the said Section is required.

CAP. XXVI.

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

Section.

1. Governor in Council may appoint Commissioners in the United Kingdom and elsewhere, to take acknowledgments

Section.

- of Deeds for registry, and Affidavits to be used in Provincial Courts.
2. Fees of such Commissioners.

Passed 9th April 1860.

FOR facilitating the acknowledgment of Deeds, Conveyances and other Instruments affecting real or personal pro-

perty in this Province, and also the administering of Oaths or taking Affidavits for the purpose of holding persons to bail in this Province, or having relation to any judicial proceeding in any Court of Justice therein;—

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

1. That it shall and may be lawful for His Excellency the Lieutenant Governor in Council, to appoint one or more Commissioners resident in the United Kingdom, or in the Islands of Jersey or Guernsey, Alderney, Sark, or Man, and the United States of America, to administer Oaths and take Affidavits to be read and used in the several Courts of Justice in this Province, and also to receive acknowledgments and proof of the execution of Deeds, Conveyances and other Instruments affecting real or personal property in this Province; and for the purposes of this Act, such Commissioners shall be severally invested with all the powers and authorities by the 112th Chapter of the Revised Statutes given to any Judge of the Court of Queen's Bench or Common Pleas, or Baron of the Exchequer, or Master in Chancery in England or Ireland, or any Judge or Lord of Session in Scotland, or Mayor or other Chief Magistrate of a City, Borough, or Town Corporate, in any part of the United Kingdom, respecting acknowledgments and proofs of Conveyances or other Instruments, and also with all the powers and authorities by the seventh Section of an Act made and passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act in further amendment of the Law*, given to a Judge of any Court of Justice in the United Kingdom, or in any Foreign State, or in any British Colony: Provided always, and be it enacted, that all Certificates of proof or acknowledgment of such Deeds, Conveyances, or other Instruments, and to all Affidavits made before any of the said Commissioners, shall be attached a Certificate under the hand and seal of a Notary Public, authenticating as well the signature of such Commissioner, as the signature or mark of the deponent or deponents in such Affidavits, or party or parties proving or acknowledging such Deeds, Conveyance, or other Instrument,

2. That there shall be allowed to, and taken by the Commissioners who may be appointed under this Act, the following Fees for the respective services performed, namely:—

For administering an Oath,	in sterling,	£0	2	6
For drawing all Papers or Documents, per folio,		0	1	0
For attesting Deeds or Documents, and taking Acknowledgments,	- - - - -	0	10	0
For taking the Acknowledgment of married women,		0	15	0

CAP. XXVII.

An Act to declare the Law relating to the repeal of the Act intituled *An Act to amend the Law for the relief of Insolvent Debtors*.

Effect of proviso in Sec. 1 of Act 22 V. c. 27.

Passed 9th April 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the clause by way of Proviso in the Act passed in the twenty second year of the Reign of Her present Majesty, intituled *An Act to repeal an Act intituled ‘An Act to amend the Law for the relief of Insolvent Debtors,’* shall be held and construed to extend the provisions of the repealed Act to the cases in the said Proviso mentioned, as fully as if the said repealed Act had continued in operation until the first day of January in the year of our Lord one thousand eight hundred and sixty one; and the said repealed Act shall, with respect to all proceedings therein specified and referred to only, be held and construed to be revived and in full force, for the purpose of giving such proceedings in all cases the effect intended when such repealed Act passed.

CAP. XXVIII.

An Act to amend the Law relating to Insolvent Confined Debtors.

Weekly allowance to Debtor may be paid to Gaoler.

Passed 9th April 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That whenever the Judge or Justices shall make an order for payment by the Suitor of five shillings per week to the Debtor, as directed by the first Section of Chapter 124, Title XXXIV, of the Revised Statutes, ‘Of Insolvent Confined Debtors,’ such payment may in all cases be made to the gaoler, or keeper of the gaol for the time being,

at the gaol in which, or on the limits of which, the said Debtor is confined, any thing in the said Act to the contrary notwithstanding.

CAP. XXIX.

An Act in further amendment of the Law of Evidence as to proof of Bankruptcy.

Section.

1. Office copies of proceedings before Commissioner of Bankrupts in England, receivable as evidence in Provincial Courts.

Section.

2. London Gazette to be received in evidence.

Passed 9th April 1860.

WHEREAS the expense and delay at present attending the proof of proceedings in Bankruptcy in actions pending in the Courts of Law and Equity in this Province, where the party became Bankrupt in England, is very great, and operates prejudicially to the interests of the Creditors of Bankrupts' Estates; and in order to diminish the expense attending the closing up of Bankrupt Estates, and to facilitate the proof of all proceedings in Bankruptcy;—

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

1. That from and after the passing of this Act, on the trial of any cause, or in other proceedings in any of Her Majesty's Courts of Law or Equity in this Province, whenever it shall become necessary on the trial of the said cause, or in any proceedings in said Courts, to prove the petitioning Creditor's debt, Fiat of Adjudication, appointment of official Assignee, election and confirmation of Trade Assignees, or any other proceeding had before the Commissioner of Bankrupts in England, the production of office copies of all or any such proceedings, purporting to be under the hands of the Commissioners and Registrar, and also professing to be under the Seal of the Court of Bankruptcy for the District in which such Bankrupt may have been declared and adjudged Bankrupt, shall in all cases be held and deemed to be sufficient evidence of the facts recited in such documents, without any further proof of them.

2. The London Gazette purporting to be published by Royal Authority, shall in all cases be received in evidence as sufficient proof of the proceedings in Bankruptcy contained in such Gazette.

CAP. XXX.

An Act in further amendment of the Law.

Section.

1. Bail may render principal to County Gaol any time before return of process.
2. Sheriff may take new bail.

Section.

3. Sheriff of Saint John may reside within three miles of the Court House

Passed 9th April 1860.

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

1. That any person being bail to any Sheriff for the appearance of any person arrested under any mesne process issued out of any Court. may at any time before the return of such process, render the principal to the gaol of the County in which such process was executed, as provided in Sections thirteen, fourteen and fifteen of the Act of Assembly twelfth Victoria, Chapter thirty nine, intituled *An Act to consolidate and amend various Acts of Assembly relating to the further amendment of the Law.*

2. The Sheriff, upon such render being made, may take new bail for the appearance of such person as if no previous bond had been entered into.

3. That the Sheriff of the City and County of Saint John may be permitted to reside within three miles of the Court House in the said City and County.

CAP. XXXI.

An Act to amend the Law relating to Guarantees, Bills of Exchange, and Promissory Notes.

Section.

1. Written guarantee not avoidable because consideration not stated in writing.
2. Effect of change in constitution of a Firm.

Section.

3. Judge may order loss of a negotiable instrument not to be set up.

Passed 9th April 1860.

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

1. No special promise to be made by any person after the passing of this Act to answer for the debt, default or miscarriage of another person, being in writing and signed by the party to be charged therewith, or some person by him thereunto lawfully authorized, shall be deemed invalid to support an action, suit, or other proceeding, to charge the person by whom such promise shall have been made, by reason only that

the consideration for such promise does not appear in writing, or by necessary inference from a written document.

2. No promise to answer for the debt, default, or miscarriage of another, made to a Firm consisting of two or more persons, or to a single person trading under the name of a Firm, and no promise to answer for the debt, default, or miscarriage of a Firm consisting of two or more persons, or of a single person trading under the name of a Firm, shall be binding on the person making such promise, in respect of any thing done or omitted to be done after a change shall have taken place in the constitution of the Firm, by the increase or diminution of the members thereof, unless the intention of the parties that such promise shall continue to be binding notwithstanding such change, shall appear either by express stipulation, or by necessary implication from the nature of the Firm or otherwise.

3. In case of any action founded upon a Bill of Exchange or other negotiable instrument, it shall be lawful for the Court or a Judge to order that the loss of such instrument shall not be set up, provided an indemnity is given to the satisfaction of the Court or Judge, or the Clerk of the Pleas, against the claims of any other person upon such negotiable instrument.

CAP. XXXII.

An Act relating to procedure in Criminal Cases.

Section.

1. In certain cases, Court or Judge in vacation may issue warrant to compel attendance of witnesses.
2. Sheriff's fees for service.
3. Peremptory challenge of Jurors on part of Crown.

Section.

4. Supposed interest not to disqualify Freemen, &c. of Saint John, as Jurors.
5. Private prosecutor's name to be endorsed on Indictment.

Passed 9th April 1860.

WHEREAS inconvenience arises in the administration of Criminal Law, from the want of a power in the Judges of the Supreme Court to compel the attendance of Witnesses at a Criminal Trial;—

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

1. If in any criminal case cognizable at the Sittings for the County of York, or in any Circuit Court or Court of Oyer and Terminer or Gaol Delivery in any part of this Province,

it shall appear to any such Court, or if such Court is not sitting, then before the time for holding such Court to any Judge of the Supreme Court, on motion or application of the Attorney General, Solicitor General, or other Officer acting on behalf of the Queen, that any person within the jurisdiction of the Supreme Court is likely to give material evidence before the Grand or Petit Jury touching the matter of such prosecution, and that it is probable that such person will not attend to give evidence unless compelled, or upon similar motion or application made on affidavits by or on behalf of any prisoner or person charged, in either of such cases it shall be lawful for such Court to order a Warrant to issue, signed by the Clerk of such Court, or for such Judge out of Court to issue a Warrant under the hand of such Judge, directed to any Sheriff, commanding him to arrest such person and have him at the time and place in such Warrant mentioned to testify as therein directed; which said warrant shall be a sufficient authority in Law for such Sheriff, his Deputy and assistants, for arresting the person or persons therein named in any part of the Province, and bringing him or them before such Court, notwithstanding such arrest be made beyond the Bailiwick of such Sheriff: provided that the issuing of such Warrant shall be discretionary with such Court or Judge: provided also, that the Court or Judge upon the issuing of any such Warrant upon the motion or application of any person or prisoner charged, may prescribe such terms as to the payment by such prisoner or party charged of the expense of executing such Warrant, as to such Court or Judge may seem reasonable.

2. The Sheriff's fees for services under this Act shall be as follows, and shall be paid by the Treasurer of the County wherever the Trial shall be had, in the same manner as prosecutor's fees under Chapter 160, Title XL, of the Revised Statutes:—

Serving Warrant, - - - - -	£0 5 0
Travel per mile, from place of residence of Sheriff, and back, - - - - -	0 0 6

3. In all Criminal Trials, four Jurors may be peremptorily challenged on the part of the Crown.

4. No inhabitant, freeman, or freeholder of the City of Saint John, shall be disqualified from serving as a Grand Juror or

Petit Juror in any criminal case, for or by reason of any interest or supposed interest in any forfeiture of the goods and chattels of any person charged with felony.

5. No Bill of Indictment prepared by any private prosecutor for any misdemeanor where the accused has not been committed or bound by recognizance to answer such charge, shall be presented to or found by any Grand Jury, unless the name of such prosecutor, his place of abode, and occupation, with the addition of the word "prosecutor," be first indorsed on the Bill by the proper Officer of the Court at the instance of such prosecutor, and the person so preferring the Bill do enter into recognizance in such sum as the Court may direct, to appear and give evidence on the trial of the accused, if the Bill be found a true Bill by the Grand Jury.

CAP. XXXIII.

An Act in amendment of the Law relating to Summary Convictions.

Section.

1. Sec. 4, Chap. 138, Rev. Stat. repealed.
How property having several owners shall be laid in information.

Section.

2. No information, &c. to be insufficient for specified inaccuracies.

Passed 9th April 1860.

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

1. Section 4, of Chapter 138, of the Revised Statutes, is hereby repealed; and in lieu thereof, in all proceedings under any of the provisions of the said Chapter, where more persons than one shall be the owners of property, real or personal, in respect whereof any offence therein mentioned has been committed, the information may name one of the owners, partners, parceners, joint tenants or tenants in common, joint stock companies or trustees, stating the property to be his and that of another: If the offence shall be committed in, upon, or in respect of any building or erection belonging to, or used in whole or in part, by any County, or on or with respect to any goods provided for at the expense of any County, or be used on or in any such building or erection, it shall be sufficient to state the property, real or personal, to belong to the inhabitants of such County, without specifying the names of such inhabitants; or if committed on or with respect to any property, real

or personal, under the management or in the occupation or charge of any Public, County or Parish Officer or Commissioner, it shall be sufficient to state the property, real or personal, to belong to such Officer or Commissioner, without specifying his name.

2. No information, or conviction, or proceeding founded thereon, shall be held insufficient for omitting to state the time at which the offence was committed, in any case where time is not of the essence of the offence, or for stating the time imperfectly, or for stating the offence to have been committed on a day subsequent to the taking of the information, or on an impossible day or day that never happened, nor for want of exactness in the quantity, number, value or price, amount, damage, injury or spoil, in specifying the offence, or statement of the case; nor for want of or imperfection in the addition of any defendant; nor for stating the offence in the words of any Act or Statute, whether such words be disjunctively stated, and appear to include more than one offence or otherwise.

CAP. XXXIV.

An Act to amend the Law relating to False Pretences.

Procuring signature to a valuable security with intent to cheat—a misdemeanor.

Passed 9th April 1860.

WHEREAS it is expedient to amend the Law relating to False Pretences;—

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That if any person shall by any false pretence obtain the signature of any other person to any Bill of Exchange, Promissory Note, or any valuable security, with intent to cheat or defraud, every such offender shall be guilty of a misdemeanor, and be imprisoned for a term not exceeding two years, or fined, at the discretion of the Court, or both.

CAP. XXXV.

An Act respecting the apprehension of Criminals escaping from any of Her Majesty's Provinces and Governments in North America into New Brunswick.

Section.

1. Justices of the Peace to endorse proven Warrants for apprehension of criminals escaping from H. M. Provinces in North America: Effect.

Section.

2. Power to convey such prisoners through this Province.

Passed 9th April 1860.

FOR the apprehension of Felons and other Malefactors who having committed crimes in some of Her Majesty's Provinces and Governments in North America, escaping into New Brunswick;—

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

1. If any person against whom a warrant may be issued by the Chief Justice of the Queen's Bench or Supreme Court, or by any other Justice having competent authority in any of Her Majesty's Provinces or Governments in North America, respectively, for any felony or other crime of a high nature, escapes into or is found in any part of New Brunswick, any Justice of the Peace of the County, City or place where such person resides or is supposed to be, may upon due proof being made of the hand writing of such Chief Justice or other Justice who issued the warrant, endorse his, the said Justice's name thereon; and such warrant so endorsed shall be a sufficient authority to all persons to whom such warrant was originally directed, and also to all constables and policemen of the County, City or place where such warrant has been so endorsed, to execute the same by apprehending the person or persons against whom such warrant has been granted, and to convey him or them into the Province or Government from which such warrant was originally issued, to be dealt with according to Law.

2. When any person charged with having committed any such felony or crime in any of Her Majesty's Provinces or Governments aforesaid, shall be arrested in any other of such Provinces or Governments, and it may become necessary to convey such person through this Province to the Province or Government in which the crime was committed, the officer in charge of the prisoner shall have the same power to convey him through this Province, as if the said prisoner had been arrested in this Province.

CAP. XXXVI.

An Act in further amendment of the Law relating to Courts of Probate.

Section.

1. Temporary appointment of Judges of Probate in cases of absence, authorized.

Section.

2. Ratification of proceedings by temporary Judges heretofore appointed.

Passed 9th April 1860.

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

1. In the absence from this Province of the Judge of Probates for any County, the Governor in Council may specially appoint some other person in his stead, who shall be sworn to the faithful performance of the duties of his office, and shall have all the powers incident thereto during the absence from the Province of the Judge of Probates for the County for which such temporary appointment is made.

2. All proceedings had and taken, and every matter or thing done according to the law relating to the powers and duties of Judge of Probates, by any Judge of Probate heretofore appointed during the temporary absence from the Province of any Judge of Probate of any County, shall be valid.

CAP. XXXVII.

An Act to amend the Law relating to Divorce and Matrimonial causes.

Section.

1. Jurisdiction of Court of Governor in Council under Act 31 G. 3, c. 5, vested in a Court of Divorce and Matrimonial causes.
2. Appointment of the Judge of such Court.
3. Suits in certain stages transferred.
4. Orders of Court of Governor in Council may be enforced by the new Court.
5. Neglect to appear, &c. may be pronounced a contempt: Writ *de contumace capiendo*.
6. Absolution from contempt and discharge.
7. Power to issue subpoenas.
8. Examination of witnesses.
9. Enforcement of orders by Execution.
10. Practice and proceedings.

Section.

11. Power to make regulations as to practice and procedure, forms and fees.
12. Authenticated orders and decrees, or copies, to be evidence in all Courts.
13. Appeal to Supreme Court allowed.
14. Registrar of Court of Governor in Council to be Registrar of the new Court.
15. Barristers and Attorneys of Supreme Court to be entitled to practise in new Court.
16. Terms.
17. Citations, &c. to be tested in name of the Judge.
18. Repeal of 31 G. 3, c. 5, in part, 4 W. 4, c. 30, 6 W. 4, c. 34, and 10 V. c. 38.
19. Forms in Schedule.
20. Commencement of Act.

Passed 9th April 1860.

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

1. As soon as this Act shall come into operation, all jurisdiction now vested in or exercisable by the Court of Governor in Council, under the authority of an Act made and passed in the thirty first year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating Marriage and Divorce, and for preventing and punishing incest, adultery, and fornication*, in respect of suits, controversies, and ques-

tions concerning Marriage, and contracts of Marriage, and Divorce, as well from the bond of Matrimony as Divorce and separation from bed and board, and alimony, shall belong to and be vested in a Court of Record, to be called 'The Court of Divorce and Matrimonial Causes.'

2. The Governor in Council shall appoint by Commission under the Great Seal of the Province, one of the Judges of the Supreme Court to be the Judge of the said Court for Divorce and Matrimonial Causes, who shall have power and authority to hear and determine all causes and matters cognizable therein, subject to appeal as hereinafter directed.

3. All suits and proceedings which at the time when this Act comes into operation shall be pending in the said Court of Governor in Council, shall be transferred to, dealt with, heard and decided by the said Court for Divorce and Matrimonial Causes, as if the same had been originally instituted in such Court; and the said Court of Governor and Council shall be abolished as soon as this Act comes into operation, except as to such suits now pending in said Court in which evidence has been examined, which shall be proceeded with as if this Act had not been passed.

4. Any Order, Judgment, or Decree of the said Court of Governor and Council, which shall have been made before this Act comes into operation, may be enforced or otherwise dealt with by the said Court for Divorce and Matrimonial Causes, in the same manner as if it had been originally made by the said Court under this Act.

5. In all causes cognizable in the said Court for Divorce and Matrimonial Causes, when any person having been duly cited to appear and answer, or required to comply with any order or decree of the said Court, shall neglect or refuse to appear or to obey such order or decree, or when any person shall commit a contempt in the face of such Court, it shall be lawful for the Court to pronounce such person in contempt, and thereupon a Writ *de contumace capiendo* (A) shall issue out of said Court, directed to the Sheriff of the County in which such person may be, returnable on the first day of the next Term of the said Court, or if issued in Term, returnable on any day in such Term that the Court may direct; and all Sheriffs, gaolers, and other officers, shall execute such Writ by taking

and detaining the body of the person against whom the said Writ shall issue.

6. Upon the due appearance and answer of any party so cited, or the obedience to any such order or decree, or the due submission of any party so having committed a contempt in the face of the Court, the said Court may, upon such terms as it shall deem just, pronounce such party absolved from any such contempt, and shall forthwith make an order for discharging such party out of custody; and the Sheriff or other officer in whose custody such person may be, shall on production of such order, and on payment of the costs incurred by such contempt, forthwith discharge him.

7. The Court may issue Writs of Subpœna (B), and Subpœna *duces tecum* (C), commanding the attendance of witnesses or the production of papers; and any person served with any such Writ shall be bound to attend and to be sworn and give evidence, and to produce papers in obedience thereto, in the same manner as if it had been a Writ of Subpœna or Subpœna *duces tecum* issued out of the Supreme Court in a cause pending therein.

8. The witnesses in all suits before the Court, when their attendance can be had, shall be sworn and examined orally; provided that when a witness is out of the jurisdiction of the Court, or when by reason of his illness or from other circumstances, the Court shall not think fit to enforce the attendance of the witnesses, it shall be lawful for the Court to order the examination of such witness on oath upon interrogatories or otherwise, before any person or persons to be named in such order; and all the powers given to the Supreme Court and the several Judges thereof, by an Act passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to facilitate the examination of Witnesses before trial in the Supreme Court*, shall extend to and be applicable to this Court.

9. The Court shall have power to enforce the performance of its decrees or orders, by execution (D) against the goods and chattels, lands and tenements, of the party liable thereto; and such executions shall have the same priority and effect as executions issued upon judgments in the Supreme Court.

10. The practice and proceedings of the said Court shall be

conformable, as near as may be, to the practice of the Ecclesiastical Court in England, prior to an Act of Parliament made and passed in the year one thousand eight hundred and fifty seven, intituled *An Act to amend the Law relating to Divorce and Matrimonial Causes in England*, subject however to the provisions of this Act, and the existing rules, orders, and practice as now established in the Court of Governor and Council in this Province.

11. The Court shall have power to make rules and regulations concerning the practice and procedure, and the forms to be used under this Act, and to regulate the fees payable on all proceedings therein as may be considered necessary, and to alter or revoke the same or any of them as may from time to time be considered necessary.

12. All decrees and orders, or copies of decrees or orders of the said Court, sealed with the Seal thereof, shall be received in evidence in all Courts.

13. Either party dissatisfied with any decision of the Court in any suit or proceeding, may under such rules and regulations as the Supreme Court may from time to time prescribe, appeal therefrom to the Supreme Court, whose decision shall be final.

14. The Registrar of the said Court of Governor and Council shall be the Registrar of the Court of Divorce and Matrimonial Causes, and shall have the custody of all the records and papers thereof, sign and seal the writs and processes, tax the costs, and draw all the orders and decrees of the said Court, and attend the sittings thereof in person or by deputy.

15. All Barristers and Attorneys entitled to practise in the Supreme Court of this Province, shall be entitled to practise in the Court of Divorce and Matrimonial Causes.

16. The Terms of the said Court shall commence on the fourth Tuesdays in February, June, and October, in each year, and shall continue for the space of ten days; provided that the Judge of the said Court shall have power to continue the sittings of the said Court beyond the end of the said Terms respectively, if the causes pending in the said Court shall require it.

17. All citations, writs, or processes issued out of the said

Court, shall be tested in the name of the Judge of the Court, and on the day of issuing the same.

18. All parts of an Act made and passed in the thirty first year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating Marriage and Divorce, and for preventing and punishing incest, adultery, and fornication*, as are inconsistent with the provisions of this Act, and also the three Acts of Assembly hereinafter mentioned, shall be repealed as soon as this Act comes into operation, namely—An Act made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the further regulation of the formation of the Court of Governor in Council for the determination of all suits and controversies touching and concerning Marriage and Divorce*; also an Act made and passed in the sixth year of the same Reign, intituled *An Act for altering the Terms of holding the Court of the Governor in Council for causes of Marriage and Divorce*; and an Act made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act for the further regulation of the Court of Governor in Council in Causes of Marriage and Divorce*.

19. The forms in the Schedule to this Act, or forms to the like effect, shall be deemed of the same force as if incorporated in the Sections to which they refer.

20. This Act shall come into operation on the first day of July next.

SCHEDULE OF FORMS.

A

Writ de contumace capiendo.

[L. S.] VICTORIA, by the Grace of God, &c.—To the Sheriff of Greeting: Whereas is contumacious and contemns the jurisdiction and authority of the Court for Divorce and Matrimonial Causes [*here state the non-appearance or other contempt*]; You are hereby commanded to attach the said by his body, until he shall make satisfaction for the said contempt; and how you shall execute this Writ, notify to the said Court, on the day of next, and have then there this Writ.—Witness, [*insert the name of the Judge*] at Fredericton, the day of in the year of Our Reign. A. B. Registrar.

B

Subpœna ad testificandum.

[L. S.] VICTORIA, by the Grace of God, &c.—To [names of witnesses] Greeting: We command you and every of you to be and appear in your proper persons before Our Court for Divorce and Matrimonial Causes, at Fredericton, on the day of next, at o'clock in the noon, and so from day to day, until the cause or proceeding is heard,* to testify the truth according to your knowledge, in a certain cause now in the said Court depending between A. B. proponent, and C. D. respondent, on the part of the said and on that day to be tried; and this you, nor any of you, shall in no wise omit, under the penalty of one hundred pounds.—Witness, [insert the name of the Judge] at Fredericton, the day of in the year of Our Reign.

C

Subpœna duces tecum.

The same as the form B to the asterisk*, then as follows:— and also that you bring with you, and produce at the time and place aforesaid, [here describe shortly the deed or paper required to be produced] then and there to testify and show all and singular those things which you or either of you know, or the said deed or instrument doth import, of and concerning a certain cause now in Our said Court depending, &c. [as in form B to the end.]

D

Execution.

[L. S.] VICTORIA, by the Grace of God, &c.—To the Sheriff of County, Greeting: Whereas by an order (or decree) lately made in Our Court for Divorce and Matrimonial Causes, in a cause therein pending, wherein A. B. was proponent and C. D. respondent, it was ordered that the said should pay to the said the sum of [state shortly the substance of the order]; Therefore We command you, that of the goods and chattels, lands and tenements of the said in your Bailiwick, you cause to be made the said sum of to be rendered to the said and make return on the Tuesday in next.— Witness, [insert the name of the Judge] at Fredericton, the day of in the year of Our Reign.

CAP. XXXVIII.

An Act in amendment of Chapter 52, Title VIII, of the Revised Statutes, 'Of Parish and County Officers.'

Section.

1. Vacancies by refusal to serve, or by death or removal, how to be supplied.

Section.

2. Act not to affect Incorporated Counties.

Passed 9th April 1860.

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

1. In addition to Chapter 52, Title VIII, of the Revised Statutes, 'Of Parish and County Officers,' in case of refusal or neglect to serve, or in case of the death or removal of any person elected or appointed to any County office, a special Session of the County called for that purpose, may appoint a fit person to any such vacancy, and so from time to time when such vacancy arises, and when so appointed, such Officer shall give the like security and in like manner as if appointed by the Sessions, when by law security is required; and any person so appointed shall have like powers, or if he shall neglect or refuse to serve, or be guilty of any misbehaviour or neglect of duty, he shall be subject to the same penalties, to be recovered and applied in the same manner as if elected or appointed in the ordinary way, according to the provisions of said Chapter 52, of the Revised Statutes.

2. Nothing in this Act to apply to or affect Incorporated Counties.

CAP. XXXIX.

An Act to explain Chapter 54, Title VIII, of the Revised Statutes, 'Of Buildings, Offices, and School Reserves.'

Section.

1. No assessment without presentment of Grand Jury.

Section.

2. Act not to apply to Incorporated Counties.

Passed 9th April 1860.

WHEREAS doubts have arisen whether under the provisions of the second Section of Chapter fifty four, Title VIII, of the Revised Statutes, 'Of Buildings, Offices, and School Reserves,' the Sessions may order an assessment for the erection of suitable buildings for the safe keeping of the Records of Deeds and Wills, and the Papers and Records of the Common Pleas and Sessions, without the presentment of the Grand Jury recommending the same;—

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

1. That no assessment for the erection of the buildings mentioned in the said recited Section, shall at any time be ordered by any Sessions without the presentment of the Grand Jury recommending the same being first made.

2. This Act shall not apply to any Incorporated County.

CAP. XL.

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

Section.

1. Authority of Wardens extended.

Section.

2. Penalty in Sec. 10, Chap. 101, Rev. Stat as to Salmon, increased.

Passed 2th April 1860.

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

1. That any Warden of the Fisheries heretofore appointed, or that may hereafter be appointed by virtue of the said recited Chapter, shall have power and authority to exercise the duties of his office under the provisions of the said Chapter, upon any Stream or River and the several tributaries thereof from their sources to the Sea, although such Stream or River may pass through one or more Counties; provided nevertheless, that no regulations made or to be made by the Sessions or Municipal authorities of any County, shall extend or be in force beyond the bounds of the respective Counties wherein such regulations are made.

2. The penalty prescribed in the twenty first Section of the said Chapter shall be two pounds instead of ten shillings.

CAP. XLI.

An Act in further amendment of Chapter 118, Title XXX, of the Revised Statutes, 'Of Letters Patent for useful Inventions.'

Section.

1. Extension of time for introducing Patent articles, authorized.

2. Record and evidence of such extension of time.

Section.

3. Date of extension.

4. Fees.

5. Acts to apply to Patents hereafter to be granted.

Passed 9th April 1860.

WHEREAS in and by the twenty eighth Section of Chapter 118, Title XXX, of the Revised Statutes, 'Of Letters Patent for useful Inventions,' it is enacted that all Patents granted under that Chapter shall be void, if the Patentee shall not within three years after the granting thereof establish in this Province the manufacture of, or introduce the article, improvement or composition for which the same was granted: And whereas it is deemed advisable that under certain circumstances the period aforesaid shall be extended;—

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

1. That in all cases where Letters Patent may have issued under the herein before recited Act, or under any other Act of the Legislature of this Province relating to Letters Patent, and the manufacture or introduction of the article, improvement or composition for which the same had been granted may not have been established in this Province within three years after the granting thereof, that it shall and may be lawful for the Lieutenant Governor, on application of the Patentee or his assigns, on good cause shewn, to grant him or them a further term not exceeding three years from the expiration of the first three years, within which the manufacture or introduction of the article, improvement or composition for which such Letters Patent were granted, may be introduced.

2. That such extension of time, on the same being granted, shall be duly recorded in the Provincial Secretary's Office, and shall, on the production of the original Letters Patent, be endorsed thereon by the Provincial Secretary, and such endorsement, with a certificate from the Secretary of the due recording of such extension of time, shall in all Courts of Law be held as evidence of such extension.

3. That such endorsement shall bear date the day of the granting of such extension of time, and such extension of time shall run from the day of the granting thereof by the Governor in Council.

4. That the fees under this Act shall be regulated by the scale of fees in the hereinbefore recited Act set forth.

5. That this Act shall also apply to all Letters Patent for useful Inventions which may hereafter be granted under the provisions of the hereinbefore recited Act.

CAP. XLII.

An Act to establish a Polling place in the Parish of Kars, in King's County.

Polling place in Parish of Kars established.

Passed 9th April 1860.

WHEREAS a place for taking the Poll at Elections to be held for Members to serve in the General Assembly in this Province for the Parish of Kars, in King's County, has not been provided;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That for the Parish of Kars, in King's County, at or near John M'Intyre's, Esquire, in the said Parish, shall be and is hereby declared to be the place for taking the poll at all Elections hereafter to be held for Members to serve in the General Assembly of this Province.

CAP. XLIII.

An Act relating to the Militia Law.

Section.

Section.

1. Any Sections of Chaps. of Title XI, Rev. Stat. may be revived by Proclamation.

2. The revival shall apply only to volunteers whose services have been accepted.

Passed 9th April 1860.

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

1. Notwithstanding the provisions of an Act made and passed in the nineteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to the Militia*, the Commander in Chief may from time to time, if he deem it necessary, revive by Proclamation to be published in the Royal Gazette, for such time as he may deem advisable, specifying the time in the Proclamation, any one or more of the Sections of the different Chapters of Title XI, of the Revised Statutes, 'Of the Militia,' mentioned in the first Section of the said recited Act.

2. The revival of such Sections of the different Chapters of Title XI, of the Revised Statutes, 'Of the Militia,' shall only apply to such Battalion, Regiment or Company as may have volunteered for drill and exercise, and whose services have been accepted by the Commander in Chief, which Battalion, Regiment or Company shall also be specified in the Proclamation by which such Sections are put in force.

CAP. XLIV.

An Act to continue an Act to regulate the sale of Spirituous Liquors.

Act 17 V. c. 15, continued.

Passed 9th April 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the seventeenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to regulate the sale of Spirituous Liquors*, be and the same is hereby continued in full force and effect unto the first day of May which will be in the year of our Lord one thousand eight hundred and sixty five.

CAP. XLV.

An Act further to amend the Law relating to Highways.

Section.

1. Jury required under s. 10, of 18 V. c. 18, how to be summoned.
2. Damages to be paid before opening road, unless by consent.
3. List of persons liable to statute labour to be filed in Office of Clerk of Peace.

Section.

4. The annual returns of Commissioners to be under oath.
5. Commissioners to enforce fines and penalties.

Passed 9th April 1860.

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

1. The Jury required to be summoned by the tenth Section of an Act made and passed in the eighteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to Highways*, when the owner of the land objects to laying out a private Road thereon, shall be summoned at the instance of the Commissioners or parties interested in the manner prescribed by the third Section of an Act made and passed in the twenty first year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to alter and amend an Act intituled 'An Act relating to Highways,'* and the fees shall be regulated by the fifth Section of the said last mentioned recited Act.

2. No such Road shall be opened until the damages assessed be paid to the owner of the land, unless such owner consent in writing to open the same.

3. The Commissioners shall annually file a copy of the list of the inhabitants liable to the performance of statute labour,

in the office of the Clerk of the Peace, within ten days after the publication thereof, and shall also accompany their returns, to be laid before the Parish meeting for the election of Parish Officers, with a copy of said list.

4. The annual returns required to be made by the Commissioners, shall be made by them respectively, under oath.

5. It shall be the duty of the several Commissioners of any Parish or District, to enforce all and every fine and penalties under any Act now in force relating to Highways.

CAP. XLVI.

An Act relating to Agriculture.

Section.

1. Acts 17 V. c. 7, and 22 V. c. 10, amended.
2. Exhibition under Act 22 V. c. 10. s. 11, to include Horticultural products, Natural resources, and the Fine Arts.
3. Authority to Board to make regulations, with penalties, &c. for the Exhibition.

Section.

4. Term of office, expiration.
5. Time and place for annual election of members of Board.
6. Two or more Societies may unite and be a body corporate.
7. Acts 17 V. c. 7, and 22 V. c. 10, so far as inconsistent with this Act. repealed.

Passed 9th April 1860.

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

1. That an Act made and passed in the seventeenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act for the encouragement of Agriculture*, and also an Act made and passed in the twenty second year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to amend the Act for the encouragement of Agriculture, and to provide for the establishment of a Provincial Board*, be amended in the manner hereinafter declared.

2. The Exhibition authorized in the eleventh Section of the said last mentioned recited Act shall, in addition to Agricultural products and manufactures, include Horticultural products, the Natural resources of the Province, and the Fine Arts.

3. The Provincial Board shall have power to make rules and regulations to preserve order at the said exhibition, and for suppressing immorality and vice; and to prescribe the limit within which such rules and regulations shall be enforced, which limit shall not exceed two miles from the exhibition building, and to impose such fines and penalties not exceeding five pounds or twenty days imprisonment for any breach of

such rules and regulations ; such fines and penalties so imposed may be sued for and recovered in the manner prescribed by Chapter 161, Section 32, Title XLI, of the Revised Statutes, 'Of Terms, Explanations, and General Provisions ;' which rules and regulations shall not be in force until they are approved of by the Governor in Council ; a copy thereof shall be posted up in three or more conspicuous places in the exhibition building and grounds : the execution of such rules and regulations shall be entrusted to such and so many Constables of the County in which the exhibition is held, as may be selected for that purpose by the Committee appointed by the Provincial Board to superintend the said exhibition.

4. Notwithstanding the provisions of the second Section of the said last mentioned recited Act, any member of the Provincial Board previously elected or appointed, shall continue a member until the time appointed for holding the annual meeting, when any other person elected in his place shall be deemed to be constituted a member.

5. Notwithstanding the provisions of the fifth Section of the last mentioned recited Act, the members of the Provincial Board shall be annually elected on the third Wednesday in October, between the hours of twelve o'clock noon, and three o'clock in the afternoon, at the County Court House in each County, except King's, where the election shall be held at the Finger Board House, in the Parish of Norton ; and Albert, the election shall be held at the Post Office at Hopewell Hill, (so called,) in the said County, in such manner and subject to such regulations as the Agricultural Society shall prescribe ; if there be more than one Society in any County, the President, first Vice President, and Secretary of the several Societies, shall meet at the same time and place and elect the member ; persons entitled to vote may vote in person or by proxy in writing ; the Chairman of the meeting shall on or before the last day of December then next, transmit the result of the election to the Secretary of the Provincial Board, who shall immediately notify the members elected and also the retiring member.

6. Notwithstanding the provisions of the first mentioned recited Act, passed in the seventeenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act for the*

encouragement of Agriculture, two or more Societies may unite and form one Society, and when so united shall be a body corporate, with all the privileges and obligations made incident to a Corporation by Law, by the name of the Agricultural Society of the Counties of [*describe the several Counties which have so united*]; such union shall not affect the right of each County so united, to elect at the time and place specified in this Act, a member of the Provincial Board, under such regulations as to the mode each Society shall adopt, to be regulated by a bye law of such Society, or entitle any County so included in such union to a greater sum than each such County would be entitled to receive from the Provincial Treasury, and the corporate character of such united Counties shall be proved in the same manner as is provided in the case of a single Society.

7. All the provisions of the said recited Acts inconsistent with this Act, are hereby repealed; but in all other respects the said recited Acts shall remain in full force and effect.

CAP. XLVII.

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

Section.

1. Appointment of Registrar and his acts legalized.

2. Construction of sec. 11, 22 V. c. 18.

Section.

3. Practitioners in Homœopathy entitled to Registration; limitation.

Passed 9th April 1860.

WHEREAS by the third Section of an Act made and passed in the twenty second year of the Reign of Her present Majesty, Chapter XVIII, it is amongst other things enacted that a Faculty, styled the Medical Faculty of New Brunswick, should be established, consisting of all persons registered under the said Act, who should hold their first meeting within six months from commencement of said Act, and in such place and at such time as the Governor in Council should appoint: And whereas by the sixth section of the said Act it is enacted that the Governor in Council should, as soon as it might be convenient after the passing of the said Act, appoint one or more Registrars who should act as such, in accordance

with the provisions thereof, until the first meeting of the Medical Council: And whereas the second Section of the said Act provides that the said Act should not come into operation until the first day of June in the year of our Lord one thousand eight hundred and fifty nine: And whereas William J. Harding was on the sixth day of May in the year of our Lord one thousand eight hundred and fifty nine, appointed Registrar under the said Act, by His Excellency the Lieutenant Governor in Council: And whereas doubts exist as to the proper and legal construction of the said in part recited Act;—

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

1. That the said appointment of Registrar so made as aforesaid, shall be deemed and taken to be valid and lawful to all intents and purposes, in like manner as if made after the said Act came into operation, as well as all acts or things done by such Registrar or transacted in connection with or dependent upon a proper appointment of such Registrar; provided that this Act shall not extend to any suit brought against the said Registrar for any act done or omitted by him as such Registrar.

2. That the proper construction and intent of the eleventh Section of the said Act, is to entitle all persons possessed of a Medical Degree, Diploma, or Licence, as therein set forth, to registration under said Act, without distinction of Medical or Surgical system of practice taught in any such College or public Institution mentioned in the said eleventh Section of the said Act.

3. That any person now practising or who may hereafter wish to practise Homœopathy in this Province, and possessed of a Diploma from a Homœopathic College, and claiming registration under it, shall be entitled to be registered under the eleventh section of the said Act, and be designated on the Register as a practitioner of Homœopathy; provided however, that such registration shall not entitle any person to assume or use the designation of Surgeon, or Doctor of Medicine, unless he shall have been registered as such on the Register of the Medical Faculty.

CAP. XLVIII.

An Act relating to the mode of Accounting and Currency.

Section.

1. Public Accounts to be rendered in dollars and cents.
2. Equivalent for parts of a cent to be fixed by Governor in Council.
3. Eagle of United States, tender for \$10.
4. Dollar divisible into 100 cents; cent into 10 mills
5. Certain silver coins struck by order of Her Majesty to be legal tender;

Section.

6. Also copper or bronze coins similarly struck.
7. Act not to affect power of Governor under 15 V. c. 85.
8. Subject to this Act, Act 15 V. c. 85, to be in force.
9. Commencement of Act.

Passed 9th April 1860.

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

1. All Accounts rendered to any Officer or Department of the Government by any person accountable to such Officer or Department, or to the Government or Legislature, shall be made up and rendered in dollars and cents; but any such Accounts may have a second column, containing sums in pounds, shillings and pence, equivalent to the sums so stated in dollars and cents, if the accountant prefer that mode.

2. When any fee or sum of money is required to be paid for any purpose; act, matter or thing whatever, and such fee or sum of money cannot be converted into dollars and cents without the fractional part of a cent, the Governor in Council may by Order in Council, to be published in the Royal Gazette, fix the amount to be paid in lieu of such fractional part of a cent.

3. The Eagle of the United States coined after the first day of July in the year of our Lord one thousand eight hundred and thirty four, and weighing ten penny weights eighteen grains troy, shall pass and be a legal tender for ten dollars each, and the multiples and divisions thereof in the same proportion.

4. The dollar referred to in an Act made and passed in the fifteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act for establishing a Tender in all payments to be made in this Province, and for consolidating and amending the Laws relating to the Currency therein*, and in this Act, shall be equivalent to and divided into one hundred cents, and of such value that four dollars or four hundred cents shall be equal to one pound currency now in use; and every cent shall be divided into ten mills: that twenty cents shall be equal to one shilling of the present currency, and so on in proportion for any greater or lesser sum.

5. Such silver coins representing dollars or the divisions of a dollar as Her Majesty shall see fit to direct to be struck for the purpose, and at such rates as Her Majesty shall assign to them respectively, shall pass current and be a legal tender to the amount of ten dollars in any one payment; but the holder of the notes or obligations of any person or body corporate, to the amount of more than ten dollars, shall not be bound to receive in such silver coins more than that amount in payment of such notes, if presented at one time, although each or any of such notes be for a less sum.

6. Such copper or bronze coins representing cents or multiples or divisions of a cent as Her Majesty shall see fit to direct to be struck for the purpose, and at such rate and of such denomination as Her Majesty shall assign to them respectively, shall pass current and be a legal tender to the amount of twenty cents in any one payment.

7. Nothing in this Act contained shall diminish the power or authority conferred on the Governor by the seventh Section of an Act made and passed in the fifteenth year of the Reign of Her present Majesty, intituled *An Act for establishing a Tender in all payments to be made in this Province, and for consolidating and amending the Laws relating to the Currency therein.*

8. Subject to the provisions of this Act, the Act passed in the fifteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act for establishing a Tender in all payments to be made in this Province, and for consolidating and amending the Laws relating to the Currency therein,* shall remain in full force and effect.

9. This Act shall come into operation and be in force on the first day of November next.

CAP. XLIX.

An Act to provide for taking a Census.

Section.

1. Governor in Council to appoint Enumerators,
2. Who shall take account at time and in manner prescribed.
3. Governor in Council to appoint time and mode of taking Census, &c. Schedule of enquiries to be published.
4. Enumerators to be furnished with copies of Schedule, forms and instructions.
5. Discretion for expedition sake: official returns.

Section.

6. Authority to ask necessary questions; penalty as to answers.
7. Digest of Returns; Abstract for Legislature.
8. Enumerators' accounts of time employed, and rates of remuneration.
9. Cities of Saint John and Fredericton to be deemed Parishes; Woodstock and Moncton, Districts.
10. Meaning of term 'Census.'
11. Commencement of Act.

Passed 9th April 1860.

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

1. The Governor in Council shall appoint in each and every Parish of every County such and so many persons, to be styled Enumerators, for taking the Census, as he may deem advisable, and may divide large and populous Parishes into Districts and appoint an Enumerator to each District.

2. Every Enumerator shall at the time and in the manner prescribed by the Governor in Council, take the account of the number of persons who shall be actually found at the time of the taking such account, or to which it shall relate, in the Parish or District for which he may be appointed, together with the other particulars prescribed by the Governor in Council.

3. The Governor in Council shall appoint the time, and prescribe the mode of taking the said Census, and make such rules and regulations to guide and govern the Enumerators in their enquiries, and generally to carry out the object and provisions of this Act ; and shall specify the various enquiries to be instituted by the Enumerators, and cause a Schedule of such enquiries, methodically arranged, to be published in the Royal Gazette at least two months before such time.

4. The Provincial Secretary shall furnish every Enumerator with a sufficient number of copies of the said Schedule and the necessary forms and instructions required for taking the said Census.

5. Every Enumerator shall at the time so specified proceed to take the said Census, and an account in writing of the various particulars contained in the aforementioned Schedule, adopting such mode of procedure as, consistent with his instructions, will enable him with the greatest expedition and correctness to obtain the information required, and shall prepare therefrom answers to the said questions, in the form required by his instructions, and sign the same, attest thereto, and make return to the Provincial Secretary.

6. Every Enumerator is hereby authorized to ask any question prescribed in the said Schedule of any person within the Parish or District for which he is appointed, to enable him to make the said enquiry, and correctly to ascertain the result ; and every person refusing to answer, or wilfully giving a false answer to any such question shall, for every refusal or false

answer, pay not more than five pounds, in the discretion of the Justice before whom complaint shall be made.

7. The Governor in Council shall appoint one or more persons to digest the said Return, and shall cause an Abstract thereof to be laid before the Legislative Council and House of Assembly at the next Session of the Legislature after the completion of such Abstract.

8. Every Enumerator shall transmit to the Office of the Provincial Secretary an Account, duly attested, of the number of days he has been actually employed in taking the Census, with every other information necessary, to enable the Governor in Council to test the correctness of the Account; and he shall be allowed at the rate of ten shillings for every day he is so employed, to be paid by Warrant of the Governor in Council on the Treasury.

9. For the purposes of this Act the Cities of Saint John and Fredericton shall be deemed Parishes, and the Towns of Woodstock and Moncton respectively shall each be deemed a District of their respective Parishes.

10. In this Act, 'Census' shall mean the taking an account of the Population and such other enquiries relative thereto, or relative to the Agricultural, Mechanical, Lumbering, or other resources, or such other Statistics as the Governor in Council shall prescribe.

11. This Act shall come into operation and be in force the first day of January which will be in the year of our Lord one thousand eight hundred and sixty one.

CAP. L.

An Act relating to certain Lands of the War Department.

Section.

Preamble.

1. Described tracts of Land in Parish of Grand Falls, reinvested in Her Majesty.

Section.

2. Deed recited in Preamble may be registered in Registry Office of Victoria County.

Passed 9th April 1860.

WHEREAS the Right Honorable Sidney Herbert, then being Her Majesty's Principal Secretary of State for the War Department, did by Deed poll bearing date the nineteenth day of January in the year of our Lord one thousand eight hundred and sixty, sealed with his seal, grant, alien, release, surrender,

and yield up to Her Majesty Queen Victoria, all those certain tracts of Land therein and hereinafter described, situate in the Parish of Grand Falls, in the County of Victoria, which Deed poll was signed and sealed in presence of Charles Matthew Clode, and R. H. Forman, one of which witnesses, R. H. Forman, professed to prove the said signing and sealing before John Carter, the Lord Mayor of the City of London, in that part of the United Kingdom of Great Britain and Ireland called England, but not in the mode prescribed by Law for the proof of the execution of Deeds—by reason whereof it cannot be registered in this Province: And whereas the Lands described in the said Deed form a portion of several tracts of Land granted by Letters Patent under the Great Seal of this Province, bearing date the twenty third day of April in the year of our Lord one thousand eight hundred and forty five, to the Principal Officers of Her Majesty's Ordnance, which by an Act made and passed in the nineteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act for transferring to one of Her Majesty's Principal Secretaries of State, the powers and estates vested in the Principal Officers of the Ordnance*, were transferred to, and vested in, and exercisable by Her Majesty's Principal Secretary of State for the time being, to whom Her Majesty should think fit to entrust the Seals of the War Department, and which Her Majesty has been most graciously pleased, by the Despatch of the Right Honorable E. B. Lytton, then being Her Majesty's Principal Secretary of State for the Colonies, bearing date the seventeenth day of August in the year of our Lord one thousand eight hundred and fifty eight, addressed to His Excellency the Lieutenant Governor of this Province, to signify Her assent to transfer to this Province for the public use thereof; and it is necessary to confirm the surrender thereof to Her Majesty for the use of the Province;—

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

1. All those certain tracts or parcels of Land situate in the Parish of Grand Falls, in the County of Victoria, and Province aforesaid, abutted and bounded as follows: The first tract beginning at the line of low water mark on the westerly bank or shore of the upper basin of the River Saint John, at a

point where an easterly line of lot C in the Town Plat of Colebrooke, granted to the Principal Officers of Her Majesty's Ordnance, strikes the same; thence running by the magnet of the year one thousand eight hundred and forty five, south four degrees and thirty minutes west eight chains and twenty five links, along said line of said grant, or to a post standing on the northern line of lot B; thence south seventy degrees west five chains, or to a post standing on a westerly line of said lot C; thence along the same north four degrees and thirty minutes east two chains and seventy five links, or to a post standing in the southeasterly angle of lot D, also granted to the Principal Officers of Her Majesty's Ordnance; thence along the southern line thereof north eighty five degrees and thirty minutes west six chains and seventy one links, or to a post standing in the southwesterly angle of said lot D; thence along the westerly line thereof north four degrees and thirty minutes east six chains and seventy one links, to a post standing in the northwesterly angle thereof; thence along the northerly line of the same south eighty five degrees and thirty minutes east six chains and seventy one links, to a post standing on the aforesaid westerly line of lot C; thence along the same north four degrees and thirty minutes east one chain and twenty five links, or to the line of low water mark above mentioned, and thence following the various courses of the same down stream to the place of beginning; containing eight acres and two roods, more or less—distinguished as lot D and a northern part of lot C in the Town Plat of Colebrooke, and including the small Island lying in the said upper basin in front of said lot C: The second tract beginning at a point where the southerly line of lot B above mentioned strikes the above mentioned easterly line of lot C; thence south four degrees and thirty minutes west seven chains, or to a post; thence south twenty nine degrees and thirty minutes east twenty one chains, along another easterly line of lot C, or to the line of low water mark on the westerly bank or shore of the lower basin of the River Saint John above mentioned; thence following the various courses of the same down stream in a westerly direction four chains and seventy five links, or to a westerly line of said lot C; thence along the same north twenty nine degrees and thirty minutes west twenty two chains,

or to a post; thence north four degrees and thirty minutes east six chains, along the westerly line of said lot C first above mentioned, or to a post; and thence north seventy degrees east five chains, or to the place of beginning; containing nine acres more or less—distinguished as a southern part of lot C: The third tract beginning at the line of low water mark on the southerly bank or shore of the upper basin of the River Saint John above mentioned, at a point where the most westerly line of lot E, granted to the Principal Officers of Her Majesty's Ordnance strikes the same; thence south twelve degrees east, one chain; thence south eighty four degrees east four chains and forty links; thence south sixty nine degrees and thirty minutes east three chains and twenty five links; thence south fifty five degrees and thirty minutes east two chains and fifty five links, to a post; thence south twenty degrees east four chains, or to the northern line of lot B above mentioned; thence along its easterly prolongation north seventy degrees east six chains and thirty links, or to the line of low water mark of the westerly bank or shore of the River Saint John above mentioned; thence following the various courses of the same up stream in a northwesterly direction, passing the mill site, crossing the outlet from the sluiceway to a rock, thence around the outer edge of the same, and across the westerly end of the sluiceway to the last mentioned line of low water mark, and thence along the same again up stream in a westerly direction to the place of beginning; containing two acres more or less—distinguished as a northern part of lot E in the Town Plat of Colebrooke aforesaid, and including the mill site, sluiceway, and rock above mentioned: The fourth tract beginning at a point where the easterly prolongation of the southerly line of said lot B strikes the line of low water mark of the westerly bank or shore of the River Saint John above mentioned; thence along said prolongation south seventy degrees west three chains and thirty links, or to a post standing in a northern angle of a common for the benefit and use of the inhabitants generally for ever; thence south forty three degrees east five chains; thence south eighty two degrees east two chains and sixteen links; thence south twenty six degrees and fifteen minutes west two chains and seventy five links; thence south thirty nine degrees west two chains and fifty links; thence

south one degree and thirty minutes east three chains and forty eight links ; thence south forty two degrees and forty five minutes east one chain and ninety links ; thence south twenty degrees west four chains and fifty links ; thence south fifty degrees west three chains and two links ; thence south one degree east two chains and fourteen links ; thence south eighty one degrees east two chains and seventy four links ; thence south eighty four degrees and thirty minutes east three chains and fifty links ; thence south thirty seven degrees east six chains and seventy two links, passing a post standing on the line of high water mark, or to the line of low water mark of the westerly bank or shore of the River Saint John above mentioned ; and thence following the various courses of the same up stream, in a northerly direction, to the place of beginning ; containing three acres more or less—distinguished as a southern part of lot E : the said four tracts containing together twenty two acres and two roods, more or less—and the whole estate therein and the title thereto shall revert to and vest in Her Majesty Queen Victoria, for the use of this Province, in the same manner and as fully to all intents and purposes as if no Grant thereof had ever issued to the respective Officers of the Ordnance ; and Her Majesty Queen Victoria shall be restored to Her original and former estate in and title to the said land, to all intents and purposes, fully and absolutely without let or hinderance from any person whatever.

2. The Deed poll heretofore referred to may, without further proof, be registered in the office of the Register of Deeds for the County of Victoria, with the like force and effect as if it had been legally executed.

CAP. LI.

An Act to extend the time for the completion of the Rail Road from Saint Andrews in the County of Charlotte, to Woodstock in the County of Carleton.

Time for completion of Railroad extended.

Passed 9th April 1860.

WHEREAS it is expedient that the time for the completion of the said Rail Road should be extended ;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the time for the completion of the Rail Road from Saint Andrews in the County of Charlotte, to Woodstock in the County of Carleton, with the Branch to the River Saint Croix, at or near the Ledge, so called, in the Parish of Saint Stephen, in the County of Charlotte, as set forth in an Act made and passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act for further facilitating the making of a part of the Saint Andrews and Quebec Rail Road*, shall be extended to the twentieth day of October which will be in the year of our Lord one thousand eight hundred and sixty one, and that all the conditions and provisions of the said recited Act not inconsistent with this Act shall continue in full operation until that time.

CAP. LII.

An Act relating to the Fisheries in the County of Restigouche.

Session.

1. Regulations with penalties may be made by the General Sessions;
2. Net to be in force until approved by the Governor in Council.
3. Penalty for setting traps, lines, &c. for salmon or codfish.
4. Penalty for catching salmon by drifting.
5. None but Indians shall catch salmon by spearing, &c.
6. Indians may catch salmon in May, June, and July, for their own use.
7. Possession to be prima facie evidence of violation of law.

Section.

8. Penalty for fishing in spawning grounds.
9. Regulations, by whom to be enforced.
10. Money to be assessed under Sec. 3, Chap. 101, Rev. Stat. may be otherwise raised.
11. Violators of Canadian Fishery Laws or Regulations for River Restigouche, or Mistouche, may be prosecuted in this Province;
12. Evidence of such laws and regulations, and of the authority of the officer.
13. Recovery of fines and penalties.

Passed 9th April 1860.

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

1. The General Sessions for the County of Restigouche, or any Special Sessions for that purpose holden, shall have power from time to time to make rules and regulations for the management, preservation and protection of the Fisheries, and for the regulation of seines, nets, fish-wiers, and any other mode of catching or taking fish in the Rivers and Harbours of the said County, and may also make regulations for the spawning and breeding of fish of any kind, and may set apart any River or parts of a River for that purpose, and may prescribe such penalties for the breach of any regulation, not exceeding ten pounds for any offence, as they may deem advisable.

2. No rule or regulation shall be in force until approved of by the Governor in Council in the manner prescribed for other Fishery regulations, and when so approved shall be deemed valid and to have been made within the scope of the authority of such Sessions.

3. Any person who shall in any River or Harbour of the said County, or within three marine miles of the shore on any part of the coast of the said County, set any machine, trap, line with hooks, or wier, for catching or taking any salmon or cod-fish other than with set net in the ordinary mode of fishing, shall for each offence forfeit or pay a penalty of not less than ten pounds and not exceeding fifty pounds; and any such machine, trap, wier, or line with hooks, set or used contrary to the provisions of this Act, may be seized and sold by any Constable or Fishery Warden, and after deducting expenses of seizure and sale, the proceeds paid to the County Treasurer for the purposes of the Fishery Fund.

4. Whoever shall catch any salmon by drifting with a net in any River in the said County, shall for each offence forfeit and pay a sum not exceeding five pounds, and the net used for such purpose shall be forfeited and sold, and disposed of as in the last preceding Section.

5. No person other than an Indian shall take, catch or kill any salmon by means of spears, harpoons, jigger hooks, or grapnels, under the penalty of a sum not exceeding five pounds for each offence.

6. Indians may for their own immediate use and consumption in the months of May, June, and July, catch or take salmon in the manner aforesaid, upon waters not set apart for breeding and spawning; but they shall on no pretence whatever sell, barter or give away any salmon so captured or killed in the manner heretofore named.

7. The possession of any such salmon so killed shall be *prima facie* evidence that the same was killed or taken contrary to law, and it shall be forfeited accordingly, and the party punishable according to law.

8. No fishing shall be allowed in any waters set apart by the Sessions for the purpose of spawning or breeding, under the penalty of a sum not exceeding ten pounds for each offence.

9. The execution and carrying into effect of the regulations

made under the authority of this Act, shall and may be made and carried out by such persons as the Sessions shall appoint, or by such officers as are appointed under any law relating to the Fisheries, or both.

10. The Sessions shall have power to raise the sum required by the third Section of Chapter 101, Title XXII, 'Of the Sea and River Fisheries,' by assessment as therein is provided, or by any other mode they may deem advisable.

11. Any person guilty of any offence punishable by any law in force in Canada, or guilty of the breach of any regulations made under the authority of any law in Canada relating to the management, protection or regulation of the Fisheries of the River Restigouche or Mistouche, who may come into the Province, may be punished in this Province therefor, in the same manner as if the offence had been committed in this Province; and every such offender may be summarily dealt with and convicted before any Justice of the Peace for the said County of Restigouche, under the provisions of the Summary Conviction Act.

12. In prosecutions for penalties for a breach of any law relating to the Fisheries or any fishery regulation in Canada, committed on that part of the River Restigouche or Mistouche within the jurisdiction of the Province of Canada, the Statutes of Canada, published in the Canada Gazette by the Queen's Printer, containing such law or the regulations made thereunder, published in the same manner, shall be evidence of the law and regulations respectively; or the certificate of the Provincial Secretary or Clerk of the Executive Council, certifying the enactment of any Statute in Canada, or the making of any Order in Council, or Regulation authenticated by the Seal of the Province of Canada, shall be evidence of such Statute of Canada, Order in Council, or Regulation; and the authority of a Canadian Officer connected with the protection of the Fisheries, or charged with the execution of any such law or regulation in Canada, may be proved by oral testimony.

13. Fines and penalties imposed by this Act, or by any Regulations of the Sessions made under the authority thereof, may be sued for and recovered in the mode prescribed by any law relating thereto, or for summary convictions, in force at the time of the commission of the offences.

CAP. LIII.

An Act to authorize investigation in cases of Fire in the City of Fredericton.

Section.

- 1, 2. Mayor to investigate all cases of damaging fires: summon informants, &c.
3. Penalty for non-appearance or refusal to answer.

Section.

4. False swearing, perjury.
5. Two City Councillors may act in absence of Mayor.

Passed 9th April 1860.

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

1. It shall be the duty of the Mayor of the City of Fredericton for the time being, when any fire shall occur whereby any house or building, steam boat, wood boat, vessel, structure or property in such City, shall be wholly or in part consumed, to institute an enquiry into the cause or origin of such fire, and for that purpose the said Mayor is hereby authorized and required to summon and bring before him all persons whom he may deem capable of giving information or evidence touching or concerning such fires, and to examine such persons under oath, and to reduce their examination to writing.

2. Such Mayor shall enquire into the cause or origin of the fire, and whether the same was kindled by design or was the result of accident or of negligence, and proceed accordingly.

3. If any person summoned to appear before the Mayor in virtue of this Act, shall neglect or refuse to appear at the time and place specified in the Summons, or if any person appearing in obedience to any such Summons shall refuse to be examined or to answer any question that may be put to him in the course of his examination, it shall be lawful for such Mayor to enforce the attendance of such person, or to compel such person to answer, as the case may require, by the same means as are used by Justices of the Peace for such purposes in other cases.

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

5. In case of the absence or inability of the Mayor to attend, any two of the City Councillors of the said City may act in his stead.

CAP. LIV.

An Act to enable the City Council of the City of Fredericton to raise Funds to discharge the Debt of the said City.

Section.

1. City Council authorized to issue Debentures to amount of £2,000 to pay City debts.
2. City Clerk to report and record the numbers and dates.
3. Conditions and authentication of the Debentures.
4. To be negotiable as promissory notes.
5. Pledge of City faith and credit and revenues for redemption.

Section.

6. No Debenture to issue for interest or deficiency of ordinary income.
 7. Receipt and application of proceeds of Debentures.
 8. Annual assessment for principal and interest.
 9. Application of proceeds of such assessments.
- Schedule.

Passed 9th April 1860.

WHEREAS the Debt of the City of Fredericton has been accumulating for some years, and has now reached an amount which, being unfunded, it is inconvenient to discharge out of the annual assessments;—

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

1. The City Council of the City of Fredericton are hereby authorized and empowered to make and issue from time to time, as they may deem expedient, Debentures in the form specified in Schedule A, bearing interest at a rate not exceeding six per cent. per annum, payable half-yearly, and redeemable at periods not exceeding ten years from the dates of the issuing thereof; and the said City Council may sell the same from time to time, or apply them in discharge of debts due from the said City, on such terms and conditions as they may judge best, provided that the whole amount of such Debentures shall not exceed the sum of two thousand pounds currency of New Brunswick.

2. The City Clerk shall forthwith report to the City Council the number and date of the Debentures issued, with the names of the persons receiving the same, and a record thereof shall be entered in the Minutes of the City Council.

3. The Debentures shall be issued payable in New Brunswick currency, redeemable, with the Coupons attached, at the office of the City Treasurer in Fredericton; they shall be signed by the Mayor and City Clerk for the time being, and verified by the Seal of the City of Fredericton, which Seal the City Clerk shall use as often as may be necessary for the purpose aforesaid: The Debentures shall be numbered consecu-

tively in the order in which they are issued, beginning with number one, and shall be issued for the sum of twenty five pounds each; provided that the Coupons may be signed by the Mayor of the City for the time being alone.

4. The said Debentures shall be negotiable and transferable in the same manner as promissory notes, by indorsement, naming the party to whom the same is transferred on each transfer of the said Debentures; and the holders thereof shall be entitled to receive interest for the same semi-annually, to be paid by the City Treasurer as hereafter mentioned.

5. The faith and credit of the City, and the ordinary revenues thereof derived from all sources, and the proceeds of any assessment now or hereafter to be assessed, levied and collected for the purpose of paying the said Debentures and the interest thereon, shall be and they are hereby declared pledged to any and every holder of the said Debentures, for payment of the same.

6. No Debenture shall be issued for payment of interest, or for any deficiency in the ordinary income of the City; but payment of the interest on the said Debentures shall be made from the net income, rents and receipts of the said City, so far as the same shall extend, and if that shall not be sufficient, from an assessment on the inhabitants and owners of property in the said City.

7. The moneys arising from the sale of such Debentures shall be paid to and received by the City Treasurer, and shall be applied by him to the discharge of the now existing Debts of the said City, and for no other purpose.

8. The City Council may make a rate and assessment of not more than three hundred pounds in each and every year, besides the charge for assessing and collecting, for the purpose of discharging the principal and interest of the loans contracted by virtue of this Act, until the same shall be paid off; the said several sums to be assessed, levied, collected and paid in the same manner as the other City Taxes are assessed, levied and collected by virtue of any Act in force for that purpose.

9. The moneys so to be assessed shall from time to time be applied, after discharging the interest due on the said Debentures, to the payment of the principal sums mentioned in such Debentures, in due order, according to their priority, and the City Treasurer shall from time to time give not less than one

month's notice by advertisement in one of the Newspapers published in the said City, for calling in so many of the said Debentures as he is prepared to pay off, specifying the numbers in such advertisement; and at the expiration of such notice the interest on such Debentures shall cease.

SCHEDULE A.

No. — *City of Fredericton.* £25

The City of Fredericton promises to pay at the office of the City Treasurer in the said City, to _____ or Order, the sum of twenty five pounds current money of New Brunswick, in _____ years from the date hereof, with interest from the date, at the rate of six per cent. per annum. to be paid half-yearly on the presentation of the proper coupons for the same as hereunto annexed, on the _____ day of _____ in each year at the said office.

In testimony whereof, we, the Mayor and City Clerk, by virtue of the authority vested in us by the Act of the General Assembly, intituled *An Act, &c.* have here-

[L.S.] unto set our hands, and affixed the Seal of the said City of Fredericton aforesaid, this _____ day of _____

A. D. 18

A. B. Mayor.

C. D. City Clerk.

FORM OF COUPON.

City of Fredericton.

Debenture, No. — £25

Fifteen shillings, payable at the office of the City Treasurer in Fredericton, being six months interest on the above Debenture, due _____ day of _____ A. D. 18 . A. B. Mayor.

CAP. LV.

An Act relating to the Lower Flat of the County Court House in the County of York.

Act 20 V. c. 17, in part repealed.

Passed 9th April 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the first and second Sections of an Act made and passed in the twentieth year of the Reign of Her present Majesty, intituled *An Act relating to the Lower Flat of the County Court House in the County of York*, be and the same are hereby repealed.

CAP. LVI.

An Act to authorize the Justices of the Peace for the County of Charlotte to sell and dispose of a part of the Commons Land in the Parish of Saint Andrews to the Saint Andrews Rural Cemetery Company.

Section.

1. Authority to sell.

Section.

2. Minimum price limited.

Passed 9th April 1860.

WHEREAS the Saint Andrews Rural Cemetery Company, organized under the provisions of an Act passed in the twentieth year of the Reign of Her present Majesty, are unable to procure a suitable piece of ground for the purposes of the said Company within a reasonable distance from the Town of Saint Andrews, unless a portion of the Western Commons (so called) in the Parish of Saint Andrews, can be obtained by the said Company;—

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

1. That the Justices of the Peace for the County of Charlotte, at any General Sessions to be hereafter held, are hereby authorized and empowered to sell and convey to the said Saint Andrews Rural Cemetery Company, subject to the rights of the Lessees now occupying the same, a piece or portion of said Western Common (so called) in the Parish of Saint Andrews, not exceeding fifty acres in extent, for the purposes of a Cemetery or burial place for the dead, and to invest the proceeds of such sale upon sufficient security bearing interest for the benefit of the Poor of the Parish of Saint Andrews.

2. Provided nevertheless, that the price of the said land shall be at least not less than sufficient to produce at interest at six per centum per annum, a sum equal to the present annual rent of the portion of land sold and conveyed under the provisions of this Act.

CAP. LVII.

An Act relating to the City Court of the City of Saint John.

Section.

1. In actions of Tort money may be paid into Court as in actions of debt.

2. Jurisdiction in actions of Tort limited: no holding to bail.

Section.

3. No Jury in actions of debt: a Jury in actions of Tort if desired.

4. Jurisdiction in demands exceeding £5, restricted.

Section.

5. Jurisdiction in actions against Corporations, or of debt upon specialties :
6. Proceedings against Corporations to be by summons: service.
7. Court may order process, &c. to be amended.
8. Execution may issue within three years after judgment.

Section.

9. Depositions of persons about to leave the County.
10. Order of discharge and examination of confined debtors, valid if signed by Mayor and one Alderman.
11. Judgment for defendant if title to land come into question.
12. Fees of Marshals in suits for over £5.

Passed 9th April 1860.

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

1. That in all actions of Tort depending in the City Court of the City of Saint John, the defendant shall be allowed to pay money into Court by way of compensation or amends, in the same manner and with like effect as any sum may be now paid into the said Court in actions of Debt.

2. That the jurisdiction of the said Court in actions of Tort to real or personal property, shall extend to all cases in which the damages claimed shall not exceed the sum of five pounds, provided that no person shall be held to bail in any actions of Tort in said Court.

3. That in all actions of debt in the said Court, wherein the sum or thing demanded shall not exceed the sum of five pounds, no Jury shall be allowed on the trial thereof: In all actions of Tort a Jury shall be allowed if desired by either party.

4. That the jurisdiction of the said Court in actions wherein the sum demanded shall exceed the sum of five pounds, shall be confined to causes arising within the City or County of Saint John, or where the defendant resides within the City or County of Saint John.

5. The jurisdiction of the said Court shall extend to actions against Corporations, and to actions of debt upon specialty, where the sum demanded shall not exceed the sum of ten pounds; provided that no action shall be maintained in the said Court where the Corporation of the City of Saint John is a party, or against Insurance Companies; and provided also, that nothing herein contained shall be construed to limit or affect the jurisdiction of the said Court as to actions against bail, or on limit bonds taken in the said Court.

6. All proceedings against Corporations shall be by Summons, which may be served on the President, Head Officer, Secretary, Treasurer, or the accredited Agent of any Foreign Company transacting business within the Province.

7. The said Court may order the process or particular of claim or set off in any suit to be amended in any case where in the opinion of the Court the opposite party cannot have been prejudiced in the conduct of his suit or defence, and may also order the suit in which any such amendment shall be made to stand over to the next or some subsequent Court day, when justice may seem to require it.

8. Execution may issue on any Judgment obtained in said Court, at any time within three years from the time of rendering the same, any thing contained in any Law to the contrary notwithstanding.

9. Depositions under oath, or affirmation where the witness is a Quaker, may be taken before any one of the Aldermen, or the Common Clerk of the said City, of any party to a suit pending in said Court, or other person who is obliged to leave the County of Saint John before the trial of such suit, or who may be confined in the Gaol of the City and County of Saint John, unless in custody in the same suit only; which deposition shall be sealed up and transmitted to the said Court, to be opened and read on the day of trial as evidence in the suit; provided that it shall be made to appear to the satisfaction of the Court, that such witness is not then within the said City, or amenable to the process of the Court, and that twelve hours notice was given to the adverse party of the time and place of taking such deposition, and the Aldermen or Common Clerk shall be entitled to a fee of five shillings for taking such deposition, which shall be allowed and taxed as costs in the cause.

10. The order for discharge, as well as for the examination of any confined Debtor, under the provisions of the Act of Assembly, 13th Victoria Chapter 1, shall be valid and effectual to all intents and purposes, if made and signed by the Mayor and one of the Aldermen of the City of Saint John.

11. If on the trial the title to Land shall come into question, the Court shall render judgment for the defendant for his costs.

12. The fees to the Marshals of the said Court for executing the Processes in all suits for sums over five pounds, shall be as follows:—

For serving a Summons,	-	-	-	£0	2	0
“ “ an Attachment,	-	-	-	0	2	6
“ “ Execution,	-	-	-	0	4	0

CAP. LVIII.

An Act relating to the City Road in the City and County of Saint John.

City Road to be managed by the Road Commissioners: Liability of the City Corporation.

Passed 9th April 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the City Road (so called) between the intersection of the west line of Garden Street and the Aboideau, and which runs on or adjacent to the dividing line between the City of Saint John and the Parish of Portland, shall be under the sole control and management of the Road Commissioner or Commissioners, who shall be entitled to recover and receive from the Mayor, Aldermen and Commonalty of the City of Saint John, from time to time, one half the costs charges, and expenses of repairing or maintaining the said Road; provided always, that a detailed account of such expenditure, certified by such Commissioner, be first rendered to the said Mayor, Aldermen, and Commonalty; and in case of default of payment the same may be recovered, with costs of suit, in the name of such Commissioner or Commissioners, by action of debt in any Court of competent jurisdiction.

CAP. LIX.

An Act to authorize the appointment of one or more additional City Surveyors for the City of Saint John.

Appointment of additional City Surveyors authorized.

Passed 9th April 1860.

WHEREAS in and by the Charter of the City of Saint John, the Common Council have authority to appoint only one City Surveyor: And whereas it is thought advisable to authorize the appointment of more than one such officer;—

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Mayor, Aldermen, and Commonalty of the City of Saint John, shall have power to license and appoint one or more City Surveyors in addition to the one appointed or which may be appointed under and by virtue of the Charter of the said City, who shall have the same authority in every respect as the present Surveyor, or any other appointed under the said Charter.

CAP. LX.

An Act relating to Dockage, Wharfage and Cranage in the City of Saint John and Parish of Portland.

Acts 5 V. c. 39, 18 V. c. 41, and Acts in continuation and amendment, made perpetual.

Passed 9th April 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the fifth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to regulate Dockage, Wharfage and Cranage in the City of Saint John and in the Parish of Portland*, and also an Act made and passed in the eighteenth year of the same Reign, intituled *An Act to continue and amend an Act to regulate Dockage, Wharfage and Cranage in the City of Saint John and in the Parish of Portland*, and the several Acts made and passed in continuation or amendment of the said Acts, or either of them, except in so far as any part of the same may have been repealed, are and each of them are hereby made and declared to be perpetual.

CAP. LXI.

An Act establishing and maintaining a General Public Hospital in the City or County of Saint John.

Section.

1. Appointment of Commissioners authorized; when and by whom to be made.
2. Commissioners incorporated.
3. Liability for the debts.
4. Specification of duty and power of the Commissioners.
5. Annual statements of Hospital affairs and moneys, to be rendered.
6. Authority to raise money by Debentures for purchasing lands and for buildings.
7. Numbering, signing and sealing of the Debentures.
8. Title to and payment of the interest.
9. Assessments authorized for Hospital expenses and interest.

Section.

10. Warrants to the Assessors, and apportionment, and collection of tax.
11. Assessors and Collectors, liability and remuneration of.
12. Assessment to be made in twenty fourth year after contract of loan.
13. Commissioners authorized to make bye laws and regulations under supervision of the Governor in Council.
14. Application of excess of assessments and other funds.
15. Governor in Council may appoint a greater number of Commissioners.
16. Construction of the Act. Schedule of Forins.

Passed 9th April 1860.

WHEREAS the establishment of a General Public Hospital in the City or County of Saint John has become a matter of necessity and public importance;—

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

1. It shall be lawful for the Common Council of the City of Saint John to appoint, and from time to time to remove,

re-appoint, and replace, as may be found expedient, two fit and proper persons, resident in the City and County of Saint John, to be Commissioners for the purposes of this Act; and it shall also be lawful for the General Sessions of the Peace for the City and County of Saint John, or any Special Sessions for that purpose to be holden, to appoint, and also from time to time to remove, re-appoint, and replace, as may be found expedient, three other fit and proper persons, resident in the City and County of Saint John, to be Commissioners with the said other two Commissioners, for the purposes of this Act; any three of whom shall be a quorum for the transaction of business: The first appointment of such Commissioners shall be made within three months after the passing of this Act; and in case the said Common Council and General or Special Sessions, or either of them, shall fail to make such appointment within three months after the passing of this Act, the Governor in Council shall appoint such Commissioners from the inhabitants of the said City and County.

2. The said Commissioners and their successors shall be and they are hereby declared to be a body politic and corporate, by the name and style of "The Commissioners of the General Public Hospital in Saint John," and by that name shall have all the general powers and privileges made incident to a Corporation by an Act of Assembly of this Province, for the purpose of managing and controlling the said Hospital, its estate, property, and affairs.

3. The real and personal estate of the said Hospital shall alone be liable for the debts and engagements of the said Commissioners, as such Commissioners, for the purposes of the said Hospital; and the persons and private property of the said Commissioners, or any of them, shall in no case be subject to or affected by any such debts, liabilities or engagements of such Commissioners for the purposes aforesaid.

4. It shall be the duty of the said Commissioners, and they are hereby authorized and required to exercise a general, diligent, and efficient supervision, management and control of and over all the affairs, business, condition and estate of the said Hospital; to nominate and appoint, remove, displace and discharge all and such Physicians, Surgeons, Clerks, Nurses, Servants, Keepers, and other officers or persons, as they from

time to time may deem necessary or expedient for duly carrying on the business and affairs of the said Hospital ; to fix and determine the respective salaries, emoluments and allowances to be paid or allowed to the said Physicians, Surgeons, and other officers and servants ; to provide and furnish all such medicines, provisions, fuel, materials, and things of every description, as in their judgment may be necessary for the due and efficient maintenance and business of the said Hospital ; to fix and determine the rates to be paid by such patients as being able to make such payment may be desirous of admission and may be admitted into the said Hospital ; to receive, demand, recover, and control all and all manner of moneys, payments, dues, emoluments, grants, devises or bequests of money or other property, gratuities, and perquisites whatsoever, which may at any time be given, granted, bequeathed, devised, paid, or become due and payable from any source whatsoever, in respect of or for the benefit and purposes of the said Hospital, and also all and all manner of moneys, rates, and dues raised, or to be raised, by any assessment or assessments under and by virtue of this Act ; and to disburse and to expend such moneys in the purchase of such lands, and in the erection, repair, and maintenance of such buildings, as may from time to time be deemed necessary for the purposes of such Hospital, and in the payment of all and all manner of salaries, wages, emoluments, debts, liabilities and expenses of every description whatsoever, which may at any time be justly due or payable in respect of or for any of the purposes of the said Hospital under and by virtue of this Act.

5. The said Commissioners shall annually on or before the second Thursday in January in each and every year, cause a full, complete and perfect statement in detail, of the state and condition, affairs and transactions of the said Hospital, and of every department thereof, throughout the year ending on the preceding thirty first day of December, particularly stating in a tabular form the respective numbers of patients received, cured, relieved, died, discharged, and remaining, and the names of the Physicians, Surgeons, and other chief officers employed during the year, with such other information as may be deemed advisable ; and also a just and detailed account of all receipts and expenditures for and on account of the said

Hospital during such year, to be transmitted in triplicate to the Provincial Secretary for the information of the Governor in Council and the Legislature; which statements and accounts shall be signed by the Chairman or President of the said Commissioners, and by their Clerk or Secretary, and shall be verified by the oath of at least one of the said Commissioners, who shall swear that the same are correct and true according to the best of his knowledge and belief; and an abstract of such statements and accounts shall also forthwith be published in one or more of the Newspapers published in the City of Saint John.

6. For the purpose of purchasing such lands, and erecting, completing and furnishing such buildings as may be deemed requisite and necessary for the purposes of such Hospital as aforesaid, the said Commissioners are hereby authorized and empowered to raise by loan a sum of money not exceeding seven thousand pounds, to be paid off and discharged by assessment upon the City and County of Saint John, as hereinafter provided, in twenty five years from the time of contracting such loan; the same to be taken in loans of not less than one hundred pounds each; and Debentures, with proper Coupons attached, in the form specified in Schedule A to this Act annexed, shall be prepared and delivered to the person or persons from whom such loan may be obtained, which same Debentures shall be negotiable in the same manner as promissory notes.

7. The Debentures shall be numbered consecutively, beginning with number one, and shall be signed by the Chairman or President of the said Commissioners, countersigned by their Clerk or Secretary, and verified by their common seal of office, but the Coupons may be signed by the said Chairman or President only.

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

9. For the purpose of raising the necessary funds for the due support and management of the said Hospital, and also for the payment of the interest on the said loan of seven thou-

sand pounds, the same shall be annually assessed and levied, together with the costs and expenses of assessing and collecting the same, upon the rateable inhabitants of the City and County of Saint John, in the manner and proportions following, that is to say, an equal tax of one shilling and three pence shall be assessed and levied upon the poll of every rateable male inhabitant of the said City and County, and a sum equivalent thereto shall be assessed and levied upon the real and personal property of the inhabitants of the said City and County; and all the moneys collected and realized from such tax shall be solely and exclusively appropriated to and expended in and for such support and management of the said Hospital, so far as the same may be required or as the amount of such moneys may allow; provided however, that any surplus of such moneys may be appropriated as hereinafter provided; and also a further tax of four hundred and twenty pounds, being the annual amount of such interest as aforesaid, shall be annually assessed and levied upon all real and personal estate and income situate, lying and being, or accruing within the said City and County; which said sum of four hundred and twenty pounds so levied in each year as aforesaid, shall be appropriated and applied in paying the semi-annual interest due and payable on the Debentures issued under and by virtue of this Act, and for no other purpose whatsoever.

10. It shall and may be lawful for the said Commissioners annually to issue their Warrant or Warrants to the several Assessors of the City of Saint John, and of the several Parishes in the County of Saint John, directing and requiring the said Assessors respectively to make the several rates and assessments mentioned and provided for in the preceding Section; which said rates and assessments shall be apportioned between the said City and the said several Parishes in the same proportion, and shall be levied and collected by the same Collectors and in the same manner as other Parish or County Rates are or may be apportioned, levied and collected by virtue of any Act or Acts of Assembly in force within the said City and County of Saint John, or of any Order or Resolution of the Sessions of the said City and County: The Warrants to be issued by the said Commissioners by virtue of this Act, shall be in the respective forms specified in Schedule D to this Act an-

nexed, and shall be signed by the Chairman or President of the said Commissioners, and verified by their common seal of office.

11. The Assessors and Collectors of Taxes for the said City, and for the said several Parishes in the said County, shall perform the duties imposed upon them by virtue of this Act, under the same pains and penalties, and shall receive the same fees and allowances as in all other cases of assessing and collecting County or Parish Rates; and all moneys collected under and by virtue of this Act shall forthwith be paid over by the persons collecting the same to the said Commissioners, or to any Treasurer, or into any Bank appointed by them to receive the same.

12. It shall and may be lawful to and for the Sessions of the City and County of Saint John, and they are hereby required in the twenty fourth year after the time of the contracting of the said loan of seven thousand pounds hereinbefore mentioned, to assess, levy and collect the said sum of seven thousand pounds, or so much thereof with the interest as may then remain due and unpaid, together with the costs of levying and collecting the same, by a rate or assessment upon the rateable inhabitants of the said City and County of Saint John; the same to be assessed, levied and collected in such proportions and in the same manner as any other County or Parish Rates are or may be assessed, levied and collected by virtue of any Act or Acts of Assembly of this Province; and such amount when so collected shall be paid over by the said Sessions or their Treasurer to the said Commissioners before the expiration of the said term of twenty five years from the contracting of the said loan, to enable the said Commissioners to redeem the Debentures that may be then outstanding and unpaid.

13. It shall and may be lawful to and for the said Commissioners at any time in writing under their common seal, to make, frame, constitute, establish and ordain such bye laws, rules, ordinances and regulations as they may deem expedient for the management, governance and regulation of the said Hospital, its estate, affairs, business, officers, and servants, and all other persons connected therewith, and the same or any of them from time to time to amend, alter, abrogate, or repeal: provided always, that every such bye law, rule, ordi-

nance and regulation shall be forthwith transmitted to the Governor in Council, who within three months from the receipt thereof shall confirm or disallow the same; and all such bye laws, rules, ordinances and regulations shall be in force until notice of such disallowance shall be transmitted to and received by the said Commissioners or their Clerk or Secretary.

14. If in any year the income of the said Hospital from such assessments as hereinbefore mentioned and provided, shall exceed the expenses thereof, the said Commissioners shall and may hold and retain the surplus as a reserve fund, to meet and supply any deficiency of such funds in any other year; and the said Commissioners are hereby also authorized and empowered to appropriate any such surplus, when not otherwise required, and also all and any other moneys, funds, emoluments, grants, bequests, gratuities or endowments of money, of every description whatsoever, which may lawfully come into their hands, power, or control, to the payment and redemption of Debentures, or in vesting and funding the same in such way and manner as they may deem most conducive and beneficial to the interests of the said Hospital and its estate.

15. It shall and may be lawful for the Governor in Council, at any time after this Act shall come into operation, to appoint a greater number of Commissioners than five for the purposes of this Act, if it shall be deemed expedient and advisable.

16. This Act shall be deemed, adjudged, and construed in all cases most favourably, and for the best benefit and advantage of the said Hospital, and for promoting the beneficial objects and interests thereof.

SCHEDULE A.

FORMS OF DEBENTURE AND COUPON.

PROVINCE OF NEW BRUNSWICK.

Number — £ — N. B. Currency.

Under the authority of the Legislature of New Brunswick.

The Commissioners of the General Public Hospital in the City of Saint John, promise to pay at their Office in the said City, to the bearer hereof, the sum of pounds, current money of New Brunswick, twenty five years from the date hereof, and also interest from the same date at the rate of six per

centum per annum, to be paid half-yearly, on the presentation of the proper Coupons for the same, as hereunto annexed, on the day of and the day of in each year, at the said office.

In testimony whereof, we the said Commissioners of the General Public Hospital in Saint John aforesaid, by virtue of the authority vested in us by the Act of the General Assembly of the said Province, intituled *An Act for establishing and maintaining a General Public* [L.S.] *Hospital in the City or County of Saint John*, have hereunto affixed our Seal of Office, and the Chairman [or President] of the said Commissioners hath hereunto set his hand, and the Clerk [or Secretary] of the said Commissioners has countersigned the same, this day of A. D. 18

A. B., *Chairman*, [or *President*.]

C. D., *Clerk*, [or *Secretary*.]

FORM OF COUPON.

PROVINCE OF NEW BRUNSWICK.

Debenture, No. — £ — N. B. Currency.
pounds, N. B. Currency, payable at the Office of the Commissioners of the General Public Hospital in the City of Saint John, N. B., being six months' interest on the above Debenture, due the day of A. D. 18

A. B., *Chairman*, [or *President*.]

SCHEDULE B.

Form of Warrants of Assessment.

No. 1.

To Messrs. Assessors of Taxes for the City of Saint John.

You are hereby required to assess and levy the sum of being the proportion or part of the sum of four hundred and twenty pounds, upon the real and personal estate and income of the inhabitants and owners of property in the City of Saint John, and also the sum of one shilling and three pence upon the poll of every rateable male inhabitant of the said City; and the further sum of upon the real and personal estate of the inhabitants of the said City, being the

amounts required to be assessed and levied upon the said City, for the purposes of the General Public Hospital in the said City, for the present year, and to cause the same to be collected according to law, and paid to the Commissioners of the said Hospital, or their Treasurer.—Sealed and dated this

day of A. D. 18

[L. S.]

A. B., *Chairman*, [or *President*.]

No. 2.

To Messrs. Assessors of Taxes for the Parish of .

You are hereby required to assess and levy the sum of being the proportion or part of the sum of four hundred and twenty pounds, upon the real or personal estate and income of the inhabitants and owners of property in the Parish of , and also the sum of one shilling and three pence upon the poll of every rateable male inhabitant of the said Parish; and the further sum of upon the real and personal estate of the inhabitants of the said Parish, being the amounts required to be assessed and levied upon the said Parish, for the purposes of the General Public Hospital in the City of Saint John, for the present year, and to cause the same to be collected according to law, and paid to the Commissioners of the said Hospital, or their Treasurer.—Sealed and dated this day of

A. D. 18

[L. S.]

A. B., *Chairman*, [or *President*.]

CAP. LXII.

An Act to place the appointment of the Commissioners of Water Supply and Sewerage for Carleton in the City of Saint John, in the Common Council of the said City, and for other purposes.

Section.

1. Act 18 V. c. 6, in part repealed.
2. Commissioners to be appointed by the City Corporation: their general powers.
3. Remuneration of Commissioners.
4. Commissioners to be sworn to fidelity.
5. Chairman and one of the Commissioners may act.

Section.

6. Attendance and responsibility of Commissioners.
7. Members of Common Council ineligible as Commissioners.
8. Continuance in office and eligibility of present Commissioners.

Passed 9th April 1860.

WHEREAS by the first Section of an Act passed in the eighteenth year of Her Majesty's Reign, intituled *An Act to authorize that part of the City of Saint John called 'Carleton'*

to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing, provision was made that the Lieutenant Governor in Council should appoint three Commissioners for the management of the business connected therewith;—

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

1. That from and after the passing of this Act, so much of the Act passed in the eighteenth year of Her Majesty's Reign, intituled *An Act to authorize that part of the City of Saint John called 'Carleton' to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing*, as vests the appointment of the Commissioners in the Lieutenant Governor in Council, be and the same is hereby repealed.

2. The Mayor, Aldermen, and Commonalty of the City of Saint John, in Council convened, shall have full power and authority to appoint, remove and re-appoint three persons to be Commissioners of Water and Sewerage in Carleton, one of whom shall be nominated by the said Common Council as Chairman of the Board; which Board shall be invested with all the functions, powers, authorities, rights, privileges, exemptions and immunities, and shall be subject to all the liabilities, pains, penalties, duties and responsibilities of Commissioners appointed under the said recited Act; and the several provisions of the said recited Act, and of an Act made and passed in the twenty first year of Her said Majesty's Reign, intituled *An Act in addition to and amendment of an Act to authorize that part of the City of Saint John called 'Carleton' to obtain Water from Spruce Lake and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing*, shall apply to and be acted upon and carried out by the Commissioners so to be appointed by the said Common Council, except in so far as the same may be inconsistent with this Act.

2. The said Chairman shall have a salary not exceeding two hundred pounds per annum, to be named and fixed by the said Common Council, and each of the other Commissioners shall receive ten shillings for every day's actual attendance on

the duties of his office, provided that the aggregate amount shall not exceed twenty five pounds for each Commissioner in any one year; provided also, that nothing shall be allowed to the said Commissioners or retained or appropriated by them for Clerk hire.

4. The said Commissioners before entering upon the duties of their office shall be severally sworn to the faithful performance of the duties and trusts reposed in and required of them by this and the said recited Acts.

5. All and every of the powers, functions, duties, acts and things conferred upon or required or authorized to be done by the Commissioners of Water Supply and Sewerage for Carleton, may be exercised, ordered, done and performed by two of the Commissioners appointed under this Act, of whom the Chairman shall be one; and the same obedience and respect shall be paid to any warrant or requirement of such two Commissioners, as if they were made or issued by the whole of the said Commissioners.

6. It shall be the duty of the Commissioners to attend all meetings called by the Chairman, of which they shall have notice, and assist him in carrying out the provisions of this and the said recited Acts; but no one Commissioner shall be responsible for any act or thing done by a Co-Commissioner.

7. That no member of the Common Council shall, while he is such member, be eligible to be appointed or to be one of the said Commissioners, or to hold office under them.

8. That the present Commissioners shall remain in office until others are appointed in their stead, and nothing in this Act shall render the present Commissioners ineligible for re-appointment.

CAP. LXIII.

An Act in addition to and amendment of an Act intituled *An Act in addition to and amendment of an Act intituled 'An Act to authorize that part of the City of Saint John called 'Curleton' to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing.'*

Section	Section.
1. City Corporation authorized to issue additional Scrip to amount of £1,500.	9. All assessments made payable to the Collector, and recoverable before Police Magistrate.
2. Additional Scrip to be issued as in Act 18 V. c. 6: application of proceeds.	10. Real Estate of defaulters to be sold by the Sheriff: Fees: Returns.
3. Assessments authorized to keep works in repair: appeal by the aggrieved.	11. Warrant for commitment to common gaol.
4. Damages caused by the works, how to be adjusted and paid.	12. Proceedings for penalties.
5. Collector of Rates, appointment and remuneration of.	13. Protection to Commissioners and their servants.
6. Authority to assess a sufficient sum to pay off principal and interest within forty five years.	14. Repeal of portions of Acts inconsistent with this Act.
7. Recovery of penalties for breach of the Commissioners' regulations.	15. Forms in Schedule to be good in law.
8. Power given to two Justices may be exercised by Police Magistrate.	16. Security to be given by Chairman of Commissioners. Schedules.

Passed 9th April 1860.

WHEREAS an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to authorize that part of the City of Saint John called 'Carleton' to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing*, and also an Act made and passed in the twenty first year of the Reign of Her present Majesty, intituled *An Act in addition to and amendment of an Act intituled 'An Act to authorize that part of the City of Saint John called 'Carleton' to obtain Water from Spruce and other Lakes, and the Mayor, Aldermen and Commonalty of the said City to issue Scrip to defray the expenses of so doing'*, require certain additions and amendments in order to carry out the purpose of the said Acts;—

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

1. That the Mayor, Aldermen and Commonalty of the said City shall have power and are hereby authorized from time to time to issue "Carleton Water Scrip" to an amount not exceeding fifteen hundred pounds, in addition to and over and above the amount of twenty five thousand pounds in and by the fifth Section of the said first above recited Act authorized to be issued.

2. That such additional "Carleton Water Scrip" shall be issued in the form and on the requirement as in the said recited Act is set forth, and shall be payable with interest in the same manner, and redeemable at the same time as in the said recited Act specified, and the proceeds of the same shall be applied by the Commissioners appointed under the said recited Acts,

or any other Commissioners hereafter to be appointed, in the first place and before the expenditure of such proceeds for any other purpose whatever, in payment of interest already due or which may be due on the first day of May next, and for such interest only, and for none that may be due after that period on any "Carleton Water Scrip" issued under the said recited Acts or under this Act, and after such payment of interest, in any other manner, and for such other purposes, except for further payments of interest, as to the said Commissioners shall seem expedient, in order more effectually to carry out the purposes of this Act, and of the said several recited Acts to which this Act is an amendment, and in defraying any necessary expenses incurred by the said Commissioners in the discharge of their duty, any thing in either of the said recited Acts to the contrary notwithstanding.

3. That from and after the completion of any work now in progress, or during the progress of any work now in the course of completion, and from and after the completion of any work authorized by this Act, or by the two several Acts to which this Act is an amendment, or during the progress of any such work, or from and after the rescinding or annulling of any existing contract, or contract hereafter to be entered into for executing such work, or any part thereof, under the authority of this Act or of the said two recited Acts to which this Act is an amendment, or whenever any good and sufficient mains for the supply of water to dwellings or other houses or establishments shall be laid down and ready for the use of such dwellings, houses or establishments within Carleton aforesaid, or in any part or portion thereof, and also from time to time when and as such good and sufficient mains shall be extended, laid down and ready as aforesaid, in and through other portions of Carleton aforesaid, or through Streets hereafter to be laid out in Carleton aforesaid, all the male inhabitants of Carleton aforesaid, being of the age of twenty one years or upwards, and liable in any way to be rated for taxes, whether they be owners of property, real or personal, in Carleton aforesaid, or not, and also all other persons, whether resident or non-resident, being owners of real and personal estate in Carleton aforesaid, or in any part or portion thereof, shall be assessed by the said Commissioners for the same in each year, for a sum sufficient

to defray the cost, charges and expenses of keeping the same in good order and repair, on a scale to be fixed and determined by them, due regard being had to the value, local situation, and mode of occupation of all the several and respective premises, and to the proportionate benefit that has accrued or may probably accrue to the several and respective inhabitants and persons, or their property, liable to such assessment, and also to the probable consumption of water in each case; provided always, that it shall be in the discretion of the said Commissioners, and they shall have power if they deem it expedient so to do, to require any such assessment to be paid by the respective parties assessed, either in one payment only or by such instalments and at such times as the Commissioners may in and by such assessment direct; and a copy of every such assessment shall be filed by the Commissioners in the Office of the Common Clerk of the City of Saint John, within ten days after the making out of the same; and if any person shall consider himself aggrieved by reason of such assessment, it shall be lawful for him to appeal to the Common Council of the said City, provided that such an appeal be made within thirty days after demand of payment of the amount assessed upon the party so appealing; and the decision of the Common Council shall be final, and such assessment shall therefor be amended by the Commissioners or be ratified and confirmed as the said Common Council may order and direct.

4. In the event of any damage being done to the owner or owners of any lands, mills or manufacturing establishments, or to the owner or owners of any water courses or water rights, or caused in or by the execution of any of the works contemplated by this Act, or by the said recited Act to which this Act is an amendment, the Commissioners shall forthwith on demand pay to the party or parties aggrieved such amount of compensation or sum of money as may be mutually agreed upon by and between the said Commissioners and other parties respectively; and in case the said parties and Commissioners shall not agree, the amount of said damage and compensation may be ascertained and awarded by two disinterested arbitrators, one of whom shall be chosen and nominated by the said Commissioners, and the other by the said party or parties aggrieved; and in case of disagreement between the said arbitrators, they,

the said two arbitrators, shall choose and appoint a third ; 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 in Council for the time being, upon the application of the said party or parties aggrieved, to appoint the third arbitrator ; and the decision and award in writing of the said arbitrators, or of any two of them, under their hands and seals, shall be final and conclusive, and binding on all parties concerned, provided their award be made and delivered to the parties within the period of sixty days from the time of their appointment ; and in case the said arbitrators should not make their award within the time above specified, other arbitrators may be appointed in like manner, until an award shall be made ; and in case the said Commissioners shall neglect or refuse to appoint an arbitrator as aforesaid for the space of ten days after being requested by the opposite party so to do, or in case any arbitrator appointed by the said Commissioners shall neglect or refuse for the space of ten days after notification of his appointment to act in the said arbitration, the arbitrator appointed by such opposite party shall alone proceed with such arbitration, and his decision and award shall in such case be final, conclusive and binding on all parties ; and all sums of money so agreed upon or awarded, shall be paid in Carleton Water Scrip, at par ; and the seventh Section of the said last recited Act is hereby repealed.

5. That the Commissioners shall have power to appoint, and are hereby authorized to appoint and employ, and from time to time at their discretion, and as they may deem requisite, to dismiss, re-appoint and employ a Collector of Rates, to collect all Assessments or Water Rates now made or hereafter to be made by the Commissioners under the said two recited Acts, or under this Act, or any other Act relating thereto, and to pay and allow the said Collector such compensation or per centage as to the said Commissioners may appear reasonable and proper ; provided always, that every such appointment, dismissal or re-appointment shall be made in writing, under the hands of the Commissioners or any two of them, and be filed in the Office of the Common Clerk of the said City, before such Collector or any other Collector appointed after dismissal of any former Collector shall act.

6. That in case the Commissioners shall not deem it expedient to apply the proceeds of the additional Carleton Water Scrip, authorized to be issued by the first Section of this Act, to the payment of the interest in the said first Section of this Act named, then the Commissioners already appointed and now acting under and by virtue of the said two recited Acts, or any other Commissioners hereafter to be appointed under and by virtue of this Act, or of the said two recited Acts to which this Act is an amendment, or any other Act relating thereto, shall have power to assess, and are hereby authorized from time to time as may be necessary to assess, for the payment of the said interest, or any part or proportion of the same, all persons liable to be assessed under and by virtue of the third Section of this Act, and the Commissioners shall also have power, and are hereby authorized from time to time to assess all persons liable to be assessed under and by virtue of the third Section of this Act, beyond the amount of the said interest, and over and above all other rates or assessments, such further sum or sums, amount or amounts, as may in the opinion of the said Commissioners be sufficient to reduce and ultimately to pay off the whole amount of principal and interest due on Carleton Water Scrip, within the period of forty five years from the first issue of Carleton Water Scrip, under the said two recited Acts to which this Act is an amendment, or either of them.

7. That all penalties or fines for breach of any of the bye laws, rules and regulations, or requirements made or hereafter to be made by the Commissioners under and by virtue of the said recited Acts, or either of them, or any other Act relating thereto, shall be recoverable, with costs, before the Police Magistrate of the said City of Saint John, on complaint of the said Commissioners, or of any other person on behalf of the said Commissioners, and such fines shall be paid by the said Magistrate to the said Commissioners, and shall be used and applied by them in and about carrying out the purposes of this Act, and of the said two recited Acts to which this Act is an amendment.

8. That any power, jurisdiction or authority in and by the said two recited Acts and in and by this Act given to or vested in two Justices of the Peace, is hereby also given to and vested in the Police Magistrate of the City of Saint John.

9. That all rates and assessments whatever made by the said Commissioners under the authority of this Act, or of the said two recited Acts to which this Act is an amendment, and all and every instalments or instalment of such rates or assessment, and also all sums of money in any way payable to the said Commissioners as such, under this Act or under the said two recited Acts to which this Act is an amendment, or any other Act relating thereto, shall be payable to the Collector to be appointed under this Act by the said Commissioners, and shall be recoverable before the Police Magistrate of the said City of Saint John, with costs, upon an affidavit of the said Collector that the said rates or assessments, or instalments thereof, have been demanded from the parties liable to pay the same and have remained unpaid by the space of ten days after such demand, and the same shall be recovered with costs and all incidental charges and expenses, by distress and sale of any goods and chattels belonging to such parties respectively, wherever the same may be found.

10. That as well the chattels real as the real estate of defaulters shall be liable to be sold by the Sheriff under the thirteenth Section of the said last recited Act, and for the Warrant (A) the sum of ten shillings shall be paid to the Justices or Police Magistrate issuing the same, and the Sheriff's fees on the execution of said Warrant shall be the same as now allowed by law upon execution issuing out of the Supreme Court: Provided always, that no sale of any chattels real, or real estate, shall be sold under any such Warrant until such Sheriff shall have given two weeks previous notice of the time and place of such sale by publication in a Newspaper published in the said City and County; and the said Sheriff shall execute the said Warrant and return the same to the said Justices or Police Magistrate within two months from the date of the same being placed in his hands, and pay over the proceeds to the said Justices or Police Magistrate for the said Commissioners, and no irregularity in the previous proceedings shall avail as against a bona fide purchaser of the said chattels real or real estate at any such sale by the said Sheriff.

11. That the commitment of any person to the common gaol under the twenty fourth Section of the said last recited Act, shall be by Warrant (B) under the hand of the committing Magistrate or Justice.

12. That all proceedings for penalties or fines under and by virtue of this Act, or of the said two recited Acts to which this Act is an amendment shall, unless in this Act otherwise ordered, as nearly as may be, be in the form as now provided in the Act of the General Assembly regulating proceedings upon Summary Convictions before Justices of the Peace, and shall be recoverable before the Police Magistrate of the said City of Saint John.

13. That the said Commissioners and all their officers and servants, and all other persons acting under this Act, shall be entitled to the same protection with reference to actions against them, as Justices of the Peace in this Province are now entitled to by any Act or Acts of the General Assembly of this Province.

14. That all parts, portions and provisions of the said two recited Acts to which this Act is an amendment, in any wise inconsistent with or repugnant to any or either of the provisions of this Act, shall be and the same are hereby repealed.

15. The several Forms in Schedule to this Act contained, or Forms to the like substance and effect, shall be deemed good in law.

16. That the Chairman of the Board of Water Commissioners at present in office, or whoever may be hereafter appointed, shall, before doing any matter under this Act, or the Acts to which this is an amendment or addition, or any other Acts relating thereto, enter into a Bond to the Mayor, Aldermen and Commonalty of the City of Saint John, with two sufficient sureties in such form and sum not exceeding one thousand pounds, as the said Mayor, Aldermen and Commonalty may prescribe and approve.

SCHEDULE A.

Warrant to sell Chattels Real and Real Estate.

CARLETON WATER ASSESSMENT.

City and County of }
 Saint John. } ss.

To the Sheriff of the City and County of Saint John :

Whereas A. B. of [*here describe the defaulter's place of abode and occupation, if known,*] hath been duly assessed by 'The Commissioners of Water Supply and Sewerage for Carleton,'

in the sum of [*here state the amount of the full assessment*] which amount [*or if any part be paid them, part of which amount, that is to say the sum of*] together with the further sum of being the costs and expenses, are now due and unpaid to the said Commissioners :

And whereas it hath been made to appear to the undersigned, two of Her Majesty's Justices of the Peace in and for the said City and County [*or to me the undersigned Police Magistrate of the City of Saint John,*] that the said A. B. hath no goods and chattels which can be levied, and that due public notice of such assessment hath been duly published [*here insert name of paper*] a Newspaper published in the said City and County :

We [*or I*] do therefore, in pursuance of the Act of the General Assembly in such case made and provided, hereby command you, that out of the chattels real, lands and tenements of the said A. B. in your bailiwick, and by the public and open sale thereof, or of so much or such part or portion thereof as may be sufficient for that purpose, you cause to be made and levied the said sum of [*assessment or balance of assessment,*] and also the said costs and expenses, together also with the sum of ten shillings for this Warrant, and also all Sheriff's, officers' or other fees and expenses consequent upon the execution hereof, or incidental thereto, and for so doing this shall be your warrant and authority, and make return thereof to us [*or me*] as by law required.

Given under our hands and seals [*or my hand and seal*] at the City of Saint John, this day of in the year of our Lord one thousand eight hundred and

F. J. [L.S.]

or

C. D. [L.S.]

E. F. [L.S.]

SCHEDULE B.

Warrant to commit for refusing to obey order of Police Magistrate or two Justices.

City and County of }
Saint John. } ss.

To the Sheriff of the City and County of Saint John, or to any Constable or other Peace Officer of the said City and County, and to the Keeper of the Common Gaol of the said City and County :

Whereas A. B. [*here describe what he is, whether Officer, Servant, &c.*] of the Commissioners of Water Supply and Sewerage for Carleton, hath been charged before me by the said Commissioners [*or if two Justices of the Peace, before us*] with [*here state shortly the substance of charge*]; and whereas the said A. B. having been by me [*or by us*] duly summoned to answer such charge or complaint, hath disobeyed such summons [*or if party appeared and after trial refused to obey order on judgment, hath appeared before me (or us) at the return of such summons, and hath been duly convicted on such charge and complaint,*] and been therefor by me, [*or us*] ordered and adjudged [*here shortly recite substance of order or judgment*]; and whereas the said A. B. hath disobeyed the said order and judgment, I [*or we*] do therefore, in pursuance of the Act of the General Assembly in such case made and provided, hereby command you, the said Sheriff, Constable, or other peace officer, forthwith to convey the said A. B. to the said common gaol, and there safely keep the said A. B. until he shall have fully obeyed the said order or judgment, or until he be otherwise discharged by due course of law.

Given under my [*or our*] hand and seal [*or hands and seals*] this day of in the year of our Lord one thousand eight hundred and

I. J. [L.S.]

or

C. D. [L.S.]

E. F. [L.S.]

CAP LXIV.

An Act to provide for the extension of the Breakwater and for the laying down Moorings in the Harbour of Saint John, and for the purpose of procuring a general Plan of the said Harbour.

Section.

1. City Corporation authorized to borrow to amount of £6,000. Debentures, form, and authentication of:
2. To be negotiable.
3. Money to be paid to and disbursed by the Chamberlain.
4. City Corporation authorized to contract for work.

Section.

5. All rents from the wharf and moorings to be paid to and be accounted for by the Chamberlain.
- 6, 7. Application of moneys collected.
8. Annual assessment in aid, authorized.
9. Ballast, &c. vested in the City Corporation.
10. Application of assessments under Acts 15 V. c. 11, 17 V. c. 62, and 21 V. c. 5.

Passed 9th April 1860.

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

1. It shall and may be lawful for the Mayor, Aldermen, and Commonalty of the City of Saint John, and they are hereby authorized, notwithstanding any thing contained in an Act of Assembly made and passed in the ninth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to the Public Debt of the Corporation of the City of Saint John*, or an Act made and passed in the seventeenth year of Her said Majesty's Reign, intituled *An Act relating to the Public Debt of the City of Saint John*, to borrow such a sum of money as may be considered advisable, for the purposes of this Act, not exceeding in the whole the sum of six thousand pounds—two thousand five hundred pounds of which to be applied to the Moorings in the Harbour of the said City of Saint John, and the balance of three thousand five hundred pounds to be expended in the extension of the Breakwater, and for the purpose of procuring a general Plan of the Harbour of the said City of Saint John—in loans of not less than one hundred pounds each, and to issue Debentures to the lender or lenders thereof, with or without Coupons for interest, in such form as may by them be deemed expedient ; which Debentures shall be sealed with the Common Seal of the said Corporation, and signed by the Mayor and Common Clerk, and consecutively numbered according to the times at which they shall be issued ; and a record of the same shall be entered by the Common Clerk in the Minutes of the Common Council.

2. The said Debentures shall be negotiable in the same manner as promissory notes, payable to bearer, and the respective holders thereof shall be entitled to receive interest upon the same semi-annually, at a rate not exceeding six per cent. per annum, to be paid by the Chamberlain as hereinafter provided.

3. All moneys loaned to the said Corporation under this Act, shall be paid by the lenders thereof to the Chamberlain, and shall be paid by him to the Contractors or workmen who shall be employed, or to the person supplying materials, agreeably to the provisions of this Act, upon the orders of the Common Council.

4. The said Mayor, Aldermen, and Commonalty of the City

of Saint John, may contract for the extension of the southerly projection of the Breakwater Wharf in the Harbour of the said City, to the sunken rock at the southwestern extremity of the Battery Point Reef, such contract not to exceed the sum of three thousand pounds; also for the laying down screw or other Moorings in the said Harbour, or may employ workmen and labourers, and purchase materials for the said Moorings; and also procure a suitable Plan of the Harbour of the said City of Saint John; provided however, that nothing in this Act shall be construed to interfere with private rights; and the fund hereinbefore provided for, shall be used and appropriated for the construction of the said Works, and for procuring the said Plan.

5. All rents, wharfage, and other issues, profits and emoluments whatsoever arising from the said Wharf or extension so to be made, and from the said Moorings, shall be receivable by and paid to the Chamberlain of the said City by the Lessees thereof, or by any Collector or other person appointed by the Common Council to collect or receive the same; and the said Chamberlain shall keep a separate account of all moneys so by him received; which Account shall be by him exhibited and shewn to the holder of any Debenture issued under the provisions of this Act, on reasonable demand for that purpose made.

6. The moneys so received by the said Chamberlain as last aforesaid shall, together with the moneys collected under and by virtue of the eighth Section of this Act, be from time to time applied, after discharging the yearly interest due upon the said sums mentioned in the said Debentures, in paying off the said Debentures in due order according to the number, beginning with number one; and the said Chamberlain, so often as he shall be desired by the Common Council, shall give one month's notice by advertisement in one or more of the public Newspapers of the said City, for calling in such and so many of the said Debentures as the Common Council may be prepared to pay off, specifying the number thereof, and the same shall be paid off accordingly; and from and after the expiration of the time appointed by the said notice, the interest on such Debentures shall cease to accrue.

7. After the amounts due upon the Debentures issued under

this Act, and all interest due thereon, shall be fully paid and satisfied, all the net rents, issues and profits arising from the said Wharf and other works constructed under this Act, shall be applied in payment of the public debt of the said City.

8. The said Common Council are hereby authorized to make a rate or assessment on the said City on the east side of the Harbour, of a sum not exceeding four hundred pounds in the present year, and of a like sum in every succeeding year, besides the charges of assessing and collecting, for the purpose of discharging the principal and interest of the loans contracted by virtue of this Act, until the same shall be paid off.

9. All sand, stones and other ballast deposited upon the present Ballast Wharf or the Wharf so to be erected as aforesaid, or behind the same, shall be and become, and deemed and taken to be from the time of their being so deposited, the property of the Corporation of the said City; and no such stone, sand or other ballast shall be removed after being so deposited, without the permission of the Common Council first had and obtained, under such penalty as they may by any ordinance direct or impose.

10. All rates and assessments to be levied and collected under the provisions of the Act passed in the fifteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to provide for the erecting and making certain Wharves and Improvements in the Harbour of Saint John*, and of the Act passed in the seventeenth year of the same Reign, intituled *An Act in addition to an Act intituled 'An Act to provide for the erection and making of certain Wharves and Improvements in the Harbour of Saint John,'* and an Act made and passed in the twenty first year of the same Reign, intituled *An Act to enable the Corporation of the City of Saint John to meet their liabilities incurred in erecting Wharves at or near Reed's Point, in the City of Saint John*, shall be applied, after paying all interest due on all Debentures issued under the said several Acts, in payment of the said Debentures, beginning with number one of the first series, and so consecutively until the first, second and third series of Debentures, and all interest thereon, shall be fully paid and satisfied.

CAP. LXV.

An Act relating to the inspection and testing of Gas and Gas Meters in the City of Saint John.

Section.	Section.
1. Inspectors of Gas Meters, appointment and duties of :	8. Inspector to test Meters on written application : cost.
2. Tenure of office.	9. Equivalent of illuminating power of Gas.
3. Salary, by whom to be fixed and payable :	10. Inspector authorized to enter Gas Works : Company to afford facilities.
4. Salary, how payable when more than one Gas Company in the City.	11. Record of examination to be kept.
5. Act to apply to future Gas Companies in the City.	12. Expenses of examination, when Meter found correct.
6. Uninspected Gas Meters not to be used at instance of Gas Company.	13. Inspector to give security by bond :
7. Apparatus for testing Gas Meters and the illuminating power, how provided.	14. Penalty for neglect of duty.
	15. Penalties, recovery of.

Passed 9th April 1860.

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

1. The Mayor, Aldermen, and Commonalty of the City of Saint John, shall nominate and appoint from time to time an Inspector of Gas Meters, whose duty it shall be when required to inspect, examine, prove and ascertain the accuracy of any and all Gas Meters used or intended to be used for measuring or ascertaining the quantity of illuminating Gas furnished by the Saint John Gas Light Company, or any other Gas Light Company to be established in said City, to or for the use of any person, Company, or Corporation, and to seal, stamp or mark all and every such Meters with some suitable device, which device shall be recorded in the Office of the Common Clerk of the said City ; also to ascertain and determine the illuminating power of the Gas so furnished by the said Gas Light Company or Companies as aforesaid.

2. Such Inspector shall hold his office for the term of three years from the time of his appointment, and until another person is appointed in his place, but may be removed from office at any time by the Common Council of the said City for incompetency, neglect, or dereliction of duty.

3. The said Inspector shall receive an annual salary not exceeding fifty pounds, to be fixed by the said Common Council, to be paid in equal quarterly payments by the Saint John Gas Light Company aforesaid.

4. In the event of the establishment of any other Gas Light Company or Companies in the said City, the salary of the Inspector shall be paid in the first instance by the said Mayor, Aldermen, and Commonalty of the City of Saint John, who

shall charge the several Gas Light Companies in the said City in just proportions, to be ascertained and assessed by the said Mayor, Aldermen, and Commonalty of the City of Saint John, according to the capital stock of the said Companies, and may sue for and recover the amounts so assessed, with interest at the rate of six per cent. per annum, calculated from the time of payment of the said Salary or quarterly instalment thereof by the said Corporation, besides costs of suit, in any Court competent to try the same.

5. All and every the provisions of this Act shall apply as well to the said Companies so to be established, as to the Saint John Gas Light Company aforesaid.

6. It shall not be lawful for the said Saint John Gas Light Company, or any other Gas Light Company so to be established as aforesaid, to furnish or put in use any Gas Meter which shall not have been inspected, proved and sealed by said Inspector, except during the time said office of Inspector may be vacant, or said Inspector shall refuse or neglect to perform his duty in respect to such Meter, under penalty of five pounds for each and every offence.

7. That the Common Council of the said City shall provide a suitable and proper apparatus for testing and proving the accuracy of the Gas Meters furnished for use by said Saint John Gas Light Company, or other Gas Light Company aforesaid, which shall be the test or standard by which every Meter furnished for use by the Saint John Gas Light Company, or other Company as aforesaid, shall be proved and tested; they shall also procure a suitable and proper apparatus for ascertaining and determining the illuminating power of the Gas furnished by such Company or Companies.

8. It shall be the duty of the said Inspector at any time upon the written application of the consumer of any Gas supplied by any Gas Light Company, or of the President or Secretary of any such Company, to test and prove any Meter supplied by said Company, whether before or after this Law shall come in force: If any such Meter shall be found defective or incorrect, the necessary cost and expense of removing, correcting and replacing the same, shall fall upon the said Company, who are hereby required to make the necessary reparation with all dispatch, under the penalty of five pounds for each and every neglect.

9. The illuminating power of the Gas supplied by such Company or Companies shall be such that an Argand burner having fifteen holes and a seven inch chimney, consuming five cubic feet of Gas an hour, shall give a light equal to the light of not less than twelve sperm candles of six to the pound, each burning one hundred and twenty grains an hour.

10. The said Inspector shall have power and authority to enter into and upon the works, grounds and premises of the said Company or Companies at any and all reasonable times, when he may deem it expedient, for performance of any of the duties imposed upon him by this Act, and to do any and all acts and things that may be necessary to the complete and satisfactory discharge of the same; and the said Company and Companies, their servants or agents, shall afford to the said Inspector all reasonable facilities for any test, examination or enquiry required or enjoined by this Act; and every person obstructing such Inspector in the exercise of his duties or any of them, shall for every such offence forfeit and pay the sum of ten pounds.

11. The said Inspector shall make and keep a record of all inspections, examinations and tests made and applied under and by virtue of this Act, and of the results, which shall be open at all times to the examination and perusal of the said Common Council, or any person or Corporation interested therein; and the said Common Council may publish the same if they deem it expedient, for general information.

12. Any person applying for any inspection of any Meter which shall be found correct on examination by the Inspector, shall be liable to pay for such inspection, for the use of the Company supplying them with Gas, the sum of five shillings, which may be charged to him by the said Company, and by them recovered against him, together with costs of suit, in any Court competent to try the same.

13. The Inspector shall give a Bond to the Mayor, Aldermen, and Commonalty of the City of Saint John, with two sufficient sureties, in the penal sum of two hundred and fifty pounds, conditioned for the faithful discharge of his duties as such Inspector.

14. The Inspector shall be liable to a penalty of five pounds for each and every wilful neglect or breach of any duty imposed upon him by this Act.

15. All penalties under this Act shall be recoverable before the Police Magistrate of the City of Saint John; the Summons or first process, shall be served on the President or Secretary of any Company or Corporation liable to any penalty, and the payment of such penalty may be enforced by Warrant of distress against the goods and chattels of such Company or Corporation.

CAP. LXVI.

An Act to authorize the erection of a Lock-up House in the Parish of Wellington, in the County of Kent.

Section.

1. Authority to erect a Lock-up House : assessment for expense.

Section.

2. Authority to make Regulations and defray expenses.
3. Authority to use the Lock-up House.

Passed 9th April 1860.

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

1. That the Justices of the Peace for the County of Kent, or the major part of those present at any General Sessions of the Peace hereafter to be holden, or at a Special Sessions for that purpose to be called, may and they are hereby authorized and required by themselves, or by person to be by them appointed, to erect or cause to be erected a Lock-up House in the said Parish, on a piece of ground for that purpose purchased or appropriated; and the said Justices, or the major part of them at any General or Special Sessions of the Peace, are hereby authorized and required to make a rate and assessment for a sum not exceeding one hundred and fifty pounds, to defray the expense of purchasing said land and erecting and furnishing said Lock-up House; such assessment to be levied and collected in such proportions and in such manner on the rate-payers of the said Parish, as is provided by any Act now or hereafter to be in force for assessing, levying and collecting of County and Parish Rates.

2. The said Justices in Sessions are hereby authorized from time to time to make such regulations and appointments, as they may consider necessary for the management and safe keeping of the said Lock-up House, and to pay out of the funds of the said County such sums as may be required to provide for the payment of the expenses thereby incurred.

3. It shall and may be lawful for the High Sheriff of the said County, or for any other officer having legal custody of any person or persons who shall or may be arrested in the said Parish of Wellington, or in any of the adjacent Parishes. in all cases where the said Sheriff or other officer could legally lodge the said person or persons in the common gaol of the said County, to commit the said person or persons to the said Lock-up House, until the said person or persons can be removed to the County Gaol; provided always, that no person under civil arrest shall be detained in the said Lock-up House for any space of time exceeding forty eight hours.

CAP. LXVII.

An Act to continue an Act to provide for the more effectually repairing the Highways, Streets and Sidewalks in the Milltown Highway District, in the Parish of Saint Stephen.

Act 17 V. c. 38, continued.

Passed 9th April 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the seventeenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to provide for the more effectually repairing the Highways, Streets and Sidewalks in the Milltown Highway District, in the Parish of Saint Stephen*, be and the same is hereby continued and declared to be in full force and effect until the first day of May in the year of our Lord one thousand eight hundred and seventy.

CAP. LXVIII.

An Act to empower the President and Directors of the Public Grammar School in the Town of Saint Andrews, to sell certain Lots of Land in the said Town, and invest the proceeds in landed securities.

Section.

1. Authority to sell and convey.

Section.

2. Purchase money to be reinvested.

Passed 9th April 1860.

WHEREAS there are six Lots of Land in the Town of Saint Andrews, being Lots numbers one, two, three, four, five, and

seven, in block letter M, in Parr's division of said Town, held by the President and Directors of the Public Grammar School in the Town of Saint Andrews, for the use and benefit of the said Grammar School: And whereas it is thought that a much larger income would be annually derived from the said Lots of Land by selling the same;—

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

1. The President and Directors of the Public Grammar School in the Town of Saint Andrews, be and they are hereby authorized and empowered to sell the said Lots of Land, or any of them, in fee simple, and make good and sufficient deeds of conveyance thereof to any person or persons who may purchase the same.

2. The amount arising from the sales of such Lots of Land shall be re-invested by the said President and Directors in landed securities, to be held for the benefit and support of the said Grammar School.

CAP. LXIX.

An Act to authorize the Roman Catholic Episcopal Corporation of the Diocese of New Brunswick to sell and dispose of certain Lands in the County of Victoria.

Authority to sell and convey Land described in Preamble.

Passed 9th April 1860.

WHEREAS the Roman Catholic Episcopal Corporation of the Province of New Brunswick is seized and possessed of a certain lot, piece or parcel of Land, situate, lying and being on the north side of the River Saint John, in the Parish of Saint Basil, in the County of Victoria, in this Province, containing three acres or thirty roods in front, by forty acres or thereabouts in depth, bounded on the south by the said River Saint John, on the north by the lands of the Second Concession, to the northeast by Prosper L'Ergue, and to the southwest by Vital Martin, being the same land deeded by Joseph Lignay, Archbishop of Quebec, to William Dollard, Catholic Bishop of New Brunswick, under date the twenty eighth day of June in the year of our Lord one thousand eight hundred and forty nine: And whereas it is deemed advisable to grant unto the

said Corporation power to sell and dispose of and convey all and singular the said Lands and premises, absolutely or otherwise, as to the said Corporation may seem fit;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the said Roman Catholic Episcopal Corporation of the Diocese of New Brunswick, and successors, be and they are hereby authorized and empowered to sell and dispose of and convey the said Lands and premises, with the appurtenances, either absolutely or conditionally, in one lot or several parcels, in such manner, and under and subject to such conditions, covenants and agreements as by the said Corporation and successors may be deemed advisable and necessary, and thereupon to make good, legal and sufficient conveyances of the same; and the respective purchasers thereof shall not be bound to see to the application of the purchase moneys thereof.

CAP. LXX.

An Act for the relief of the Reverend Hiram Alfred Philbrook.

Reverend Hiram A. Philbrook authorized to solemnize Marriage after taking the oath of allegiance.

Passed 9th April 1860.

WHEREAS the Reverend Hiram Alfred Philbrook, a regular ordained Minister of the Universalist Church, and now a resident of this Province, and the settled Pastor of the Universalist Church at Milltown, in the County of Charlotte, by reason of his not being a British subject is precluded from solemnizing Marriage in this Province;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Reverend Hiram Alfred Philbrook, after having taken the oath of allegiance to Her Majesty before the Provincial Secretary, or some other person to be appointed therefor without fee by the Governor, may solemnize Marriage by Licence or publication of Banns, with the same effect as any Christian Minister authorized by Chapter 106, Title XXVII, of the Revised Statutes, might do, subject to the provisions of any Law in force relating to the solemnization of Marriage.

CAP. LXXI.

An Act for the relief of the Reverend James Brown Thornton, Junior.

Reverend James B. Thornton, Junior, authorized to solemnize Marriage after taking the oath of allegiance.

Passed 9th April 1860.

WHEREAS the Reverend James Brown Thornton, Junior, a regular ordained Congregationalist Minister, has become a resident in this Province, and the settled Pastor of the Congregational Church in the City of Saint John, but by reason of his not being a British subject is precluded from solemnizing Marriage in this Province;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Reverend James Brown Thornton, Junior, after having taken the oath of allegiance to Her Majesty before the Provincial Secretary, or some other person to be appointed therefor without fee by the Governor, may solemnize Marriage by Licence or publication of Banns, with the same effect as any Christian Minister authorized by Chapter 106, Title XXVII, of the Revised Statutes, might do, subject to the provisions of any Law in force relating to the solemnization of Marriage.

CAP. LXXII.

An Act to enable the Prince of Wales Coal Company of the County of New York, State of New York, to hold Property in this Province.

Section.

1. Company authorized to hold real and personal estate in Albert and Westmorland for certain purposes: limit.

Section.

2. Company to keep an Office and Agent in Hillsborough.

Passed 9th April 1860.

WHEREAS Albert G. Allen, Lyman W. Gilbert, James A. Alexander, and James Blight, have formed themselves, with their associates, successors, and assigns, into a Joint Stock Company, in the County of New York, State of New York, in the United States of America, by the name of 'The Prince of Wales Coal Company,' for the purpose of carrying on Mining and Manufacturing operations in this Province, and are desirous of being enabled to hold real and personal property in this Province, as such Company, for the purpose aforesaid;—

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

1. The Prince of Wales Coal Company of the County of New York, in the State of New York aforesaid, and their successors, shall and may by that name have full power and lawful right and authority to have, hold, own and enjoy in any way, real estate and lands of all kinds in the Counties of Albert and Westmorland, for Mining and Manufacturing purposes in this Province, whether in fee simple, or by lease, or in any other way; and to have and to hold personal estate of all kinds in the said Counties of Albert and Westmorland in this Province, in any way, and to alienate, encumber, lease, sell or deal with the same in any manner; provided always, that the real estate so owned by the said Company shall not at any one time exceed in value the sum of twenty thousand pounds.

2. The said Company shall keep an Office in Hillsborough, in the County of Albert, in this Province, and an Agent there for the transaction of business connected with the Company in this Province, service upon whom of all processes, notices, and other documents, shall be deemed sufficient service upon the said Company.

CAP. LXXIII.

An Act to enable the Victoria Coal and Oil Company of the State of New York to hold Property in this Province.

Section.

1. Company authorized to hold real and personal estate: limit.

Section.

2. Company to keep an Office and Agent in Hillsborough.

Passed 9th April 1860.

WHEREAS Lyman W. Gilbert, Henry Adams, James A. Alexander, William Hickok, and James Blight, have formed themselves, with their associates, successors, and assigns, into a Joint Stock Company, in the State of New York, in the United States of America, by the name of 'The Victoria Coal and Oil Company,' for carrying on Mining and Manufacturing operations in this Province, and are desirous of being enabled to hold real and personal property in this Province, as such Company;—

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

1. The Victoria Coal and Oil Company of the State of New York aforesaid, and their successors, shall and may by

that name have full power and lawful right and authority to have, hold, own and enjoy in any way, real estate and lands of all kinds in this Province, whether in fee simple, or by lease, or in any other way, and to have and to hold personal estate of all kinds in this Province in any way, and to alienate, encumber, lease, sell or deal with the same in any manner ; provided always, that the real estate so owned by the said Company shall not at any one time exceed in value the sum of twenty thousand pounds.

2. The said Company shall keep an Office in Hillsborough, in the County of Albert, in this Province, and an Agent there for the transaction of business connected with the Company in this Province, service upon whom of all processes, notices, and other documents, shall be deemed sufficient service upon the said Company.

CAP. LXXIV.

An Act to continue an Act to incorporate the Nashwaak Boom Company, and the several Acts in amendment thereof.

Acts 8 V. c. 55, 11 V. c. 52, 13 V. c. 9, 17 V. c. 59, and 18 V. c. 63, continued.

Passed 9th April 1860.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the eighth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Nashwaak Boom Company*, and also an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act to amend the Act to incorporate the Nashwaak Boom Company*, and also an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act further to amend and continue the Act to incorporate the Nashwaak Boom Company*, and also an Act made and passed in the seventeenth year of the Reign of Her present Majesty, intituled *An Act to increase the Capital Stock of the Nashwaak Boom Company*, and also an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act in addition to an Act intituled 'An Act to incorporate the Nashwaak Boom Company,'* be and the said several Acts are hereby continued and declared to be in full force and effect until the first day of May in the year of our Lord one thousand eight hundred and eighty.

CAP. LXXV.

An Act to alter and amend an Act intituled *An Act to incorporate the Saint John Fire Insurance Company.*

Section.

1. Act 17 V. c. 63, s. 26, repealed.

Section.

2. Meeting for dissolution of the Company how may be called: proceedings.

Passed 9th April 1860.

WHEREAS by the twenty sixth Section of the Act of Incorporation of the said Company, it is enacted that any number of stockholders not less than thirty, who together shall be proprietors of one thousand five hundred shares, shall have the power at any time by themselves or their proxies, to call a general meeting of the stockholders for the purpose of taking into consideration the propriety of dissolving the said Company: And whereas it is enacted by the said Act of Incorporation, that the capital stock of the said Company shall be divided into two thousand shares: And whereas but one thousand and forty shares of the said capital stock were subscribed for, and the stockholders of the said Company, in order to carry out the intention of the said Act of Incorporation, are desirous of having the twenty sixth Section of the said Act of Incorporation repealed, and having an Act passed which will enable three fourths of the stockholders in the said Company to call a general meeting for the purpose mentioned in the said twenty sixth Section;—

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

1. That the twenty sixth Section of an Act made and passed in the seventeenth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to incorporate the Saint John Fire Insurance Company*, is hereby repealed.

2. That any number of stockholders in the said Saint John Fire Insurance Company, being the *bona fide* owners of three fourths of the subscribed stock of the said Company, shall have the power at any time, by themselves or their proxies, to call a general meeting of the stockholders, for the purpose of taking into consideration the propriety of dissolving the said Company, giving at least three months' previous notice in one or more of the Newspapers published in the City of Saint John, and specifying in such notice the time and place of such meeting, with the object thereof; and should it be

agreed upon by a majority of the stockholders at such meeting, that the said Company or Corporation should be dissolved, such stockholders are hereby authorized and empowered to take all legal and necessary ways and means to dissolve the said Company, and upon such or any other dissolution of the said Company, the Directors then in office shall take immediate and effectual measures for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders in proportion to their respective interests.

CAP. LXXVI.

An Act to incorporate the Synod of the Presbyterian Church of New Brunswick in connexion with the Church of Scotland.

Section.

1. Synod incorporated: name and capabilities.
2. Who shall be members of the Corporation. Quorum for business.
3. Authority to appoint Officers, fix compensation, &c., and make bye laws.

Section.

4. First meeting of the Corporation.
5. Limit to annual value of lands, &c., to be owned by the Corporation.
6. Separate Church property not to be transferred to Corporation created by this Act.

Passed 9th April 1860.

WHEREAS the Ministers and Elders of the Presbyterian Church of New Brunswick in connexion with the Church of Scotland, composing the Synod of the said Church, are desirous of being incorporated, the better to enable them to collect, receive, hold, manage and disburse the funds raised among and contributed by the Congregations and Members of the said Church for promoting and extending the various ecclesiastical, educational and benevolent objects that now are or may hereafter be under the control and direction of the said Synod, and also to enable them to purchase, accept, hold and enjoy such real estate as may be conveyed, devised or bequeathed to them for the said purposes;—

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

1. That the Reverends John M. Brooke, D. D., John Ross, William Donald, A. M., Peter Keay, A. M., Henry J. M'Lardy, B. A., James Steven, William Henderson, A. M., William Stewart, William Macrobie, James Murray, William Murray, Robert Falconer, and James Mackie, Ministers, and James

Haining, Hugh Morrison, William Girvan, Alexander Wright, William Henderson, Richard Coltart, James Smith, Roderick M'Leod, and Donald M'Naughton, Elders, at present constituting the Synod of the said Church, their associates and successors, shall, by the name of 'The Synod of the Presbyterian Church of New Brunswick in connexion with the Church of Scotland,' for ever hereafter be a body politic and corporate in deed and name, 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 in this Province, and shall have full power from time to time to receive, purchase, acquire, hold, possess, and enjoy, as well moneys, goods and chattels, as messuages, lands and tenements whatsoever, and to use, let, and improve, or to sell and dispose of the same, for the use and benefit of the said Synod, and the ecclesiastical, educational and benevolent objects of the said Church, and according to the true intent and meaning of the donors of any such real or personal estate, and also to have a common seal, with power to break, alter or renew the same at pleasure.

2. The persons who shall at all times hereafter be the members of the said Corporation to manage and direct the funds, real and personal estate thereof, shall consist of the Ministers of the several Presbyterian Churches in this Province in connexion with the Church of Scotland, regularly appointed and settled, according to the usages of the said Church, and of one ruling Elder from each of the said Churches, also chosen and appointed according to the said usage: at all meetings of the said Corporation seven members shall constitute a quorum for the transaction of business; any less number may adjourn.

3. The Corporation shall have power from time to time to elect or appoint all necessary officers, to fix their compensation, and define their duties, and to make all such bye laws, rules and regulations as may be necessary from time to time for the rule and government of the said Corporation, and the due management of the affairs thereof, not contrary to the Laws of the Province.

4. The first meeting of the said Corporation shall be held on the thirteenth day of July in the year of our Lord one thousand eight hundred and sixty, at Saint Andrew's Church, Chatham, and if seven members of the said Corporation shall be then present, the same shall be deemed organized.

5. The annual value of lands, tenements and hereditaments of the said Corporation shall not exceed five thousand pounds.

6. Nothing in this Act shall authorize or empower any Corporation of any Church in connexion with the Church of Scotland to sell or convey any Church, or Church property, held by them as such, to the Corporation created by this Act.

CAP. LXXVII.

An Act to incorporate the Saint John Iron Works Company.

Section.	Section.
1. Company incorporated: name and capabilities.	5. Liability of stockholders for stock subscribed.
2. First meeting, by whom and how to be called: powers.	6. Capital may be increased.
3. Capital stock, amount, and when payable.	7. Company authorized to assess shares: proceedings against delinquents.
4. Liability for debts.	8. Act void if 10 per cent. of capital be not paid up within three years.

Passed 9th April 1860.

WHEREAS the efficient opening and working of Mines at West Beach in the County of Saint John, and elsewhere in the Province of New Brunswick, will be highly advantageous to the Province: And whereas the amount of capital necessary to be invested in such undertaking, renders it essential that the Company engaged therein should be incorporated;—

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

1. That Alfred Phillips, William Henry Scovil, and the Reverend William Scovil, their associates, successors, and assigns, shall be and they are hereby erected into a Company, and declared to be a body politic and corporate, by the name of 'The Saint John Iron Works Company,' and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of opening and working Mines at West Beach, in the County of Saint John, and elsewhere in the Province of New Brunswick, and establishing all necessary works therewith connected, and for the convenient carrying on and managing the same.

2. That the first meeting of the said Corporation shall be held at the City of Saint John, and shall be called by any one member of the said Company, by giving at least twenty days'

notice in the Royal Gazette published in this Province, and any two of the Newspapers published in the City of Saint John, previous to such meeting; at which meeting the Company shall be declared constituted, bye laws established, and Directors, or a Manager and other officers appointed, as by such bye laws shall be prescribed, and which they are hereby authorized to make.

3. That the capital stock of the said Corporation shall consist of the sum of thirty thousand pounds; ten pounds per centum of the said capital stock to be paid in before the said Corporation shall be entitled to purchase any property, real or personal, or incur any debts, and the remainder of the said stock to be paid at such time and times and in such parts or portions as the business of the said Company shall from time to time require; the whole amount of such capital stock to be divided into three thousand shares of ten pounds each.

4. That the joint stock and property of the Company shall alone in the first instance be responsible for the debts and engagements of the said Company; and that no creditors or person or persons having any demand against the said Company, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or where the joint stock of the said Company shall fall short of or not be equal to the payment of any debt, due or demand against the same, that then and in such case the goods and chattels, lands and tenements of each shareholder, shall and may be levied upon and seized to satisfy such debt or demand, to the extent of the share or shares or interest of such shareholder in the joint stock of the Company, and no more, and that such amount shall and may be levied by process of execution in the same suit in which such debt, due or demand may be recovered against the said Company.

5. And be it enacted, that each and every shareholder in the said Corporation shall be held liable to the said Company for each and every call or assessment made, not however to exceed in amount the stock so subscribed for, and shall and may be sued for the same by the said Corporation in any Court of Record within the Province.

6. That so soon as the said capital stock shall have been paid in and expended for the purposes of this Corporation, it

shall and may be lawful for the said stockholders, at any general meeting to be for that purpose called, or the major part of them then present, to increase the said capital stock from time to time in such sums as they may deem expedient, to a sum not exceeding one hundred thousand pounds, and they shall have power to increase the number of shares accordingly.

7. That the said Company shall have power to levy and collect assessments upon the shares from time to time, of such sums of money as may be deemed necessary for carrying on the business of the Company; and whenever any assessment shall be made by the stockholders of the Company, it shall be the duty of the proper officer to give public notice thereof in two Newspapers published in the City of Saint John aforesaid, and in the Royal Gazette, requiring payment of such assessment within thirty days; and if any stockholder shall neglect or refuse to pay the amount of such assessment upon his shares at the time prescribed, it shall be the duty of such officer of the Company to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale, and all shares upon which such assessment is not then paid, with interest from the time such assessment is due, shall be sold to the highest bidder, and after retaining the amount so due on such shares and interest, with all expenses of selling and advertising, the residue, if any, shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser; provided always, that no assessment shall be made, except by a vote of the stockholders, and a majority of the shares.

8. That unless ten pounds per centum of the said capital stock shall be actually paid for the purposes of the said Corporation, and a certificate of such payment made and verified on oath by the majority of the Directors of the said Corporation, (which oath any Justice of the Peace is hereby authorized to administer.) shall be filed in the Office of the Secretary of the Province before the expiration of three years from the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the end of the said three years.

CAP. LXXVIII.

An Act to incorporate the New Brunswick Freestone Company.

Section.

1. Company incorporated: name and privileges.
2. First meeting, appointment of time and place of.
3. Amount of capital stock.

Section.

4. Liability of stockholders for stock subscribed.
5. Liability for debts.
6. Act void if 25 per cent. of capital be not subscribed within one year.

Passed 9th April 1860.

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

1. That Nathan M. Bennett, Marten Cole, John S. Howell, William Stewart, W. R. Butterworth, and their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The New Brunswick Freestone Company,' and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of quarrying Freestone, and vending the same, and such other business as may be incident thereto.

2. The first meeting of the said Corporation shall be held at such time and place in this Province as may be appointed by a majority of the above named persons.

3. The capital stock of the said Company shall be two hundred thousand dollars, divided into twenty thousand shares of ten dollars each.

4. Each and every shareholder in said Corporation shall be held liable to the said Corporation for each and every call or assessment made, not however to exceed in amount the stock subscribed by him, for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation for the purposes of or to carry on the operations for which the said Company is incorporated; which call or assessment may be sued for by the Corporation and recovered in any Court of Record within the Province.

5. That the joint stock and property alone of the said Corporation shall be liable for the debts and engagements of the same.

6. That unless twenty five per cent. of the said capital stock shall be subscribed within one year from the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation shall be terminated.

CAP. LXXIX.

An Act to incorporate the Bathurst Mining Company.

Section.	Section.
1. Company incorporated: name, privileges and purpose.	4. Liability of stockholders for stock subscribed.
2. First meeting, appointment of time and place.	5. Liability for debts.
3. Amount of capital stock.	6. Act void if 25 per cent. of capital be not subscribed within one year.

Passed 9th April 1860.

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

1. That Edward Allison, William Stevens, James M'Nutt, Henry W. Birge, Charles P. H. Ripley, Christopher C. Brand, William Bond, and their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The Bathurst Mining Company,' and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of mining, smelting and refining of Copper and Copper ores, and other ores, minerals, metals, and metallic minerals, and vending the same, and such other business as may be incident thereto.

2. The first meeting of the said Corporation shall be held at such time and place in this Province as may be appointed by a majority of the above named persons.

3. The capital stock of the said Company shall be two hundred and fifty thousand dollars, divided into fifty thousand shares of five dollars each.

4. Each and every shareholder in said Corporation shall be held liable to the said Corporation for each and every call or assessment made, not however to exceed in amount the stock subscribed by him, for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation for the purposes of or to carry on the operations for which the said Company is incorporated; which call or assessment may be sued for by the said Corporation and recovered in any Court of Record within the Province.

5. That the joint stock and property alone of the said Corporation shall be liable for the debts and engagements of the same.

6. That unless twenty five per cent. of the said capital stock shall be subscribed within one year from the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation shall be terminated.

CAP. LXXX.

An Act to incorporate the Gloucester Mining Company.

Section.

1. Company incorporated.
2. First meeting, time and place of.
3. Capital, amount and division into shares.
4. Liability for debts.

Section.

5. Authority to assess capital for business purposes.
6. Act void if 25 per cent. of capital be not subscribed within two years.

Passed 9th April 1860.

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

1. That William Deacon, John Dunn, Joseph G. Simpson, Charles B. Record, James M'Allister, Thomas M. Brown, and Charles B. Harrison, and their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The Gloucester Mining Company,' and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for Mining purposes.

2. The first meeting of said Corporation shall be held at such time and place in this Province as may be appointed by a majority of the above named persons.

3. The capital stock of the said Company shall be fifty thousand pounds, divided into five thousand shares of ten pounds each.

4. The joint stock and property of said Company shall alone be responsible for the debts and engagements of the same.

5. The said Company may from time to time make such calls or assessments upon the capital stock thereof, as they may deem necessary for carrying on their operations, and such call or assessment when made, shall be deemed a debt due from the shareholder to the said Company.

6. That unless twenty five per cent. of the capital stock shall be subscribed within two years after the passing of this Act, the operation of this Act shall cease and determine.

CAP. LXXXI.

An Act to incorporate the Saint John and Albert Mining Company.

Section.

1. Company incorporated.
2. Capital, amount and division into shares.
3. First meeting, time and place of.
4. Liability of stockholders for stock subscribed.

Section.

5. Liability for debts.
6. Act void if 25 per cent. of capital be not subscribed within one year.

Passed 9th April 1860.

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

1. That James Vernon, Gideon Vernon, and their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The Saint John and Albert Mining Company,' and by that name shall have all the general powers and privileges incident to a Corporation by Act of Assembly of this Province, for the purpose of mining, smelting, and refining of Copper and Copper ore, and all other ores, minerals, metals, and metallic minerals, and vending the same, and such other business as may be incidental thereto.

2. The capital stock of the said Company shall be two hundred and fifty thousand dollars, divided into fifty thousand shares of five dollars each.

3. The first meeting of the said Corporation shall be held at such time and place in this Province as may be appointed by the said James Vernon.

4. Each and every shareholder in said Corporation shall be held liable to the said Corporation for each and every call or assessment made, not however to exceed in amount the stock subscribed by him, for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, for the purpose of or to carry on the operations for which the said Company is incorporated; which call or assessment may be sued for by the said Corporation and recovered in any Court of competent jurisdiction.

5. That the joint stock and property alone of the said Corporation shall be liable for the debts and engagements of the same.

6. That unless twenty five per cent. of the said capital stock shall be subscribed within one year from the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation shall be terminated.

CAP. LXXXII.

An Act to incorporate the Memramcook Freestone Company.

Section.

1. Company incorporated.
2. Capital, amount and division into shares.
3. Liability of stockholders for stock subscribed.

Section.

4. Liability for debts.
5. First meeting, time and place of.
6. Act void if 25 per cent. of capital be not subscribed within one year.

Passed 9th April 1860.

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

1. That John W. Weldon, Thomas Main, John Robertson, James Dorsay, John C. Littlehale, H. B. Crosby, David Main, John Brookfield, John Sullivan, Matthew Stead, Peter Cormack, James Quinton, Jeremiah Dorsay, James D. Turner, George H. Robertson, James E. Ham, James Wilson, and James H. Brown, their associates, successors, and assigns, be and they are hereby declared to be a body politic and corporate, by the name of 'The Memramcook Freestone Company,' and shall have all the powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of quarrying and manufacturing Freestone.

2. That the capital stock of the said Corporation shall be ten thousand pounds, divided into one thousand shares of ten pounds each, with power to increase the same from time to time if it shall be found necessary, to the sum of twenty thousand pounds.

3. Each and every shareholder in said Corporation shall be held liable to the said Corporation for each and every call or assessment made, not however to exceed in amount the stock subscribed by him, for the purpose of enabling the said Company to pay the debts and engagements of the said Company, for the purpose of carrying on the operations for which the said Company is incorporated; which call or assessment may be sued for by the said Corporation and recovered in any Court of competent jurisdiction.

4. That the joint stock and property of the said Corporation shall alone be responsible for the debts and engagements of the same.

5. That the first meeting of the said Corporation shall be held at such time and place as may be appointed by a majority of stockholders.

6. Unless twenty five per cent. of the capital stock of the said Company shall be subscribed within one year after the passing of this Act, the operation of this Act shall cease, and the existence of said Company shall terminate.

CAP. LXXXIII.

An Act to incorporate the Westmorland and Albert Mining and Manufacturing Company.

Section.

1. Company incorporated.
2. First meeting, time and place of.
3. Capital, amount and division into shares.
4. Liability of stockholders for stock subscribed.

Section.

5. Liability for debts.
6. Act void if 25 per cent. of capital be not subscribed within one year.

Passed 9th April 1860.

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

1. That Oliver Jones, Frederick Wiggins, Enoch Lunt, William H. Adams, William Smith, and Daniel J. M'Laughlin, and their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The Westmorland and Albert Mining and Manufacturing Company,' and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of mining Coal, Shale, Asphalt, or Asphaltic Rock, and for manufacturing and trading in Oils and other illuminating or lubricating substances, and such other business as may be incident thereto.

2. The first meeting of the said Corporation shall be held at such time and place in this Province as may be appointed by a majority of the above named persons.

3. The capital stock of the said Company shall be one hundred and twenty thousand pounds, divided into twelve thousand shares of ten pounds each.

4. Each and every shareholder in said Corporation shall be held liable to the said Corporation for each and every call or assessment made, not however to exceed in amount the stock subscribed by him, for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, for the purposes of or to carry on the operations for which the said Company is incorporated; which call or assessment may be sued for and recovered by the said Corporation in any Court of Record within the Province.

5. That the joint stock and property alone of the said Corporation shall be liable for the debts and engagements of the same.

6. Unless twenty five per cent. of the capital stock of the said Company shall be subscribed within one year after the passing of this Act, the operation of this Act shall cease, and the existence of the said Company shall terminate.

CAP. LXXXIV.

An Act to incorporate the Westmorland Olive Freestone Company.

Section.

1. Company incorporated.
2. First meeting, time and place of.
3. Capital, amount and division into shares.
4. Liability of stockholders for stock subscribed.

Section

5. Liability for debts.
6. Act void if 25 per cent. of capital be not subscribed within one year.

Passed 9th April 1860.

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

1. That Benjamin Weston, Thomas H. Weston, Frank Noyes, Allan Robertson, William Hickman, Joseph Hickman, their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The Westmorland Olive Freestone Company,' and by this name shall have all the general powers and privileges incident to a Corporation by Act of Assembly of this Province, for the purpose of quarrying, manufacturing and exporting Freestone, in the County of Westmorland, and such other business as may be incident thereto.

2. The first meeting of said Corporation shall be held at such time and place in the County of Westmorland, in this Province, as may be appointed by a majority of the above named persons.

3. The capital stock of said Corporation shall be one hundred thousand dollars, to be divided into twenty five hundred shares of forty dollars each.

4. Each stockholder shall be held liable to said Corporation for each and every assessment made, not to exceed however the amount of stock subscribed for or taken up by him, for the purpose of paying the debts and liabilities incurred by said Corporation in carrying out the purposes of this Act, as set forth in Section first; which assessment may be recovered by said Corporation by a suit in any Court of Record within this Province.

5. That the stock and property alone of the said Corporation shall be liable for the debts and liabilities of the same.

6. Unless twenty five per cent. of the capital stock of the said Company shall be subscribed within one year after the passing of this Act, the operation of this Act shall cease, and the existence of the said Company shall terminate.

CAP. LXXXV.

An Act to incorporate the LeTete Mining Company.

Section.

1. Company incorporated.
2. First meeting, time and place of.
3. Capital, amount and division into shares.
4. Liability of stockholders for stock subscribed.

Section.

5. Liability for debts.
6. Act void if 25 per cent. of capital be not subscribed within one year.

Passed 9th April 1860.

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

1. That John Ward, Charles Merritt, John Duncan, Samuel Dick, Richard S. DeVeber, William Davidson, John G. Woodward, George Dick, Edward L. Thorne, John Owens, Henry B. Robinson, their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The LeTete Mining Company,' and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of opening and working Mines in the County of Charlotte, and establishing all necessary works connected therewith, and for the convenient carrying on and managing the same.

2. The first meeting of the said Corporation shall be held at such time and place in this Province as may be appointed by any two of the above named persons.

3. The capital stock of the said Company shall be twenty five thousand pounds, divided into two thousand five hundred shares of ten pounds each.

4. Each and every shareholder in said Corporation shall be held liable to the said Corporation for each and every call or assessment made, not however to exceed in amount the stock subscribed by him, for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, for the purposes of or to carry on the operations for which the said Company is incorporated; which call or assessment may be sued for by the said Corporation and recovered in any Court of Record within the Province.

5. That the joint stock and property alone of the said Corporation shall be liable for the debts and engagements of the same.

6. That unless twenty five per cent. of the said capital stock shall be subscribed within one year from the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation shall be terminated.

CAP. LXXXVI.

An Act to incorporate the Humbolt Mining Company.

Section.

1. Company incorporated.
2. First meeting, time and place of.
3. Capital, amount and division into shares.
4. Liability of stockholders for stock subscribed.

Section.

5. Liability for debts.
6. Act void if 25 per cent. of capital be not subscribed within one year.

Passed 9th April 1860.

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

1. That Amy Owen and Owen Jones, and their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The Humbolt Mining Company,' and by that name shall have all the general powers and privileges made incidental to a Corporation by Act of Assembly of this Province, for the purpose of mining Coal, smelting and refining of Copper and Copper ores, and all other ores, minerals, metals, and metallic minerals, and vending the same, and such other business as may be incidental thereto.

2. The first meeting of said Corporation shall be held at such time and place in this Province as may be appointed by the above named persons.

3. The capital stock of the said Corporation shall be two hundred thousand dollars, divided into fifty thousand shares of four dollars each.

4. Each and every shareholder in said Corporation shall be held liable to the said Corporation for each and every call or assessment made, not however to exceed in amount the stock subscribed by him, for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, for the purposes of or to carry on the operations for which the said Company is incorporated; which call or assessment may be sued for by the said Corporation and recovered in any Court of Record within the Province.

5. That the joint stock and property alone of the said Corporation shall be liable for the debts and engagements of the same.

6. Unless twenty five per cent. of the capital stock of the said Company shall be subscribed within one year after the passing of this Act, the operation of this Act shall cease, and the existence of the said Company shall terminate.

CAP. LXXXVII.

An Act to incorporate the Westmorland Steam Boat Company.

Section.

1. Company incorporated.
2. Capital, amount and division into shares—
may be increased.
3. First meeting, time and place of.

Section.

4. Liability of stockholders for stock subscribed.
5. Liability for corporate debts.
6. Act void if 25 per cent. of capital be not subscribed within one year.

Passed 9th April 1860.

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

1. That Joseph F. Allison, Oliver Jones, Gay Silver, Martin Trueman, Hugh Gallagher, Marcus Trueman, Alexander Wright, John S. Barnaby, James D. Turner, John Morrice, William Morricie, William Kinnear, and Peter Etter, their associates, successors, and assigns, be and they are hereby declared to be a body corporate, by the name of the 'Westmorland Steam Boat Company,' with all the general powers and privileges made incident to Corporations by Act of Assembly in this Province, for the purpose of providing, owning and running one or more Steam Boats or other vessels between Saint John and the River Petitcodiac, and to and from such other places in the Bay of Fundy, the Gulf of Saint Lawrence, or elsewhere, as the said Company may deem expedient.

2. The capital stock of the said Corporation shall be ten thousand pounds, divided into two thousand shares of five pounds each, with power to increase the same to twenty thousand pounds, to be divided into shares of five pounds each.

3. The first meeting of the said Corporation may be called by the two first named persons in the first Section of this Act, or either of them, at such time and place as they or either of them may appoint.

4. Each and every shareholder in the said Corporation shall be held liable to the said Company for each and every call or assessment made, not however to exceed in amount the stock subscribed by him, for the purpose of enabling the said Corporation to pay the debts and engagements of the same, or for the purpose of carrying on the operations of the said Corporation; which call or assessment may be sued for by the said Corporation and recovered in any Court of competent jurisdiction.

5. The joint stock and property of the said Corporation shall

alone, in the first instance, be responsible for the debts and engagements of the said Corporation; and no creditor, or person or persons having any demands against the said Corporation, for or on account of any dealings with the said Corporation, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or when the joint stock of the said Corporation shall fall short of or not be equal to the payment of any debt, due or demand against the same, then and in such case the goods and chattels, lands and tenements of each shareholder, shall and may be levied upon and seized respectively, to satisfy such debt or demand, to the extent of double the amount of the share or shares, or interest of such shareholder in the joint stock of the said Corporation, but no more; and such double amount, or so much as may be necessary to satisfy such debt, due or demand, shall and may be levied and seized by process of execution in the same suit in which such debt, due or demand may be recovered against said Corporation.

6. Unless twenty five per cent. of the capital stock of the said Corporation shall be subscribed within one year after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation shall terminate.

CAP. LXXXVIII.

An Act to incorporate the Campo Bello Mining Company.

Section

1. Company incorporated.
2. Capital, amount and division into shares.
3. First meeting, time and place of.
4. Liability of stockholders for stock subscribed.

Section.

5. Liability for debts.
6. Act void if 25 per cent. of capital be not subscribed within one year.

Passed 9th April 1860.

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

1. That John J. Robinson, Clement Hemery, Elijah Whitney, George D. Street, John C. Allen, and their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The Campo Bello Mining Company,' and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of digging, mining, smelting, and exporting Copper and Copper

ore, Lead, Tin, and other metals and minerals, in and for the Island of Campo Bello, and such other business as may be incident thereto.

2. The capital stock of the said Company shall be thirty thousand pounds, divided into six thousand shares of five pounds each.

3. The first meeting of the said Company for organizing the same shall be held at such time and place in this Province as may be appointed by a majority of the above named persons, by giving twenty days' notice thereof in a Newspaper published in the County of Charlotte.

4. Each and every shareholder in the said Company shall be liable to the said Corporation for each and every call or assessment made, not however to exceed in amount the stock subscribed by him, for the purpose of enabling the said Company to pay the debts and engagements of the same, and for the purpose of carrying on the operations for which the said Company is incorporated; which call or assessment may be sued for by the said Corporation and recovered in any Court of Record in this Province.

5. That the joint stock and property of the said Corporation shall alone be liable for the debts and engagements of the same.

6. That unless twenty five per cent. of the said capital stock shall be subscribed within one year from the passing of this Act, the operation of the same shall cease, and the existence of the said Corporation shall be terminated.

CAP. LXXXIX.

An Act to amend an Act to incorporate the Chatham Gas Light Company.

Section.

1. Calls on subscribed stock valid.

Section.

2. Debts under £5 due the Company, how recoverable.

Passed 9th April 1860.

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

1. That all calls and assessments heretofore made or that may hereafter be made on the subscribed stock in the said Company, shall be valid and good, and may be recovered in any Court having jurisdiction, notwithstanding the whole of

the stock of three thousand pounds may not have been subscribed, and although the whole of the subscribed stock may not have been paid up before the levying of such assessments.

2. That all sums not exceeding five pounds due to the said Company for any debt, or for any call or assessment heretofore made or that may hereafter be made on the subscribed stock in the said Company, may be sued for and recovered before any Justice of the Peace within the County of Northumberland, under and according to the provisions of Chapter 137, Title XXXVII, of the Revised Statutes, 'Of the jurisdiction of Justices in Civil Suits;' provided always, that nothing in this Act contained shall be construed to take away or affect the right of the said Company to forfeit and sell delinquent shares.

CAP. XC.

An Act to incorporate a Company for the improvement of Pirate Brook, in the County of York.

Section.

1. Company incorporated.
2. First meeting, where to be held and how called—object.
3. Annual general meeting; election of Directors and President; quorum for business.
4. Votes of stockholders regulated.

Section.

5. Power to hold personal property and construct dams, &c.
6. Power to assess expenses on owners of logs.
7. Lien granted for amount of assessments.
8. Exemption as to logs, &c. below place of improvement.
9. Liability for corporate debts.

Passed 9th April 1860.

WHEREAS the incorporation of a Company for the improvement of Pirate Brook, on the Saint Croix River, for the purpose of facilitating the driving of logs therefrom, and to enable the owners thereof to assess the expense of driving them equally among themselves, in proportion to the quantity owned by each, would be of great benefit to them;—

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

1. That Freeman H. Todd, Daniel Hill, H. N. Hill, Ephraim Gates, John M'Adam, Abner Hill, William Porter, Seth M. Todd, their associates, successors, and assigns, be and they are hereby erected into a body corporate by the name of 'The Pirate Brook River Driving Company,' for the purpose of improving said Brook, and driving logs from the same, as the Corporation may deem necessary or think advisable.

2. The first meeting of said Corporation shall be held at Saint Stephen, and shall be called by F. H. Todd, or in case of his death, neglect, or refusal, by any two of the said Company, by giving notice in any Newspaper printed in the County of Charlotte, or by written notice posted at the public landing in Saint Stephen, at least ten days previous to such meeting, for the purpose of making bye laws, and choosing five Directors and such other officers as may be necessary for the management of the affairs of said Corporation, which Directors and officers so chosen shall serve until the annual meeting, or until others are chosen in their stead, and shall have full authority and power to manage the concerns of said Corporation, subject to the rules and regulations hereinafter provided.

3. A general meeting of the stockholders of the said Corporation shall be held on the first Monday in February in each and every year, for the purpose of choosing five Directors and such other officers of the said Corporation as may be deemed necessary for their affairs, which Directors so chosen shall remain in office for one year, or until others are chosen in their place, and shall at their first meeting after due election choose one of their number President of such Company; provided always, that not less than three Directors do form a quorum for the transaction of business, and in case of the absence of the President, the Directors shall have power to appoint one of their number Chairman for the occasion.

4. Each stockholder shall be entitled, when in conformity with the provisions of this Act the votes of the stockholders are to be given, to one vote, and absent stockholders may vote by proxy, providing such proxy be a stockholder and produce sufficient authority in writing.

5. The said Company may hold personal estate not exceeding one thousand pounds at any one time, and the said Company shall have full power to make and construct Dams, Piers and Booms, and other improvements on said Pirate Brook, and to employ a superintendent or driving master with the necessary number of men, and to furnish such tools and provisions for the purpose of driving all logs on said Brook in each year, as may be necessary and useful for the common interest of the proprietors and public.

6. The said Corporation shall from time to time, first giving

ten days' notice in manner and form as aforesaid, have power to levy and collect from all the owners of logs on said stream, such sum or sums of money as may be expended by them in improving said stream and in driving the logs on the same, and assessing each owner of logs with his proportion of the money so expended, and no more.

7. The Corporation shall have a lien on all timber or logs so driven by them for the payment of such assessments, and in case of refusal or neglect to pay, so much of said timber or logs of each owner thereof so refusing or neglecting, as may be necessary to meet such assessment with the expenses, may be sold by the said Corporation to pay the same, after ten days' notice thereof in manner aforesaid, and the surplus (if any) shall be returned to the party assessed.

8. No person hauling logs or other lumber into the said Pirate Brook below the place where the improvements are required to be made, shall be subject to any toll or other exaction in the exercise of their legal right in driving the same, nor shall the Company have any lien or claim on such lumber by virtue of this Act.

9. The stockholders of said Company, in their individual capacity, shall be holden for all debts that may be due from said Corporation.

CAP. XCI.

An Act to incorporate the Baltimore Mining and Manufacturing Company.

Section.

1. Company incorporated.
2. First meeting, time and place of.
3. Capital, amount and division into shares.
4. Liability of stockholders for stock subscribed.

Section.

5. Liability for corporate debts.
6. Act void if 25 per cent. of capital be not subscribed within one year.

Passed 9th April 1860.

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

1. That Stephen Binney, William Wilson, Edward B. Chandler, Junior, Henry Ward, Blair Botsford, Honorable J. A. Smith, Bliss Botsford, James Steadman, Richard C. Scovil, and Charles B. Record, and their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The Baltimore

Mining and Manufacturing Company,' and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of mining Coal, Shale, Asphalt, or Asphaltic Rock, and for manufacturing and trading in Oils and other illuminating or lubricating substances, and such other business as may be incident thereto.

2. The first meeting of the said Corporation shall be held at such time and place in this Province as may be appointed by a majority of the above named persons.

3. The capital stock of the said Company shall be two hundred thousand dollars, divided into twenty thousand shares of ten dollars each.

4. Each and every shareholder in said Corporation shall be held liable to the said Corporation for each and every call and assessment made, not however to exceed in amount the stock subscribed by him, for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, for the purposes of or to carry on the operations for which the said Company is incorporated; which call or assessment may be sued for by the said Corporation and recovered in any Court of Record within this Province.

5. That the joint stock and property alone of the said Corporation shall be liable for the debts and engagements of the same.

6. That unless twenty five per cent. of the capital stock of the said Company shall be subscribed within one year from the passing of this Act, the operation of the same shall cease, and the existence of the said Corporation shall be terminated.

CAP. XCII.

An Act to incorporate the Saint Martins Mining and Manufacturing Company.

Section.

1. Company incorporated.
2. Capital, amount and division into shares
—power to increase.
3. First meeting, how to be called.
4. Votes of stockholders regulated.
5. Power to make bye laws and assess shares.
6. Interest payable on calls in arrear.
7. Advance payments on stock receivable on interest.
8. Shareholders in arrear for calls may be sued:
9. Declaration in such suit.

Section.

10. Who shall be sufficient proof.
11. Register of shareholders to be prima facie evidence.
- 12, 13. Shares of delinquent stockholders may be sold:
- 14, 15. No transfer or vote or dividend on shares in arrear.
16. Liability for corporated debts.
17. Bye Laws may be made.
18. Annual and special meetings: votes.
19. Act void if 25 per cent. of capital be not subscribed within one year.

Passed 9th April 1860.

WHEREAS a Joint Stock Company has been formed for opening and working Mines in the Parish of Saint Martins, in the County of Saint John, and for carrying on Mining and Manufacturing business and operations, who have expended a large sum of money in Mining operations, and in the purchase of lands, and otherwise : And whereas it is deemed advisable that the said Company should be incorporated ;—

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

1. That William Henry Scovil, Otis Small, Frederick W. Hatheway, Albert Betts, and Michael Henry Farrell, their associates, successors, and assigns, shall be and they are hereby created into a Company, and declared to be a body politic and corporate by Act of Assembly in this Province, by the name of 'The Saint Martins Mining and Manufacturing Company,' and by that name shall have power and authority to purchase, hold, enjoy and dispose of lands, tenements and hereditaments, for them, their successors, and assigns, and all other the powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of opening and working Mines in the Parish of Saint Martins aforesaid, and for establishing and carrying on Mining and Manufacturing business and operations, and for the convenient managing of the same.

2. The capital stock of the said Corporation shall be twenty five thousand pounds of current money of New Brunswick, divided into one thousand shares of twenty five pounds each, and the said Company shall have power to increase its capital stock from time to time, in such sums as they may deem expedient, to a sum not exceeding one hundred thousand pounds, and they shall have power from time to time to increase the number of shares accordingly.

3. The first meeting of the Corporation for the organization thereof, may be called by the said William Henry Scovil, or in case of his death, neglect, or refusal, by any one of the parties named, at such time and place as he may appoint, by publishing notice of the same in two of the Newspapers published in the City of Saint John, at least one calendar month before such meeting is held.

4. Every person owning a share in the capital stock of the

said Company, shall be a member thereof, and be entitled to vote at all meetings of the said Company; and absent members may vote by proxy, such proxy being a stockholder and authorized in writing.

5. It shall be lawful for the Company, or the Directors if empowered by the bye laws, from time to time to make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they shall deem necessary; provided that the amount of any call shall not at any one period be more than twenty per cent. on the amount of capital or stock belonging to any individual, and that three calendar months' at the least shall be the interval between the successive calls, and that thirty days' notice of payment being required for any call, shall be given in one or more Newspapers printed and published in the City of Saint John, in the said Province; and every shareholder shall be liable to pay the amount of the calls so made in respect of the shares held by him, not however to exceed in the whole the amount of the stock subscribed by him, to the persons and at the time and places from time to time appointed by the said Company or the Directors thereof.

6. If before or on the day appointed for payment, any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same, at the rate allowed by Law, from the day appointed for the payment thereof to the time of the actual payment.

7. It shall be lawful for the said Company, if they think fit, to receive from any of the shareholders willing to advance the same, all or any part of the moneys due upon their respective shares beyond the sums actually called for, and upon the principal moneys so paid in advance, or so much thereof as shall from time to time exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate, not exceeding the legal rate of interest for the time being, as the shareholder paying such sum in advance and the said Company may agree upon.

8. If at the time appointed by the said Company or the Directors thereof for the payment of any call any shareholder fail to pay the amount of such call, it shall be lawful for the said

Company to sue such shareholder for the amount thereof in any Court of Law or Equity having competent jurisdiction, and to recover the same, with lawful interest from the day on which such call was payable.

9. In any action or suit to be brought by the said Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one share or more in the said Company, (stating the number of shares,) and is indebted to the said Company in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more, (stating the number and amount of each of such calls,) whereby an action hath accrued to the said Company by virtue of this Act.

10. On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant, at the time of making such call, was the holder of one share or more in the said undertaking, and that such call was in fact made, and such notice thereof given as is directed by this Act, and it shall not be necessary to prove the appointment of the Directors who made such call, and thereupon the said Company shall be entitled to recover what shall be due upon such call and interest thereon, unless it shall appear either that any such call exceeds the prescribed amount aforesaid, or that due notice of such call was not given, or that the prescribed interval between two successive calls had not elapsed as aforesaid.

11. The production of the register of shareholders shall be prima facie evidence of such defendant being a shareholder, and of the number and amount of his shares.

12. If any shareholder fail to pay any call payable by him, together with the interest, if any, that shall have accrued thereon, the Directors of the Company, at any time after the expiration of two calendar months from the day appointed for the payment of such call, may sell the shares in respect of which such call was payable, by public auction, giving at least thirty days' notice in one or more of the Newspapers published in the City of Saint John, in this Province, of the time and place of such sale, and shall sell the same to the highest bidder, and a new certificate or certificates of the shares sold

shall be made and delivered to the purchaser, and thereupon he shall be deemed the holder of such share, discharged from all calls thereon due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

13. The said Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest and the expenses attending such sale, and if the money produced by the sale of any such forfeited shares be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale and the expenses attending the sale thereof, the surplus shall, on demand, be paid to the defaulter; provided always, that such defaulter shall in all cases be liable to the said Company for any deficiency arising by means of such default, and recoverable in any Court in this Province having competent jurisdiction for that purpose.

14. No shareholder shall be entitled to transfer or vote upon any share after any call shall have been made in respect thereof, until he or she shall have paid all calls for the time being due on every share held by him or them.

15. No dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable shall have been paid.

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

17. The time and place of holding annual and special meetings of the said Company, the manner of calling such meetings, and the mode of giving notice of same, the number of votes which the shareholders shall be entitled to give in respect of the shares held by them respectively in said Company, as also the number, eligibility, duties and powers of Directors, officers and servants, their continuance in office, removal or disqualification, and the manner of election or appointment, and any other matter connected with the objects and purposes for which the said Company is incorporated, may be established

or regulated by bye laws of the said Company made at any meeting of the Company or an adjournment thereof.

18. Unless when otherwise provided or directed by the bye laws of the Company, an annual meeting of the stockholders of the said Company shall be held in Saint John on the second Tuesday in the month of June in each year, which may be adjourned from time to time; and special meetings of the stockholders may be called by any number of the stockholders representing at least one fourth of the issued stock of the said Company; and notices of the time and place of holding any meeting of the stockholders of the Company may be given by publishing the same in any one or more of the Newspapers of the City of Saint John aforesaid, twenty days prior to the date fixed for holding such meeting, and members may give as many votes as they hold shares.

19. Unless twenty five per cent. of the stock of the said Company be subscribed within one year after the passing of this Act, the operation of this Act shall cease, and the same shall become void and of no effect.

CAP. XCIII.

An Act to incorporate the Richibucto and Shediac Telegraph Company.

Section.

1. Company incorporated.
2. Property vested in the Corporation; liabilities transferred.
3. First meeting, time and place of.

Section.

4. Capital, amount and division into shares.
5. Provisions of Acts 14 V. c. 3, and 13 V. c. 34, to apply to the Corporation and their telegraphic lines.

Passed 9th April 1860.

WHEREAS a line of Electric Telegraph has been erected and is now in operation between Richibucto, in the County of Kent, and the Town of Moncton, in the County of Westmorland: And whereas the said line of Electric Telegraph has been erected at the expense of, and the same, with all property, means and appliances belonging thereto, are now owned by the several persons hereafter named, and their associates: And whereas the said persons are desirous of being incorporated to enable them more conveniently to manage the affairs of the said line of Telegraph;—

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

1. John W. Weldon, L. P. W. DesBrisay, David Wark, John Pollen, Lawrence M'Laren, Morden S. Levy, German White, Isaac Sowerby, John Jardine, Richard Scovil, John Jardine, Junior, and Thomas Jardine, their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The Richibucto and Shediac Telegraph Company,' and by that name shall have all the general powers made incident to a Corporation by Act of Assembly of this Province, for the purpose of maintaining and working a line of Electric Telegraph communication between Richibucto and Moncton, and such other business as may be incident thereto.

2. The property real and personal in the said line of Electric Telegraph, and all rights and privileges of every description owned by the said several persons hereinbefore named, and their associates, in the said Electric Telegraph, shall from and after the passing of this Act be, and the same are hereby declared to be absolutely vested in the said Corporation by the name aforesaid; and all the liabilities of the said persons in relation to the said line of Telegraph, both in law and equity, shall devolve upon the said Corporation by the name aforesaid, to the same extent as the said persons would have been held liable for had this Act not been passed.

3. The first meeting of the said Corporation shall be held at such time and place in this Province as may be appointed by a majority of the above named persons.

4. The capital stock of the said Company shall be eight hundred pounds, divided into eighty shares of ten pounds each.

5. All and every the provisions, powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters and things contained in an Act made and passed in the fourteenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Miramichi and Richibucto Electric Telegraph Company*, shall apply and extend to be created, possessed, enjoyed, kept and maintained in regard to and in respect of the said Corporation, as fully and effectually to all intents and purposes as if all the said provisions, powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters and things, were severally and respectively repeated and re-enacted herein; and the pro-

visions of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act for the punishment of persons guilty of injuring Electric Telegraphs*, are hereby declared to extend to the line or lines constructed by the said Company.

CAP. XCIV.

An Act to incorporate the Wellington Mining and Manufacturing Company.

Section.

1. Company incorporated.
2. First meeting, time and place of.
3. Capital, amount and division into shares.
4. Liability for corporate debts.

Section.

5. Authority to assess shares.
6. Act void if 25 per cent. of capital be not subscribed within one year.

Passed 9th April 1860.

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

1. Patrick King, John Beatty, James Spence, John Lewis, A. B. Wheeler, David Campbell, James Steadman, John Wallace, their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The Wellington Mining and Manufacturing Company,' and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for Mining purposes.

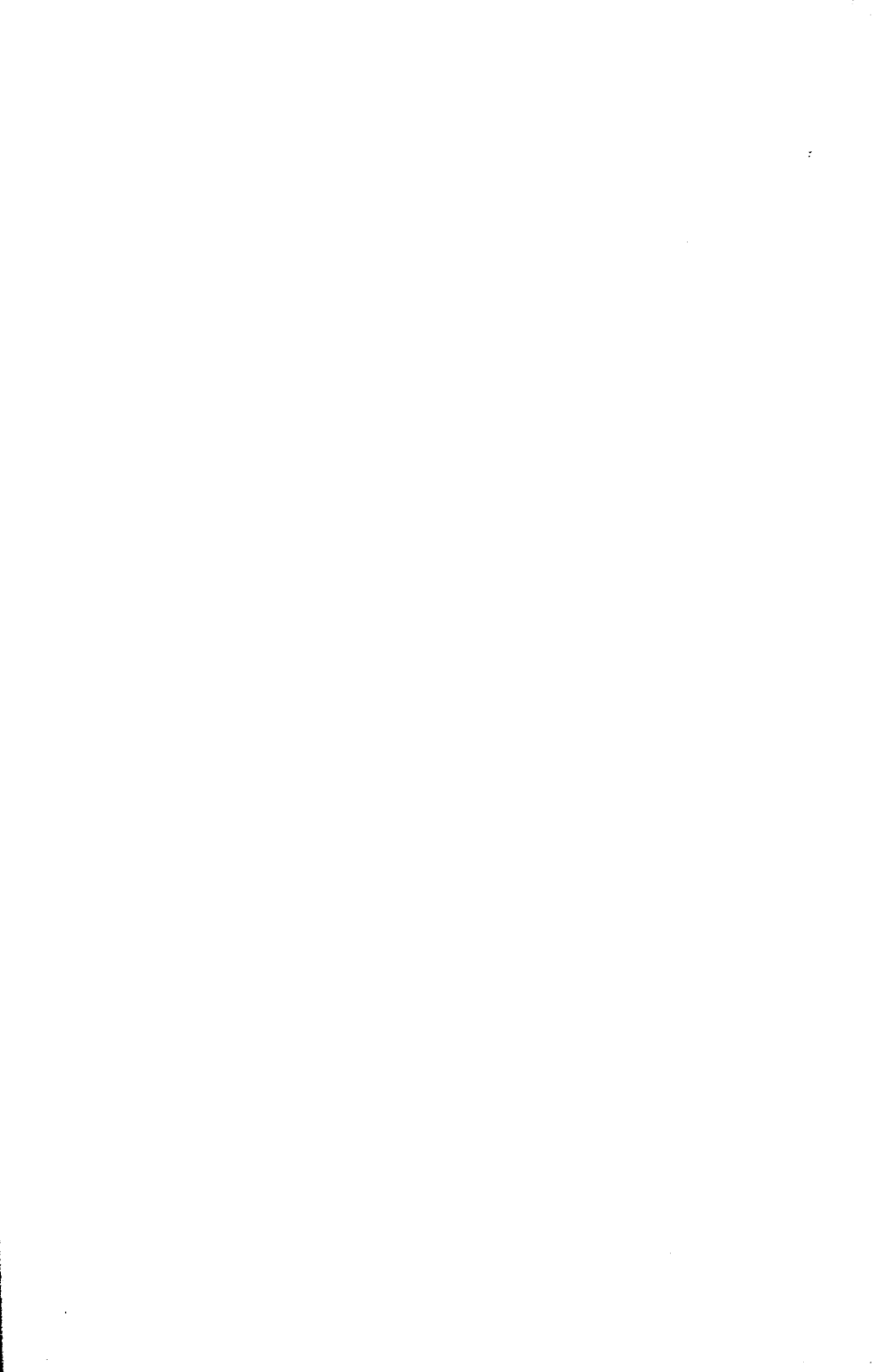
2. The first meeting of the said Corporation shall be held at such time and place in this Province as may be appointed by a majority of the above named persons.

3. The capital stock of the said Company shall be twenty five thousand pounds, divided into two thousand five hundred shares of ten pounds each.

4. The joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

5. The said Company may, from time to time, make such calls or assessments upon the capital stock thereof as they may deem necessary for carrying on their operations, and such call or assessment when made shall be deemed a debt due from the shareholder to the said Company.

6. That unless twenty five per cent. of the capital stock shall be subscribed within one year after the passing of this Act, the operation of this Act shall cease and determine.



ANNO VICESIMO SECUNDO VICTORIÆ REGINÆ.

CAP. LXIII.

An Act to establish the University of New Brunswick.

Section.

1. Charter of King's College in part, and Acts 8 V. c. 111, and 9 V. c. 74, repealed.
2. The University of New Brunswick incorporated.
3. Estate of King's College vested in the University: Graduates.
4. Of whom the new Corporation shall consist; quorum.
5. Members of Corporation to constitute the Senate.
6. Lieutenant Governor to be Visitor, with power to act by Commission.
7. No Professorship of Theology, and no Religious test.
8. Plenary and special powers of the Senate.
9. Duty of the President.
10. Discipline, enforcement in absence of President.
11. University Board constituted.
12. Acts of Board to be approved by the President.

Section.

13. Meetings of the Board.
14. Minutes.
15. Religious Instructors of Students.
16. Religious exercises.
17. Admission of Candidates for Degrees from other Institutions
18. Admission to Lectures
19. Certain rights to gratuitous instruction granted.
20. Right to found Scholarships, &c.
21. Programme of courses of instruction.
22. With whom Students shall board.
23. Right of Scholars in Collegiate School to attend Lectures.
- 24, 25. Scholarships established.
26. Annual Accounts and Report for the House of Assembly.
27. Suspending clause. Schedules.

Passed 13th April 1859.

WHEREAS the Charter and Acts relative to King's College at Fredericton, have not been found adequate for the purposes intended: And whereas it is expedient to make provision for a comprehensive system of University Education, such as will embrace not only the usual subjects of a Collegiate course, but also those branches of practical science and art which are adapted to the agricultural, commercial, and mechanical pursuits of the great body of the inhabitants of New Brunswick;—

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

1. That so much of the Charter for the Incorporation of the Chancellor, President, and Scholars of King's College, at Fredericton, in the Province of New Brunswick, under Letters Patent bearing date the fifteenth day of December, in the eighth year of the Reign of His late Majesty King George the Fourth, as is inconsistent with the provisions of this Act; and also an Act made and passed in the eighth year of the Reign of Her present Majesty, intituled *An Act to amend the Charter of King's College*; and also an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *An Act to amend an Act intituled 'An Act to amend the Charter of King's College,'* be and the same are hereby repealed.

2. There shall be a University, which shall be a body corporate, by the name and style of 'The University of New Brunswick,' and shall have a common Seal, with power from time to time to alter, renew and change the same as may be found convenient; and that by the same name the said University and their successors, from time to time and at all times hereafter, shall be able and capable to have, take, and receive, purchase, acquire, hold, possess, enjoy, and maintain, to and for the use of the said University, any messuages, lands, tenements, and hereditaments, of what nature, kind, or quality soever; and moreover to take, purchase, acquire, have, hold, enjoy, receive, possess, and retain, all or any goods, chattels, charitable or other contributions, gifts or benefactions whatsoever; and the said University, and their successors by the same name, shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered, in all or any Courts of Record, in all and singular actions, causes, pleas, suits, matters and demands whatsoever, in as large, ample and beneficial a manner and form as any other body politic and corporate, or any other person able and capable in law, may or can sue, implead, or answer, or be sued, impleaded, or answered, in any manner whatsoever.

3. All the real and personal estate, rights, easements, privileges, and immunities of every nature or kind whatsoever, now vested in or belonging to "The Chancellor, President, and Scholars of King's College, at Fredericton, in the Province of New Brunswick," shall be and they are hereby vested in the University of New Brunswick; and all leases and contracts whatsoever made by or with the Chancellor, President, and Scholars of King's College, shall be dealt with in all respects as if the same had been made by and with the University of New Brunswick; and all debts, rents, interest, or moneys due or to grow due thereon, shall be henceforth payable to and recoverable by the University of New Brunswick; and all covenants, contracts, or agreements, made with or entered into by the said Chancellor, President, and Scholars of King's College, shall be deemed and taken in all Courts of Law and Equity to have been made with and entered into by the University of New Brunswick; and all tenants of the said Chancellor, President, and Scholars of King's College, shall be deemed

and taken to be the tenants of the new Corporation ; and all debts due by the said Chancellor, President, and Scholars of King's College, shall be paid and payable by the said new Corporation ; and the Graduates and Students of the late King's College shall be deemed and taken to be Graduates and Students of the said University of New Brunswick, and entitled to the rights and privileges as such.

4. The Corporation shall consist of such and so many laymen not exceeding nine, as the Governor in Council shall appoint, of whom the President of the University when appointed shall be one ; and three, including the President, shall be a quorum for the transaction of business ; one third of whom, not including the President, shall go out of office annually, in the order of their appointment, but shall be eligible for re-appointment ; and the Corporation shall be deemed organized when any number not less than five shall be appointed as aforesaid.

5. The Members of the Corporation shall constitute the Senate of the University, and if any member of the Corporation shall refuse to act or shall neglect to attend the meetings thereof for the space of twelve months, his place shall be vacated and another person appointed in his stead.

6. The Lieutenant Governor of the Province shall be the Visitor of the University on behalf of Her Majesty, and such visitatorial powers may be exercised by Commission under the Great Seal of the Province ; and when such powers are so exercised by Commission, the person appointed in the exercise thereof shall be a layman, and appointed by and with the consent of the Executive Council.

7. There shall be no Professorship of Theology in the University, nor shall any religious teste whatever be required of or imposed upon any member of the Corporation, Professor, Teacher, Student, or other person in any way connected with the University, or with the Collegiate School.

8. The Senate shall possess and exercise all the powers necessary for the management and government of the University, and for carrying into effect all laws relating thereto ; particularly it shall be the duty of the Senate, and they shall have full power and authority—

1st. By notice in writing, signed by any two of their number, to call a meeting of the Corporation :

2nd. To elect a Chairman in the absence of the President, and to appoint the times of meeting and modes of proceeding :

3rd. To possess and direct the endowment of King's College, to order the sale and leasing of all lands belonging to the said College and the investment and expenditure of all moneys arising therefrom, and of all money which have heretofore been granted to King's College and the Collegiate School at Fredericton, or which may hereafter be granted to the University of New Brunswick or the Collegiate School at Fredericton, and to erect such Lecture Halls, School Houses, and other buildings as they may deem necessary, subject to the approval of the Governor in Council :

4th. To make and alter from time to time, subject to the approval of the Governor in Council, any Statutes, Rules and Ordinances which may be necessary for the government and discipline of the University and the Collegiate School, and for the establishment and regulation of Scholarships, Prizes, and Exhibitions ; provided that all the Statutes, Rules and Ordinances now in force, according to law, in the said College and School, shall continue in force, except so far as they may be inconsistent with the spirit and provisions of this Act, until repealed and altered by the Senate :

5th. To appoint and to remove from time to time, subject to the approval of the Governor in Council, the Professors, Tutors, Lecturers, and Instructors, and all other Officers and Servants of the University, and the Masters, Teachers, and Servants of the Collegiate School, and to prescribe their duties, and fix their remuneration ; provided that all appointments in King's College and School shall remain until revoked or altered under the provisions of this Act :

6th. To confer Degrees in Arts, Law, and Medicine, to-wit : The several Degrees of Bachelor of Arts, Master of Arts, Bachelor of Science, Bachelor of Laws, Doctor of Laws, Bachelor of Medicine, and Doctor of Medicine, and Diplomas in Civil Engineering and Land Surveying, Agriculture, Commerce, and Navigation, and such honorary degrees and certificates of honor, merit, and attendance at Lectures, as the Senate may adjudge expedient and proper.

9. It shall be the duty of the President of the University—
1st. To see that all the Statutes, Rules and Ordinances rela-

ting to the University and Collegiate School are duly enforced, and to rectify any deviation therefrom ; and at all times to exercise a parental care and supervision over the Students :

2nd. To see that comfortable board and lodging are provided for such Students as may require the same :

3rd. To preside at all meetings of the Senate when present, and to call a special meeting at such time as he may think necessary, by giving due notice thereof to each member of the Senate :

4th. To visit from time to time the Classes and other University departments, and to give such directions and perform such acts generally, as shall in his judgment be necessary for the interest of the University, so that they do not contravene this Act, nor the Statutes, Rules, Ordinances, nor the decisions of the Senate :

5th. To preside at all examinations, and at all meetings of the Senate, when practicable, and to sign all Diplomas for Degrees, and other Diplomas and certificates of honor :

6th. To report to the Senate, as occasion may require, concerning the state and discipline of the University, and to prepare and lay before the Senate for consideration, such regulations touching the discipline and government of the University and Collegiate School, as he may deem advisable for their future prosperity :

7th. To grant to the Students leave of absence from the University for reasonable cause, and for such length of time as he shall judge the occasion may require :

8th. To have charge of the buildings and grounds of the University and Collegiate School, and to see that they are kept in good order and repair :

9th. To prepare a full and particular report annually of the Educational state of the University and School, according to such form as may be prescribed by the Senate.

10. The senior Professor, in the absence of President, shall have the same authority to command obedience, and to enforce the discipline of the University, as the President.

11. There shall be a University Board, to consist of the President and Professors, which shall have power to try offences committed by the Students, to determine the relative standing of Students, and to adjudge rewards and punish-

ments ; and the concurrence of the President shall be necessary to every act of the Board.

12. In the absence of the President, the senior Professor present shall preside at the meeting of the Board, and no acts of the Board thus constituted shall be valid, until approved of by the President.

13. The Board shall meet at least once in every week during Term, in the University Library, for the purpose of administering the general discipline of the University ; and at such stated meetings the Professors shall report respecting the conduct and proficiency of the Students, noting particularly those who have been delinquents in their behaviour or attendance, or deficient or negligent in their preparation or duties.

14. The Board shall keep a Book of Minutes of their proceedings, and there shall be noted therein at every meeting, the names of members present or absent ; and such Book shall be laid before the Senate at all general or special meetings.

15. Every candidate for matriculation is required to produce at the time of his examination, a written statement from his parents or guardians, or other person having charge of his education, setting forth the name of some Minister of Religion in or near Fredericton, under whose religious instruction he is to be placed ; and in order to the keeping and allowance of any Term, every Student must produce a certificate from his religious instructor, for the time being, that he has regularly attended Divine Service on Sundays during such Term, unless prevented by unavoidable circumstances.

16. Portions of the Holy Scriptures shall be read by the President, or one of the Professors, daily in the University, and Morning and Evening Prayers offered according to the form prescribed by the Senate, and at such times as shall be appointed for that purpose ; and all resident Students shall be required to attend such Scripture readings and Prayers, except those whose parents or guardians, or other person having charge of his or their education, may have signified to the contrary in writing to the President.

17. In order to extend the benefits of establishments already instituted, or which may be hereafter instituted in this Province, for the promotion of the study of Literature, Science, Art, Law, or Medicine, whether incorporated or not, by con-

necting them for such purpose with the University, all persons shall be admitted as candidates for the respective degrees and diplomas mentioned in the sixth part of the eighth Section of this Act, to be conferred by the University, on satisfying the members of the Senate, by proper certificates, that such persons have in any of the said Institutions gone through such course of instructions as the Senate shall from time to time determine, or as may be prescribed by this Act; and the Institutions in which such course of instruction may be completed, shall be such Institutions as now are or shall hereafter be established for the promotion of Education within this Province, which the Lieutenant Governor in Council shall from time to time designate to the Senate.

18. Any person may, on application to the President, and on payment of the fees required, and observance of the regulations prescribed, be admitted to attend any one or more courses of Lectures in the University, and receive certificates accordingly.

19. There shall be admitted into the general undergraduate course in the University, free of all charges of fees for education, the following number of Students from each and every County in the Province, upon their respectively passing the required examinations, and upon producing satisfactory testimonials that they are well deserving of such gratuitous instruction:—

County of Saint John, (without the City,) - - - - -	4
City of Saint John, - - - - -	6
County of King's, - - - - -	4
County of Westmorland, - - - - -	4
County of Northumberland, - - - - -	4
County of Charlotte, - - - - -	4
County of York, (without the City of Fredericton,) - - - - -	3
City of Fredericton, - - - - -	3
County of Carleton, - - - - -	3
County of Victoria, - - - - -	3
County of Sunbury, - - - - -	3
County of Queen's, - - - - -	3
County of Albert, - - - - -	3
County of Kent, - - - - -	3
County of Gloucester, - - - - -	3
County of Restigouche, - - - - -	3

And should more than the number limited to each County or City apply for admission at one time under this Section, those who pass the most satisfactory examination shall be preferred.

20. Any person, or body politic or corporate, may found such and so many Professorships, Lectureships, Scholarships, exhibitions, prizes, or other rewards in the University, not inconsistent with the spirit and provisions of this Act, as they may think proper, by providing a sufficient endowment therefor in land or other property.

21. The programme of the courses of instruction contained in the Schedule to this Act shall be provided for and pursued in the University until altered by the Senate.

22. All Students not residing in the University, and all Scholars of the Collegiate School, will be required to board with their parents, or with persons approved of by them, or by their guardian or other persons having charge of their education, or by the President.

23. Scholars of the Collegiate School may receive free tickets to attend such course of Lectures at the University as they may select, after not less than three months attendance at the School, and upon a certificate from the Head Master setting forth that from their studious habits and general good conduct they are deserving of such privilege.

24. There shall be two Scholarships in the Collegiate School of £15 each; one for the Classical, and one for the English Department, to be competed for annually during the first week after midsummer vacation; the names of Candidates to be lodged with the Head Master on the first day of Term; the examination to be public, and to be conducted by persons to be named for that purpose by the Senate; provided always, that no Student shall hold two Scholarships at one time.

25. There shall be in the University one Scholarship of £15, either in the general or the special undergraduate course, for each County Grammar School in the Province, and for the Collegiate School, to be open to competition under such regulations, and held for such time as the Senate shall prescribe; and the holders of such Scholarships shall be exempt from all fees for instruction in the University.

26. There shall be laid before the House of Assembly within fourteen days after the opening of each annual Session, a full and detailed Account of the Income and Expenditure of the University for the previous year; and also a full and particular Report of the educational state of the University, shewing the

number of Students in attendance, distinguishing the gratuitous, if any, the number of Scholarships held, and the number of Degrees or Diplomas conferred or granted.

27. This Act shall not come into operation or be in force, until Her Majesty's Royal approbation be thereunto had and declared.

SCHEDULE.

FACULTY OF ARTS.

1. Candidates for matriculation in the general Undergraduate Course shall pass a satisfactory examination in the following subjects:—Greek and Latin Languages, Arithmetic, Mathematics, English Grammar and Composition, Ancient and Modern History, and Geography.

2. Candidates for matriculation in the special Undergraduate Course, shall pass a satisfactory examination in all the foregoing subjects, omitting the Greek and Latin.

I. GENERAL UNDERGRADUATE COURSE OF STUDY.

The Undergraduate Course for the Degree of A. B. shall occupy at least four Terms, at the end of which time Students may be admitted to examination for the Degree of A. B. on producing Certificates, signed by the Head of their College, that they have pursued in the University, or in some other affiliated Institution of the University, the following course of study:—The Greek and Latin Languages, the English Language, Modern Languages, Mathematics, Chemistry, Zoology, Botany, Mineralogy, Physical Geography and Geology, Astronomy, Natural Philosophy, English Literature and History, Logic and Mental Philosophy, Ethics, Civil Polity and Elocution.

Candidates who have obtained the Degree of A. B., may obtain the Degree of A. M. on passing a satisfactory examination in the higher Mathematics, and the Greek and Latin Languages.

II. SPECIAL UNDERGRADUATE COURSE OF STUDY.

1. *Course of Civil Engineering and Surveying.*

The Undergraduate Course of Civil Engineering and Surveying shall occupy at least three Terms, at the end of which time Students may be admitted to examination for a Diploma, on producing a Certificate signed by the Head of their College,

that they have pursued in the University, or in some other affiliated Institution of the University, the following course of study:—The English Language, Mathematics, General Physics, Chemistry, Practical Mechanics, Physical Geography and History, Mineralogy, Geology, Civil Engineering including the principles of Architecture.

2. *Agricultural Course.*

The Undergraduate Course of study in Agriculture shall occupy at least three Terms, at the end of which Students may be admitted to examination for a Diploma, on producing a Certificate signed by the Head of their College, that they have pursued in the University, or in some other affiliated Institution of the University, the following Course of Study:—English Language, Arithmetic and Book Keeping, Chemistry, Elements of Natural Philosophy, Zoology and Botany, Theory of Agriculture, Physical Geography and History, Mineralogy and Geology, Surveying and Mapping, History and Diseases of Farm Animals, Practice of Agriculture.

3. *Course of Commerce and Navigation.*

The Undergraduate Course of Commerce and Navigation shall occupy at least three Terms, at the end of which Students may be admitted to examination for a Diploma, on producing a Certificate signed by the Head of their College, that they have pursued in the University, or in some other affiliated Institution thereof, the following course of study:—English and other modern Languages, Arithmetic and Book Keeping, Chemistry and Mathematics, Physical Geography, Astronomy and History, Laws of Nations and Commercial Law, Natural Philosophy, and Navigation.

Scholarships in addition to those specified in the Act.

English Language and Literature,
Classics, Mathematics, Civil Engi-
neering, Agriculture, Commerce, and
Navigation, } One Scholarship in
each branch, of £15.

[*This Act was specially confirmed, ratified, and finally enacted, by an Order of Her Majesty in Council dated the twenty third day of January 1860, and published and declared in this Province the seventh day of March 1860.*]

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