

ACTS

Charles Fisher

OF

THE GENERAL ASSEMBLY

OF

HIS MAJESTY'S PROVINCE

OF

NEW BRUNSWICK,

PASSED IN THE YEAR

1837.



FREDERICTON :

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

MDCCCXXXVII.

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Anno Regni GULIELMI IV. Britanniarum Regis Septimo.

AT the General Assembly of the Province of New Brunswick begun and holden at Fredericton, on the Twentieth Day of January, *Anno Domini* One thousand eight hundred and thirty five, in the Fifth Year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith; and from thence continued by several Prorogations, to the Twentieth day of December One thousand eight hundred and thirty-six, being the Fourth Session of the Eleventh General Assembly convened in the said Province.

THE
A C T S
 OF
THE GENERAL ASSEMBLY, &c.

CAP. I.

An Act imposing duties upon certain articles imported into this Province.

Passed 1st March 1887.

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

I. And be it enacted by His Excellency the Lieutenant Governor, by and with the advice and consent of the Legislative Council and Assembly, and by the authority of the same, that on and after the first day of April which will be in this present year of our Lord one thousand eight hundred and thirty seven, there be and are hereby granted to the King's Most Excellent Majesty, his heirs and successors, for the use of this Province and for the support of the Government thereof, the several rates and duties hereinafter mentioned, on the following articles, which may be imported or brought into this Province either by sea, by inland navigation or by land, from any part of the British Empire or from any foreign port or place, or which may be saved from any wreck or stranded ship or vessel, viz :

Duties on imported articles granted to His Majesty for the use of the Province and support of the Government.

For and upon all rum, spirits, gin, hollands, geneva, whiskey and cordials, one shilling and sixpence per gallon; Rum &c.

For and upon brandy, two shillings per gallon; Brandy.

For and upon all wines, the sum of ninepence per gallon; and further, twenty five *per cent.* upon the true and real value thereof at the place from whence they were imported: Provided always, that in no case shall a higher rate of duty be imposed on any wine than three shillings per gallon; Wines.

For and upon all molasses, one penny per gallon; Molasses.

For and upon all shrub, sañta or lime juice, sixpence per gallon; Shrub &c.

For and upon every hundred weight of dried fruits, five shillings; Dried Fruits.

For and upon all coffee, loaf or refined sugar, one penny per pound; Coffee, Sugars.

For and upon all brown or Muscovado sugar, on the quantity mentioned in the original

original invoice, allowing twenty five *per cent.* for tare and wastage, two shillings and sixpence per hundred weight ;

Horses. For and upon every foreign horse, two pounds ten shillings ;

Oxen. For and upon every foreign ox, one pound ;

Other horned cattle. For and upon all other horned cattle (cows excepted), three pounds ten shillings ;

Foreign manu-
factured articles. For and upon the following foreign manufactured articles, when not imported from the United Kingdom, upon every hundred pounds of the real value thereof, the rates and duties following, (that is to say,)

For and upon all chairs, clocks, clock cases, clock movements or machinery, watches, and upon every description of household furniture, pictures, mirrors or looking glasses, twenty five pounds ;

For and upon all soap and candles, ten pounds ;

For and upon all tobacco, five pounds ;

Non-enumerated
articles. And for and upon all other foreign articles, manufactured or not manufactured, not herein before enumerated or described, when not imported from the United Kingdom, upon every hundred pounds of the real value thereof, ten pounds ; excepting nevertheless :

Exceptions Agricultural implements (axes excepted), bricks and tiles, bees' wax, bristles, books (printed) and pamphlets, beans, barley, bread, cotton wool, cordage, canvas, dye woods, felt, flour and meal of all kinds (buckwheat excepted), grass seeds, and all other kinds of seeds and plants, hides, horse hair, horns, hemp, indigo, iron, india rubber, indian corn, liquors otherwise charged with duty, lumber of all kinds, leaf tobacco, lignumvitæ, mahogany logs or boards, meats (dried or salted), mill saws, oats, pitch, peas, rosin, rice, rye, salt, tar, turpentine, tallow, tea, vinegar, wheat, hay and hops ;

British manufac-
tures. For and upon all articles of the manufacture of the United Kingdom imported or brought into this Province whether by sea or inland carriage or navigation, or which may be saved from any wrecked or stranded ship or vessel, for every hundred pounds of the real value thereof, the sum of two pounds ten shillings, excepting nevertheless :

Exceptions. Agricultural implements, anchors, barley (pot or pearl), beef, bacon, books (printed), bread, bunting, bricks and tiles, coals, copper (bolt and sheet), copper spikes and nails, canvas, coal tar, cordage, duck, felt patent, fishing nets, fishing hooks, fishing lines and twines, flour and meal of all kinds, iron (bolt, square, flat, pig or sheet), iron block bushes, loaf or refined sugar otherwise charged with duty, lead (bar and sheet), mineral salt, malt, machinery for mills or steam boats, mathematical instruments of all kinds, maps, oakum, pork, printing paper, steel, salt, spikes and sheathing nails, ships tackle and apparel, sheathing paper, tin in sheets or block, zinc ;

Colonial leather
and malt liquor. For and upon all leather or any article made of leather, and on malt liquor, not being of foreign manufacture or the manufacture of the United Kingdom, imported or brought into this Province, five pounds for and upon every one hundred pounds of the value thereof at the place of the last shipment ;

British East
India silk or
cotton manufac-
tures, pepper
and spices. And for and upon all articles manufactured of silk or cotton in the British East India Possessions, upon pepper and all description of spices, from whatever place imported, two pounds ten shillings upon every one hundred pounds of the value of the said articles at the place of the last shipment :

Duties to be
paid, notwith-
standing duties
imposed under All which duties shall be paid by the importer or importers of such articles respectively, notwithstanding any duties which are or may be imported and collected under any Act or Acts of the Imperial Parliament, and shall be collected
and

and secured by the means and under the regulations and penalties, and shall be drawn back on exportation or warehoused in the way and manner provided by any Act or Acts of the General Assembly for collecting the Revenue of the Province. Acts of Parliament.

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

III. And be it further enacted, That when any articles that shall have been warehoused or on which duties have been paid under this or any other or previous Act, shall be exported for the use of the deep sea or whale fisheries, the amount of such duties shall be repaid to the exporter by the Treasurer or Deputy Treasurer, or the warehouse bond cancelled, on affidavit (of the exporter) of the same having been so exported for the use aforesaid. Articles for the deep sea or whale fisheries-exempted from duty.

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

CAP. II.

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

Passed 1st March 1837.

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

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

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

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

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

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

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

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

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

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

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

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

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

Clerk of Crown,
Supreme Court.

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

Late Province
Treasurer.

To the Administrators of the late Honorable Richard Simonds, the sum of two hundred and ten pounds, being for services performed by him as Province Treasurer to May one thousand eight hundred and thirty six.

Province Treas-
urer.

To Beverley Robinson, Esquire, Province Treasurer, the sum of three hundred and ninety pounds for his services as Province Treasurer from May to the thirty first day of December last, at the rate of six hundred pounds per annum; and the further sum of two hundred and fifty pounds to enable him to pay a Clerk for the Treasury department in Saint John for the year one thousand eight hundred and thirty six.

Parish Schools.

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

Grammar
Schools.

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

- For the Grammar School in Westmorland, one hundred pounds;
- For the Grammar School in Saint John, one hundred and fifty pounds;
- For the Grammar School in King's County, one hundred pounds;
- For the Grammar School in Kent, one hundred pounds;
- For the Grammar School in Queen's County, one hundred pounds;
- For the Grammar School in Charlotte, one hundred pounds;
- For the Grammar School in Northumberland, one hundred pounds;
- For the Grammar School in Gloucester, one hundred pounds.

Light Houses.

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

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

To the Keeper of the Light House on Point Le Proe, the sum of one hundred pounds;

To the Keeper of the Light House on Thrump Cap, Quaco, a sum not exceeding one hundred pounds;

The sum of five hundred pounds to defray the contingent expences of the Gannet Rock, Point Le Proe and Quaco Light Houses for the year one thousand eight hundred and thirty seven.

To the Commissioners of Machias Seal Island, Campobello and Saint Andrews Harbour Light Houses, the following sums to pay for services in the year one thousand eight hundred and thirty seven:

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

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

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

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

To the Commissioners of Light Houses at the entrance of the Harbour of Saint John, the sum of two hundred pounds for contingent expenses for the year one thousand eight hundred and thirty seven.

To

To the same Commissioners, the following sums to pay for services in the year one thousand eight hundred and thirty seven :

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

To the Keeper of the Beacon Light in the Harbour of Saint John, the sum of one hundred pounds.

To the Adjutant General of the Militia Forces, the sum of seventy five pounds for his services in the year one thousand eight hundred and thirty seven. Adjutant General.

To the Quarter Master General of the Militia Forces, the sum of fifty pounds for taking care of the arms for the present year. Quarter Master General.

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

To the Master in Chancery appointed to carry messages between the Legislative Council and House of Assembly, the sum of forty pounds. Master in Chancery.

To David W. Jack, Tide Surveyor for Saint Andrews, the sum of one hundred and fifty pounds, being for his services from the first day of April in the year one thousand eight hundred and thirty six to the first day of April one thousand eight hundred and thirty seven. Tide Surveyor for Saint Andrews.

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

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

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

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

To the President and Directors of the Fire Insurance Company at Saint John, the sum of six hundred pounds, being one year's interest on the Provincial Loan, ending the first day of March one thousand eight hundred and thirty seven. Fire Insurance Company.

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

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of forty pounds to enable the Justices of the General Sessions in the County of Westmorland to pay a Courier passing between Hopewell and the Great Road of communication leading through said County. Courier between Hopewell and the Great Road.

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

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of thirty pounds in aid of individual subscription, to pay a Courier passing between Saint Martin's and Saint John. Courier between Saint Martin's and Saint John.

Courier between
Gage Town and
Nerepis.

To the Justices of the Peace for the County of Queen's, the sum of twenty five pounds to enable them to pay a Courier passing between Gage Town and the Nerepis for the year one thousand eight hundred and thirty seven:

Missionary to
the Indians.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of fifty pounds to defray the expenses of a Missionary to the Milicete tribe of Indians for the year one thousand eight hundred and thirty seven.

William Watts.

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

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

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

Courier between
Miramichi and
Pockmouche.

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

Speaker and
Members of As-
sembly.

To the Speaker of the House of Assembly, the sum of one hundred and fifty pounds for the present Session; and to each and every Member of the House of Assembly for defraying the expenses of attendance in General Assembly the present Session, the sum of fifteen shillings *per diem*; and for travelling charges of each and every Member the present Session, the sum of fifteen shillings per day, allowing twenty miles for each and every day's travel, to be certified by the Speaker, agreeably to a law of the Province.

Destruction of
Bears.

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

Tide Waiters at
Bathurst and
Restigouche.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of twenty pounds for a Tide Waiter at Bathurst, and the further sum of twenty pounds for a Tide Waiter at Restigouche, in the County of Gloucester.

Money to be
paid by War-
rant.

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

CAP III.

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

Passed 1st March 1837.

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

J. Whitehead.

To James Whitehead, a meritorious soldier who served in the revolutionary war, twenty pounds.

F. M'Rea.

To Flora M'Rea, widow of the late Captain Alexander M'Rea, twenty pounds.

M. Banks.

To Mary Banks, widow of the late Captain William Banks, twenty pounds.

Mrs. Kennedy.

To Mrs. Kennedy, widow of the late William Kennedy of Saint Stephen's, who faithfully served His Majesty as a non-commissioned officer during the revolutionary war, ten pounds.

A. M'Fee.

To Angus M'Fee, a soldier in the revolutionary war, ten pounds.

To

To the Justices of the Peace for the County of Queen's, five pounds in addition to the former grant to enable them to pay a Courier between Gagetown and the Nerepis for the year one thousand eight hundred and thirty seven.

Courier between
Gagetown and
the Nerepis.

To James Whitney, of Saint John, one hundred and fifty pounds for carrying the mails to and from Saint John, Eastport, Saint Andrews, Digby and Annapolis, for one year from the first day of April next to the first day of April in the year one thousand eight hundred and thirty eight; to be paid quarterly by Warrant of His Excellency the Lieutenant Governor or Commander in Chief, on a certificate being produced that the same has been properly performed.

J. Whitney.

To the Governor and Trustees of the Madras School, five hundred pounds for the year one thousand eight hundred and thirty seven, towards the support of that institution.

Madras Schools.

To Doctor John Boyd, Surgeon to the Vaccine institution at Saint John, twenty pounds for the year one thousand eight hundred and thirty six.

Dr. J. Boyd.

To Elizabeth Briscoe, ten pounds for teaching a school in Saint Andrews in the year one thousand eight hundred and thirty six.

E. Briscoe.

To William H. Robinson, and the committee of management of the infant school in Saint John, twenty five pounds in aid of individual subscription, towards that institution.

W.H. Robinson.

To Matthew Brannen of the Secretary's Office, fifteen pounds as a mark of approbation of his attentive and courteous demeanour in the said office.

M. Brannen.

To the Chairman of the committee of public and private accounts, one hundred and fifty pounds for the various important services performed by him during the recess, in conformity with the directions of the House, and also for extra services during the Session in auditing and reporting the said accounts.

Chairman of
Committee on
Accounts.

To John Ward, Junior, Chairman of the Committee appointed at the late public meeting at Saint John to obtain subscriptions for the relief of the sufferers by the late calamitous fire at that place, one thousand pounds in aid of such subscriptions, to be applied as in their discretion they may deem most expedient.

Sufferers by
fire at Saint
John.

To the Justices of the Peace for the County of Kent, three hundred pounds to be applied by them towards relieving the distresses of the French and other population of that County, occasioned by the failure of the late crops, and in assisting them in the purchase of seed grain and potatoes;

Relief of distress
by failure of
Crops.

To the Justices of the Peace for the County of Westmorland, three hundred pounds, to be applied by them for the same purposes;

To the Justices of the Peace for the County of Gloucester, four hundred pounds, to be applied by them for the like purposes;

To the Justices of the Peace for the County of Northumberland, two hundred and fifty pounds, to be applied by them for the purpose of procuring seed grain and potatoes for the poor and indigent on the same account;

To the Justices of the Peace for the County of Carleton, three hundred pounds, to be applied by them for similar purposes;

To the Justices of the Peace for the County of York, one hundred pounds, to be applied by them for the purpose of procuring seed grain and potatoes for the poor and indigent on the same account;

To the Justices of the Peace for Queen's County, one hundred pounds, for the purpose of purchasing seed grain and potatoes for the poor inhabitants of that County who suffered in consequence of the failure of the crops the last year;

To the Justices of the Peace for the County of Sunbury, one hundred pounds, to be applied by them towards the relief of the inhabitants of that County from the distress occasioned by the failure of the crops the last season, and to purchase seed grain and potatoes for the ensuing year;

To

To the Justices of the Peace for King's County, one hundred and fifty pounds, for the purpose of purchasing seed grain and potatoes for the poor inhabitants of that County who suffered in consequence of the failure of the crops the last season.

Justices of
Charlotte.

To the Justices of the Peace for the County of Charlotte, one hundred pounds, to be applied in such manner as the said Justices may think best, towards the relief of the inhabitants of that County.

R. Clark.

To Robert Clark, of Saint John, twenty pounds nineteen shillings and two-pence, being an excess of duties paid on emigrants at the Treasurer's office, per brig Kangaroo, in June last; the same to be taken from the emigrant fund.

J. Freeze.

To Josiah Freeze, a licenced teacher, twenty pounds for teaching a school in the Parish of Brunswick in Queen's County for one year, from the twenty eighth day of October in the year one thousand eight hundred and twenty eight to the twenty eighth day of October one thousand eight hundred and twenty nine, agreeably to the prayer of his petition.

D. Linch.

To David Linch, a licenced teacher, ten pounds for teaching a school in the Parish of Nelson for the period of six months in the year one thousand eight hundred and thirty four.

S. Walter.

To Samuel Walter, a licenced teacher, twenty pounds for teaching a school in the Parish of Sussex in King's County for one year, ending in September in the year one thousand eight hundred and thirty five.

Gilmour, Ran-
kin & Co.

To Gilmour, Rankin and Company, seven pounds nineteen shillings and six-pence for drawback on rum exported to Prince Edward Island in May last.

G. Feneran.

To George Feneran, twenty five pounds seventeen shillings and sixpence, to refund him an excess of passenger duty paid at Saint John in May last, on passengers per the brig Hibernia; to be taken from the emigrant fund.

H. Lyon.

To Hezekiah Lyon, a meritorious soldier, who served in the revolutionary war, ten pounds to assist him in his present indigent circumstances.

W. Flaherty.

To William Flaherty, of Saint John, fifteen pounds, being for duties paid on fifty two barrels of flour furnished in the year one thousand eight hundred and thirty six, for the use of His Majesty's troops.

J. Underwood.

To John Underwood, a meritorious old soldier who served in the revolutionary war, ten pounds, to aid him in his present indigent circumstances.

J. M'Indoe.

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

J. A. Boyce.

To John Arthur Boyce, a licenced teacher, twenty pounds for teaching a school in the Parish of Greenwich, King's County, for one year ending in November in the year one thousand eight hundred and thirty five.

M. M'Girr.

To Michael M'Girr, a licenced teacher, twenty pounds, for teaching a school in the Parish of Portland for one year, ending the first of January in the year one thousand eight hundred and thirty six.

W. M'Cannon.

To William M'Cannon, Agent of the brig Thomas Hanford, of Cork, thirty two pounds eight shillings and fourpence, being an excess of duties paid on emigrants per that vessel, in the year one thousand eight hundred and thirty six; to be taken from the emigrant fund.

Wharf at Bay
Verte.

To the Justices of the Peace for the County of Westmorland, fifty pounds to be applied in aid of individual subscription raised by the inhabitants of that County, for the purpose of building a wharf for the use of the public at the Bay Verte.

E. Crowell.

To Edmund Crowell, of Seal Island, twenty pounds, to reimburse him for expenses

expenses incurred in support of part of the crew of the barque Kent, wrecked on that Island in December, in the year one thousand eight hundred and thirty five.

To James Gray of Annapolis, Nova Scotia, six pounds five shillings, being return duties paid on goods in Saint John, in transitu, destined for Annapolis. J. Gray.

To William Babb, a licenced teacher in Springfield, King's County, ten pounds, being for six months allowance for teaching a School in the year one thousand eight hundred and thirty four, for the reason stated in his petition. W. Babb.

To James Flint, a meritorious old soldier in the revolutionary war, ten pounds, to aid him in his indigent circumstances. J. Flint.

To Joseph Madgett, an old soldier, ten pounds for the same reason. J. Madgett.

To the Commissioners of the poor of Saint Andrews, four hundred and forty three pounds to remunerate them for expenses incurred in the support of transient poor at that place, in the years one thousand eight hundred and thirty five and one thousand eight hundred and thirty six; to be taken from the emigrant fund. Transient poor, Saint Andrews.

To the Justices of the Peace for the City and County of Saint John, eighty seven pounds nine shillings and twopence to reimburse the Overseers of the poor of the Parish of Portland for advances made in the year one thousand eight hundred and thirty six towards the support and relief of aged and distressed black refugees. Black refugees, Portland.

To the Justices of the Peace for the City and County of Saint John, two hundred and seventeen pounds nineteen shillings and ninepence to reimburse the Overseers of the Parish of Portland for advances made in the year one thousand eight hundred and thirty six, towards the support of sick, indigent and distressed emigrants; the same to be taken from the emigrant fund. Distressed emigrants, Portland.

To William Brannan, a licenced teacher, twenty pounds for teaching a school in the Parish of Portland, County of Saint John, for the year one thousand eight hundred and thirty five. W. Brannan.

To Jane Danforth, a licenced Teacher in Carleton, City of Saint John, twenty pounds for her valuable services in that capacity. J. Danforth.

To Isaac Adams, a meritorious old soldier in the revolutionary war, ten pounds to aid him in his present distressed situation. I. Adams.

To James Forster Kelly, a licenced teacher, twenty pounds for teaching a school in the Parish of Lancaster for one year ending in September one thousand eight hundred and thirty five. J. F. Kelly.

To the Justices of the Peace for the City and County of Saint John, one thousand two hundred and eighteen pounds four shillings and ninepence to reimburse the Overseers of the poor for the City and County of Saint John, for advances made for the support and relief of sick, distressed and indigent emigrants in the year one thousand eight hundred and thirty six; the same to be taken from the emigrant fund. Distressed emigrants, Saint John.

To Enoch Groom, an old and meritorious soldier who faithfully served in the revolutionary war, ten pounds to relieve him in his present distressed condition. E. Groom.

To Cavalier H. Jouett, Deputy Treasurer, West Isles, one hundred and fifty pounds towards remunerating him for his past services in that capacity, the usual income derived from the office having almost entirely fallen off in consequence of the West India trade failing in that quarter, and it being absolutely necessary to keep up an efficient establishment to prevent illicit trade. C. H. Jouett.

To Reuben Stiles, a deputy surveyor, fourteen pounds for running a line between the County of Westmorland and King's County from the post road at Portage Hill to Butternut Ridge. R. Stiles.

To Dugald Clark, an aged, infirm and destitute soldier of His Majesty's seventy fourth

fourth regiment who served during the American revolutionary war, ten pounds to relieve him in his present distressed condition.

Overseers of
Poor, Saint
George.

To the Overseers of the poor for the Parish of Saint George, sixty four pounds two shillings and three pence to reimburse them for expenses incurred in the support of indigent emigrants; the same to be taken from the emigrant fund.

H. Cunard.

To Henry Cunard, of Chatham, County of Northumberland, forty six pounds twelve shillings, being an allowance for duties on hay imported from New York into Miramichi, and which became necessary for carrying on lumbering operations in consequence of the failure of the crops in that quarter last season.

Justices of York.

To the Justices of the Peace for the County of York, five hundred pounds towards erecting a gaol in the said County.

Lt. Col. Booth.

To Lieutenant Colonel Booth, one hundred and forty four pounds fourteen shillings and sevenpence, being for duties on wines and other liquors for the use of the officers of the forty third regiment paid into the Treasury.

M. A. Cleary.

To Mary Ann Cleary, widow of the late Peter Cleary of Saint Patrick, in the County of Charlotte, twenty pounds to assist her in her present indigent circumstances.

H. E. Dibblee.

To Henry E. Dibblee, sub-collector of His Majesty's Customs at Woodstock, seven pounds ten shillings, being ten per cent. on the amount of duties collected under Acts of the Imperial Parliament, upon goods, wares and merchandize imported into this Province by land in the year one thousand eight hundred and thirty six, agreeably to the compensation stipulated for at the time he received the appointment.

J. Keech.

To John Keech, a meritorious old soldier who faithfully served his King in the late Queen's Rangers, through the late American revolutionary war, ten pounds.

W. M'Pherson.

To William M'Pherson, Alexander M'Kenzie, James Ross and John Kennedy, four old and infirm soldiers of His Majesty's late forty second regiment, who served in the revolutionary war, ten pounds each to assist them in their distressed condition.

P. Van.

To Patrick Van, a meritorious old soldier of the revolutionary war, ten pounds to relieve him in his present distressed and indigent circumstances.

C. B. Turner.

To Charles Barker Turner, late one of the inspecting field officers in this Province, two hundred pounds as a compensation in full for any losses he may have sustained by reason of the House not having made the usual allowance for his services.

E. & J. Wilson.

To Edward Wilson and Joseph Wilson, of Saint Andrews, eleven pounds twelve shillings and sixpence to remunerate them for excess of head money paid on passengers by the barque Champlain, from Cork, in the year one thousand eight hundred and thirty six.

W. Hurley.

To William Hurley, an old soldier who served in the revolutionary war, ten pounds.

G. Sinnett.

To George Sinnett, an old soldier who served his country in the year one thousand seven hundred and fifty seven, and under the immortal Wolfe in the year one thousand seven hundred and fifty nine, ten pounds.

Commissioners
of alms house,
York.

To the Commissioners of the alms and work house for the County of York, fifteen pounds nine shillings; the same to be taken from the emigrant fund.

Board of health,
Saint John.

To the Board of health for the City and County of Saint John, two hundred and fifty pounds to enable them to complete their engagements for buildings on Partridge Island for the use of emigrants.

Wrecked mari-
ners, Saint
Paul's.

To the Commissioners for the relief of shipwrecked mariners on Saint Paul's Island, one hundred and seventy pounds twelve shillings and fourpence, being the

the amount advanced by them for the support of that establishment in the year one thousand eight hundred and thirty six.

To His Majesty's Justices of the Peace of the County of Gloucester, three hundred pounds to aid assessment for the erecting of a gaol at Bathurst in the said County. Justices of Gloucester.

To Donald M'Donald and David Bruce, two very old and infirm soldiers who served in the revolutionary war, ten pounds each. D. M'Donald & D. Bruce.

To William Watts, ten pounds for his services as cryer or usher in the Supreme Court for the ensuing year. W. Watts.

To the widow of the late George Henderson, Provincial gauger at Miramichi, five pounds thirteen shillings and threepence for his services as gauger in the year one thousand eight hundred and thirty six. Widow of G. Henderson:

To Gersham Bonnell, an old soldier of the revolutionary war, ten pounds. G. Bonnell.

To John Gregory, ten pounds to prepare an index to the laws of the present Session. J. Gregory.

To Thomas Ferguson, an old soldier of the revolutionary war, ten pounds. T. Ferguson.

To Charity Ricketts, the widow of an old soldier of the revolutionary war, ten pounds. C. Ricketts.

To the Justices of the Peace of the County of Gloucester, fifteen pounds to assist the inhabitants of Little Harbour to rebuild their school house. Little Harbour school house.

To the Mayor, Aldermen and Commonalty of the City of Saint John, five hundred pounds to be expended for the purpose of extending the breakwater in the harbour of Saint John, provided a similar sum be expended for the same purpose from the funds of the said Corporation. Breakwater Saint John.

To the High Sheriff of the County of Westmorland, twenty five pounds for returning William Wilson, Esquire, a member to serve in General Assembly. Sheriff of Westmorland.

To John Earle, eleven pounds two shillings and sixpence, being the balance of expenses incurred in exploring a new line of road from the Jemseg to M'Donald's on Salmon River. J. Earle,

To Alexander Wedderburn, one hundred pounds to reimburse him in part for the great time, labour and money he has expended in compiling and publishing a valuable work, entitled "Statistical and practical observations relative to the Province of New Brunswick." A. Wedderburn.

To His Excellency the Lieutenant Governor or Commander in Chief for the time being, one hundred pounds annually for the next four years, in aid of establishing a line of stages between Fredericton and Newcastle, Miramichi, to be paid annually to William and James Swim, or to such other person or persons as His Excellency the Lieutenant Governor or Commander in Chief for the time being shall appoint as aforesaid, to run the said line of stages, giving good and satisfactory security to His Excellency the Lieutenant Governor or Commander in Chief for the time being, that they the said William and James Swim or such other person or persons as may or shall be appointed as aforesaid, will well and faithfully run a good commodious stage or stages for the accommodation of passengers, and well adapted to the roads between the above places once a week for the first year, say between the first of March in the year one thousand eight hundred and thirty seven and the first day of March in the year one thousand eight hundred and thirty eight; leaving Fredericton for Newcastle every Monday morning and Newcastle for Fredericton every Thursday morning for the first year, and leaving Fredericton for Newcastle every Monday and Thursday and Newcastle for Fredericton every Monday and Thursday each week during the remainder of the period for which this grant is made, unless when prevented by unavoidable accidents,

accidents, or the impassable state of the roads or rivers; and further that they will after the first year have not less than two changes of horses on the road, and also that they will well and faithfully in all respects perform and fulfil their duty as courier or couriers between the above places during the period they shall hold the situation; and further that they will on the morning of each day appointed for the departure of the stage from Newcastle, unless when prevented from the impassable state of the river, go or send down to Chatham and also to Douglas-town for passengers and letters, and also immediately on the arrival of such courier or couriers from Fredericton at Newcastle, or as soon after as practicable send down to Chatham and also to Douglas-town the letters and passengers for these places.

H. Rogers.

To Hannah Rogers, ten pounds for teaching a public school in the Parish of Saint James, in the County of Charlotte, for one year ending the twelfth day of December last.

B. Travis.

To Barnes Travis, Commissioner for building a Wharf in the Falls near Saint John, twelve pounds one shilling, being the balance due him on the expenditure.

Courier from
Fredericton to
Newcastle.

To His Excellency the Lieutenant Governor or Commander in Chief, one hundred pounds to defray the expense of a Courier from Fredericton to Newcastle from the first day of March in the year one thousand eight hundred and thirty six to the first day of March in the year one thousand eight hundred and thirty seven.

R. Hanson.

To Robert Hanson, one hundred pounds to reimburse him for building a bridge across Magaguadavic, upon his completing a set of good and sufficient king posts at the west end of the bridge, to be approved of by the Supervisor; the above sum to be taken out of the grant on the great road from Saint John to Saint Andrews, in lieu of any former grant made him for that purpose.

M. Dennison.

To Michael Dennison, a very infirm aged soldier of the revolutionary war, ten pounds to assist him in his present indigent and distressed circumstances.

H. Turner.

To Holden Turner, a meritorious old soldier of the revolutionary war, ten pounds to assist him in his present distressed circumstances.

Mrs. I. Hailes.

To Mrs. Isabella Hailes and the committee of management for the free school at Fredericton, for the instruction of poor female children, twenty pounds in aid of individual subscription, towards the support of the institution.

J. Baldwin.

To John Baldwin, a meritorious soldier of the revolutionary war, ten pounds.

Improvement of
the River Saint
John;

To His Excellency the Lieutenant Governor or Commander in Chief for the time being, six hundred pounds to be expended in improving the navigation of the River Saint John between Fredericton and the Tobique, to be expended as follows: one hundred pounds to improve the channel at the Chapel Bar; two hundred and sixty pounds towards opening a channel on the east side of Bear Island; ninety seven pounds to remove rocks at Ingraham's Point; fifty pounds to improve the channel near John Dibblee's; fifty pounds to remove rocks between the Munick and George Morehouse's; thirteen pounds to remunerate Nelson Cliff for services performed by him on the towing path in the year one thousand eight hundred and thirty five; and thirty pounds to remunerate William Segee for expenses incurred by him in erecting a wharf at one of the public landings in the town of Fredericton:

Saint Croix;

Seventy five pounds for improving the navigation of the River Saint Croix, between Chiputnecticook Falls and the Grand Lake:

Magaguadavic;

Seventy five pounds to blow rocks in the Magaguadavic River:

Miramichi.

One hundred pounds for the purpose of removing obstructions in the Miramichi River, between Indian Town and Bartholomew Island:

Seven

Seven hundred and fifty pounds to be applied by commissioners to be appointed by His Excellency in procuring a dredging machine for the purpose of removing obstructions in the Jemseg and other parts of the river Saint John : Dredging machine.

Three hundred pounds to be applied in aid of individual subscription towards removing a sunken ship in the mouth of the harbour of Bathurst, in the County of Gloucester : Removal of sunken ship, Gloucester.

One hundred and fifty pounds to be expended in improving the navigation of the Tantamara River : Tantamara River.

One hundred pounds for the purpose of removing rocks in the Big Falls of the Upsalquitch River, and to clear a jam in the north west branch of the same river, in the County of Gloucester : Upsalquitch River.

One hundred pounds for clearing rocks and other obstructions in the Hammond River, in King's County. Hammond River.

To His Excellency the Lieutenant Governor, fifty pounds, to be paid to the Reverend James Souter, J. A. Street and William Venning, to be by them applied in aid of the Grammar School at present taught in Newcastle by John Seewright. Grammar School, Newcastle.

To John Simpson, King's Printer, the following sums : three hundred and four pounds ten shillings, the balance of his account for printing six hundred copies of the Province Laws ; two hundred pounds for two hundred additional copies of the Province Laws recently purchased from him ; one hundred and thirty five pounds two shillings, being amount of his account for sundry advertisements and publications in the Royal Gazette up to the thirty first day of December last ; two hundred and fifty five pounds one shilling and one penny, being the balance due him on his accounts for printing the laws, journals, &c. to the thirty first day of December last ; two hundred and seventy five pounds for printing the daily journals of the House and of the Legislative Council the present Session ; one hundred and fifty pounds towards printing the journals of the Legislative Council and Assembly during the present Session ; one hundred and fifty pounds towards printing the laws of the present Session. J. Simpson.

To Charles Simonds, Esquire, administrator to the estate of the late Honorable R. Simonds, Province Treasurer, seventy five pounds seven shillings and tenpence, being office contingencies paid by that officer, and the further sum of eighty eight pounds sixteen shillings and fourpence, being for the salary of a clerk in the said late Treasurer's office from the first day of January to the eighth day of May in the year one thousand eight hundred and thirty six. C. Simonds, Esquire, Administrator on the estate of the late Honorable R. Simonds.

To Beverley Robinson, Esquire, Province Treasurer, sixty four pounds fifteen shillings, being for office contingencies in the year one thousand eight hundred and thirty six. Treasury contingencies.

To B. C. Chaloner, Provincial Gauger at Saint John, one hundred and seventy five pounds, being in full for any claims he may have on the Province in gauging and weighing in the year one thousand eight hundred and thirty six. B. C. Chaloner.

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

To Cavalier H. Jouett, Gauger at West Isles, two pounds one shilling and sixpence for gauging in the year one thousand eight hundred and thirty six. C. H. Jouett.

To His Excellency the Lieutenant Governor or Commander in Chief, one hundred and twelve pounds two shillings and sixpence for expenses incurred in the apprehension of Timothy Dempsey, a person charged with murder who fled from this Province to the United States. Apprehension of Timothy Dempsey.

E. W. Miller.

To Edward W. Miller, Sheriff of the County of York, twenty five pounds for the return of Daniel Ludlow Robinson, Esquire, to serve in General Assembly.

Return of duties
on articles con-
sumed at the
late fire.

To William Hammond of Saint John, eight hundred and seventy seven pounds sixteen shillings and eightpence ;

To Robertson and Hatton, two hundred and ten pounds seventeen shillings and sevenpence ;

To Crookshank and Walker, fifty four pounds eight shillings and sixpence ;

To Stephen Wiggins and Son, sixteen pounds seventeen shillings and fourpence ;

To John Walker, three hundred and forty three pounds fifteen shillings and twopence ;

To Barnabas Tilton, one hundred and twenty pounds seven shillings and ninepence ;

To Charles M'Lauchlan, forty one pounds five shillings and twopence ;

To W. and T. Leavitt, two pounds fourteen shillings ;

To James Holman, four pounds seven shillings and sixpence ;

To Knowles and Thorne, one pound two shillings and elevenpence ;

To S. W. Cock, four pounds two shillings and sixpence ;

To James T. Hanford, fifteen pounds ;

To George Chadwick, twenty four pounds four shillings and twopence ;

To George W. Potter, twenty pounds and ninepence ;

To Joseph Scammell, twenty nine pounds two shillings ;

To Robert L. Harris, eight pounds fifteen shillings and sixpence ;

To William Scammell, nine pounds six shillings ;

To Street and Ranney, six hundred and four pounds twelve shillings and one penny ;

To George M. Burns, eight pounds seventeen shillings ;

To E. W. Greenwood, ten pounds nineteen shillings and sixpence ;

To John M'Conkey, three pounds nine shillings and threepence ;

To T. L. Nicholson, one pound nineteen shillings and elevenpence ;

To Keator and Thorne, twenty two pounds seventeen shillings ;

To Alexander Robertson, fourteen pounds twelve shillings and sevenpence ;

To J. and H. Kinnear, fifty four pounds one shilling and sevenpence ;

To A. B. Thorne, fifteen pounds five shillings ; being returns of Provincial duties on sundry articles destroyed during the great fire at Saint John on the fourteenth day of January last.

Mrs. M'Cardy.

To Mrs. M'Cardy, widow of the late Samuel M'Cardy, Esquire, who faithfully served during the American revolutionary war, ten pounds.

D. A. Lugin.

To Deborah Ann Lugin, widow of the late George K. Lugin, King's Printer, twenty five pounds.

R. Baird.

To Ruth Baird, widow of the late Enoch Baird, a soldier of the revolutionary war, ten pounds.

J. Dunlap.

To John Dunlap, a meritorious old soldier who served in the American revolutionary war, ten pounds.

E. Barlow and Sons.

To Ezekiel Barlow and Sons, twenty six pounds eleven shillings and eightpence, being for extra head money paid on passengers per brig Edwin, at Saint John in May last ; the same to be taken from the emigrant fund.

C. Ackerman.

To Cornelius Ackerman, a meritorious old soldier of the revolutionary war, ten pounds.

Public landing at Gagetown.

To His Excellency the Lieutenant Governor, thirty pounds to complete the public landing at Gagetown.

To

To George F. S. Berton, one hundred and fifty pounds, in full for the payment of his services in revising the Province Acts and preparing an Index to the same. G. F. S. Berton.

To the Justices of the Peace for the City and County of Saint John, one thousand pounds in further aid towards the erection of a gaol and house of correction in the said City; the warrant for this grant not to issue until the year one thousand eight hundred and thirty eight. Justices of Saint John, for Gaol.

To Richard Ketchum, Esquire, President of the Fredericton and Woodstock Stage Coach Company, one hundred and seventy five pounds to aid them in conducting the highly respectable and efficient establishment they have made on that route, and in lieu of any claim they may have on the Province for return duties on the horses and carriages which they have imported from the United States; this sum to be in lieu of any grant of the last Session. R. Ketchum, Fredericton and Woodstock Stage Company.

To Lieutenant Colonel Allen, an old and meritorious officer, two hundred pounds in full for his services as inspecting field officer. Lieutenant Colonel Allen.

To the President and Directors of the Central Bank, seven hundred and twenty two pounds seventeen shillings and sixpence, being the expense incurred by the committee, and advanced by the bank, for the enlarging and furnishing the House of Assembly during the year one thousand eight hundred and thirty six. Central Bank.

To the Clerk of the House of Assembly, one hundred and seventy five pounds for compiling and preparing an Index to the Journals of the House for the years one thousand eight hundred and ten, one thousand eight hundred and twelve, one thousand eight hundred and thirteen, one thousand eight hundred and fourteen, one thousand eight hundred and sixteen, one thousand eight hundred and seventeen, and one thousand eight hundred and eighteen. Clerk of Assembly for Index to Journals.

That the sum of three hundred pounds granted to the New Brunswick Agricultural Society in the year one thousand eight hundred and twenty nine, and the further sum of three hundred pounds granted to the same society in the year one thousand eight hundred and thirty be re-appropriated, and that the said sum of six hundred pounds and an additional sum of three hundred and sixty pounds twelve shillings and twopence, in all nine hundred and sixty pounds twelve shillings and twopence, be granted to William Crane, Esquire, to repay him the amount advanced for the purchase of stock in England, and the freight and other charges on the same, to Saint John, in the year one thousand eight hundred and thirty six. Purchase of stock in England, 1836.

To the Clerk of the House of Assembly, eighty five pounds to be applied for the payment of binding two hundred copies of the Province laws recently purchased from John Simpson. Binding Laws.

To the Committee of Correspondence, such sum as will procure Bills of Exchange on London for two hundred pounds sterling, to be remitted Henry Bliss, Esquire, Province Agent, for his services in that capacity during the year one thousand eight hundred and thirty six. Province Agent.

To the Justices of the Peace for the City and County of Saint John, six hundred pounds to reimburse the Overseers of the Poor of the said City for expenses incurred in providing and fitting up a temporary asylum for lunatics and for the support of lunatics in the same from the fourteenth day of November in the year one thousand eight hundred and thirty five to the thirty first day of December in the year one thousand eight hundred and thirty six. Lunatic Asylum, Saint John.

To the Commissioners of Government House, one thousand pounds to enable them to cover the roof of the said house with tin, and for other repairs on the building that may be indispensable for its preservation. Government House.

To Ezekiel Barlow and Sons, one thousand eight hundred and fifty pounds, being E. Barlow and Sons.

being the amount advanced by them towards the expenses of the deputation from this House to England.

W. Abrams.

To William Abrams, one of the Commissioners for the relief of shipwrecked mariners on Saint Paul's Island, fifty pounds in consideration of his services for the last few years in that capacity.

Free School in Saint John.

To the Justices of the Peace for the City and County of Saint John, one hundred pounds towards the establishment of a free school at that place, wholly unconnected with the Madras Board.

Adjutants and Sergeant Majors of Militia.

To His Excellency the Lieutenant Governor or Commander in Chief for the time being a sum not exceeding six hundred and fifty two pounds ten shillings to pay such Adjutants and Sergeant Majors of His Majesty's militia forces as shall appear to have performed their duties respectively, agreeably to a law of the Province.

C. Williams.

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

Road Cape Enrage to Salmon River.

That the sum of ten pounds granted in the year one thousand eight hundred and thirty one, to open a road from the Shepody line to Martin's Head be re-appropriated and expended from Cape Enrage to Salmon River.

Legislative Council Chamber.

To Commissioners to be appointed by His Excellency the Lieutenant Governor or Commander in Chief, five hundred pounds towards improving the accommodation of the Legislative Council.

Late owners of Steamer Royal Tar.

To John Hammond, D. J. M'Lauchlin and Hugh M'Kay, late owners of the Steamer Royal Tar, twenty five pounds sixteen shillings, being light monies paid on the several entries of that vessel at the Treasurer's office, Saint John, in the year one thousand eight hundred and thirty six; the same to be taken from the Light House fund.

J. Bradley.

To James Bradley, the Courier between Saint John and Fredericton, via Nerepis, ten pounds to enable him to pay for breaking through snow drifts on that road.

C. Simonds, Esquire.

To Charles Simonds, Esquire, one of the Commissioners appointed to ascertain the most eligible site and probable expense of a lunatic asylum, fifty pounds, being for expenses incurred by the said Commissioners by virtue of their commission.

Legislative contingencies.

To the Clerk of the House of Assembly, two thousand and thirty nine pounds eleven shillings, being for contingencies of the present Session.

Money to be paid by warrant.

II. And be it enacted, That all the before mentioned sums of money shall be paid by the Treasurer out of the monies in the Treasury or as payments may be made at the same, by warrant of His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Executive Council, for which warrants no fee or deduction shall be demanded or taken from the persons in whose favour they may be issued.

CAP IV.

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

Passed 1st March 1837.

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

To His Excellency the Lieutenant Governor or Commander in Chief for the time being, the sum of two thousand seven hundred and fifty pounds for the great road from Newcastle to Restigouche (the grant of one thousand two hundred and fifty pounds made at last Session having been accidentally omitted in the appropriation Bill); said sum of two thousand seven hundred and fifty pounds to be apportioned in manner following, (that is to say,) from Miramichi to Forein's, two hundred pounds; for Bathurst bridge, five hundred pounds; between Forein's, and Bathurst, six hundred pounds; between Tattagouche bridge and little Roche, one hundred pounds; for the bridge over Armstrong's brook, fifty pounds; for the approaches thereto, thirty pounds; for a bridge to be erected on Ferguson's mill stream, three hundred pounds; for a bridge to be erected on Eel River, four hundred pounds; to improve the road near Attegan's brook, twenty pounds; for a bridge at William Fleming's, fifty pounds; for the road between Campbelltown and Dalhousie, five hundred pounds.

Newcastle to Restigouche.

To His Excellency the Lieutenant Governor or Commander in Chief for the time being, the sum of two hundred pounds for the purpose of completing the exploration and marking out a line of road from Woodstock to the head of Oak Bay, in the County of Charlotte.

Woodstock to head of Oak Bay.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of one thousand eight hundred pounds for the improvement of the great road between Saint John and the Nova Scotia line, to be laid out as follows: one thousand pounds on the road from the Aboideau, Saint John, to Hayward's mills, including two hundred and fifty pounds for the new bridge over the Hampton Ferry; all the remaining sum of eight hundred pounds to be laid out on the road from thence to the Nova Scotia line, including one hundred and fifty pounds on the great marshes in Westmorland.

Saint John to the Nova Scotia line.

The sum of one thousand two hundred and fifty pounds for the great road from Saint John to Saint Andrews; five hundred pounds at least of which sum to be expended on the line from Magaguadavic to the latter place.

Saint John to Saint Andrews.

The sum of eight hundred pounds for the improvement of the great road from Saint John to Fredericton, *via* Nerepis; one hundred pounds of which to be expended between Earle's bridge and the Oromocto.

Saint John to Fredericton.

The sum of two hundred pounds for the improvement of the great road from Nerepis to Gagetown.

Nerepis to Gagetown.

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

Dorchester to Shediac.

The sum of two hundred pounds for the great road from Shediac to the Bend of Petitcodiac.

Shediac to Bend of Petitcodiac.

The sum of four hundred pounds for the great road from Richibucto to Chatham.

Richibucto to Chatham.

The sum of six hundred pounds for the great road from Fredericton to the Finger Board; four hundred pounds of this sum to be expended on the new line of road explored by Messrs. Earle and Fosbay, between Jemseg and Cochran's; one hundred pounds between Moncton Ferry and the lower line of York County.

Fredericton to the Finger Board.

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

Bellisle to Saint John.

The sum of three thousand five hundred pounds for the great road from Fredericton to Newcastle, of which one thousand pounds to be expended in opening and making the new line of road explored by Alexander Goodfellow, David Crocker and Robert Wasson, commencing at Everitt's Ferry, thence north-easterly through the woods to Atherton's on the Nashwaak, and from thence up the Nashwaak, following the courses recommended by the said Commissioners; seven

Fredericton to Newcastle.

hundred and fifty pounds to be expended in completing that part of the Portage road now under charge of Mr. Crocker; the residue to be expended as follows, four hundred pounds for the bridge to be erected across the Nashwaak, and the remaining one thousand three hundred and fifty pounds in completing the new line of road from Craig's, on the Portage, to Blissfield mills, and in improving the line from Decantelon's to Bartholomews River.

Fredericton to the Canada line.

The sum of two thousand pounds for the improvement of the great road from Fredericton to the Canada line.

Shediac to Richibucto.

The sum of nine hundred pounds for the great road from Shediac to Richibucto, and the bridges on the said road.

Fredericton to Saint Andrews.

The sum of two hundred and fifty pounds to defray the expenses of exploring and marking out that part of the line of great road of communication between Fredericton and Saint Andrews which lies between the Magaguadavic and Waweig Rivers, and pointing out such alterations as may be necessary on that part of the line which lies between Fredericton and Brockway's.

Connick's, at Waweig, to bridge at Saint Stephens.

The sum of one hundred and fifty pounds for the improvement of the great road from Connick's, at Waweig, to the bridge at Saint Stephen's.

Saint John to Hopewell.

The sum of two hundred pounds for the improvement of the road from Saint John to Hopewell; one hundred pounds of which to be expended from the New Ireland settlement, inclusive, to Hopewell, out of which five pounds to be paid to Bernard Gallagher for damage on improved land by an alteration of the road, and the remainder to be expended on the old Westmorland road.

Loch Lomond to Sussex Vale.

The sum of two hundred pounds for the road from Loch Lomond to Sussex Vale; such sum as may be absolutely necessary for any further exploration to be taken out of the said grant.

Oromocto to Gagetown.

The sum of one hundred and fifty pounds for the road from the Oromocto to Gagetown, by way of the old military road in rear of the front road at Swan Creek; so much of the above sum as will be required to be applied in repairing the bridge over Dingee's Creek.

Fredericton to Saint Andrews.

The sum of one hundred and fifty pounds for that part of the great road from Fredericton to Saint Andrew's which lies between M'Curdy's and Connick's in the County of Charlotte.

Woodstock to Houlton.

The sum of two hundred and fifty pounds for the completion of the great road from Woodstock to Houlton.

Phillis' creek and Camber's creek.

The sum of five hundred and forty pounds to be expended in paying damages assessed by a jury in opening a new line of road between Phillis' creek and Camber's Creek in the County of York, agreeably to the report of James A. Maclauchlan, Esquire.

Bye Roads in Sunbury.

The sum of one hundred and twenty five pounds for the road from the French Lake road to the Little River Mills in the Parish of Sheffield.

The sum of fifty pounds for the road from Oak Point to Sand Point.

The sum of fifty pounds for the road from George Boon's to the south branch bridge.

The sum of ten pounds for the road from Elisha Cogswell's to the Gary road.

The sum of thirty pounds for the road from Daniel Wood's to the south branch road.

The sum of fifteen pounds for the road from William Armstrong's to James Mills'.

The sum of ten pounds for the road from Jeremiah Smith's to the Gary road.

The sum of twelve pounds ten shillings for the road from John Mersereau's to Shaw's creek.

The sum of fifty pounds for the road from Richard Kembal's farm to John Bell's.

The

- The sum of ten pounds for the road from south branch road to Scoullar's mills.
- The sum of ten pounds for the road to a new settlement near Walter Patterson's.
- The sum of twenty five pounds for the road from the south branch bridge to Thomas Hartt's.
- The sum of thirty pounds for the road from Thomas Hartt's to Solomon Tracey's.
- The sum of sixty pounds for the road from Rushagonis to Hartt's mills.
- The sum of ten pounds for the road from Hartt's mills to Diamond square.
- The sum of twenty pounds for the road from Andrew Smith's to William Johnston's.
- The sum of twenty pounds for the road from Burpe's mill through the Gordon settlement.
- The sum of forty pounds to erect a bridge at Peabody's mills, in addition to grants heretofore made.
- The sum of twenty pounds for the road from William Dow's to J. M. Wilmot's farm.
- The sum of sixty pounds for the road from the Rushagonis to William Dow's.
- The sum of twenty pounds for the road from John Bell's to Burpe's mill.
- The sum of fifteen pounds for the road from the road near Jones', at Rushagonis, to the Oromocto river, opposite John Wood's.
- The sum of fifty pounds for the road from the widow Kirkpatrick's to the falls of a stream emptying into back creek lake in Blissville.
- The sum of twelve pounds ten shillings for the road from John Bailey's to the Block House.
- The sum of twenty pounds for the road from Samuel Smith's to George Barker's upper line.
- The sum of one hundred and forty five pounds for the road between the Northumberland line and Pokemouche.
- The sum of ten pounds for the road from the River Wough to Sewell's.
- The sum of seventy pounds for the road from Pokemouche to Carraquet on the lower Portage.
- The sum of ninety pounds for the road from the bridge on the north River to the Waterloo Settlement; to include repairs on the bridge, and out of which to come a balance due the late Commissioner.
- The sum of fifteen pounds for the road through the Waterloo settlement.
- The sum of thirty five pounds for the road between Grand Aunce and Pockshaw.
- The sum of sixty pounds for the road between Pockshaw and Bass River.
- The sum of one hundred and fifty pounds for the road from Bass River bridge to the great road.
- The sum of twenty pounds for the road from the great road towards the rough water, on the south side of the Nepisiquit River.
- The sum of thirty pounds for the road from the Painbenaud River to Bathurst.
- The sum of ten pounds for the road from the rough water to Richard Henderson's.
- The sum of ten pounds for the road near William Molloy's.
- The sum of twenty five pounds for the bridge over Doucett's cove.
- The sum of forty pounds for the road in Kinsale and Tattagouche settlements.
- The sum of twenty pounds for the road from the second and third tiers of lots on Grant's brook to the shore.
- The sum of twenty pounds for the road between Tattagouche bridge and Alston Point.

Sanbury Bye
Roads, Con-
tinued.

Bye Roads in
Gloucester.

The

Gloucester Bye
Roads Con-
tinued.

The sum of forty pounds for the road from Robert Fergusson's mill stream to Christopher's.

The sum of fifty pounds to erect a Bridge upon Christopher's brook.

The sum of one hundred pounds for the road from Christopher's brook to the Flat Land settlement.

The sum of forty pounds for the road from the main road to the settlement in the rear of the Sugar Loaf Mountain.

The sum of forty pounds for the road from the great road to the settlement of Eel River.

The sum of twenty pounds for the great road to the settlements on Nash's creek in rear of Harvey's.

The sum of twenty pounds for the road from Adjutant M'Pherson's to River Charles.

The sum of forty pounds for the bridge over Kearney's brook and the approaches thereto.

The sum of twenty five pounds to repair the bridge over Louison's brook.

Bye Roads in
Kent.

The sum of ten pounds for the road on the north side of Shediac River.

The sum of fifteen pounds for the road through the Cape by Peter Robicheaux.

The sum of ten pounds for the road from the bridge leading down to the Cape.

The sum of forty pounds for the road on the south side of Cocagne River; one half to be expended above the mill, to join the Irish Town road.

The sum of fifteen pounds for the road on the north side of Cocagne River.

The sum of twelve pounds for the road leading from the Post road to the Thibedo settlement in the second tier of lots.

The sum of fifteen pounds for the road on the West side of Cocagne Bay.

The sum of ten pounds for the road on the north side of little Buctouche.

The sum of ten pounds for the road on the south side of little Buctouche.

The sum of thirty pounds for the road on the south side of the great Buctouche.

The sum of twenty pounds for the road on the north side of the great Buctouche, from the ferry up.

The sum of fifteen pounds for the roads and bridges from the Chapel to the beach.

The sum of fifteen pounds for the road from John Savoy's to the Post road.

The sum of twelve pounds for the road on the south side of Chockpish River.

The sum of forty pounds for the road from Richibucto to the lower Village by Atkinson's mill.

The sum of ten pounds for the road from the Post road to Gaspereaux bridge.

The sum of forty six pounds for the road from the Post road to the upper ferry by Jardine's.

The sum of thirty pounds for the road from Lewis' creek up to the East branch bridge.

The sum of ten pounds for the road from Richibucto to Mill Creek.

The sum of ten pounds for the road from Mill Creek to the Indian line by Carruthers.

The sum of sixty pounds from Molus River to Mill Creek.

The sum of thirty pounds for the road from Molus River to Bass River.

The sum of ten pounds to complete the bridge over Bass River.

The sum of fifty pounds towards the erecting a bridge over Blanchard's creek.

The sum of ten pounds for the road on the south side of the Aldoune River.

The sum of thirty pounds towards paying a balance due on the East Branch bridges.

The

The sum of thirty five pounds for the road from the East Branch bridge to the West Branch of Saint Nicholas River. Kent Bye Roads,
Continued.

The sum of eighty pounds for the roads and bridges from the West Branch to the Coal Branch of the Richibucto River.

The sum of fifteen pounds for the roads from the West Branch of Saint Nicholas River to the Town Plat.

The sum of twenty pounds towards completing the bridge at Trout Brook.

The sum of thirty pounds for the road from the Coal Branch bridge to the church.

The sum of fifteen pounds towards erecting a bridge at Indian House Creek.

The sum of twenty five pounds for the road on the south side of the Kouchibouguacis River, from the Post road up.

The sum of ten pounds for the road up on the south side of the Kouchibouguacis River from the Post road down.

The sum of ten pounds for the road on the north side of the Kouchibouguacis River from the Post road down to Taddy Babino's.

The sum of twenty five pounds for the road from Taddy Babino's to Little River, and thence to Kouchibouguac.

The sum of twenty five pounds for the road on the south side of the Kouchibouguac River.

The sum of twenty five pounds for the road on the north side of the Kouchibouguac River.

The sum of twenty pounds to explore a proper route for a road from Kouchibouguac to Point Sapine, and to open the same.

The sum of five pounds for the road from the Sackville road to John Gallang's, on the west side of Kouchibouguac River. Bye Roads in
Westmorland.

The sum of twenty pounds for the road and bridge from Morang Tarrio's over the south east branch of the Aboushagan River, of which two pounds fifteen shillings and sixpence to be paid to Simon Lezere for over expenditure.

The sum of seventy pounds for Scoudac Bridge.

The sum of forty pounds for the road from Thomas Ayer's to Benjamin Landrie's.

The sum of twenty pounds for the road from the great road in Sackville great marsh to Point Migic.

The sum of ten pounds for the road from Thomas Oulton's, Junior, to the emigrant road.

The sum of ten pounds for the road from Philip Chapman's to Thomas Oulton's, Junior.

The sum of thirty pounds for the road from Thomas Oulton's, Junior, to Thomas Phelon's.

The sum of fifteen pounds for the road from George Richardson's to Crossman's.

The sum of fifteen pounds for the road from William Mitten's to Crossman's.

The sum of fifteen pounds for the road from Tedish to Shemogue.

The sum of five pounds for the road from Peter Budrot's to the Ohio settlement.

The sum of twenty five pounds for the road from Philip Chapman's to James Blanche's, crossing the Little Shemogue.

The sum of five pounds for the road from Carson's to Scoudac River.

The sum of fifteen pounds for the road from Bay Verte to Dobson's.

The sum of ten pounds for the road from the road in Dorchester to White's in the Back Settlement.

Westmorland
Bye Roads,
Continued.

- The sum of twenty five pounds for the road from Sackville to Aboushagan.
- The sum of twenty pounds for the road from the Chapel to the south west branch of Aboushagan River.
- The sum of fifteen pounds for the road from Gaspereau to Shemogue.
- The sum of ten pounds for the road from Brockway's mill to Barter's, on the north side of the Shediac River.
- The sum of thirty five pounds for the road from Townsend's to Bay Verte.
- The sum of fifteen pounds for the road from the great Shemogue road to the little Shemogue.
- The sum of sixty pounds for the road from Gaspereau to Cape Tormentine through the emigrant settlement.
- The sum of ten pounds for the road from the great road to second Westcock Hill.
- The sum of twenty pounds for the road from William Cook's to the Grand Aunce Creek.
- The sum of fifteen pounds for the road from Ephraim Raworth's to John Allen's road.
- The sum of ten pounds for the road from John Raworth's to the emigrant road.
- The sum of twenty pounds for the road from Patrick Blanche's to the little Cape on the west side of the Great Shemogue.
- The sum of fifteen pounds for the road from James Purdy's to William Cook's.
- The sum of seventy pounds for the Gaspereau Bridge.
- The sum of twenty pounds for the road from the Aboushagan road to David Cook's.
- The sum of ten pounds for the road from the Shemogue road to Square Lake.
- The sum of fifteen pounds for the road and bridge from the Shediac road to the head of the tide on the Shediac River by Joseph Hannington's mills, of which two pounds seven shillings to be paid to the said Joseph Hannington for over expenditure.
- The sum of five pounds for the road from the Shemogue road to John Downing's.
- The sum of thirty pounds for the road from Westcock to Cape Mariguin.
- The sum of fifteen pounds for the road from the bridge on the south west branch of the Aboushagan River to the Sackville road.
- The sum of fifteen pounds for the road from James Ayer's to Beech Hill.
- The sum of twenty pounds for the road from the widow Kinnear's to Fairfield.
- The sum of ten pounds for the road from Cook Smith's, in Dorchester, to the Sackville line.
- The sum of thirty pounds for the road from Gilbert Forsyth's, in New Horton, to Cape Enrage.
- The sum of twenty five pounds for the road from German Town to Cape Enrage.
- The sum of thirty pounds for the road from Cape Enrage to Salmon River.
- The sum of fifteen pounds for the road from New Ireland to Salmon River.
- The sum of ten pounds for the road from John Ritchie's to Stephen Stiles, on crooked Creek.
- The sum of ten pounds for the road from Ezra Pick's to the Munic road, inclusive, so called.
- The sum of twenty five pounds for the road to the Caledonia settlement from Hopewell.
- The sum of twenty pounds for the road from Daniel Woodworth's through the Haleys' settlement. The

The sum of fifteen pounds for the repair of Cape Demoiselle bridge in Hopewell.

The sum of ten pounds for the road from Salmon River to Aaron Robinson's.

The sum of ten pounds for the road from Cape Demoiselle road to John Martin's.

The sum of forty pounds for the road from Hamilton's, in Hopewell, to Hillsborough.

The sum of twenty pounds for the road from Calhoon's to Alexander Steeves'.

The sum of five pounds from the Caledonia road to Ebenezer Wilburn's.

The sum of twenty pounds for the road from the Woodworth settlement to the Caledonia settlement.

The sum of thirty pounds for the road from M'Latchey's bridge to George Colpitt's.

The sum of sixty pounds for the road from M'Latchey's bridge to Stoney Creek, thence to Mill Creek.

The sum of twenty pounds for the road from Henry Steeves' to the Irvine settlement.

The sum of twenty pounds for the road from Chapman's up Turtle Creek.

The sum of twenty pounds for the repair of the Turtle Creek bridge.

The sum of fifteen pounds for the road from Thomas Colpitt's Mill through to the Coverdale River road and thence to Robert Colpitt's.

The sum of fifteen pounds for the road up Pollet River to John Gildart's.

The sum of thirty pounds for opening and improving the road from the new bridge near James Blackney's to Pollett River by Daniel Holmes' Mill.

The sum of twenty pounds for the road from Shearman's to the North River.

The sum of ten pounds for opening and improving the road from Daniel Wheaton's to Robert Dodson's.

The sum of ten pounds for the road from Abner Taylor's, on the North River, to the Lewis settlement.

The sum of fifteen pounds for the road from the great road to the Kelly settlement.

The sum of twenty pounds for the road from the great road to Charles Steeves', in the Mountain settlement.

The sum of ten pounds for the road from Zachariah Lutz to the Mountain settlement.

The sum of twenty five pounds for the road from the bend to the Mountain settlement; of which five pounds is to be expended between John Walles' and Martin Summers'.

The sum of forty five pounds for the road from the bend to the Irish Town settlement.

The sum of fifteen pounds for the road from the bend on the M'Laughlan road towards Richibucto.

The sum of forty pounds for the road from near Gabriel Herbert's through Downing's and Belivou villages, and thence through the Portage to the Chapel.

The sum of twenty five pounds for the road from Ralph Carter's to the Petiscodiac River.

The sum of ten pounds for the road from James Crandall's to Bell's farm.

The sum of twenty pounds for the road from the Shediac road through the French Manudie settlement.

The sum of forty pounds for the road and bridge from Halstead's to Butter-nut ridge.

The sum of ten pounds for the road from John Harie's to Jacob Trite's, to Brown's Mill.

Bye Roads in
Northumber-
land.

The sum of twenty pounds in addition to the sum that was granted last year towards building a bridge across M'Leod's grist mill stream on the westerly side of the Tabisintac River; which sum to be paid to Roderick M'Leod, providing he converts his mill dam on that river into a bridge on the public road to the satisfaction of the Commissioner appointed to expend the same.

The sum of two hundred and seventy five pounds towards opening and making the road from Bartibog River, commencing at the situation which will be the most suitable for a bridge across that river to Oyster River, and thence down towards Tabisintac.

The sum of ninety seven pounds ten shillings towards opening the new line of road explored and laid out the last year by M'Donald and Willistons from George Williston's farm to Eel River.

The sum of ninety seven pounds ten shillings towards building a bridge across Big Black River, at the site which may be deemed most eligible by the Commissioner or Commissioners appointed to expend the same.

The sum of twenty five pounds towards improving the road leading from Horton's creek to John M'Donald's place on Bay du Vin, thence towards Kingston's farm.

The sum of twenty five pounds towards opening and improving the road on the north side of Bay du Vin River from the bridge on the Richibucto road down towards the mill.

The sum of fifteen pounds towards exploring and opening a line of road on the north side of the Bay du Vin River, from the bridge across that river on the Richibucto road upwards to the Big Hovel.

The sum of fifteen pounds towards improving the road leading to Bay du Vin from the Richibucto road, on the north side of Black River, to where the bridge across that river is intended to be built.

The sum of twenty pounds towards opening and making a road from where the bridge proposed to be build across Black River to the Napan River, near M'Night's grist mill.

The sum of twenty pounds towards improving the road on the south side of Napan River from M'Ginnis' creek down to Point Aux Car.

The sum of ten pounds towards improving the road on the south side of Napan River, from Thomas Hannah's to M'Donald's farm.

The sum of ten pounds towards improving the road on the south side of Napan River from Richibucto road to M'Ginnis' creek.

The sum of twenty five pounds for the road from Wilson's lot, on the Rock Head, Chatham, to Carruthers', on the Napan River, to be applied towards improving the road or erecting a bridge thereon as the Commissioners to be appointed to expend the same may deem most advisable.

The sum of twenty five pounds in aid of erecting a bridge or bridges across the branches of the Napan River on the road from Saint John's Church, Chatham, to Thomas Hannah's farm, so as to connect that road with the south side of the Napan River.

The sum of ten pounds for the road in front of the second tier of lots to the third tier of lots in the rear of Saint Paul's, Chatham.

The sum of ten pounds for the road in the rear of Peters' landing to Napan.

The sum of ten pounds towards improving the road to the rear lot next below the Parsonage, Chatham.

The sum of thirty pounds to open and make the road in the rear of the front lots, Newcastle, from the road leading from Newcastle to Chaplain's Island to the main north west road leading to M'Kay's. The

The sum of ten pounds to complete the road from James Cassey's to the back lots. Northumberland
Bye Roads, Con-
tinued.

The sum of thirty pounds to explore and continue the road in the rear of the front lots in Newcastle, from where that road terminates in the rear of James Cassey's farm above Henderson's cove till it strikes the road in rear of Douglastown.

The sum of twenty pounds for the rear road from Douglastown to Moorfields.

The sum of ten pounds to explore and continue the road from where the road in rear of Moorfields now terminates, to the third and fourth tier of lots from the river.

The sum of ten pounds for the road between lots numbers fifty four and fifty five to the third tier of lots from the river.

The sum of ten pounds for the road from Collector Wright's farm on the west side of Big Bartibog upwards.

The sum of ten pounds for the road from Currie's to Green Brook.

The sum of twenty pounds for the road on the east side of Big Bartibog River from Moody's point to the head of the tide near M'Ginnis'.

The sum of eighty pounds for the road from Newcastle to Chaplain's Island.

The sum of ten pounds towards improving the road between Charles Stewart's farm and Fraser's mill stream.

The sum of ninety pounds towards exploring and opening a new line of road between John Menzie's place and James Ledden's farm on the north west branch of the Miramichi.

The sum of ten pounds to lay out and open a road from James Hutchinson's Ferry, north side of the main North West, to the main road below Fraser's mill stream.

The sum of ten pounds towards opening and making a road from the Henry Copp settlement, on the North West, to Trout Brook on the Chaplain's Island road.

The sum of thirty pounds for the road from John Goodfellow's on the North West to the South West through the Williamstown settlement.

The sum of fifteen pounds for the road leading from the lower Williamstown settlement to the main North West, near Jared Tozer's.

The sum of ten pounds for the road from the Meeting House below David Towzer's to M'Lean settlement in Williamstown.

The sum of twenty five pounds for the road from Cuppage and Whites's to James Holmes' on the little South West.

The sum of twenty pounds for the road from the bridge across Goodfellow's brook on the south side of the North West towards the widow M'Graw's.

The sum of twenty pounds for the road from Beaubair's point upwards on the south side of the North West.

The sum of twenty five pounds for the road on the south side of the south west branch of the Miramichi River, between Barnaby's River and Peter Stuart's farm.

The sum of twenty five pounds for the road between Nelson Village and Barnaby's River.

The sum of fifteen pounds for the road on the south side of Barnaby's River, between lots numbers eight and nine to the Semiwagan Ridge.

The sum of twenty pounds for the road from Nowlan's farm back, of Nelson, to the upper settlement on Barnaby's River.

The sum of fifteen pounds for the road from Sutton's barn to the third tier of lots to Thomas Oats' farm.

The sum of thirty pounds to explore and open a road from Dennis Kirk's on the

Northumberland
Bye Roads, Con-
tinued.

the north east side of Barnaby's River to Joseph Hutchinson's place on the said river.

The sum of twenty pounds to explore and open a road on the north side of Renous River, between Pat Wheeler's and Indian Town.

The sum of ten pounds for erecting a bridge across the Reserve Brook on Renous River.

The sum of thirty five pounds to explore and open a road from John Lee's farm to James Donaldson's on the Renous River.

The sum of ten pounds for the road from Bartholomews River to the Forks.

The sum of thirty pounds for the road from W. Hagan's towards Robert Doak's, in the Parish of Blissfield.

The sum of fifteen pounds towards improving the road from Doak and M'Laggan's mills to the upper settlement on Bartholomews River.

The sum of twenty pounds towards exploring and opening a road from the Forks at the mouth of Cain's River to Sabbie's River, thence to Patrick Johnston's on the north west side of said river.

The sum of twenty pounds for the road from Doak and M'Laggan's mills on Bartholomews River to the mouth of the Dungarvon or Renous River.

Bye Roads in
Queen's County.

The sum of thirty pounds for the road from Samuel Corbett's to the Nerepis road.

The sum of twenty pounds for the road from J. H. Lyon's to Yorkshire tavern.

The sum of twenty pounds for the road from the Church in Coot Hill settlement to the County line towards Jones' mill.

The sum of ten pounds for the road from the School House in the Jerusalem settlement to King's County line near Paysly's.

The sum of ten pounds for the road from Darby Gillan's to Ebenezer Mercereau's on the south branch of the Oromocto.

The sum of twenty pounds for the road from Sanburn's Mill to the New Jerusalem settlement.

The sum of twenty pounds for the road from William Clark's, on the New Jerusalem road, to the road leading out to Burges' Corner.

The sum of twenty pounds for the road from William Slip's to Sanburn's mills on the New Ireland road.

The sum of twenty pounds for the road from Christopher M'Conchin's to Redston's mill on New Ireland road.

The sum of fifteen pounds for the road from Scovil Roberts' to the New Ireland settlement, Parish of Hampstead.

The sum of twenty pounds for the road from Henry Lyon's on Gagetown road to Nerepis road at Gabriel Fowler's.

The sum of ten pounds for the road from Nerepis bridge to the Sharp road.

The sum of fifteen pounds for the road from William Quinnan's corner to Gillan's, Nerepis road.

The sum of thirty pounds for the road from Veal's to Nerepis road along Spry Grant.

The sum of thirty pounds for the road from Ann Vanwart's to Fanning's mill brook.

The sum of fifteen pounds for the road leading through the farm of Gilbert Merritt in the Parish of Hampstead.

The sum of one hundred pounds for the new road from Dykeman's Brook to Cox's mill.

The sum of ten pounds for the road from Hugh M'Lean's to James Rakston's.

The

The sum of twenty pounds for the road from John M'Lean's to Cumberland Bay Bridge.

Queen's County.
Bye Roads.
Continued.

The sum of fifty pounds for the road from head of Grand Lake to James M'Donald's.

The sum of twenty five pounds for the road from Samuel Langen's to Salmon River mills on the north side of Salmon River.

The sum of twenty five pounds for the road from Salmon River mills up Salmon River.

The sum of ten pounds for the road from the main road to John Foster's in a back settlement on the south side of the Grand Lake.

The sum of fifteen pounds for the road from John Mullin's to Nerepis brook.

The sum of twenty five pounds for a bridge over Corey's brook.

The sum of twenty pounds for a bridge over a stream between John Colwell's and Alexander M'Donald's, and to improve the road to Nehemiah Bulyea's.

The sum of twenty five pounds for a bridge over Charles Robinson's brook.

The sum of twenty five pounds for a bridge over Burk's brook, at the head of the Grand Lake, on the east side.

The sum of twenty five pounds for the road from Cumberland Bay bridge to Alexander M'Lean's.

The sum of twenty pounds for the road from Cox's Point to Coal Creek.

The sum of ten pounds for a bridge over Beaver Pond brook, near Richard Burton's.

The sum of fifteen pounds for a bridge over a brook on the road between Yeoman and Cox's mills, on the Newcastle, near John M'Farlane's house.

The sum of ten pounds from lower mills on Newcastle to upper mills.

The the sum of ten pounds for the road from the cross road to Coakly's on the Newcastle.

The sum of fifty pounds for the road from Alexander Clark's near Maquapit Lake to Newcastle.

The sum of twenty pounds for a new piece of road on the north west side of Grand Lake leading from the Big Key Hole to William Brill's.

The sum of twenty five pounds for the road leading from the western side of Salmon River to Brigg's and M'Grigor's mill.

The sum of thirty pounds for the road leading from Salmon River through by Salmon Creek to the Hardwood Ridge.

The sum of twenty pounds for the road leading from O'Leary's to Crawford's Creek on the western side of Salmon River.

The sum of twenty pounds for the road leading from Samuel Langin's, on the Gaspereaux, to the upper mills on the said river.

The sum of twenty five pounds for the road leading from the cross road on the south side of the Maquapit Lake to the rear of David Brill's land.

The sum of ten pounds for the road leading from the rear of David Brill's lot to the north west side of Grand Lake.

The sum of ten pounds for the road from the Grand Lake to Washademoak Lake near Sand's Creek.

The sum of ten pounds for the road from White's ferry to Maurice Corey's upper line, south east side of the Washademoak.

The sum of thirty pounds for the road from Shannon settlement to Shaw's Mill.

The sum of ten pounds for the road from Thomas Hamm's, on the Washademoak, to Patrick M'Cawley's.

The sum of thirty pounds for the road from the public landing, south branch of Lewis' Cove, to the main post road near Reuben VanTassel's. The

Queen's County
Bye Roads,
Continued.

The sum of twenty pounds for the road from the above landing to the forks of the road near John Shaw's mill.

The sum of twenty pounds for the road from Oak Point, opposite the above landing to the Washademoak highway, near land owned by N. Bulyea.

The sum of ten pounds for the road from Grand Lake road to the head of Pickett's Cove, so called, on the north west side of the Washademoak.

The sum of thirty pounds for the road from VanWart's mill to Halliham's, including the cross road.

The sum of thirty pounds for the road, including a bridge between Daniel Van Wart's and Coles Carpenter, to the lower line of Stephen Golding's farm.

The sum of twenty pounds for the road from VanWart's Mill to Samuel London's.

The sum of ten pounds for the road from Vincent's school house to Queen's County line, by way of Murray's, late Bonnill's mill.

The sum of ten pounds for the road from Vincent's school house to the King's County line near Dunn's.

The sum of ten pounds for the road from Salmon Creek between White's mill dam to the mill.

The sum of ten pounds for the road from Isaac Worden's to Thomas Shearer's.

The sum of twenty pounds for the road from New Canaan settlement to the Butternut Ridge.

The sum of twenty pounds for the road lately explored from Butternut Ridge settlement to Corn Ridge.

The sum of ten pounds to explore a road from Cole's to the New Canaan settlement.

The sum of twenty pounds for a bridge over Crannel's brook, on a new road in Parish of Waterborough, connected with the main road leading up the Lake.

The sum of ten pounds for a bridge over a Creek on the same road near W. White's.

The sum of fifteen pounds for the road from the Grand Lake near Hiram Brigg's through the new settlement to the main road leading from the Jemseg to the short ferry.

Bye Roads in
York County.

The sum of forty pounds for the road leading to the Howard settlement.

The sum of twenty pounds towards erecting a bridge across the Poquiock stream.

The sum of forty pounds for the road from William Davidson's to Culliton's.

The sum of twenty five pounds for the road leading to the Poquiock settlement, to commence at the top of the hill.

The sum of twenty pounds for the road through the Poquiock settlement, from Shea's line to the widow Duncan's.

The sum of twenty pounds to open a road from the Poquicok settlement to the Magundy.

The sum of fifteen pounds towards completing two bridges over the Lake and Magundy streams.

The sum of forty pounds for the road from John Gray's to Lake George.

The sum of thirty pounds for the road from Benjamin Courser's lower line to Kitchin's creek.

The sum of twenty five pounds for the road from the Base line, Magundy, to the school house.

The sum of thirty pounds for the road on the Base line, Magundy, from number sixteen to number one.

The sum of fifteen pounds for the road from the school house to Magaguadavic Ridge.

York County
Bye Roads,
Continued.

The sum of thirty pounds towards completing the bridge across Kelly's creek.

The sum of twenty five pounds for the road from Kelly's creek to Long's creek.

The sum of twenty five pounds towards completing the bridge across Long's creek.

The sum of fifteen pounds for the road leading through the Smithfield settlement.

The sum of seven pounds ten shillings for the road from Lawrence Grant's to the Campbell settlement.

The sum of forty pounds for the road leading to and through the upper Caverhill settlement.

The sum of thirty pounds for the road leading to the lower Caverhill settlement.

The sum of twenty pounds for the road from Mitchell's to Adam Jackson's.

The sum of thirty five pounds for the road from Adam Jackson's by Stewart's to the river Saint John.

The sum of twenty five pounds towards erecting a bridge over Christy's mill stream.

The sum of fifteen pounds for the road from Adam Jackson's to James Hagerman's.

The sum of fifteen pounds for the road from James Hagerman's to the river Saint John.

The sum of twenty five pounds to open a road from the mouth of the Mactaquack to the road leading to the Scotch Lake settlement.

The sum of fifteen pounds for the road from Jewett's mills to the ridge road.

The sum of twenty five pounds to open a road from Jewett's mills to the river Saint John, on the south west side of the Mactaquack.

The sum of fifteen pounds for the road from Jewett's mills to Jacob M'Keen's.

The sum of seven pounds ten shillings to open a road from the Scotch settlement, Douglas, to Reuben Lyons'.

The sum of sixty pounds for the road from the Mactaquack bridge to Mause-
roll's ferry.

The sum of thirty pounds for the road from Cardigan to Jones' mill through the Bird settlement.

The of twenty five pounds for the road leading from the Royal road to the King settlement.

The sum of ten pounds for the road from Jacob White's to Jonathan Sisson's.

The sum of fifteen pounds for the road from Peleg Tripp's to John Yerxa's.

The sum of ten pounds for the road from Moses Lawrence's to Gould Burt's.

The sum of seven pounds ten shillings for the road from J. Christy's to Darius Burt's.

The sum of fifteen pounds for the road from the Cardigan, by Evan George's, to the Royal Road.

The sum of thirty pounds to erect a bridge across the south branch of the Tay and to improve the hill.

The sum of seven pounds ten shillings for the road leading to the Hurlet settlement.

The sum of twenty pounds for the road from Israel Whitlock's to the head of Pennyock.

The sum of twenty five pounds to complete the bridge across the Pennyock stream.

York County
Bye Roads,
Continued.

The sum of fifteen pounds for the road from Smith's mills to Peterson's ferry.
The sum of two hundred and fifty pounds to alter and improve the road round Weade's hill, on the Nashwaak.

The sum of twenty five pounds towards repairing the bridge across Bowlen Creek in the Parish of Saint Mary's.

The sum of seventy pounds for the road from John Morgan's to Israel Smith's, on the Rusbagonis.

The sum of twenty five pounds for the road from Israel Smith's to the school house, New Maryland.

The sum of twenty pounds for the road leading to the Little settlement.

The sum of fifty pounds to remunerate Daniel Jewett for erecting a bridge across the Madam Keswick stream.

Bye Roads in
Charlotte.

The sum of eight pounds for the road from the upper mills of Magaguadavic to the bridge at Pomeroy's.

The sum of eight pounds to John Mann to remunerate him for building a bridge.

The sum of twenty pounds for the road from Carrol's to Pennfield Church.

The sum of fifteen pounds for the road from Sheer's to the turnpike.

The sum of twenty five pounds for the road from Seeley's Cove to the main road near M'Kay's.

The sum of fifteen pounds for the road from M'Kay's to M'Dowell's.

The sum of thirty pounds to improve the road at Fitzpatrick's hill.

The sum of forty pounds for the road on the eastern side of Lake Utopia.

The sum of ten pounds for the road from the Scotch settlement to James Murphy's.

The sum of twenty pounds from the head of the Basin of Magaguadavic to Andrew Bullock's farm.

The sum of fifteen pounds for the road from the King's watering place to the Stien settlement.

The sum of twenty five pounds to open a new road from M'Callum's landing to the great road near Carrick's corner.

The sum of thirty pounds to improve the road from the Scotch kirk towards Letete.

The sum of fifteen pounds to complete the bridge at Pomeroy's.

The sum of fifteen pounds to secure the bridge across the Magaguadavic at Young's.

The sum of twenty pounds for the road from the Saint John road to the mills at new river.

The sum of twenty pounds for the road from Rait's mill towards Hugh M'Kay's in Pennfield.

The sum of eight pounds thirteen shillings and fourpence to cut down Wetmore's hill.

The sum of fifteen pounds for the road from John Dewar's, on the Bay side, to the first Falls of the Magaguadavic.

The sum of fifteen pounds for the road from the road leading from the lower to the upper Falls of the Magaguadavic to M'Kean's new saw mill.

The sum of one hundred pounds for the main road leading from the Trout brook bridge by M'Donald's at the foot of the still water towards the rolling dam in the Parish of Saint Patrick.

The sum of fifteen pounds for the road from the rolling dam to Diffin's in Saint Patrick.

The sum of ten pounds thirteen shillings and fourpence for the road from the Bonney Brook through the Pleasant Ridge settlement in Saint Patrick. The

The sum of ten pounds for the road to Clarence hill in the Parish of Saint Patrick.

The sum of twenty pounds for the road between Wilson's farm and David M'Kee's, in the Parish of Saint Patrick.

The sum of fifteen pounds for the road from John Connick's to Cathcart's in Saint Patrick.

The sum of fifteen pounds from William Wilson's farm towards the Rolling Dam on the western side of the Digdeguash River, in the Parish of Saint Patrick.

The sum of fifteen pounds for the road from the school house to James Kyle's farm in the Grove settlement on the western side of Bocabec Lake in Saint Patrick.

The sum of eight pounds to explore a road from Stillwater on the Digdeguash River to John Roix farm on the Saint John road.

The sum of twenty two pounds towards covering the bridge at the foot of Moore's Lake, between Saint David and Saint James.

The sum of ten pounds to remove rocks from the road leading from Shaw's hill in Saint David to Jesse Grimmer's in Saint Stephen.

The sum of twenty pounds to improve the road from M'Laughlin's hill to Tower hill in the Parish of Saint David.

The sum of fifteen pounds for the road leading from M'Lauchlin's hill to Stuart's mill in Saint David.

The sum of twenty pounds to build causeways on the road from Dunham's in Saint David to Foster's mills in Saint James.

The sum of twenty pounds for the road from M'Lauchlin's corner in Saint David to Shearman's.

The sum of ten pounds for the road from William Smith's in Saint David to Tower's corner.

The sum of ten pounds for the road from John Wilson's, Junior, farm to the main road in Saint David.

The sum of fifteen pounds for the road from Nisbett's in Saint David to Simmond's in Saint James.

The sum of fifteen pounds for the road from Cotterell's to Levar's in Saint David.

The sum of forty one pounds for the road from the head of Oak Bay to M'Lauchlan's corner in Saint David.

The sum of twenty pounds for the road from William Hitching's in Saint David to James Love's.

The sum of twenty five pounds for the road from James Maxwell's, Junior, to Moore's mill in Saint David.

The sum of twenty five pounds for the road from Basswood Ridge to Samuel Stuart's in Saint Stephen.

The sum of ten pounds for the road from the Cheputnecticook Ridge to Daniel Campbell's in Saint James.

The sum of ten pounds for the road from John Pomeroy's to the little ridge in Saint James.

The sum of ten pounds for the road from the kirk to John Pomeroy's in Saint James.

The sum of ten pounds for the road from Hitching's mill to the little ridge in Saint James.

The sum of ten pounds for the road from the kirk across the upper bridge on the Moannes to the main road in Saint Stephen.

The sum of thirty pounds for the road from Jones Jackson's to Hitching's mill in Saint James.

Charlotte County
Bye Roads,
Continued.

The sum of thirty pounds for the road from Spence's to Clarke's Point in Saint James.

The sum of ten pounds for the road from Jones Jackson's to the school house as altered to straighten it.

The sum of twenty pounds for the road from the kirk through the Basswood Ridge to Oak Hill in Saint James.

The sum of twenty pounds for the road from Peake's to the Baillie settlement in Saint James.

The sum of twenty pounds for the road from Oak Hill to the Lynnfield settlement, and to a settlement a few miles beyond it towards the widow M'George's.

The sum of fifteen pounds for the road from the new Episcopal Church to Oakhill.

The sum of twenty five pounds for the new road from Symonds' to Sprague's Falls.

The sum of thirty pounds for the road from Milltown to the little ridge in Saint James.

The sum of twenty pounds for the road from Joel Hill's to the Moannes settlement towards Sprague's Falls, to be expended on Burnt Hill.

The sum of ten pounds for the road from Rufus Ham's to M'Kay's mill in Saint James.

The sum of sixty one pounds thirteen shillings and fourpence for the new road from the long bridge to the Saint David's line.

The sum of ten pounds for the road from Foster's mill in Saint James towards the Saint David's line.

The sum of forty five pounds for the main hill road leading from Winchester's corner to Abner Bingham's in Grandmanan.

The sum of fifty pounds from the residence of Nathaniel Guptail to the widow Young's at Seal Cove in Grandmanan.

The sum of thirty pounds from the school house at Grand Harbour to the residence of Mark Doggett in Grandmanan.

The sum of forty pounds for the road from the bridge at the head of north west harbour in the upper district on the south side of Deer Island to the line of William Wentworth's land at Clam Cove in the Parish of West Isles.

The sum of thirty pounds from Welch Pool to Curry's Cove at Wilson's beach on the Island of Campobello.

The sum of twenty pounds from Curry's Cove to Todd's Barn on the Island of Campobello.

The sum of fifty pounds for the road from Chaincook settlement near Leonard Bartlett's, Parish of Saint Andrews.

The sum of ten pounds for the road leading from Saint Andrew's to Joe's Point.

The sum of one hundred pounds for the road from Blackslee's farm to Little River, and for repairing the road upon the bridge over the Little River marsh.

The sum of forty five pounds for the road from Little River to Mispick mills; of this sum ten pounds to be expended between Anthony's farm and Little River, and four pounds ten shillings to J. M. Wilmot to repay him for this amount expended in improving the road last year on the application of the Commissioner; the remainder between Anthony's farm and Mispick mills.

The sum of thirty pounds for the road from Mispick mills towards Cape Spencer; fourteen pounds five shillings to be paid for a bridge over Thomas Creek.

The sum of twenty pounds for the road from Little River to Loch Lomond.

The sum of twenty pounds for the road from Little River to Black River.

The

Bye Roads in
Saint John
County.

The sum of thirty pounds for the road from the Westmorland road through the Golden Grove settlement; three pounds of this sum to be paid S. Humbert for balance due him.

Saint John
County Bye
Roads, Con-
tinued.

The sum of twenty pounds for the road from Frog Pond to the bridge at Cody's Loch Lomond.

The sum of twenty pounds for the road from Cody's to the Forks at the head of the first lake.

The sum of forty pounds for the road from the said Forks past Cother's and Brand's farms to the County line.

The sum of twenty pounds for the road leading from the above road to the Parish line, near Smith's and Jones', and through the Millican settlement.

The sum of eighty pounds for the road from the Forks at the first lake to the Parish line of Saint Martin's near Van Horne's farm, and from thence to Quaco.

The sum of thirty pounds for the road from the Forks at the Black settlement near Cody's to Emerson's creek through the Bloomsbury settlement.

The sum of fifteen pounds for the road from the Forks near M'Bratney's to Tynemouth.

The sum of forty two pounds in aid of individual subscription to build a bridge over Tynemouth and making the road over the marsh.

The sum of thirty pounds on the new road opened by Brown and others past Brown's mill, and thence to Tynemouth.

The sum of twenty pounds to reimburse Edward Marter for sum expended by him on road from Parish line, Saint Martin's, to M'Bratney's farm by way of James Brown's.

The sum of ten pounds for the road from Black River to Emerson's creek.

The sum of ten pounds for the road from Emerson's creek to Gardener's creek.

The sum of ten pounds for the road from Gardener's creek to the road leading to Tynemouth.

The sum of twenty five pounds for the road leading from the Shepody road over the thoroughfare to the head of the second Loch Lomond Lake to the County line.

The sum of forty five pounds for the road from the rear of Cody's farm to the Quaco road through J. M. Wilmot's farm; six pounds sixteen shillings and six-pence of this amount to be paid J. M. Wilmot, being expense incurred in laying out and exploring said road.

The sum of twenty pounds for the road from the highway near Delaney's to the Kennebecasis.

The sum of thirty pounds for the road leading to Sand Point.

The sum of ten pounds for the road from the Millican settlement to the County line near Smith's saw mill.

The sum of twenty five pounds for the road from the Millican settlement to the Hammond River near Tabor's; thirty shillings of this sum to be paid W. Sentell for laying out said road.

The sum of forty one pounds five shillings for the road from the farm lately occupied by Johnston on the Quaco road through the Ryan settlement to the new Shepody road.

The sum of fifteen pounds for the road from the Quaco road to Tynemouth.

The sum of twenty pounds for the road from Quaco to the County line near Tabor's.

The sum of forty eight pounds fifteen shillings to reimburse David Vaughan, D. Bradshaw and G. Marr for amount expended by them in repairing bridge over east Quaco Creek.

Saint John
County Bye
Roads, Con-
tinued.

The sum of twenty pounds for the road from east Quaco creek to Melvin's beach.

The sum of thirty pounds for the road leading through the second tier of lots and thence to the great Salmon River.

The sum of thirty pounds for the road from Tuft's on the Bay shore to the Shepody road.

The sum of thirty pounds to open a road from lot number twenty seven in the old Quaco grant to the Hammond River.

The sum of twenty pounds for the road from Dipper Harbour school house to the Saint Andrew's road.

The sum of twenty pounds for the road from the narrows of the Musquash River to the Saint Andrew's road.

The sum of fifteen pounds for the road from Black Beach to Pizarinco.

The sum of eight pounds for the road from Pizarinco to Cole's mill.

The sum of ten pounds for the road from Sand Cove to the main road.

The sum of fifteen pounds for the road from M'Namara's farm in the back settlement to South Bay near Hatfield's mill.

The sum of twenty pounds for the road from Craft's mill to the Irish settlement.

The sum of ten pounds in aid of individual subscription, to open a road from Frenchman's Creek on the eastern side of Musquash harbour to the main road leading from Saint Andrew's to Saint John.

Bye Roads in
Carleton County.

The sum of two hundred pounds in aid of individual subscription to erect a bridge across the mouth of the Begaguimick.

The sum of twenty pounds to improve the road from Elisha Cogswell's to the Newburgh settlement.

The sum of thirty five pounds to improve the road from Daniel Shaw's to Begaguimick.

The sum of ten pounds to improve the road from James Clarke's on the Begaguimick to the rear of the adjoining settlement.

The sum of twenty five pounds to improve the road from Stickney's creek to Daniel Lovely's.

The sum of seventy five pounds to improve the road from Patchel's at the Woodstock Ferry, to Daniel Shaw's upper line; a part to be laid out in completing Shea's creek bridge.

The sum of thirty pounds to improve the road from Benjamin Tibbets' to the American line.

The sum of fifteen pounds to improve the cross road from the eight mile tree, on the Restook Portage, to the river at Merrit's farm.

The sum of twelve pounds to improve the road from Ballard's at the mouth of Restook, along the south bank to the Falls of the same.

The sum of forty five pounds to open a road from the Great Falls along the west bank of the river Saint John towards the Madawaska settlement.

The sum of twelve pounds to improve the road from the river to John Wright's farm in a back settlement in the Parish of Andover.

The sum of twenty pounds to improve the road from Salmon river to Tobique.

The sum of forty pounds to improve the road from the Tobique river to Nugent's creek in the Parish of Perth.

The sum of fifteen pounds to improve the road from Bishop's to Porter's.

The sum of twelve pounds to improve the road from Thomas Gee's to a back settlement in the Parish of Wicklow.

The sum of twelve pounds to improve the road from Thomas Pomphrey's to a back settlement.

The

The sum of forty pounds to improve the road from M'Cain's, at the White Marsh, to the Greenfield settlement, to commence where the last year's appropriation terminated, together with the last year's appropriation for this road, which remains in the hands of the Commissioner unexpended.

Carleton County
Bye Roads, Con-
tinued.

The sum of ten pounds to improve the road from O'Connor's creek to a back settlement called Coxtown.

The sum of thirty pounds to improve the road from Kelly's creek to Sharpe's farm in the Parish of Kent.

The sum of fifty five pounds to build a new bridge on the Monquat creek.

The sum of twenty pounds to erect a new bridge on the Shiektahauk.

The sum of twenty five pounds to improve the road from James M'Laughlan's to the Falls on the north branch of the Maduxnikick.

The sum of thirty pounds to build a bridge across the Little Presqu' Isle, near Joseph Burpe's.

The sum of fifteen pounds to improve the road from the settlement on the south branch of the Maduxnikick to the Houlton road near Hillman's.

The sum of fifteen pounds for the road from Charles Palmer's to the Little Presqu' Isle.

The sum of fifteen pounds to improve the road from Charles Boyer's to the Little Presqu' Isle settlement.

The sum of ten pounds to build a bridge near Leonard Woodworth's in Jackson Town.

The sum of eighteen pounds in aid of individual subscription to build a bridge across the mouth of the Cold Stream up the Begaguimick.

The sum of fifteen pounds to improve the road from Peabody's mills on the Maduxnikick, up to the Falls on the south branch.

The sum of ten pounds for the road from Charles Palmer's to William Mallory's.

The sum of twelve pounds to open a road from William Mallory's, southerly, past Henry Connell's mill, to the Jackson Town road.

The sum of twelve pounds to improve the road from William Lindsey's to William Bell's near the Forks of the Maduxnikick.

The sum of forty pounds to improve the road from Rufus Payson's to William Lindsey's.

The sum of ten pounds to improve the road from the Forks of the road near Rufus Payson's mill, past Beverly Esty's, to the further part of the settlement.

The sum of twenty pounds to improve the road from Willer Chapman's, through the Moodie Grant to the Jackson Town road.

The sum of twelve pounds for the road from William Lindsey's to James M'Laughlan's.

The sum of twenty pounds to improve the road from Henry Sharpe's, past George Wilson's, to Richard Martin's; part to be laid out on a bridge near Martin's.

The sum of twelve pounds for the road from Richard Martin's to William Bell's up the Maduxnikick.

The sum of thirty pounds to improve the road leading from Boyer's mill in the Parish of Wakefield to the rear of the Great Presqu' Isle settlement.

The sum of thirty pounds to improve the road from Jacob Estabrooks' to the bridge on the Little Presqu' Isle towards the Williams Town settlement.

The sum of ten pounds for the road from the Bridge on Little Presqu' Isle to Bridges'.

The sum of fifteen pounds to improve the road from Elijah Marsh's to the Richmond road through the Irish settlement.

The

Carleton County
Bye Roads,
Continued.

The sum of fifteen pounds to improve the road from Richmond Corner to Peabody's mills on the Maduxnikick.

The sum of twelve pounds to improve the road from Perley's mill to William Hatfield's in the Richmond settlement.

The sum of twelve pounds from Perley's mill, southerly, to Isaac Gidney's.

The sum of twenty pounds to improve the road from Richmond Corner to Andrew Blair's, to be laid out in causewaying the swampy parts of the road.

The sum of thirteen pounds to open and improve a new road from William M'Kenzie's, in the Richmond settlement, to James Kelleen's towards Eel River.

The sum of twelve pounds to improve the road from Andrew Blair's to Green Lake.

The sum of fifteen pounds to improve the road from William Wilson's to Mrs. Hand's, to be expended on the hill near that place.

The sum of ten pounds to improve the road from Mrs. Hand's to Peabody's mills.

The sum of forty pounds to improve the road from Judge Beardsley's to Peter Gallagher's in a back settlement.

The sum of sixty pounds to improve the road from Eel river to the Ferry at Woodstock, twenty pounds of which may be applied to repairing the bridge at Bull's Creek.

The sum of twenty pounds to improve the road on the lower side of the Glebe Lot in Wookstock to a back settlement.

The sum of fifteen pounds to improve the road from John M'Lennan's to George Hillman's in a back settlement.

The sum of fifteen pounds to improve the road along the lower line of the Woodstock Grant to a back settlement on the north side of Eel River.

The sum of ten pounds to improve the road from William Flemming's to Robert Henderson's.

The sum of fifteen pounds to open and improve the road from Robert Hume's to Zepheniah Mills, by Hume's and Crabb's Lots, and to continue on the line between Jonathan Tracey's and Mills'.

Bye Roads in
King's County.

The sum of twenty pounds for the neck road from near Seeley's point to James White's in Kingston.

The sum of fifteen pounds for the road from James Roulston's to John White's Mill Stream.

The sum of fifteen pounds for the road from White's mills, Kennebecasis, by Charles M'Farlin's, to the Long Reach near Henry Williams'.

The sum of fifteen pounds for the road from Justus Wetmore's, Kennebecasis, to the Long Reach.

The sum of fifteen pounds for the road from Bates' mills through the Midland to the Neck road near M'Williams'.

The sum of ten pounds for the road from the Neck road through the Midland to Harrison's on the Milkish.

The sum of twenty pounds for the road from Bates' to Bostwick's in Kingston.

The sum of ten pounds for the road from James Cosburn's to the road leading from Bates' to Bostwick's.

The sum of ten pounds for the bridge over the stream leading to Bostwick's mill.

The sum of twenty pounds for the road leading up Ketchum's brook from the Kennebecasis to Pickett's mills.

The sum of ten pounds for the road from Pickett's mills to Bellisle Bay.

The sum of ten pounds for the road from Thomas Corey's towards Seeley's mill.

The sum of ten pounds for the road leading from Bellisle Bay by James Ganong's side line to the Midland.

The

The sum of twenty pounds for the road from Stephen Wetmore's to the solid bridge at the point of the Mountain on Kennebecasis River. King's County
Bye Roads;
Continued.

The sum of ten pounds to blow rocks, widen and improve the winter road inside of Beardsley's Rock, mouth of Bellisle.

The sum of ten pounds for the road from Tenant's cove to the back lands in Greenwich and Springfield.

The sum of ten pounds for the road from George Boyle's to Charles Richards' in Greenwich.

The sum of eight pounds eight shillings and sixpence to Thomas Flewelling, Commissioner for building a bridge near Caleb Flewelling's, to enable him to complete the contract for the same.

The sum of eleven pounds eleven shillings and sixpence for the road between James Flewelling's and Thomas B. Flewelling's, Junior.

The sum of ten pounds to cut down the hill and improve the road from near the bridge eastward of Peter Velej Flaglor's.

The sum of fifteen pounds for the road from James Bulyea's, Junior, to the cross roads in the second tier of lots.

The sum of ten pounds for the road from Samuel Campbell's to William Boyle's across the third tier of lots.

The sum of ten pounds for the road from Andrew Hamilton's to Queen's County line near Paisley's.

The sum of fifteen pounds for the Yorkshire road from John Jackson's towards Queen's County line.

The sum of ten pounds for the road from the Yorkshire road to Richard Wayland's in the Menzie settlement.

The sum of ten pounds for the road from Thomas Wall's to Cheyne's on the road to the Nerepis.

The sum of ten pounds for the road from James M'Keel's to the main road near the river.

The sum of ten pounds for the road from the settlement in rear of Greenwich Hill to the shore.

The sum of ten pounds to cut down a hill and improve the road westward of John M'Keel's.

The sum of fifteen pounds for the road from the Nerepis road, Grand Bay, to Mitchell's and others in third tier of lots, one half of said sum to be expended between Fowler's settlement and Mitchell's.

The sum of ten pounds for the road from the Findlay settlement to the river near O'Donnel's in Westfield.

The sum of twenty pounds for the road from near the Church, Westfield, to Salmon Rock on the east side of Nerepis.

The sum of ten pounds for the road leading from the eastern Nerepis road to Cheyne's on the Wallis' road.

The sum of ten pounds for the road from the settlement of Cheyne and others to the main road, river Saint John.

The sum of fifteen pounds for the road from Stephen Cronk's in third tier of lots to the Kemball road, and thence to the shore; one half of said sum to be expended between Cronk's and the Kemball road.

The sum of fifteen pounds for the road from the school house near Mr. Harding's to Lands End.

The sum of twenty pounds for the road from James B. Lyons, Long Reach, to the Milkish settlement.

King's County
Bye Roads,
Continued.

The sum of ten pounds for re-building the bridge over M^cColl's creek in Westfield, south east side of river Saint John.

The sum of ten pounds for the road from the eastern side of Captain Hare's land to Jeremiah Dowling's on north side Milkish.

The sum of ten pounds for the road from Hare's eastern line to the cove settlement called Logan's cove.

The sum of ten pounds for the road across Kennebeccasis Island from Johnston's to Foster's.

The sum of ten pounds for the road from Thomas Saunders' to the Hammond River bridge.

The sum of ten pounds for the road from William Dixon's to Adiah Sherwood's.

The sum of ten pounds for the road from the main road near William Maine's to David Root's.

The sum of ten pounds for the road from Smith's mill to Loch Lomond.

The sum of fifty pounds for a bridge over Hammond River on a road leading from the Salt Spring settlement to Loch Lomond.

The sum of ten pounds for the Post road near the Hammond River bridge to the old road near Beattie's ferry, on the west side.

The sum of ten pounds for the road from Richard Shearwood's to the old road near Beattie's ferry.

The sum of ten pounds for the road from Longstroth's, to the Saint John County line, by Thomas Palmer's.

The sum of ten pounds for the road from Philip Dean's to the road leading to S. Baxter's.

The sum of ten pounds for the road from Sidney Baxter's to Moses Innis'.

The sum of ten pounds for the road from Sidney Baxter's to the Sussex line.

The sum of fifteen pounds for the road from Gillis' to the main road near James Crabb's.

The sum of ten pounds for the road from Moses Innes' to the new toll bridge.

The sum of ten pounds for the road from near John Ross', at Moosehorn brook, to the road leading to Stewart's mill near Williams'.

The sum of fifty pounds for the road from the toll bridge in Norton to near Groom's in Hampton.

The sum of fifteen pounds for the road from Maxwell's to the cross road leading to Redstone's mill.

The sum of ten pounds for the road from Elnathan Benson's to the Scotch settlement road.

The sum of ten pounds for the road from the Scotch Church to Lewis Pickett's mill.

The sum of twenty pounds for the road from the Post road near the Kirk to the Waterloo settlement.

The sum of fifteen pounds for the road from Shannon settlement to Lewis' cove near Shaw's mill.

The sum of ten pounds for the road from Thomas Spragg's to Bellisle Bay.

The sum of ten pounds for the road from Robert Noble's to the back settlement.

The sum of twenty pounds for the road from Captain Spragg's point to the County line near Shaw's mills.

The sum of fifteen pounds for the roads from John Vanwart's, on the base line, to William Wetmore's.

The sum of twenty pounds for the road from Able English's to the mill stream bridge by way of Joseph Sharp's.

The

The sum of ten pounds on Ward's creek road in Sussex.

The sum of ten pounds for the road from near Lake's on the Bellisle to the back settlement near John Bond's.

The sum of ten pounds for a bridge near E. J. Scovil's on the road leading from the Church to Moosehill.

The sum of fifteen pounds for the road from Thomas Shearer's to the English settlement at Broad's.

The sum of ten pounds for the road from Doctor Wilson's to John Foster's.

The sum of fifteen pounds to repair a bridge, called Good's bridge, over Studholm's mill stream.

The sum of ten pounds for the road from Gilles' to Kierstead's mills, by Charles Gray's.

The sum of twenty five pounds for the road from Forsyth's to M'Lauchlan's.

The sum of ten pounds for the road from John Barnes' towards the Millican settlement.

The sum of ten pounds for the road from Deforest's lake to John Sherwood's mills.

The sum of ten pounds for the road from Samuel Deforest's to Daniel Fowler's.

The sum of ten pounds to build a bridge near William R. Sentell's.

The sum of fifty pounds for the new road from the bridge at Barnes' to the Church near Upham's.

The sum of ten pounds for the road from John C. Robinson's to James Campbell's in Salt Spring settlement.

The sum of ten pounds for the road from the bridge by Samuel Lackey's to Edward M' Mackin's west line.

The sum of ten pounds for the road from Isaac Fowler's to Robert Marshal's.

The sum of ten pounds for the road from Shepody road to the County line towards Martin's head.

The sum of ten pounds for the road from the County line near Cother's to the Hammond River, of which six pounds is to be paid to John Barnes and Thomas Smith for building a bridge over south stream.

The sum of ten pounds for the road on the south side of the river from Smith's mill upwards.

The sum of ten pounds for the road from Moses Jordon's to William Marr's.

The sum of fifteen pounds for the road from Ryan's to the head of the settlement on Studholm's mill stream.

The sum of twenty pounds for the road from William Beeches's to Butternut Ridge.

The sum of ten pounds for the road from James Nowlan's to mill stream.

The sum of ten pounds for the road and bridges from Thomas Coates' to the main road near salt works.

The sum of ten pounds for the road from Jordan Mountain to the Carson settlement.

The sum of ten pounds for the road from Alexander Kennedy's to William Frazie's.

The sum of ten pounds for the road from John Snider's to the main road near Fulkin's.

The sum of twenty pounds for the road from George Ellison's to the Parish line of Norton by way of Gilead Seacord's.

The sum of twenty pounds for the road from near Ezekiel Foster's to the Church in Springfield.

King's County
Bye Roads,
Continued.

The sum of ten pounds for the road from John Frazer's to Joseph Killin's.

The sum of fifteen pounds for the road John M' Monagle's to Campbell settlement by way of Drewry's.

The sum of ten pounds to improve the hill between John Parlee's and Edward Parlee's.

The sum of ten pounds for the road from John M'Leod's to near Thomas Dunfield's.

The sum of twenty pounds for the road from Good's mill to Queen's County line near Lunn's.

The sum of ten pounds for the road from Frederick Mires's to Chambers' by way of Kyle's.

The sum of fifteen pounds for the road beginning at the new line of road leading from Saint John to Sussex and extending through lands of John Jeffries towards the Shepody road.

The sum of sixteen pounds ten shillings for the road from Daniel Campbell's to Sidney Baxter's; out of which sum the Commissioner for said road is to remunerate Daniel Campbell for building a bridge on said road in the year one thousand eight hundred and thirty six.

The sum of ten pounds for the road from near John Jeffrie's to the Linden road near Brown's.

The sum of fifteen pounds for the road commencing near Silas Defforrist's to near William M'Leod's, Junior.

The sum of ten pounds for the road from Christopher Sheecks, Junior, to John Haye's.

The sum of ten pounds for the road from the main road to M'Gregor's mill.

The sum of ten pounds for the road from Edward Finling's towards Murray's mill near Long Creek.

The sum of ten pounds for the road laid out by Jeffries called the Cedar Camp road.

The sum of ten pounds for the road from near Robert M'Leod's by way of Henry Parlee's to the Finger Board road.

The sum of eight pounds ten shillings for the road from Goslin's to the post road.

The sum of ten pounds for the road leading from the south branch to the settlement of Hayward and others called Goshan.

The sum of fifteen pounds for the road from Edward Maxwell's to the road leading from Doctor Wilson's to the Church at Gillis'.

To his Excellency the Lieutenant Governor or Commander in Chief for the time being, the sum of twenty five pounds to pay the expense of an exploration in order to ascertain the practicability of a road between the settlement at the second Falls of the Magaguadavic and some point on the Nerepis road near the half way house.

To His Excellency the Lieutenant Governor or Commander in Chief for the time being, the sum of one hundred pounds for the purpose of improving the road from the Irish Town settlement, in the County of Westmorland, to the Richibucto river, known as the M'Laughlan road.

II. And be it enacted, That the said several and respective sums of money, and every part thereof, shall be expended under the direction of such Supervisors and Commissioners as His Excellency the Lieutenant Governor or Commander in Chief, by and with the advice of the Executive Council, may be pleased to appoint, and shall be paid to the several and respective persons who shall actually work and labour in making, completing and repairing the said several

Exploration
from second
Falls, Magaguadavic,
to the
Nerepis.

Irish Town settlement
to the
Richibucto
River.

Money to be
paid to the persons
working or
furnishing materials.

several roads and bridges, or in furnishing materials therefor, at the most reasonable rates that such labour and materials can be provided; and every Commissioner so to be appointed shall, as early in the season as may be, carefully examine the part of the road where any sum of money is to be expended, and shall lay out and mark off such allotment or allotments as may conveniently be contracted for, in order that the making or repairing of the same may be let by auction to the lowest bidder; and in all such cases, such Commissioners respectively are hereby required to put up a sufficient number of notices, not less than ten days previous to such sale, in three or more of the most public places in the neighbourhood where the work is to be done, which notice shall specify and describe the work so to be performed, and also the place, day and hour when and where the same will be let at auction as aforesaid; and it shall further be the duty of such Commissioners respectively to attend personally at the time and place so appointed, and there to let out to the lowest bidder such allotment or allotments, and at the same time to enter into written contracts for the faithful performance of the work in time and manner set forth in such contracts; and in cases where the work required to be performed cannot be conveniently let by auction, it shall be the duty of the said 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 the expenditure of such monies, and shall produce receipts in writing from the several and respective persons to whom any part of the said money shall be paid as vouchers for such payment, and render an account thereof upon oath, (which oath any of the Justices of the Peace in the several and respective Counties is hereby authorized to administer,) to be transmitted to the Secretary's office, to be laid before the General Assembly at the next Session.

Duty of Commissioners in expending money.

III. And be it enacted, That all the before mentioned sums of money shall be paid by the Treasurer out of the monies in the Treasury, or as payment may be made at the same, by warrant of His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Executive Council, for which warrants no fee or deduction shall be demanded or taken from the persons in whose favor they may issue.

Money to be paid by the Treasurer by Warrant.

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

Compensation to Commissioners.

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

Money to be expended before the 1st of October.

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

No money to be expended on alterations not recorded.

Repealed by 42 of Act
Cap 2 - Sec 64

CAP. V.

An Act to amend the Act to provide for the collection of the Revenue of the Province.

Passed 1st March 1837.

Preamble.
6 W. 4, C. 4.

WHEREAS by the sixth section of an Act made and passed in the sixth year of the reign of his present Majesty, intituled "An Act to provide for the collection of the Revenue of the Province," it is, among other things, provided that if any articles charged with duties by virtue of any Act or Acts of the Imperial Parliament, and have been charged with duties, according to the provisions of the same, the valuation had on the same shall be accepted, deemed and taken to be the true value on which the provincial duties shall be demanded and paid: And whereas it is expedient to repeal so much of the said section as contains the said proviso;

6 W. 4, C. 4, S. 6, in part repealed.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the said sixth section of the said Act as provides that if any article be charged with duties by virtue of any Act or Acts of the Imperial Parliament, and have been charged with duties, according to the provisions of the same, such valuation shall be accepted as the true value for paying the Provincial duties, be and the same is hereby repealed.

Valuation of goods seized to be made by two persons appointed by a Justice of the Peace.

II. And whereas by the said Act no mode is pointed out to ascertain the value of goods seized for a breach of the Revenue Laws; for remedy whereof, Be it enacted, That when any article or articles shall be seized for a breach of the Revenue Laws of this Province, it shall be the duty of the Treasurer or Deputy Treasurer to make application to any one of His Majesty's Justices of the Peace in the County where such articles were seized, to nominate two persons to appraise the articles so seized, whose valuation shall be accepted as the true value thereof, the expense attending such valuation to be deducted from the proceeds of the seizure.

When the security in a Bond shall be discharged.

III. And whereas under the provisions of the twenty eighth section of said Act, doubts have arisen as to the time when the security in a Treasury bond shall be discharged in case the bond be not transmitted to the Attorney General for prosecution; for remedy whereof, Be it enacted, That no security in any bond taken for the payment of duties shall be discharged from the same, unless the Treasurer or Deputy Treasurer shall neglect to transmit such bond to the Attorney General, to be prosecuted within thirty days after the last instalment in such bond shall become due and payable.

Deputy Treasurers at Miramichi, Richibucto, Saint Andrews, Bathurst and Dalhousie may appoint Deputies during sickness or absence. Limitation.

IV. And be it enacted. That it shall and may be lawful for the Deputy Treasurers at Miramichi, Richibucto, Saint Andrews, Bathurst and Dalhousie, in case of sickness or necessary absence of either of them, to appoint a fit person for them respectively to attend to the duties of these respective offices during their sickness or necessary absence, and for the conduct of such person, the said Deputy Treasurer and the respective sureties shall be responsible.

V. And be it enacted, That this Act shall continue and be in force for and during the continuance of the Act, to which this is an amendment.

extended to Dep^y Treas^r in Woodstock

A. D. 1836-7.

7° GULIELMI IV

C. 6.

CAP VI.

*Repealed by 15th Cap 51
See 9th for e-35 road from Fredericton to
Allston
See 8 over e
47 as to route
road from Halifax
to Amherst -
query how far
this act to certain
officers of H. M.
Board*

An Act relating to the Great Roads of Communication through this Province.

Passed 1st March 1837.

WHEREAS it is expedient that the several Acts now in force relating to the great roads of communication in the Province should be repealed, and a more effectual system established for the regulation and improvement of the said roads;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of the reign of His late Majesty King George the Fourth, intituled "An Act to repeal all the laws, now in force relating to the establishment, regulation and improvement of the great roads of communication through the Province, and to make more effectual provisions for the same;" also an Act made and passed in the sixth year of the same reign, intituled "An Act to alter and amend the laws now in force for the establishment, regulation and improvement of the great roads of communication through the Province;" also an Act made and passed in the eighth year of the same reign, intituled "An Act to alter and amend the laws now in force relating to the establishment, regulation and improvement of the great roads throughout the Province, and to make more effectual provision for the same;" also an Act made and passed in the second year of the reign of His present Majesty, intituled "An Act to amend an Act, intituled 'An Act to repeal all the laws now in force relating to the establishment, regulation and improvement of the great roads of communication through the Province, and to make more effectual provision for the same;'" also another Act made and passed in the same year, intituled "An Act to alter the great roads of communication from Fredericton to Saint Andrews;" also another Act passed during the same year, intituled "An Act to alter and amend the laws now in force for the establishment, regulation and improvement of the great roads of communication through the Province;" also another Act made and passed in the same year, intituled "An Act further to amend the Acts relating to the great roads of communication through the Province;" also an Act made and passed in the third year of the reign of His present Majesty, intituled "An Act for the further amendment of the Acts relative to the great roads of communication;" also an Act made and passed in the sixth year of the reign of His present Majesty, intituled "An Act to establish the road leading from Houlton to Woodstock one of the great roads of communication in this Province;" and also another Act made and passed in the same year of the same reign, intituled "An Act to establish the road leading from Connick's at Waweig in the County of Charlotte, to the lower bridge over the River Saint Croix, as one of the great roads of communication," be and the said several Acts are hereby repealed, except so far as any of the said Acts may repeal the whole or any part of any other Acts.

3 G. 4, C. 31.

6 G. 4, C. 20.

8 G. 4, C. 10.

2 W. 4, C. 1.

2 W. 4, C. 7.

2 W. 4, C. 12.

2 W. 4, C. 32.

3 W. 4, C. 24.

6 W. 4, C. 9.

6 W. 4, C. 42, repealed, except so far as they may repeal other Acts.

II. And be it enacted, That the roads as herein described be and they are hereby continued, appointed and established to be the great roads of communication through the Province, that is to say, that the road leading from Fredericton to Saint John by way of the Nerepis, be by the following line or route, that is to say, from the Market House in Fredericton by the present route to the mouth of the Oromocto River, thence across the said river and through the field of John Hazen, Esquire, to the great road in rear of the said field, thence to Vaughn's point, thence across the inlet at the head of South Bay to the point where the great road divides into two branches, one of which leads to John Harding's on the

Routes of Great Roads specified.

Fredericton to Saint John by the Nerepis.

the Manawagonis road, and from thence by the present route to Carleton ferry, and the other to Lovett's point opposite to Indian Town.

Gagetown to the Nerepis road.

That the road leading from Gagetown to the Nerepis road, be by the following line or route, that is to say, from the Court House in Gagetown along the present highway, leading towards Dingee's mill, until it meets the road leading from Gagetown to the Nerepis great road, thence through the Summer Hill and Coot Hill settlements until it meets the aforesaid Nerepis road, leading from Fredericton to Saint John.

Saint John to Saint Andrews.

That the great road leading from Saint John to Saint Andrews, be by the following line or route, that is to say, from Carleton to Musquash, thence to Magaguadavic, thence to Digdeguash, thence to Chamcook, and thence to Saint Andrews.

Fredericton to Saint Andrews.

That the great road from Fredericton to Saint Andrews, be by the following line or route, that is to say, from the Market House in Fredericton by the residence of the Honorable Thomas Baillie, through the Hanwell settlement, thence to the River Magaguadavic, near Brockway's, thence by the Flume Ridge to M'Farlane's Mills, on the River Digdeguash, thence to Connick's thence to Gilman's, and thence to Saint Andrews.

Connick's, at Waweig, to the lower bridge over the Saint Croix.

That the great road from Connick's, at Waweig, in the County of Charlotte, to the lower bridge over the River Saint Croix, be by the following line or route, that is to say, from Connick's at Waweig round the head of Oak Point Bay, and thence through the town of Saint Stephen's to the lower bridge over the river Saint Croix.

Saint John to Nova Scotia line.

That the great road from the City of Saint John to the Nova Scotia line, be by the following line or route, that is to say, from the City of Saint John to the bridge over Hammond River near Ketchum's, thence by the present route to Hampton Ferry, thence to Sussex and through that Parish to Alexander M'Leod's, thence by the new road round the Portage Hill, to where it joins the old road near Leake's farm, thence to the new bridge over the Petticodiac River, thence along the said river to the bend, thence through the Portage between Petticodiac and Memramcook Rivers, thence across Memramcook River by the bridge, to the Court House in Dorchester, thence through the Portage to Sackville, thence by the road leading over the great Marsh to the Missiguash, the boundary line of the Province, to join the Post road of Nova Scotia.

Bend of Petticodiac to Shediac.

That the great road leading from the Bend of the Petticodiac River in the County of Westmorland to Shediac, be by the following line or route, that is to say, from the Bend of the Petticodiac River by the present road to Shediac.

Dorchester to Chatham.

The great road from Dorchester to Chatham to commence at the angle of the line of the great road from Saint John to the Nova Scotia line, on the East side of the Memramcook River bridge, thence by the present line of road to the ferry over the river Richibucto near George Platt's, thence following the present line of road by the head of Daigle's creek to Napan, and from thence to the Village of Chatham, through the Chatham Joint Stock Company's lot.

Hopewell to Salisbury.

That the road from Hopewell in the County of Westmorland to Salisbury, be by the following line or route, that is to say, commencing at Isaac Dorry's, and extending thence by the present road to John Calhoun's, thence to M'Latchey's creek in Hillsborough, thence by the road as now travelled to George Colepitt's in Coverdale, and thence to the great road near Alexander Wright's.

Fredericton to the Finger Board.

That the road from Fredericton to the Finger Board be by the following line or route, that is to say, from the Market House in Fredericton, across the river Saint John to the lower side of the Nashwaak, thence to the Parish of Maugeville, thence following the present road through that Parish, and the Parishes of Sheffield and

Attended by me
e-35

and Canning, to William Colwell's farm, thence across the Jemseg and following the new line of road lately explored by William Fosby and John Earle, crossing the Washademoak Lake at White's Point, to the old road, thence by the present route to the Finger Board, on the great road from Saint John to the Nova Scotia line.

That the road from Saint John to the head of Bellisle, be by the following line or route, that is to say, from the forks of the road on the Great Marsh near Saint John, through the Moose Path road by Charles Clark's and the Honorable William Black's farm, thence by the same road to Gondolo Point, thence crossing the river Kennebecasis to George Burgess' farm, thence following the road to the eastward of Bates' mill pond, and through the Middle Land settlement by way of Lewis Pickett's to the Guthrie road so called, thence by the road last mentioned to the head of Bellisle Bay, meeting there the great road leading from Fredericton to the Finger Board.

Saint John to
the head of
Bellisle.

That the great road leading from Fredericton to Newcastle and thence to Restigouche, be by the following line or route, that is to say, crossing the river Saint John at Fredericton to the upper ferry, commonly called Everitt's ferry, thence north easterly or thereabouts, through the woods, to Atherton's on the west side of the Nashwaak, agreeably to the line, as near as may be, explored and recommended by Alexander Goodfellow, David Crocker and Robert Wasson, the Commissioners appointed by His Excellency the Lieutenant Governor, to examine the road from Swim's ferry on the south west Miramichi to Fredericton, in pursuance of a resolution of the House of Assembly in the Session of one thousand eight hundred and thirty five, thence up the Nashwaak, following the course recommended by the said Commissioners, as near as may be, to M'Pherson's, thence crossing the Nashwaak at M'Laggan's mill, about two miles below M'Leod's, thence across the Portage to Boies Town, also agreeably to the line recommended by the said Commissioners in their report, and laid out, opened, and made by the Supervisors on that road, viz: Goodfellow and Crocker the last year, thence from Boies Town, on the south side of the south west branch of the river Miramichi, down to Hunter's or Bliss' farm, thence crossing the said branch of the river Miramichi to the north side, thence down on the last mentioned side till it strikes the new road at or below Swim's ferry, thence to continue down on the same side of the said river, following the new road to the lower end of the straight line below Decantlin's, thence to Doak and M'Laggan's mills on Bartholomews river, thence to Indian Town, thence following the road as at present made and travelled to the north west branch of the Miramichi river, to a little above or to the north of Beaubear's Point, thence crossing the said north west branch to Newcastle, thence to Alexander Goodfellow's farm, thence through the woods agreeably to the road at present travelled to Forein's, and from thence to Campbellton as follows, on the present line from Forein's to the Shire Town at Bathurst, and from thence to cross the middle river of Bathurst from the public landing near Joseph Read's wharf, and continue in a direct line to Deacon's landing, from thence to Tattigouche bridge, and from thence to Armstrong's bridge, thence to cross at the mouth of the Jaquet river, and to continue to Benjamin's bridge, and pass near to M'Pherson's house, thence to river Charlo, at or near the head of the tide, thence to cross at the mouth of Eel river, thence on the present laid out line to Dalhousie, and from thence on to Campbellton, to terminate immediatly opposite the entrance of the Kempt Canada road.

Fredericton to
Newcastle and
thence to Resti-
gouche.

That the road leading from Fredericton to the Canada line, be by the following line or route, that is to say, from the Market House in Fredericton on the

Fredericton to
the Canada line.

west side of the river Saint John to Burgoyne's ferry, thence across the river Saint John to the east side of the said river, thence on the east side of the said river to Pennington's bridge on the great road leading to Joseph Woolverton's in the Parish of Northampton, thence across the said river Saint John to Mr. Fraser's lower farm in Woodstock, thence to the Garrison at Presqu' Isle, thence across the lower Presqu' Isle Creek, near the mouth of the river Restook, thence across the said river near its mouth, thence to the Grand Falls, and from thence to the Canada line through the Madawaska settlement.

That the great road leading from Woodstock to Houlton, be by the following line or route, that is to say, from the great road leading to the Canada line, at Woodstock corner, thence through the Richmond settlement to the American line, to meet the Bangor road, through Houlton.

III. And be it enacted, That all the before mentioned great roads shall be four rods wide and shall be opened and worked of such width as the Supervisors in their respective districts shall deem necessary, not exceeding the width aforesaid.

IV. And be it enacted, That the Lieutenant Governor or Commander in Chief of the Province for the time being, by and with the advice of His Majesty's Executive Council, is hereby authorized and empowered to appoint fit and proper persons to be Supervisors of the said great roads respectively, or such parts or portions thereof, as the said Lieutenant Governor or Commander in Chief by and with the advice aforesaid may deem proper; provided that no Supervisor shall have more than one hundred and fifty miles of roads under his superintendence.

V. And be it enacted, That every Supervisor appointed under and by virtue of this Act, shall give security, by bond to His Majesty, His Heirs and Successors, with two good and sufficient sureties to be approved of by His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, in double the amount such Supervisor may have to expend, conditioned for the faithful performance of the duties required of him, and for the accounting for all public monies intrusted to him, such security to be taken in double the amount granted for the road under his superintendence.

VI. And be it enacted, That the respective Supervisors appointed under and by virtue of this Act, except in cases hereinafter mentioned, shall have the sole ordering of the repairs and alteration which may be necessary for the completing the said roads within their respective limits or districts, and keeping them at all times, during their continuance in office, in the best possible state of repair; and for the purpose of making any alteration they may deem necessary, such Supervisors respectively shall have power and authority and they are hereby authorized to enter upon the lands of any proprietor or proprietors through which it may be thought desirable to make any alteration, in order to make the necessary exploration and survey, preparatory to such alteration, doing no unnecessary damage thereto: Provided always, that nothing in this Act contained shall extend or be construed to extend to deprive the several Commissioners of highways in their respective Parishes of the power of directing the application of the statute labour of the inhabitants of the said Parishes either upon the great roads or other roads within the same, as to the said Commissioners may appear most conducive to the public good: Provided always, that the said Commissioners shall in no case have the power of altering any great road or roads, but are hereby respectively required, in all cases where they may deem it necessary to expend the statute labour or any part thereof on any of the great roads of this Province, to adhere to the lines already laid out and established by law, or that may be laid out in pursuance of any law now in force or that may hereafter be in force for that purpose.

VII.

Woodstock to
Houlton.

See 5-11-17
to 10-10-17
to 12-1-17
Width of roads.

Supervisors to
be appointed by
the Governor in
Council. See
Section 18.

Supervisors to
give security.

Supervisors to
have the sole
ordering of re-
pairs and alte-
rations.

Exception.

VII. And be it enacted, That each and every Supervisor, so to be appointed, shall in the spring of the year when the ground is free from snow and ice, carefully examine the whole of the road under his superintendence, and shall lay off and mark out such allotments as may conveniently be contracted for, in order that the making or repairing of the same may be let by auction to the lowest bidder; and in all such cases such Supervisors respectively are hereby required to put up a sufficient number of notices, not less than ten days previous to such sale, in three or more of the most public places in the neighbourhood where the work is to be done; which notices shall specify and describe the work so to be performed, and also the place, day and hour when and where the same will be let at auction as aforesaid; and it shall further be the duty of such Supervisors respectively to attend personally at the time and place so appointed, and there to let out the to lowest bidder the several and respective allotments, and at the same time to enter into written contracts with sufficient sureties for the faithful performance of the work, in time and manner set forth in such contracts; and in cases where the work required to be performed cannot conveniently be let by auction, it shall be the duty of the said Supervisors to agree with fit and proper persons to perform the same by days' labour, provided that the sum expended by days' work shall in no case exceed twenty *per cent.* of the amount to be expended on the said road.

Duty of Supervisors in examining the roads and letting out the work.

VIII. And be it enacted, That the Supervisors shall cause all turnpiking, ploughing and throwing up of the said roads to be performed previous to the first day of October in each and every year, and shall not permit any Contractor or day labourer to perform such work on the roads under his charge after that date.

Work to be performed before the 1st of October.

IX. And be it enacted, That all the contracts and also all the wages of labourers hired by the day as aforesaid, shall be paid by the said Supervisors in money, and the said Supervisors shall respectively keep an exact account of the expenditures of all sums of money received and paid by them respectively for the great roads, and shall produce receipts in writing from the several and respective persons to whom any part of the said sums of money shall be paid, as vouchers for the payment, and shall render an account thereof under oath (which oath any Justice of the Peace in the several and respective Counties is hereby authorized to administer), to be transmitted to the Secretary of the Province, for the inspection and examination of the General Assembly.

Contracts and wages to be paid in money, and accounts rendered.

X. And be it enacted, That all fences, timber, wood, stones, boards, plank and rubbish of any kind, which shall be found to remain upon any part of the said great roads, after six days previous public notice by the respective Supervisors to remove the same, shall be forfeited; and it shall and may be lawful for the said Supervisors respectively or any of them, without any suit or process at law whatsoever, to cause all articles so found to be seized and disposed of in such way and manner as he or they may think proper, and if the same shall be sold, the proceeds of such sale shall be applied by the said Supervisor or Supervisors for the repairs and improvement of such roads.

Fences, timber, &c. found on roads, after notice to be removed, to be forfeited.

XI. And be it enacted, That in case it shall be necessary or expedient for the Supervisors in their respective districts to go out of the said roads to procure materials for the repairs of the same, it shall and may be lawful for the said Supervisors respectively, when from the absence or obstinacy of the owner or possessor of the soil no agreement can be made with him, to enter with workmen, carts, carriages and teams upon any uncultivated lands, and therefrom to dig, take and carry away, for the repairs of the said road, stone or gravel, and also to cut down and carry away trees and bushes, for logs, poles and brushwork, to repair the

Supervisors may, if necessary, go out of the roads to procure materials for repairs.

same

Damage to be appraised and paid.

Alterations through improved land not to be made without consent of owners, or paying value of land and damages.

Proprietor in possession by self or tenant to be deemed the owner.

Appraisers to return in their verdict who are the owners.

Justices and freeholders may belong to either County where alteration extends into two Counties.

Supervisors to pay into the Province Treasury damages tendered and not accepted of.

Altering, stopping up or encroaching on roads.

Penalty.

Recovery.

same roads, and the damage done thereby shall be appraised and ascertained by the judgment of three indifferent freeholders, to be nominated by a Justice of the Peace for that purpose; and the sum so ascertained shall be paid or tendered by the Supervisors respectively to the owner or possessor of the soil, if demanded within six months after such appraisement.

XII. And be it enacted, That the said Supervisors for the respective districts shall not make any alteration in any part of the great roads within their respective districts through any improved lands, without the consent of the owner or owners thereof, or agreeing with or paying to him, her or them the value of the said improved land so to be laid out into such public road, with such damages as he, she or they may sustain by the said road; and in case they cannot agree, then the true value to be set and appraised by five disinterested freeholders to be nominated and appointed by two Justices of the Peace, on the oath of such freeholders, which oath any one of the said Justices is hereby authorized and required to administer, and the amount of such value and damages, with the incidental expenses, shall be defrayed by the Supervisors of the respective districts out of the monies to be granted for the use of the said great roads.

XIII. And be it enacted, That the proprietor or proprietors in the possession, either by themselves or by tenants holding under them, of any lands through which it may be necessary to lay out a public road, shall be deemed to be the owner or owners of such lands, to whom the value thereof and the damages sustained are to be paid under the provisions of the previous section of this Act, notwithstanding that such lands may be under mortgage or other incumbrance; and that the freeholders appointed to set and appraise such value and damages, shall also inquire and return in their verdict who are such owner or owners to whom such value and damages are to be paid, and upon payment of such value and damages to the person or persons whom the said freeholders shall so return in their verdict to be the owner or owners of such lands, or upon tender and refusal thereof, such Supervisor shall be fully authorized to lay out such public road through such lands; and in case any such alteration lies on the border of two adjacent Counties, so as to extend into both, or to render it doubtful as to which of the two Counties the said alteration may be situate in, the Justices and the said freeholders may belong to either County, and the proceedings had by them shall be as valid and effectual as any proceedings under the provisions of this Act; and if any person or persons who may, by any of the provisions of this Act, be found entitled to receive any sum or sums of money, and on due tender thereof shall not accept of and receive the same, and shall not apply for the same within six calendar months after such tender, then the Supervisor or Supervisors shall pay the same into the Province Treasury to be disposed of under the direction of the Legislature, and that the Treasurer or Deputy Treasurer to whom such payment shall be made, shall be accountable for the same, and shall give such Supervisor a receipt for the sum so paid, which shall be a sufficient discharge to such Supervisor or Supervisors for the same.

XIV. And be it enacted, That if any person or persons do or shall hereafter alter, stop up or encroach upon any of the great roads of communication through this Province in any manner whatever, such person or persons so offending contrary to the meaning of this Act, shall for every such offence forfeit the sum of two pounds, to be recovered with costs of suit before any one of His Majesty's Justices of the Peace for the County where such offence shall be committed, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus (if any)

any) to such offender; and for want of sufficient goods and chattels the said Justice is hereby required to commit such offender to the common gaol of the County wherein such offence shall be committed, there to remain for a term not exceeding eight days; which penalty when recovered shall be paid to the Supervisor for the use of the great road within the district.

XV. And be it enacted, That if any person or persons shall wilfully hinder or interrupt any Supervisor in the lawful exercise of the duties incident to his office; such person or persons so offending shall forfeit the sum of five pounds, to be recovered before any Justice of the Peace for the County where such offence may be committed, upon conviction upon the oath of one or more credible witness or witnesses, to be levied by warrant of distress and sale of the offender's goods and chattels, to be paid to the Supervisor of the district where such offence shall be committed for the use of the public roads within such district.

Hindering Supervisor in exercise of duty. Penalty. Recovery.

XVI. And be it enacted, That in case any action of trespass, or upon the case, shall be brought against any or either of the said Supervisors by occasion of any thing done by him or them in the execution of his or their duty, under and by virtue of this Act, such Supervisor or Supervisors may plead the general issue, and give the special matter in evidence at the trial, in like manner as if such special matter had been fully and specially pleaded.

Supervisors may, in actions against them, plead the general issue and give special matter in evidence.

XVII. And be it enacted, That no action shall be brought or commence against any Supervisor for any act, matter or thing whatsoever, by any such Supervisor done, performed or committed in or about the execution of his duty, until after one month's notice of such action to be brought shall have been given to such Supervisor, and every action against any Supervisor shall be confined to the subject matter stated in such notice; and it shall and may be lawful for any such Supervisor to whom notice of action shall so be given, at any time before action brought, to make and tender amends to the party aggrieved, and if such amends shall not be accepted, then such Supervisor may pay such money into Court, and if the plaintiff shall not recover greater damages than the amount so tendered and paid in, the said defendant shall recover his costs of suit.

No action to lie against a Supervisor until after one month's notice.

XVIII. And be it enacted, That the several and respective Supervisors shall be appointed for and during the space of one year, from the date of such appointment respectively; and such appointments shall be made during the first week in April in each and every year, and in case of death or removal from the Province, or refusal of any such Supervisor to act, it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of the Executive Council, to nominate and appoint for the remainder of the year some other fit person to be Supervisor in the room of such person so deceased or removed from the Province, or who shall refuse to act.

Appointment of Supervisors to be made annually in the first week in April.

In case of death, removal or refusal to act, another person may be appointed.

Refused 3rd time 6-71

XIX. And be it enacted, That the Supervisors of the respective districts for which they may be appointed, shall enter in writing the said great roads of communication, and the alterations that may from time to time be made therein, and make a return thereof into the office of the Secretary of the Province, and also a duplicate into the office of the Clerk of the Peace for the County in which such public road lies, to be by such Clerk entered in a book kept by him for that purpose; and whatsoever the said Supervisors shall respectively do, according to the power to them given by this Act, shall be valid and good.

Supervisors to make returns of their roads and alterations.

XX. And be it enacted, That each of the said Supervisors shall be allowed to retain for his services, at and after the rate of ten per cent. out of the monies granted for the use of the roads.

Compensation to Supervisors.

XXI. Provided always and be it enacted, That all Acts and proceedings which may

Proceedings under repealed

Acts to remain valid.

may have been done and had, under and by virtue of any of the said Acts hereinbefore repealed, shall be and remain valid and effectual, notwithstanding such repeal.

CAP. VII.

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

Passed 1st March 1837.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That whenever the Justices of the Peace for the several Counties in this Province shall, under and by virtue of any Act or Acts of the General Assembly for that purpose made or to be made, order any sum or sums of money to be raised, levied and assessed, for the purpose of defraying any County, Town or Parish charge or expense, it shall be the duty of the Clerks of the Peace for the respective Counties to make out the warrants, under the hands of such Clerks respectively and the seal of the said Court, for assessing such sum or sums of money so ordered to be raised as aforesaid, and within fourteen days from the date of the order for the assessment to transmit such warrants to the assessors of rates for the several Towns or Parishes in the said Counties respectively, under the penalty of ten pounds for each and every neglect.

II. And be it enacted, That it shall be the duty of the said assessors, without delay, after receiving the said warrants of assessments, to make a rate and assessment on their respective Towns or Parishes, in such manner as shall be authorized by the Laws then in force, and within forty five days to deliver to the several collectors of rates within the respective Towns or Parishes a list containing the christian and surname of all persons rated within the several districts to which the said collectors may have been appointed, with the several amounts to be collected from every such person, such lists being signed by the said respective assessors, and having endorsed thereon a precept under their hands in their form following, that is to say:

To A. B. one of the Collectors of Rates in the Town or Parish of _____, or to any other Collector of Rates in the Town or Parish of _____

You are hereby required forthwith to collect from the several persons named in the annexed assessment, the sums set against their names respectively, under the last column thereof, intituled *Total Assesment*, amounting in the whole to the sum of _____, and to pay the same when collected into the hands of _____ County Treasurer, [or Overseer of the Poor, or otherwise as the case may be]. Given under our hands the _____ day of _____ in the year of our Lord one thousand eight hundred and _____

And further it shall be the duty of the said assessors to make out a duplicate of all and every of their respective assessments, and to transmit the same together with the warrant of assessment within ten days to the Clerks of the Peace of their respective Counties, to be filed of record; and if any assessor shall neglect or omit to perform the duty herein required of him he shall be liable to the penalty of ten pounds.

III. And be it enacted, That it shall be the duty of the several collectors of rates in the several Towns and Parishes, without delay after the receipt of such assessment and precept as aforesaid, to demand the several sums contained in the said list, of the several persons therein named, and shall if required give a written statement shewing the several amounts assessed on such person; and such collectors

Clerks of the Peace to make out and transmit within fourteen days the Warrants of Assessments to the assessors.

Assessment to be made and delivered to the collectors within forty five days.

Form of Precept.

Duplicate of assessment and the warrant to be transmitted to the Clerk.

Penalty.

Collectors to proceed without delay, and pay over their collections monthly.

Read to us 1/50 by 8 Dec - 25.

*6-7-15
17/11 Dec cap
13 Dec to send to
WJH*

*illegible
12 Dec cap 13*

collectors shall, on the first Monday in every month, pay over to the person or persons authorized by law to receive the same, the several sums of money which may have been received by such collectors during the preceding month, with a list of the persons from whom the same may have been received; and upon neglect or refusal of any person or persons to pay the amount demanded of him or them, the said collectors shall within ten days after such demand proceed against such person or persons so neglecting or refusing, according to the powers hereinafter given to the said collectors, and also within four months after the receipt of the precept for collecting the said assessment, render to the Clerk of the Peace, under oath, a full and true account of all and every sum or sums of money, which may have been received by them on account of the said assessments, with proper vouchers for all sums paid by them, and also a correct list of all defaulters in paying their said assessment; and if any collector shall neglect, refuse or omit to pay over the several sums so collected as aforesaid, on or before the days appointed therefor, or to proceed against all or any of the defaulters as aforesaid, or to render such account or list as aforesaid, it shall and may be lawful for the Justices of the Peace in the respective Counties, at any General Sessions or at any special Sessions, or the major part of them then and there assembled, to order such collector to be brought before them; and the constable or other officer who may serve such order is hereby empowered to arrest his body and bring him forthwith before the said Justices, and thereupon, if they see fit, to commit such collector to the common gaol of the County, there to be and remain, without bail or mainprise, until he shall have made full payment and satisfaction for all and every such sum or sums of money as may have been received by him, and shall have rendered a full and correct account of the collections made by him, with the list of defaulters as aforesaid, and whether proceeded against or not, unless the said Justices, for some sufficient cause shewn by such collector, may deem it proper sooner to discharge him.

To proceed against defaulters and render a full account within four months.

Proceedings against collectors for neglect of duty.

IV. And be it enacted, That if any person assessed within any Town or Parish shall refuse or neglect to pay the amount of his or her assessment, by the space of ten days next after such demand as aforesaid, then and in such case it shall be the duty of the collector of taxes for the district where such demand was made to make application to any Justice, which Justice is hereby required, upon complaint made to him under oath by such collector that the amount assessed upon any person has not been paid as aforesaid, and that demand had been made as required by the third section of this Act, to issue warrant of distress and execution against the party complained of, in the form following :

Proceedings by collectors against persons neglecting to pay within ten days after demand.

County ss. To any constable of the Parish of
 ' You are hereby required to levy of the goods and chattels of A. B. within your Parish, which sum has been assessed upon , and also costs, amounting in the whole to , besides costs of levying this execution, and have the money before me at my dwelling house on the day of , to be rendered to C. D. Collector of Taxes for the district of ; for want of goods and chattels whereon to levy you will take the body of the said A. B. and deliver to the keeper of the gaol of the said County, and the said keeper will take the said A. B. and him safely keep for days, unless the said and costs be sooner paid, and how you shall have executed this precept, make return to me at the day and place aforesaid. Given under my hand this day of one thousand eight hundred and

On this 12th day of June 1836 by order of the Clerk of the Peace at the County of ...

E. F. Justice of the Peace for the County of

And

And the constable to whom any execution as aforesaid shall be delivered, shall forthwith proceed to levy the same, in the same manner as is provided for the levying executions in an Act made and passed in the fourth year of his present Majesty's reign, intituled "An Act to regulate proceedings before Justices of the Peace in civil suits:" Provided always, that no person so committed to gaol shall be liable to be detained more than one day for every two shillings of the amount assessed and costs required by such execution to be levied, or more than fifty days in the whole if the amount exceed five pounds; and every person so committed shall be entitled to his discharge at the expiration of such time; and provided further, that notwithstanding the discharge of the defendant as aforesaid, the judgment upon which such execution issued shall remain good against the property of the defendant, and a new execution may be issued against his property in like manner as if he had not been imprisoned.

Compensation to the assessors and collectors to be settled by the Sessions.

Amount limited.

Expenses of assessing and collecting to be included in the assessors' warrant.

Assessment to be legal, although it may exceed the sum ordered by ten per cent.

Assessors and collectors to be appointed annually by the Sessions.

To be sworn.

V. And be it enacted, That there shall be allowed to the assessors and collectors respectively in the several Towns and Parishes, such compensation or fees for their services as the Justices of the Peace for the several Counties shall, at their General Sessions at which each respective assessment is ordered, deem reasonable, and then and there order and establish: Provided always, that no assessors shall in the whole be allowed at a greater rate than five per cent. and no collector at a greater rate than ten per cent. on the amount ordered to be assessed: Provided also, that no assessors shall be allowed a per centage unless the provisions of the second section of this Act shall have been fully complied with, and no collector shall be allowed a per centage on any greater sum than he may actually collect and pay over, nor be entitled to receive such per centage until he shall have collected the whole amount mentioned in the precept to him directed, or assigned sufficient reasons, satisfactory to the Sessions, for not collecting the same, nor until such collector shall have rendered a full account, shewing the amounts received and paid by him, and a correct list of all the defaulters in his district, as is provided in and by the third section of this Act.

VI. And be it enacted, That a sum equal to the per centage on the several amounts ordered to be assessed as aforesaid, shall be included in every assessor's warrant, for defraying the expenses of assessing and collecting, and when collected shall be paid into the hands of the respective County Treasurers for the purpose of paying the assessors and collectors, as the Justices may by their order in Sessions from time to time direct.

VII. 'And whereas it is difficult in most cases for the assessors to appor-
' tion the rate or assessment to be made by them, so that the total amount
' thereof shall correspond with the exact sum ordered to be assessed;' Be it
enacted, That in all assessments for Town or Parish rates, now made or hereafter to be made, such assessment shall be deemed and taken to be legal, although the aggregate amount thereof shall exceed the sum ordered to be assessed; provided the difference shall not be more than ten per cent. on the sum so ordered.

VIII. And be it enacted, That the Justices of the Peace in the several Counties in this Province, shall at their General Session in each year at which Town or Parish officers are appointed have power and authority, and they are hereby required, to nominate and appoint three or more fit persons to be assessors, and one or more fit person or persons to be collectors of the several rates or assessments which may be ordered to be made on the several Towns or Parishes in each respective County, which person shall be styled Assessors or Collectors of Taxes (as the case may be) for the Town or Parish for which they may have been appointed as aforesaid; and every such assessor or collector shall, within ten days after

after receiving notice of such his appointment, notify the Town Clerk of his acceptance of the office, and be sworn to the faithful discharge of his duty before some Justice of the Peace, who shall forthwith transmit to the Clerk of the Peace of the County a memorandum that such oath hath been administered; and if any person so appointed shall refuse to accept of the office or neglect to be sworn as aforesaid within the time specified for that purpose, he shall be liable to the penalty of two pounds, except in the City of Saint John and Parish of Portland, which shall be ten pounds for any such neglect or refusal; and upon such refusal or neglect as aforesaid, or upon any vacancy occasioned by the death or removal from the Parish of any assessor or collector appointed as aforesaid, it shall and may be lawful for any two Justices of the Peace for the County, when such vacancy may occur, forthwith to appoint another fit person to fill the office of the person so refusing, dying or removing as aforesaid; and the person so appointed shall be notified by the Town Clerk of such appointment, and shall be liable to the like penalties for refusing or neglecting to accept of the office, and to be sworn in within ten days after such notification, as if he had been appointed by the Sessions as aforesaid; and in case of such refusal or neglect, it shall and may be lawful for the said two Justices or any other two to appoint another fit person or persons to fill the vacancy thus occasioned until some person may be found who will accept of the office; and it shall be the duty of the Town Clerk of any Town or Parish to give notice to the nearest Justice of the Peace of the neglect or refusal of any assessor or collector to accept of the office, under the penalty of two pounds: Provided always, that the appointment of assessors and collectors of taxes in the City of Saint John shall be and remain with the Mayor, Aldermen and Commonalty of the City of Saint John as heretofore accustomed.

Penalty for refusal to accept of office or neglect to be sworn.

How vacancies to be filled up.

IX. And be it enacted, That the several and respective penalties imposed by this Act shall and may be recovered upon complaint made to any one of His Majesty's Justices of the Peace for the County where such offence shall be committed, upon the oath of one or more credible witness or witnesses, and levied as is provided in and by an Act made and passed in the fourth year of His present Majesty's reign, intituled "An Act to facilitate summary proceedings before Justices of the Peace, and the execution of warrants by constables," and paid into the hands of the County Treasurer for the use of the County.

Recovery of penalties.

4 W. 4, C. 45.

X. And be it enacted, That the fees to be taken by Justices of the Peace shall be as follows:

Fees to Justices and Constables.

For every affidavit of collector, including the oath, one shilling.

For every warrant of distress, &c. ninepence.

And the fees to constables for serving each and every warrant of distress and sale, the same as are now allowed to constables under the Act to regulate proceedings before Justices in civil suits.

XI. And be it enacted, That the operation of the third section of an Act made and passed in the twenty sixth year of the reign of His Majesty King George the Third, intituled "An Act for assessing, collecting and levying County rates," except so much as relates to the appointment and duties of County Treasurers, and also the operation of the fifth and sixth sections of the said recited Act be and the same is hereby suspended while this Act shall continue and be in force.

26 G. 3, C. 42, in part suspended.

XII. And be it enacted, That the receipts of the respective County Treasurers, or other persons authorized to receive the monies collected, shall be sufficient discharges to all collectors, and the discharges of the Justices of the Peace or the greater part of them by their orders made at their respective General Sessions

Receipts by County Treasurers, and discharges by the General Sessions to be good in law or equity.

Sessions to such Treasurer, shall be deemed and allowed as good and sufficient releases and discharges in law or equity.

Clerks, assessors or collectors to perform their duties although neglected to be done within the prescribed time.

XIII. Provided always and be it enacted, That when any Clerk of the Peace, assessors or collector may have neglected to perform any of their said duties within the time prescribed by this Act, it shall nevertheless be lawful for such clerk, assessors or collectors to perform such duty after the time so prescribed, and all such subsequent proceedings shall be held and deemed good and valid to all intents and purposes as if done within the said prescribed period.

Previous assessments to be in force.

XIV. And be it enacted, That all assessments now made, or which shall be made before the passing of this Act, shall continue and be in force in the same manner as if this Act had not been made.

Limitation.

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

Continued to April 1/65 by Jno. C. 34

Continued for 4 years by Act C-10 CAP. VIII.

An Act to repeal all the Acts now in force relating to Parish Schools, and to make other provisions respecting the same.

Passed 1st March 1837.

repealed & ended by 1845 by 6 Geo. 4. C. 38

8 W. 4, C. 31.
6 W. 4, C. 24.
repealed.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of the reign of His present Majesty, intituled "An Act relating to Parish schools," and also an Act made and passed in the sixth year of the same reign, intituled "An Act to continue an Act relating to Parish schools," be and the same are hereby repealed.

Three Trustees of schools to be annually appointed by the Sessions.

II. And be it further enacted, That His Majesty's Justices of the Peace of the several Counties in this Province, at their respective Courts of General Sessions of the Peace, shall and may at the time of making the annual appointments of Town and Parish officers nominate and appoint three fit and proper persons to be Trustees of schools for the several Towns and Parishes within their respective Counties, who shall be sworn to the faithful discharge of their duty, and to be in all respects subject to the same rules, regulations, penalties and forfeitures as any other Town or Parish officers are subject to by virtue of an Act made and passed in the twenty sixth year of the reign of His Majesty King George the Third, intituled "An Act for the appointment of Town or Parish officers in the several Counties of this Province," and of another Act made and passed in the third year of the reign of His late Majesty King George the Fourth, intituled "An Act in addition to an Act, intituled 'An Act for the appointment of Town or Parish officers in the several Counties in this Province.'"

To be sworn and subject to the same rules &c. as other Parish officers.

26 G. 3, C. 28.

3 G. 4, C. 29.

Trustees to divide their Parishes into districts, visit the schools and direct the discipline;

III. And be it further enacted, That it shall be the duty of the said Trustees to divide their respective Parishes into as many school districts as may from time to time be found convenient or necessary; and when the inhabitants of any such district shall provide or erect a good and sufficient school house for the use and purpose of a school, and agree with a schoolmaster or schoolmistress, duly licenced as by His Majesty's Royal Instructions is directed, to teach therein for the space of six months or one year, such Trustees are hereby required to visit and inspect such school at least once in every three months during the said period, and to inquire into the order and morals, and direct the discipline and regulation of such school; and in case the teacher so agreed with or employed as aforesaid shall refuse or neglect to comply with such rules and regulations, or shall

May displace Teachers, reporting the

shall or may be guilty of any misconduct, intemperance or immorality, the said Trustees may in their discretion discharge and displace such teacher: Provided always, that whenever such Trustees shall so displace any such teacher they shall make a report thereof in writing with the cause of such proceeding to the Board of Education of the County or district, whose appointment is hereinafter authorized and provided for.

cause to the board of education.

IV. And be it further enacted, That the said Trustees may and they are hereby authorized to admit into any school to be established in their respective Parishes by virtue of this Act, such number of free scholars, being the children of indigent persons, as they in their discretion shall think fit: Provided always, that the number of such free scholars shall not exceed five in any one school.

Trustees may admit free scholars.

V. And be it further enacted, That when any school shall have been kept pursuant to agreement as aforesaid, by a person duly licenced and employed as aforesaid for the space of six months or one year, to the satisfaction of such Trustees, in a school house provided or erected for that purpose, and that the inhabitants of the district in which the same is situated have subscribed and paid towards the support of the said school ten pounds for each and every half year during which the same has been kept, or shall have furnished the said teacher with boarding, washing and lodging during the period for which he or she shall have been so employed, then and in such case it shall and may be lawful for such Trustees to make a certificate in the form following, that is to say:

Trustees to certify schools to Sessions when kept as herein specified.

We, the Trustees of schools in and for the Parish of _____ in the County of _____ do certify to the Court of General Sessions of the Peace in and for the said County, that in the Parish of _____ the following schools have been established and kept, that is to say:

Form of certificate.

In district number _____ a school house has been erected or provided for the use and purpose of a school, that A. B., a teacher, being of moral and sober habits, duly licenced as by His Majesty's Royal Instructions is directed, has been employed in the same, and has actually taught therein for the period of _____ months, that is, from the _____ day of _____ to the _____ day of _____ one thousand eight hundred and _____ to our satisfaction, and that the inhabitants of the said district have subscribed and paid the sum of _____ pounds [or have furnished the said teacher during the said period with board, washing and lodging,] toward the support of the said school.

'C. D. } Trustees.'
'E. F. }

VI. And be it further enacted, That the said Justices at their General Sessions respectively, shall and they are hereby required twice in each and every year to certify in one general schedule all such certificates of the Trustees of schools as shall or may be laid before them at their General Sessions, under and according to the provisions of this Act, and shall transmit the same to the Secretary of the Province; upon which schedule there shall be allowed and paid toward the support of each school a sum of money at and after the rate of twenty pounds per year for each school taught by the schoolmaster or schoolmistress named in such schedule, that is to say, for a school kept six months pursuant to agreement as aforesaid, ten pounds, and for a school kept one year, twenty pounds; the same to be drawn from the Treasury of the Province by warrant from His Excellency the Lieutenant Governor or Commander in Chief for the time being, in favour of the Trustees of schools of the respective Parishes mentioned in such schedule, to be applied towards the support of the said schools according to the true intent and meaning of

Justices in Sessions to certify to the Lieutenant Governor.

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

Refused
3rd Dec
C-39

Aggregate amount for Parishes and Counties limited.

Female schools limited to three in a Parish.

Teachers to make semi-annual returns to the Clerks of the Peace.

Justices to make returns to be laid before the Legislature.

Justices and Trustees to endeavour to cause school houses to be built on public ground.

Removal of school houses.

Boards of education to be appointed for each County.

Their duty.

of this Act: Provided nevertheless, that no larger sum than one hundred and eighty pounds shall be paid out of the Treasury of this Province for schools kept in any Parish in any one year, and provided that no County in the Province shall be entitled to receive a larger sum from the Province Treasury in any one year than would arise from an average of one hundred and sixty pounds for each and every Parish in such County; provided that no more than three female schools shall be included in any such certificate or schedule for any one Parish; and provided also, that when the whole sum allowed for any one Parish pursuant to this Act is not sufficient to afford the above allowance to each and every school by reason of the great number of schools in the Parish, then and in such case it shall and may be lawful for the Trustees, and they are hereby required to apportion the whole sum among all the schools in the Parish according to the nature of their respective claims whether yearly or half yearly schools.

VII. And be it further enacted, That all teachers of schools in this Province, once in every six months during the period in which they may be employed to teach school, shall render to the Clerks of the Peace in the several and respective Counties, to be laid before the General Sessions, a true and correct account of the number of male and female scholars taught by them respectively, with their names and ages, and in case of the neglect or refusal of any teacher so to do, his or her name shall not be included in the schedule of schools to be made up and transmitted as hereinbefore provided.

VIII. And be it enacted, That the Justices of the Peace for the several Counties in this Province shall once in each and every year make return to His Excellency the Lieutenant Governor or Commander in Chief for the time being, of the names of the teachers employed in their respective Counties, and the number of children, male and female, taught in the respective schools, for the purpose of being laid before the Legislature.

IX. And whereas difficulties have frequently arisen from the school house 'being the property of private individuals as built on their land;' Be it therefore enacted, That the Justices of the Peace in their respective Counties and also the Trustees of schools in their several Parishes shall, as much as in them lies, endeavour to cause the school houses to be built on the public ground of any County or on property conveyed to the Justices of the Peace for that purpose, who are hereby empowered to receive conveyances of the same, and to hold the same for the use of such schools; and that no school house shall be removed from one part of the Parish to another part thereof without an order of the Justices in their General Sessions, to be made, if they shall so think fit, upon the application and with the consent of a majority of the Trustees.

X. And whereas it is expedient that applicants for Parish school licences 'should undergo an examination as to moral character, literary attainments and loyal principles, before obtaining a legal authority to undertake the highly important and responsible duty of teacher;' Be it therefore enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Executive Council, to appoint three or more persons in each and every County of this Province, who shall constitute a Board of Education in the same, and them or any of them from time to time at pleasure to remove, and to supply the deficiency caused by such removal or by death, or resignation or absence, by further and other appointments; and it shall be the duty of such Boards respectively to receive applications from such persons as may hereafter desire to obtain Parish school licences for their respective Counties, and to appoint an early and convenient

convenient time to hold a personal examination of the applicant or applicants, and to determine upon his, her or their applications, and report thereon to His Excellency the Lieutenant Governor or Commander in Chief for the time being.

XI. And be it further enacted, That when and so often as the Trustees of schools in any Town or Parish shall displace any teacher, as authorized and provided for in and by the third section of this Act, and shall make report of the same to the Board of Education of the County within which such dismissal shall have taken place, the said Board shall cause a statement thereof to be transmitted to His Excellency the Lieutenant Governor or Commander in Chief for the time being; provided such Board shall be of opinion that there was sufficient cause for such dismissal.

Board of Education to report to the Governor the dismissal of teachers by the Trustees.

XII. Provided always and be it further enacted, That all schools established and in operation at the time of passing this Act, which may not be finished or certified agreeably to the provisions of the said Acts hereinbefore repealed, shall be kept until the termination of the period contracted for, and be subject and entitled in all respects to the same regulations, certificate and encouragement as if the said Acts had not been repealed, and that the Trustees now in office under and by virtue of the provisions of the Acts hereby repealed, shall be to all intents and purposes Trustees to carry into effect the provisions of this Act until the making of the annual appointments of Town or Parish officers.

Reservation for Schools not certified, and Trustees now in office under repealed Acts.

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

Limitation.

*Amended to 23 March 1843 by 2 Geo. - c. 10
 & amended by 6 Geo. - c. 38 to May 1/45*

CAP. IX.

An Act to authorize the Mayor, Aldermen and Commonalty of the City of Saint John to widen the Bridge between the said City and Parish of Portland.

Passed 1st March 1837.

I. **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 full power and authority to increase the width of the bridge commonly called the mill bridge, lying partly in the said City and partly in the said Parish, on the eastern side thereof, to such an extent as shall form a public bridge, road or highway of not less than forty nor more than fifty feet in breadth in every part thereof, and the same shall, when completed, be one of the public and common highways of the City and County of Saint John: Provided always, that nothing herein contained shall extend or be construed to extend to authorize the said Mayor, Aldermen and Commonalty, in any manner to stop, hinder or diminish the passing of the water, or any boats, timber, logs or other thing whatever, into or out of the mill pond on the eastern side of the said mill bridge, in any flood gates, sluice, flume or other channel or passage now used for such purposes, through or under the said mill bridge, without the consent of the proprietor of the said mill pond.

Authority given to widen the Mill Bridge;

but so as not to injure the passage into or out of the mill pond.

II. And be it further enacted, That as well the value of the land or flats over which such extension of breadth shall pass, as the value of all buildings and improvements of the owner or owners thereof, and his or their lessee or lessees; which may be injured, required to be removed or otherwise deteriorated in value, or the damage to be sustained thereby, shall be paid for by the said Mayor, Aldermen and Commonalty, to be ascertained as follows; to wit: if the said Mayor, Aldermen

Value of the land and improvements to be settled by agreement, arbitration or a Jury.

and Commonalty cannot agree with any such owner or owners, lessee or lessees as to the amount of compensation to be paid to them, or any one or more of them respectively, then and in such case such compensation shall be ascertained by five indifferent persons, two to be chosen by each party, which four persons, shall choose a fifth, the valuation of which five persons or any three of them, made in writing under their hands and seals, shall be taken to be the true compensation to be paid by the said Mayor, Aldermen and Commonalty to and received by the person or persons submitting to such reference; provided such award shall be made and ready to be delivered to the parties within fourteen days after the date of the same submission; and in case of the refusal of any such owner or owners, lessee or lessees with whom a private agreement cannot be made as aforesaid, to nominate and appoint two persons to make such valuation, or in case of the failure of the said arbitrators to make any valuation as aforesaid under their hands and seals or the hands and seals of any three of them as aforesaid, within fourteen days after they shall have been chosen and appointed as aforesaid, it shall and may be lawful for the said Mayor, Aldermen and Commonalty to make application to any two Justices of the Peace for the City and County of Saint John, who are hereby required to issue a warrant, directed to the High Sheriff of the said City and County, commanding him to summon a Jury of twelve disinterested freeholders of the County of Saint John, not being resident within the said City, well and truly to assess such compensation so to be made to such person or persons respectively so refusing to agree with the said Mayor, Aldermen and Commonalty, or submit to such reference, or in which no award shall have been made as aforesaid, which Jury so summoned shall assess the amount of compensation to be paid to such person or persons respectively; and the said Mayor, Aldermen and Commonalty shall in all cases pay or tender to be paid to the parties severally interested the full amount of the compensation to be agreed upon or found in either of the ways above mentioned, before they the said Mayor, Aldermen and Commonalty shall be entitled to take possession or proceed with the work of widening the said bridge.

Compensation to be paid or tendered before possession be taken.

Sheriff to summon and swear the Jury, and witnesses if any required.

III. And be it enacted, That the said Sheriff shall immediately upon receiving such warrant cause public notice thereof to be advertised in all the public prints of the City of Saint John, and forthwith proceed to summon the said Jury, and shall at the time and place specified for the meeting of the said Jurors in the said warrant, (which shall not be less than thirty days from its date,) swear the said Jurors well and truly to execute the duty required of them by this Act; and if any witnesses shall be required by the said Mayor, Aldermen and Commonalty or any party or parties claiming an interest in the erections necessary to be removed, or in the land to be passed over, the said Sheriff shall summon such witnesses to give evidence touching the value of the same, and the damages to be occasioned by the removal of the said erections and passing over the said land, which said witnesses on refusal or neglect to attend and give evidence shall be subject to such damages as persons neglecting or refusing to attend and give evidence when duly subpoenaed are made subject and liable to by an Act made and passed in the fourth year of His present Majesty's reign, intituled "An Act to regulate proceedings before Justices of the Peace in civil suits;" and all expenses attending the making of this assessment shall be ascertained by the said sheriff, and after being taxed by the Clerk of the Peace for the City and County of Saint John, according to the fee table of allowances to Justices, Sheriffs, Jurors and Witnesses in similar cases, and to the sums actually paid by the said sheriff for advertising and other necessary charges, shall be paid by the said Mayor, Aldermen and

4 W. 4, C. 45.

All expenses of the assessment by Jury or arbitration to be paid by the Corporation.

Commonalty

Commonalty to the said sheriff, for the services of the several persons mentioned in the taxed bill, at the same time that the amount of the said verdict of the said Jury shall be paid, and in like manner, in case of arbitration, all the expenses attending the arbitration shall be paid by the said Mayor, Aldermen and Commonalty, and then the said Mayor, Aldermen and Commonalty shall be at liberty to proceed to the removal of such erections, and passing over and covering the said land.

CAP. X.

An Act to regulate the exportation of Lumber.

Passed 1st March 1837.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the first day of April next, no lumber of the descriptions hereinafter mentioned shall be shipped for exportation from this Province until the same has been surveyed and measured, under the penalty for every offence not exceeding fifty pounds nor less than five pounds currency, to be forfeited and paid by the person or persons who knowingly shall have shipped or caused the same to be shipped for exportation, without having been so surveyed and measured.

No lumber to be shipped for exportation previous to survey.

Penalty.

II. And be it enacted, That it shall and may be lawful for the Justices of the Peace in each County, at their first General Sessions annually, to appoint a sufficient number of fit persons in their respective Counties to be surveyors of lumber in each County, Town or place where such may be necessary; which persons so appointed shall enter into bonds to His Majesty, his heirs and successors, in the sum of one hundred pounds, with two good and sufficient sureties in the sum of fifty pounds each, conditioned for the due performance of his duty as surveyor of lumber, to be filed in the office of Clerk of the Peace in such County, and shall take and subscribe the following oath before one of His Majesty's Justices of the Peace, or before the Clerk of the Peace for the County in which he may be appointed, either of whom is hereby authorized and required to administer the same without any fee, that is to say:

Appointment of Surveyors of lumber.

Surveyors to give bonds and be sworn.

'I do solemnly swear that I will faithfully, truly and impartially, to the best of my knowledge, skill and ability, execute, do and perform the office and duty of a surveyor of lumber, according to the true intent and meaning of an Act, intituled "An Act to regulate the exportation of lumber;" and that I will give a true and faithful account of the number, dimensions or measurement of all such lumber as may be submitted to my inspection, according to the best of my knowledge; and that I will not survey any lumber in which I may be directly or indirectly interested, otherwise than for the compensation prescribed in the said Act; and that I will not change any article of lumber that may be delivered or intrusted to me for the purpose of being so surveyed.'

Oath.

Which affidavit every Surveyor so appointed and sworn shall deliver unto the Clerk of the Peace for the County in which he shall be appointed, together with the private mark which he shall adopt; and the said Clerk of the Peace is hereby required to grant a certificate to every such person of his having taken and subscribed the said oath, and of his having filed the said bond, and to furnish him with a copy of this Act, for which copy so furnished he is to receive one shilling from the Sessions of said County; and it shall be lawful for them to survey lumber

Affidavit and private mark to be delivered to the Clerk of the Peace.

Duty of Surveyor.

in

in any part of the County in which they shall be appointed, and it shall be their duty respectively, personally, diligently and carefully to ascertain the qualities of the articles submitted to their inspection, and after rejecting all such as in their opinion may appear objectionable under this Act; so far as the same can be then ascertained, (of which each surveyor is hereby required to provide himself with and retain a copy,) they shall when required furnish the buyer and seller each with a true and faithful account, in writing, of the number, length, dimensions or measurement of the articles they shall respectively find to be merchantable: Provided always, that when any dispute shall arise between the buyer or seller and the Surveyor, and a re-survey shall be required, it shall and may be lawful for the party requiring such re-survey, and for the said Surveyor respectively, to choose one disinterested Surveyor duly appointed under this Act, which two Surveyors so appointed shall choose a third disinterested Surveyor duly appointed under this Act, whose duty it shall be to examine and re-survey said lumber, and the decision of the said three Surveyors or of any two of them as to the said re-survey shall be final and conclusive; and when such dispute shall arise between the buyer and seller, it shall and may be lawful for the party who shall have had the choice of the first Surveyor to choose one disinterested Surveyor, and for the other party to choose two disinterested Surveyors, which said three Surveyors so chosen shall proceed to examine and re-survey the said lumber, and the decision of the said three Surveyors or of any two of them shall be final and conclusive; and should the original survey be confirmed, then and in such case the person requiring said re-survey shall pay the expenses thereof; and should the said original survey not be confirmed, then and in such case the expenses of the said re-survey shall be paid by the person requiring such re-survey, who shall and is hereby authorized to recover the same again from the first Surveyor: Provided also, that if any Surveyor shall pass any article of lumber contrary to the provisions of this Act, such Surveyor so offending shall be liable to the party injured for all damages sustained by him or them, and be subject to the following penalties, namely: for every forty cubic feet of timber so passed, the sum of two shillings and sixpence; for every thousand superficial feet of plank, deals, boards or scantling, the sum of five shillings; for every spar, the sum of one shilling; for every thousand shingles, the sum of two shillings and sixpence; for every thousand staves, the sum of five shillings; for every cord of lathwood, the sum of two shillings and sixpence; and if any Surveyor appointed under this Act shall at any time wilfully change any article of lumber submitted to him for inspection, or to be surveyed, by substituting any other article of lumber, he shall upon due conviction thereof incur a penalty not exceeding fifty pounds nor less than five pounds, to be recovered as hereinafter prescribed in the ninth section of this Act: Provided also, that if any Surveyor shall at any time be found guilty of wilful neglect of duty, or of partiality in the execution of his office, or of wilfully giving a false account of the article or articles submitted to him for inspection, the conviction for any such offence shall be deemed and taken to be a dismissal from his office as Surveyor.

III. And be it enacted, That all square timber shall not be less than ten inches square nor shorter than sixteen feet, except pine timber over sixteen inches square and hardwood over twelve inches square, which may be twelve feet long, to be squared and smoothly hewed, and free from knotty tops, plugs, rots, rotten or concase knots, decayed sap and worm holes, to be square butted, and the taper not to exceed one inch for every eighteen feet in length, the wane not to exceed one inch on each and every corner where the square is under sixteen inches, and from sixteen to twenty inches square, on each and every corner two inches wane, and

How disputes as to surveys to be settled.

Surveyors passing lumber contrary to this Act to be liable for damages.

Changing articles submitted for survey.

Penalty.

Neglect, partiality &c.

Punishment.

Description of square timber.

and from twenty one inches square and upwards, three inches wane on each and every corner ; and in order to ascertain the contents of such timber, the Surveyor shall girt or measure the same at the middle of the stick, and the difference of the squares between any two of the sides shall not exceed two inches ; and no log shall have a sweep unless it has two straight sides, and such sweep shall not exceed the rate of five inches to every forty feet in length : Provided nevertheless, that all pine timber over sixteen inches square, smoothly hewed and free from the knots and defects aforesaid, shall be deemed merchantable if over twelve feet long : all merchantable boards shall be seven eighths of an inch thick ; and all boards, plank, deals and scantling shall be square edged with the saw ; no board or plank shall be deemed merchantable if split at both ends, or have one continued split of more than two feet at one end, that is less than twelve feet long and nine inches wide, and that is not sawed of equal thickness throughout ; all merchantable boards, plank, deals and scantling shall be free from rots, bad or large knots (not exceeding two of two and a half inches diameter), rents, shakes, worm holes, wane and auger holes ; and purchasers shall not be obliged to take planks with boards unless by special agreement ; and the breadth of boards, plank and scantling to be taken at the middle for measurement ; clear boards may be sawed out of the round logs without being edged (optional with the party manufacturing the same), to be free from rots, knots, rents, shakes, worm holes and auger holes, the width of which for measurement to be taken at the centre, inside of and not including the wane and dark sap : Masts shall not be less than three feet and one fourth of a foot in length to every inch of diameter, to be hewed smoothly and reduced sufficiently to shew the real wood free from sap on the centre of all the four sides at the partners, to be as small at the butt as at the partners and of proportionate and full size at the top, to be straight, free from rot, ring shakes, butt rots, concave or rotten knots, large knots at the top, bark on the waness, auger holes and other defects, to be square butted, the diameter for measurement to be taken at the partners one third from the butt, exclusive of sap : Spars shall be of straight growth, free from large knots, rots and other defects, to be of proportionate size at the top with the butt, to be square butted and the diameter for measurement to be taken one third of the length from the butt, exclusive of bark, and to be four and one half feet in length for every inch of diameter where the spar exceeds nine inches in diameter, and five feet at least for all spars under nine inches diameter : Lathwood shall be of straight rift, free from bark, hearts, knots and rots, to be measured by the cord of four feet high and eight feet long, and piled as close as it can be laid : pine Shingles shall be eighteen inches long, not less than four inches wide and three eighths of an inch thick at the butt, free from sap, rot and worm holes, to be put up in bundles not less than twenty five tiers or courses of twenty inches wide, four of which bundles shall be reckoned a thousand ; cedar Shingles for exportation shall be twenty two inches long and half an inch thick at the butt, the said thickness to be continued three fourths of the length, and shaved from thence to the point, to be from four to four and one half inches in width, and the account shall be taken by tale of ten hundred to the thousand, and that all pine shingles manufactured in the same manner for exportation shall be subject to the like rules and regulations, the whole of which cedar and pine shingles for exportation to be free from the defects above mentioned relative to shingles : hogshead Staves shall be forty two inches long, three fourths of an inch thick on the thinnest edge, and not exceeding one and one eighth inches thick on the back, and shall also be from three and one half to five and one half inches wide : barrel Staves shall be thirty two inches long, half an inch thick on the thinnest edge, and not exceeding

Boards, plank,
deals and scant-
ling.

Masts.

Spars.

Lathwood.

Shingles.

Hogshead
staves.

Barrel staves.

exceeding seven eighths of an inch thick on the back; the whole to be of good rift, free from twists, fairly split and free from knot holes, rotten knots, worm holes and shakes, and the account shall be taken by tale of twelve hundred to the thousand.

Regulations as to lumber measured afloat and proving unmerchantable.

IV. 'And whereas certain articles of lumber are measured afloat and cannot conveniently be inspected; Be it therefore further enacted, That when such lumber or any part thereof shall prove unmerchantable, it shall be the duty of the purchaser or purchasers of such lumber to give the seller or sellers, or his or their agent, ten days notice that such lumber has so proved unmerchantable, in order that the same may be removed; and if the seller or sellers or his or their agent shall not within the time of such notice given as aforesaid, apply for such lumber and remove the same from the possession of such purchaser or purchasers, then the said purchaser or purchasers shall and he or they are hereby required to call upon the Surveyor who first measured such lumber or some other Surveyor, which Surveyor shall examine the said lumber so found defective, and take an account of the marks and contents of the same, and the purchaser shall put or cause the said lumber to be put in merchantable order under the superintendence of such Surveyor, by having the same overhauled, lined, hewed, sawed or repaired in any way that may be thought advisable by such Surveyor, and the purchaser or purchasers shall be at liberty to charge the seller or sellers of such lumber with the expense of putting the same in order as aforesaid, and with any deficiency thereon; which said expenses and deficiency shall be kept account of and estimated by such superintending Surveyor: Provided always, that no purchaser or purchasers of any lumber shall be allowed to have the same repaired or re-surveyed at the risk or expense of the seller or sellers after he has had the same in possession more than twelve months; and provided also, that the seller or sellers of any lumber, in order to avail himself or themselves of the provisions contained in this section, if he or they reside more than twenty miles from the place where such sale is made, shall at the time of making sale of any such lumber nominate and appoint an agent or agents to attend to such unmerchantable lumber, and the person or persons so nominated and appointed agent or agents shall be made known to the purchaser of such lumber at the time of such sale and purchase.

No repairs or resurvey allowed after twelve months possession.

Plugging masts or spars.

Penalty.

V. 'And whereas some evil disposed persons are in the habit of plugging or wedging timber and masts, for the purpose of passing such timber, masts or spars by such deceptions as merchantable; Be it therefore enacted, That any person or persons convicted of plugging any timber, spars or masts, when any defect is covered by such plugging or wedging, shall be liable to pay a fine of five pounds currency for each and every offence.

How lumber to be marked by Surveyors.

Improperly using the private mark of any Surveyor.

Penalty.

VI. And be it enacted, That each of the Surveyors so appointed shall mark or score in large and legible figures or characters, on one of the sides near the butt end of each piece of timber inspected by him, his own mark, the length, the purchaser's mark and contents, and shall at the place of girting the same, mark or score the girth thereof for measurement; masts and spars shall be marked in the same manner, having instead of the contents the diameter at the partners: Provided always, that any person or persons adopting or using the private mark of any Surveyor of lumber under this Act, by placing the same upon any piece of timber, scantling, mast, spar or other article of lumber, other than such Surveyor of lumber, shall be for each and every such offence liable to the penalty of five pounds currency, to be sued for and recovered as is prescribed in all penalties of the like amount in this Act.

VII. And be it enacted, That the persons so appointed Surveyors as aforesaid shall respectively be entitled to ask, demand and receive for their skill and labour

labour in surveying, marking and re-surveying, at and after the following rates, Surveyor's fees.
 (that is to say): for every forty cubic feet of timber, fourpence; for every thousand superficial feet of deals, plank, scantling and boards, one shilling; for masts under seventeen inches diameter, one shilling and sixpence each, and if larger, two shillings each; for spars under six inches diameter, twopence each; being nine inches diameter and upwards, fourpence each; for lathwood, one shilling and threepence per cord; for pine shingles, ninepence per thousand; for cedar shingles, one shilling per thousand; for hogshead staves, three shillings per thousand; and for barrel staves, one shilling and sixpence per thousand: which By whom payable.
 rates for the survey of merchantable lumber shall be paid by the first buyer after the survey, provided it be purchased within four months, and should it not be purchased within that term, the Surveyor to be paid by the person who employed him; and the seller shall remove or cause to be removed at his own expense whatever may obstruct or prevent the Surveyor from ascertaining with facility the measurement, manufacture or quality of any article of lumber, and when required the same shall be canted, and should the seller or sellers refuse or neglect to do the same, it shall and may be lawful to do so or cause it to be done, and to charge the seller with the necessary expense of the same, which expense to be sued for and recovered in any Court competent to try the same. Seller to remove all obstructions to the survey.

VIII. And be it enacted, That if any person appointed to be a Surveyor in any Town or Parish or any other person whatsoever, shall measure or survey any lumber intended for exportation before filing bond or taking the oath required in and by the second section of this Act, such person so measuring or surveying any lumber as aforesaid shall upon conviction thereof forfeit and pay the sum of five pounds. Penalty for surveying before filing bond or taking the oath.

IX. And be it enacted, That one half of the forfeitures or fines arising by virtue of this Act shall be paid to the person or persons who shall sue for the same, and the other half to the overseer of the poor of the Parish in which such forfeitures shall have been incurred for the use of the poor of said Parish; and where any of the penalties imposed by this Act shall not exceed five pounds, they shall be recovered together with the costs of prosecution before any one of His Majesty's Justices of the Peace of the County in which the offence shall be committed, and where the same shall be more than five pounds and shall not exceed ten pounds, before any two of His Majesty's Justices of the Peace on the oath of one or more credible witness or witnesses, by warrant of distress and sale of the offender's goods and chattels (which warrant to be under the hand and seal of such Justice or Justices), and for want of sufficient distress shall suffer not less than ten days nor more than thirty days imprisonment; and in case such forfeiture or the value thereof shall exceed ten pounds the same shall be recovered in any of His Majesty's Courts of Record competent to try the same, with costs of suit. Application of penalties.

X. And be it enacted, That all prosecutions by virtue of this Act shall be commenced within twelve months from and after the time any offence shall have been committed. Recovery.

XI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the exportation of lumber of other qualities not merchantable, provided always that such lumber be actually shipped as of its proper denomination. Prosecutions to be within twelve months.

XII. And be it enacted, That this Act shall commence and come into operation on the first day of April in the present year, and shall continue and be in force until the first of April one thousand eight hundred and forty. Unmerchantable lumber may be shipped.

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CAP.

CAP. XI.

An Act for the more effectual prevention of Fires within the City of Saint John.

Passed 1st March 1837.

Repealed by 23rd Act C-45-

Height of wooden buildings limited.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, no dwelling house, store house or other building whatsoever, shall be erected of wood or other combustible materials in the City of Saint John, of greater height than twenty six feet from the level or line of the street or wharf whereupon the same may front, or of the ground whereon the same is erected, to the top of the corner posts of such building, and the ridge of the roof of which shall exceed fifteen feet perpendicular from the wall plate.

No wooden building to be built upon so as to exceed the limited height.

II. And be it further enacted, That no dwelling house, store house or other building whatsoever in the said City already erected and covered with boards or shingles or other combustible materials shall be raised up or built upon so as to exceed the height mentioned and limited in the first section of this Act.

Repairs may be made.

III. And be it further enacted, That if any dwelling house, store house or other building already erected in the said City and now covered with boards or shingles shall at any time hereafter require to be roofed or otherwise repaired, it shall and may be lawful to roof and repair the same with boards and shingles or in such other manner as was customary before the passing of this Act, any thing herein contained to the contrary thereof notwithstanding.

Requisites in stone or brick buildings.

IV. And be it further enacted, That all dwelling houses, store houses and other buildings which shall from and after the passing of this Act be made, built and constructed of stone or brick within the said City, shall be roofed or covered with tile, slate or other fire proof material, shall at all times have window shutters and outer doors made of iron, copper, or other fire proof material, properly, securely and sufficiently hung and fixed for all the windows and outer doors of such building, where such windows and doors are at a less distance than fifty feet from any other building in front of or opposite to such windows or doors; and where any two such buildings constructed of stone or brick shall adjoin each other, the division or party wall between them shall be carried up and remain two feet at the least above the roof of the highest building which shall adjoin such party wall; provided that nothing in this section shall extend to buildings composed of stone or brick not exceeding twenty feet in height from the ground whereon the same may stand to the highest part of the roof or ridge thereof.

Buildings erected contrary to this Act deemed nuisances.

V. And be it further enacted, That every such dwelling house, store house or other building which after the passing of this Act shall be erected, built, raised up, built upon, roofed or repaired contrary to the provisions of this Act, and if constructed of stone or brick, shall not have iron, copper or other fire proof window shutters and outer doors as is herein before provided for, shall be deemed a common nuisance.

CAP. XII.

Preamble of this Act is to be altered to be: c. 39

An Act to provide for increasing the number of Constables in the City of Saint John, and for appointing special Constables in the City and County of Saint John.

Passed 1st March 1837.

WHEREAS the number of constables authorized by law to be appointed for the City of Saint John is insufficient in the present increased state of the population of the said City, and circumstances may from time to time arise rendering the appointment of a number of special constables necessary;

See 11 Vic c 19 as to
See 15
See 11 Vic c 34
See 11 Vic c 94

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Mayor, Aldermen and Commonalty of the said City of Saint John, or the major part of them in Common Council convened, shall on the first Tuesday in April in each and every year, or so soon after as may be convenient, name and appoint such and so many of the inhabitants of the said City, being freeholders there or freemen of the said City, as they shall see convenient to appoint, not to exceed the number of twenty two, to be constables in the said City for the ensuing year, in addition to the number which may be elected or appointed under and by virtue of the Charter of the said City or any Act of Assembly now in force; which said additional constables shall be subject to the same rules, regulations, pains, penalties and forfeitures, and liable to the same proceedings under the like circumstances, and in all respects, as the said constables appointed or to be appointed under and by virtue of an Act made and passed in the fifty sixth year of the reign of King George the Third, intituled "An Act to increase the number of constables in the City of Saint John."

Twenty two Constables in addition to the number elected under the Charter or any Act of Assembly, may be annually appointed.

56 G. 3, C. 1.

II. And be it enacted, That if any constable in the said City, whether elected under the Charter or appointed by virtue of this or any other Act of Assembly, shall be guilty of any neglect of duty or misbehaviour in the execution of his office, the said Mayor, Aldermen and Commonalty of the said City, or the major part of them in Common Council convened, shall and may have full power to dismiss such constable from his office and appoint any other person, being a freeholder or freeman of the said City, in his stead.

Any Constable in the City may be dismissed for misbehaviour and another appointed.

III. And be it enacted, That in all cases where it shall appear to the Mayor or Recorder of the City of Saint John and one Justice of the Peace for the City and County of Saint John, that any tumult, riot or felony has taken place or may be reasonably apprehended in the City of Saint John or its vicinity, and such Mayor or Recorder and Justice shall be of opinion that the ordinary officers appointed for preserving the peace are not sufficient for the preservation of the peace, and for the protection of the inhabitants, and the security of the property in the said City of Saint John or its vicinity, then and in every such case the said Mayor or Recorder and Justice are hereby authorized to nominate, appoint and swear in so many as they shall think fit of the householders or other persons residing in such City or its vicinity as aforesaid, to act as special constables, for such time and in such manner as to the said Mayor or Recorder and Justice aforesaid shall seem fit and necessary for the preservation of the public peace, and for the protection of the inhabitants, and for the security of the property in the said City and its vicinity; and the vicinity of the City of Saint John, shall for the purposes of this Act be deemed to include each of the Parishes in the County of Saint John immediately adjoining the said City; and any two Justices of the Peace in the County of Saint John shall under like circumstances have like power and authority to appoint persons residing in the said County to act as special constables for the

Special Constables may be appointed by the Mayor or Recorder and a Justice, on the reasonable apprehension of any tumult in the City or vicinity.

Special Constables for the County may be appointed by two Justices.

said County; and the said Mayor or Recorder and Justices aforesaid respectively shall at the time of such appointment administer, to each of the said special constables so to be appointed, the following oath (that is to say):

Oath to be taken by special Constables.

' I do swear that I will well and truly serve our Sovereign Lord the King in the office of special constable for the City of Saint John and its vicinity [*or in the County of Saint John, as the case may be*], without favour or affection, malice or ill will, and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law. So help me God.'

Special Constables may be removed for misconduct or discharged when no longer necessary.

IV. And be it enacted, That the said Mayor or Recorder and one of the Justices of the Peace aforesaid in regard to the said City and its vicinity, or any two Justices aforesaid in regard to the said County, shall have full power and authority to remove any such special constable from his office for any misconduct or neglect of duty therein, and may at any time discharge any such special constable from the duties of his office when they shall be satisfied that it is no longer necessary to continue him therein.

Special Constables to have the same powers and privileges as other Constables.

V. And be it enacted, That every special constable appointed under this Act shall within the said City and its vicinity or in the said County respectively, have, exercise and enjoy all such powers, authorities, advantages and immunities as any constable duly appointed now has within his constablewick by virtue of the common and statute Laws and Acts of Assembly in force within this Province.

Assaulting or resisting Special Constables.

VI. And be it enacted, That if any person shall assault or resist any special constable appointed by virtue of this Act, whilst in the execution of his office, or shall promote or encourage any other person so to do, every such person shall on conviction thereof before two Justices of the Peace, forfeit and pay for such offence any sum not exceeding twenty pounds, or shall be liable to such other punishment upon conviction on any indictment or information for such offence, as any persons are by law liable to for assaulting any constable in the execution of the duties of his office; and in case of proceeding for such penalty, the same shall be recovered and levied pursuant to the Act of Assembly made and passed in the fourth year of his present Majesty's reign, intituled "An Act to facilitate summary proceedings before Justices of the Peace and the execution of warrants by constables," and shall be paid over by the said two Justices into the hands of the County Treasurer of the City and County of Saint John as a part of the public funds of the said City and County.

Penalty.

Recovery.

Application.

Justices of the General Sessions may remunerate Constables from the County funds.

VII. And be it enacted, That the Justices of the General Sessions of the Peace shall have power to make an allowance to such special constables and to all or any of the constables of the City of Saint John or of the City and County of Saint John, for any services performed by them in the execution of their office, or in attending any of the Courts held in the said City of Saint John, as they in their discretion shall think useful in promoting the due and proper execution of such duties, and shall order the same to be paid by the County Treasurer out of the public funds of the County, and in case of any deficiency in such funds shall and may from time to time order an assessment to be made on the inhabitants of the said City and County for the payment thereof, to be assessed, collected and paid over to the County Treasurer in the same manner as any other assessments

*Repealed V
11/10/30*

assessments are assessed and collected by virtue of any Act of Assembly made or to be made for that purpose in this Province.

CAP. XIII.

An Act to amend the Act for the more effectual recovery of fines imposed upon Jurors and Officers attending the Courts of Justice in this Province.

Passed 1st March 1837.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the second section of an Act made and passed in the sixth year of the reign of King George the Fourth, intituled "An Act to provide for the more effectual recovery of fines imposed upon Jurors and Officers attending the Courts of Justice in this Province," be and the same is hereby repealed, excepting nevertheless so far as may regard the due execution of any writ of *levari facias* already issued, and the due recovery, payment, accounting for or appropriation of any monies already levied, or directed to be levied by any such writ so issued before the passing of this Act.

6 G. 4, C. 19, S. 2, repealed.

Repealed by
12th cap
41

II. And be it enacted, That the Clerk of the Court by which any such fine or fines as are mentioned in the said Act shall have been set or imposed, shall within twenty days after the adjournment of such Court enter on a roll or list the names of the persons upon whom any fine or fines shall have been set or imposed at such Courts, and their places of residence, together with the amount of fines set or imposed upon each respectively, and shall within such time as aforesaid prepare and deliver to the Sheriff of the County wherein such Court shall have been held, a writ of general *levari facias* according to the form in the schedule to this Act annexed, to which writ the said roll or list shall be annexed; and that it shall be the duty of the Sheriff on receipt of such writ, forthwith to levy or cause to be levied of the goods and chattels of the several persons respectively the fines mentioned in the said roll or list thereunto annexed, and to pay the amount of the said fines which may be so levied to the Treasurer of the County, whose receipt for the same endorsed on such roll or list shall be a sufficient discharge to the said Sheriff: Provided always, that if before the issuing of such writ, any person or persons upon whom any such fine may be set or imposed shall tender the amount thereof to the said Clerk, such Clerk shall and he is hereby authorized and required to receive and pay the same to the said County Treasurer, and he shall mark the same on the roll or list as so satisfied, and that in such case the Sheriff shall not proceed to levy on such person or persons by virtue of the said writ.

Clerk of the Court imposing fines to send a writ of general *levari facias*, to the Sheriff with a roll of delinquents annexed.

Sheriff to proceed forthwith.

Proviso for payment before issue of writ.

III. And be it enacted, That every Sheriff to whom any such writ of *levari facias* shall be delivered, shall be entitled to levy, recover and receive, in addition to the fine or sum mentioned in the roll or list, the sum of five shillings from each person named in such roll or list on whom a levy may be made, such sum of five shillings to be received and retained by such Sheriff in lieu of any poundage fees or other charges to which he would be by any law or ordinance entitled, and in full of all such charges and all other charges, attending such levy, the reasonable and necessary expenses attending the sale of any goods or chattels which may be levied on alone excepted.

Sheriff to levy five shillings from each person in addition to the fine, as his fees.

IV. And be it enacted, That it shall be the duty of the Sheriff, immediately on the receipt of such writ, to endorse thereupon the day of the month and year on which the same was so received, and within the space of three calendar months from such day to make due return of his proceedings thereon, and to file such writ,

Sheriff to endorse date of receipt of writ, and make return within three months.

Penalty.

writ, together with the roll or list thereunto annexed, and his return thereto, with the clerk by whom the same may have been issued, or his successor in office, to remain on file in the office of such clerk; and that any Sheriff failing in the performance of the duty required by this Act, shall be considered guilty of a contempt of Court, and may for such offence be proceeded against and punished as for a contempt; and it shall be the duty of such clerk to report to the Court any omission or failure of the duty required of such Sheriff by this Act.

V. 'And whereas the clerk of the Circuit Courts in this Province is also clerk of the Courts of Oyer and Terminer and general gaol delivery, and such Courts are usually holden in the several Counties at the same time; and in like manner the clerks of the General Sessions of the Peace are also clerks of the Inferior Courts of Common Pleas of the several Counties respectively; and the Sessions are holden at the same times or terms as the said Inferior Courts, and defaults are usually committed by the same persons at both the Courts so holden at the same time, it is therefore deemed unnecessary that more than one writ of *levari facias* should be issued by the clerks of the said Courts respectively at the same time;' Be it enacted, that it shall and may be lawful for the clerk of the Circuit Courts and Courts of Oyer and Terminer to include in the same roll or list, as well any fines which may be set or imposed by the Circuit Court or Court of *nisi prius*, as the fines set or imposed by the Court of Oyer and Terminer holden at the same time and place, and to issue one writ of *levari facias* for the recovery of the same; and in like manner it shall and may be lawful for the clerks of the General Sessions of the Peace and of the Inferior Courts of Common Pleas for the several Counties respectively to include in the same roll or list the fines imposed by the said Sessions, and those imposed by the Inferior Courts holden at the same time and place, and to issue one writ for the recovery of the same: Provided always, that nothing herein contained shall extend or be construed to authorize the imposition of any fines, except by the Judge or Judges of the Courts respectively at which the defaults or offences for which the same are imposed are committed, or to prevent the issue of several writs, should the said Courts so order and direct.

Clerk of the Circuit Courts and Courts of Oyer and Terminer, and Clerk of the General Sessions of the Peace and Inferior Courts of Common Pleas may include in one writ of *levari facias* the defaulters at the several Courts of which they are Clerks.

County Treasurers to keep separate accounts of the fines, and render them on oath on the first day of the sitting of the several Courts.

Compensation.

Penalty for neglect.

VI. And be it enacted, That it shall be the duty of the Treasurers of the several Counties respectively to whom any such fines may be paid, to keep the statements and accounts of the fines imposed by the Circuit Courts and Courts of Oyer and Terminer distinct and separate from those imposed by the General Sessions and Inferior Courts of Common Pleas; and in like manner it shall be the duty of the Treasurer for the County of York to keep the statement of the fines imposed by the Supreme Court or any of the Judges thereof, at any sittings for the County, distinct and separate from those imposed by the Sessions and Inferior Court of Common Pleas of the said County; and it shall further be the duty of the said County Treasurers respectively to prepare and exhibit a true and correct statement and account, verified by the oath of the said Treasurer, as well of the amount received by him for fines, as the sums paid therefrom by order of the Court imposing the same; and that such account shall be delivered on the first day of the sitting of the several Courts respectively, and remain on the files of such Court; and for the services to be performed by such County Treasurers, they shall be allowed to charge and retain two and one half per cent. or sixpence in the pound on the amounts so received for such fines; and that any County Treasurer failing in the performance of the duty required of him by this Act shall be considered guilty of a contempt of Court and may for such offence be proceeded against and punished as for a contempt.

VII. And be it enacted, That the several successive Circuit Courts, and Courts of Oyer and Terminer sitting in and for the same County, shall for the purposes of this Act, and the Act whereto this is an amendment, be vested with the like power and authority with regard to any fines set or imposed, or orders made for the levying, receiving, paying, accounting for and appropriation thereof, at any previous Circuit Court and Court of Oyer and Terminer, as if such fines were set or imposed, or orders made at the same Courts; although the said Courts may sit by virtue of several commissions or appointments issued or made at different times.

Successive Circuit Courts and Courts of Oyer and Terminer to have jurisdiction over fines imposed by similar previous Courts for the same County.

SCHEDULE.

William the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the faith. To our Sheriff of _____ greeting: We command you that of the respective goods and chattels of all and singular the persons mentioned in the roll or list hereunto annexed, you do without delay levy or cause to be levied all and singular the fines and sums of money upon them respectively imposed and set, and in the said roll or list mentioned, together with the sum of five shillings from each of them for your service and expense in the execution of this writ, and that you do forthwith pay to the Treasurer of the said County the fines so levied, and make return hereof as by law directed. Witness _____ Esquire, at _____ in the said County the _____ day of _____ in the _____ year of our reign. _____ A. B., Clerk.

Form of writ of *levari facias*.

[To be signed by the Clerk, and tested in the name of the presiding Judge or Justice, on the last day of the term or sitting of the Court.]

CAP. XIV. *De omnibus actis, et proceduris suis*

An Act for the amendment of the Law and the better advancement of Justice.

Passed 1st March 1837.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in case any defendant in any non-bailable writ or process issued out of the Supreme Court, or out of any Inferior Court of Common Pleas in this Province, has a known place of abode within the jurisdiction of the Court from which such writ or process may have issued, such writ or process may be served at the usual place of abode of such defendant, by delivering a copy of the writ or process, with any requisite notice to the wife of such defendant or to an adult person residing in the House, being a member or inmate of the family of such defendant; provided that such service shall not be deemed good service without the order of the Court out of which the writ or process issued, or a Judge thereof, upon affidavit shewing to the satisfaction of such Court or Judge the circumstances of such service, and that the place where the writ or process was served was at the time of such service the usual place of abode of such defendant.

All further as to writs 10 vic. c. 60
Non-bailable writs may be served at the Defendant's place of abode.

Repealed by 12 vic cap 59
Proof of service.

II. And be it enacted, That if any writ of summons shall be sued out against any Corporation, and such Corporation should not cause an appearance to be entered at the return of such writ, or within twenty days after such return, in every such case it shall and may be lawful for the plaintiff or plaintiffs in the action, upon affidavit being made and filed in the proper Court of the due service of such writ, to enter an appearance for such Corporation and to proceed thereupon in like manner as in personal actions against individuals.

Plaintiff may enter appearance for a Corporation duly served with a writ of summons and not appearing.

III. And be it enacted, That a defendant who shall have been held to bail upon any mesne process issued out of the Supreme Court in this Province may be rendered

Regulations as to rendering in discharge of

bail, in the Supreme Court, defendant not being in custody.

rendered in discharge of his bail to the common gaol of any County in which he may be, and the render to such County gaol shall be effected in manner following, (that is to say,) the defendant or his bail, or one of them, shall for the purpose of such render obtain an order of a Judge of the said Court, and shall lodge such order with the gaoler of such gaol to which the render may be made, and a notice in writing of the lodgment of such order and of the defendants being actually in custody of such gaoler by virtue of such order, signed by the defendant or the bail, or either of them, or by the Attorney of either of them, shall be delivered to the plaintiff's Attorney, and the Sheriff of such County shall on such render so perfected be duly charged with the custody of such defendant, and the said bail shall be thereupon wholly exonerated from liability as such: Provided always, that in any County in which there may not be a Judge of the said Court at the time of any render so to be made, an order for such render may be obtained from any Commissioner for taking bail in such Court for such County, which order such Commissioner is hereby authorized in such case to grant.

As to rendering in discharge of bail, defendant being already in custody.

IV. And be it enacted, That a defendant who shall hereafter be in custody of any Sheriff by virtue of any legal process, may be rendered in discharge of his bail in any action depending in the said Supreme Court, in the manner hereinbefore provided for a render in discharge of bail; and such Sheriff shall on such render be duly charged with the custody of such defendant, and the said bail shall be thereupon wholly exonerated from liability as such.

The foregoing provisions extended to the Inferior Courts of Common Pleas.

V. And be it enacted. That the provisions hereinbefore contained, in respect to rendering defendants in discharge of their bail, shall extend and apply to the several Inferior Courts of Common Pleas in this Province with regard to actions depending in those Courts respectively; and that any Judge of any such Inferior Court of Common Pleas, or any Commissioner for taking special bail in such Courts, may make an order for the render of any defendant held to bail upon any mesne process issued out of the Court of which he is a Judge or Commissioner to the gaol of the County for which such Court sits, and such and the like proceedings shall be had thereupon as is hereinbefore provided in regard to actions depending in the Supreme Court.

Court or Jury to assess amount to be recovered on judgments by default in actions of debt. Provisions of 26 G. 3, C. 21, and 5 W. 4, C. 37, as to assessment of damages extended to actions of covenant &c.

VI. And be it enacted, That in all actions of debt the amount to be recovered in case of judgment by default or on demurrer shall be ascertained and assessed either by the Court or a jury before judgment is signed, and that the provisions of an Act passed in the twenty sixth year of the reign of King George the Third, intituled "An Act to prevent unnecessary expense in actions on the case or judgments by default," and of an Act passed in the fifth year of the reign of His present Majesty, intituled "An Act to provide for the more convenient administration of justice in the Supreme Court," so far as the same relate to the assessment of damages, shall extend and be construed to apply to actions of covenant for the payment of any certain sum or sums of money, and to actions of debt; and that as well in such actions as in actions on the case where judgment is given for the plaintiff on demurrer, the damages may be assessed in the same manner as in cases where the judgment is by default: Provided always, that nothing herein contained shall extend to actions upon bonds conditioned for the payment of a single sum of money not by instalments.

VII. And whereas great expense is often incurred, and delay or failure of Justice takes place at trials by reason of variances as to some particular or particulars, between the proof and the record or setting forth on the record or document on which the trial is had, of contracts, customs, prescriptions, names and other matters or circumstances not material to the merits of the case, and by

As to rendering in discharge of bail, defendant being already in custody.

by the mis-statement of which the opposite party cannot have been prejudiced, and the same cannot in any case be amended at the trial, except where the variance is between any matter in writing or in print produced in evidence and the record: And whereas it is expedient to allow such amendments as hereinafter mentioned to be made on the trial of the cause; Be it therefore enacted, That it shall be lawful for the Supreme Court or any Judge thereof sitting at *nisi prius* or any Inferior Court of Common Pleas, if such Court or Judge shall see fit so to do, to cause the record, writ or document on which any trial may be pending before any such Court or Judge, in any civil action, or in any information in the nature of a *quo warranto*, or proceedings on a mandamus in the Supreme Court, when any variance shall appear between the proof and the recital or setting forth on the record, writ or document on which the trial is proceeding, of any contract, custom, prescription, name or other matter in any particular or particulars in the judgment of such Court or Judge not material to the merits of the case, and by which the opposite party cannot have been prejudiced in the conduct of his action, prosecution or defence, to be forthwith amended by some officer of the Court or otherwise, both in the part of the pleadings where such variance occurs, and in every other part of the pleadings which it may become necessary to amend, on such terms as to payment of costs to the other party or postponing the trial to be had before the same or another jury, or both payment of costs and postponement as such Court or Judge shall think reasonable; and in case such variance shall be in some particular or particulars in the judgment of such Court or Judge not material to the merits of the case, but such as that the opposite party may have been prejudiced thereby in the conduct of his action, prosecution or defence, then such Court or Judge shall have power to cause the same to be amended upon payment of costs to the other party, and withdrawing the record or postponing the trial as aforesaid, as such Court or Judge shall think reasonable; and after any such amendment the trial shall proceed in case the same shall be proceeded with in the same manner in all respect, both with respect to the liability of witnesses to be indicted for perjury and otherwise as if no such variance had appeared; and in case such trial shall be had at *nisi prius*, the order for the amendment shall be endorsed on the postea or the writ, as the case may be, and returned together with the record or writ, and thereupon such papers, rolls and other records as it may be necessary to amend shall be amended accordingly; provided that it shall be lawful for any party who is dissatisfied with the decision of any Judge of the Supreme Court at *nisi prius* respecting his allowance of any such amendment to apply to the Court in banc for a new trial upon that ground, and in case such Court shall think such amendment improper, a new trial shall be granted accordingly on such terms as the Court shall think fit, or the Court shall make such other order as to them may seem meet.

Amendments
allowed to be
made on the
record in certain
cases.

Sup. Stat 9 Feb 4
C-15

VIII. And be it enacted, That the said Court or Judge shall and may if they or he think fit, in all such cases of variance, in stead of causing the record or document to be amended as aforesaid, direct the jury to find the fact or facts according to the evidence, and thereupon such finding shall be stated on such record or document, and notwithstanding the finding on the issue joined, the said Court or the Court from which the record has issued shall if they shall think the said variance immaterial to the merits of the case, and the mis-statement such as could not have prejudiced the opposite party in the conduct of the action or defence, give judgment according to the very right and justice of the case.

Power for the
Court or Judge
to direct the
facts to be
found speci-
ally.

IX. And be it enacted, That it shall be lawful for the executors or administrators of any lessor or landlord to distrain upon the lands demised for any term

Executors of
lessor may dis-
train for arrears
in his lifetime.
or

79.3.e-21-99 20-21

Arrears may be distrained for within six months after determination of term.
No goods &c. to be taken in execution &c. unless the party before removal of the goods &c. pay the landlord the rent due.
Provided it amount to no more than one year's rent.
Notto hinder the King &c. to levy &c. any debts, fines &c. due to the Crown.
Proceedings by landlords &c. under 8 Anne, C. 14, S. 1, confirmed.
Executors may bring actions for injuries to the real estates of the deceased;

Arrears may be distrained for within six months after determination of term.

No goods &c. to be taken in execution &c. unless the party before removal of the goods &c. pay the landlord the rent due.

Provided it amount to no more than one year's rent.

Notto hinder the King &c. to levy &c. any debts, fines &c. due to the Crown.

Proceedings by landlords &c. under 8 Anne, C. 14, S. 1, confirmed.

Executors may bring actions for injuries to the real estates of the deceased;

or at will for the arrearages of rent due to such lessor or landlord in his lifetime, in like manner as such lessor or landlord might have done in his lifetime.

X. And be it enacted, That such arrearages may be distrained for after the end or determination of such term or lease at will, in the same manner as if such term or lease had not been ended or determined; provided that such distress be made within the space of six calendar months after the determination of such term or lease and during the continuance of the possession of the tenant from whom such arrears became due: Provided also, that all and every the powers and provisions in the several Acts of Assembly made relating to distresses for rent shall be applicable to the distresses so made as aforesaid.

XI. Whereas it is expedient to provide by Act of Assembly for the due payment of certain arrears of rent to the landlord out of goods and chattels liable to be taken by execution; Be it enacted, That no goods or chattels whatsoever lying or being in or upon any messuage, lands or tenements which are or shall be leased for life or lives, term of years, at will or otherwise, shall be liable to be taken by virtue of any execution on any pretence whatsoever unless the party at whose suit the said execution is sued out shall before the removal of such goods from off the said premises by virtue of such execution pay to the landlord of the said premises or his bailiff all such sum or sums of money as are or shall be due for rent for the said premises at the time of the taking such goods or chattels by virtue of such execution; provided the said arrears do not amount to more than one year's rent; and in case the said arrears shall exceed one year's rent then the said party at whose suit such execution is sued out paying the said landlord or his bailiff one year's rent may proceed to execute his judgment as he might have done before the making of this Act; and the Sheriff or other officer to whom such execution may have been delivered to be executed is hereby empowered and required in such case to levy and pay to the party at whose suit the said execution is sued out, as well the money so paid for rent as the money directed to be levied on such execution.

XII. Provided always and be it enacted, That nothing in the foregoing section contained shall be construed to extend to hinder or prejudice His Majesty, His Heirs or Successors in the levying, recovering or seizing any debts, fines, penalties or forfeitures due or payable to His Majesty, His Heirs or Successors, but that it shall and may be lawful for His Majesty, His Heirs and Successors to levy, recover and seize such debts, fines, penalties or forfeitures in the same manner as if this Act had never been made.

XIII. And be it enacted, That all proceedings which may have been at any time heretofore taken by any landlord or landlords, Sheriff or other officer, under and by virtue of and in due conformity to the first section of an Act of Parliament passed in England in the eighth year of the reign of Queen Anne, intituled "An Act for the better security of rents and to prevent frauds committed by tenants," are hereby ratified and confirmed, and the same are hereby declared to be as good, valid and effectual in the law to all intents and purposes as if the said Act of Parliament had been expressly extended to this Province or specifically re-enacted in the same previous to such proceedings.

XIV. And whereas there is no remedy provided by law for injuries to the real estate of any person deceased committed in his lifetime, nor for certain wrongs done by a person deceased in his life time to another in respect of his property real or personal; for remedy thereof, Be it enacted, That an action of trespass or trespass on the case, as the case may be, may be maintained by the executors or administrators of any person deceased for any injury to the real

real estate of such person committed in his lifetime, for which an action might have been maintained by such person, so as such injury shall have been committed within six calendar months before the death of such deceased person, and provided such action shall be brought within one year after the death of such person; and the damages when recovered shall be part of the personal estate of such person; and further that an action of trespass or trespass on the case, as the case may be, may be maintained against the executors or administrators of any person deceased for any wrong committed by him in his lifetime to another in respect of his property real or personal, so as such injury shall have been committed within six calendar months before such person's death, and so as such action shall be brought within six calendar months after such executors or administrators shall have taken upon themselves the administration of the estate and effects of such person; and the damages to be recovered in such action shall be payable in like order of administration as the simple contract debts of such person.

a. b. u. p. 17
William B. Mount

And actions may be brought against executors for an injury to property, real or personal, by their testator.

a. b. u. p. 6 and

XV. And be it enacted, That no plea in abatement for the nonjoinder of any person as a co-defendant shall be allowed in any Court in this Province, unless it shall be stated in such plea that such person is resident within the Province, and unless the place of residence of such person shall be stated with convenient certainty in an affidavit verifying such plea.

Restriction as to pleas in abatement for nonjoinder of a co-defendant.

XVI. And be it enacted, That in all cases in which after such plea in abatement the plaintiff shall, without having proceeded to trial upon an issue thereon, commence another action against the defendant or defendants in the action in which such plea in abatement shall have been pleaded, and the person or persons named in such plea in abatement as joint contractors, if it shall appear by the pleadings in such subsequent action, or on the evidence at the trial thereof, that all the original defendants are liable, but that one or more of the persons named in each plea in abatement or any subsequent plea in abatement are not liable as a contracting party or parties, the plaintiff shall nevertheless be entitled to judgment or to a verdict and judgment, as the case may be, against the other defendant or defendants who shall appear to be liable; and every defendant who is not so liable shall have judgment, and shall be entitled to his costs as against the plaintiff, who shall be allowed the same as costs in the cause against the defendant or defendants who shall have so pleaded in abatement the nonjoinder of such person; provided that any such defendant who shall have so pleaded in abatement shall be at liberty on the trial to adduce evidence of the liability of the defendants named by him in such plea in abatement.

Provision in the case of subsequent proceedings against the persons named in a plea in abatement.

XVII. And be it enacted, That no plea in abatement for a misnomer shall be allowed in any personal action, but that in all cases in which a misnomer would but for this Act have been by law pleadable in abatement in such actions, the defendant shall be at liberty to cause the declaration to be amended, at the costs of the plaintiff, by inserting the right name upon a Judge's summons founded on an affidavit of the right name; and in case such summons shall be discharged the costs of such application shall be paid by the party applying; if the Judge shall think fit.

Misnomer not to be pleaded in abatement.

XVIII. And be it enacted, That in all actions upon bills of exchange or promissory notes or other written instruments, any of the parties to which are designated by the initial letter or letters or some contraction of the christian or first name or names, it shall be sufficient in every affidavit to hold to bail, and in the process or declaration to designate such persons by the same initial

Initials of names may be used in some cases.

letter or letters or contraction of the christian or first name or names, instead of stating the christian or first name or names in full.

Power to the Judges to make regulations as to the admission of written documents.

XIX. 'And whereas it is expedient to lessen the expense of the proof of written or printed documents or copies thereof, on the trial of causes;' Be it enacted, That it shall and may be lawful for the Judges of the Supreme Court or any three of them, at any time within three years after the passing of this Act, to make regulations by general rules or orders from time to time, touching the voluntary admission, upon an application for that purpose at a reasonable time before the trial of one party to the other, of all such written or printed documents or copies of documents as are intended to be offered in evidence on the said trial by the party requiring such admission, and touching the inspection thereof before such admission is made, and touching the costs which may be incurred by the proof of such documents or copies on the trial of the cause, in case of the omitting to apply for such admission or the not producing of such documents or copies for the purpose of obtaining admission thereof, or of the refusal to make such admission, as the case may be, and as to the said Judges shall seem meet; and all such rules and orders shall be binding and obligatory in the said Court, and of the like force as if the provisions therein contained had been expressly enacted by the General Assembly.

Power to state a special case without going to trial.

XX. And be it enacted, That it shall be lawful for the parties in any action or information depending in the Supreme Court after issue joined, by consent, and by order of any Judge of the said Court, to state the facts of the case in the form of a special case for the opinion of the Court, and to agree that a judgment shall be entered for the plaintiff or defendant by confession or of *nolle prosequi*, immediately after the decision of the case, or otherwise as the Court may think fit, and judgment shall be entered accordingly.

Jury or Court empowered to allow interest upon debts.

XXI. And be it enacted, That upon all debts or sums certain payable at a certain time or otherwise, the Jury on the trial of any issue, or on any inquisition of damages, or the Court or Judge upon any assessment of damages, may if they shall think fit allow interest to the creditor at a rate not exceeding the current rate of interest from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written instrument at a certain time, or if payable otherwise, then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor that interest will be claimed from the date of such demand until the time of payment; provided that interest shall be payable in all cases in which it is now payable by Law.

In certain actions the jury may give damages in the nature of interest.

XXII. And be it enacted, That the Jury on the trial of any issue or on any inquisition of damages may, if they shall think fit, give damages in the nature of interest over and above the value of the goods at the time of the conversion or seizure, in all actions of trover or trespass *de bonis asportatis*, and over and above the money recoverable in all actions on policies of assurance made after the passing of this Act.

Executors suing in right of the testator to pay costs.

XXIII. And be it enacted, That in every action brought by any executor or administrator in right of the testator or intestate, such executor or administrator shall, unless the Court in which such action is brought shall otherwise order, be liable to pay costs to the defendant in case of being nonsuited or a verdict passing against the plaintiff, and in all other cases in which he would be liable if such plaintiff were suing in his own right upon a cause of action accruing to himself, and the defendant shall have judgment for such costs, and they shall be recovered in like manner.

XXIV.

XXIV. And be it enacted, That where several persons shall be made defendants in any personal action and any one or more of them shall have a *nolle prosequi* entered as to him or them, or upon the trial of such action, shall have a verdict pass for him or them, every such person shall have judgment for and recover his reasonable costs, unless in the case of a trial the Judge before whom such cause shall be tried shall certify upon the record, under his hand, that there was a reasonable cause for making such person a defendant in such action.

Defendants having a *nolle prosequi* or a verdict in any action shall have costs.

XXV. And be it enacted, That where any *nolle prosequi* shall have been entered upon any count or as to part of any declaration, the defendant shall be entitled to and have judgment for and recover his reasonable costs in that behalf.

Where *nolle prosequi* entered upon any count &c.

XXVI. And be it enacted, That in all writs of *scire facias* the plaintiff obtaining judgment on an award of execution shall recover his costs of suit upon a judgment by default as well as upon a judgment after plea pleaded or demurrer joined, and that where judgment shall be given either for or against a plaintiff or for or against a defendant upon any demurrer joined in any action whatever, the party in whose favor such judgment shall be given shall also have judgment to recover his costs in that behalf.

Plaintiff in *scire facias*, and plaintiff or defendant on demurrer to have costs.

XXVII. And whereas it is expedient to render references to arbitration in actions depending in the Supreme Court more effectual; Be it enacted, That the power and authority of any arbitrator or arbitrators appointed by or in pursuance of any rule of Court, or order of *nisi prius*, in any action now brought or which shall be hereafter brought in the said Supreme Court shall not be revocable by any party to such reference without the leave of the Court or by leave of a Judge upon good cause shewn therefor; and the arbitrator or arbitrators shall and may and are hereby required to proceed with the reference notwithstanding any such revocation, and to make such award although the person making such revocation shall not afterwards attend the reference.

See further note e. 1
S. 1
Submission to arbitration by rule of Court &c. not to be revocable without leave of the Court.

XXVIII. And be it enacted, That when any reference shall have been made by any such rule or order as aforesaid, it shall be lawful for the Court or for any Judge thereof, by rule or order to be made for that purpose, to command the attendance and examination of any person to be named or the production of any documents to be mentioned in such rule or order; and the disobedience to any such rule or order shall be deemed a contempt of Court, if in addition to the service of such rule or order an appointment of the time and place of attendance in obedience thereto, signed by one at least of the arbitrators before whom the attendance is required, shall also be served either together with or after the service of such rule or order: Provided always that every person whose attendance shall be so required shall be entitled to the like conduct money and payment of expenses as for and upon attendance at any trial: Provided also that no person shall be compelled to produce, under any such rule or order, any writing or other document that he would not be compelled to produce at a trial, or to attend at more than two consecutive days to be named in such order.

Power to compel the attendance of witnesses.

XXIX. And be it enacted, That when in any rule or order of reference it shall be ordered or agreed that the witnesses upon such reference shall be examined upon oath, it shall be lawful for the arbitrators or any one of them, and he or they are hereby authorized and required to administer an oath to such witnesses, or to take their affirmation in cases where affirmation is allowed by law instead of oath; and if upon such oath or affirmation any person making the

Power for the arbitrators under a rule of Court to administer an oath.

the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

XXX. 'And whereas it is expedient to declare the law with respect to 'witnesses refusing to answer questions which may tend to subject them to 'civil suits ;' Be it therefore declared that a witness cannot by law refuse to answer a question relevant to the matter in issue, the answering of which has no tendency to accuse himself or to expose him to penalty or forfeiture of any nature whatsoever, by reason only or on the sole ground that the answering of such question may establish or tend to establish that he owes a debt or is otherwise subject to a civil suit, either at the instance of His Majesty or of any other person or persons.

XXXI. 'And whereas it is provided in and by an Act passed in the twenty 'sixth year of the reign of His late Majesty King George the Third, intituled ' "An Act for regulating Juries and declaring the qualifications of Jurors," 'that the party who shall apply for a special Jury shall pay the fees for striking 'such Jury, and all the expenses occasioned by the trial of the cause by the 'same, and shall not have any further or other allowance for the same upon 'taxation of costs, than such party would be entitled unto in case the cause had 'been tried by a common Jury, unless the Judge before whom the cause is 'tried shall, immediately after the trial, certify under his hand, upon the back 'of the record, that the same was a cause proper to be tried by a special Jury : 'And whereas the said provision does not apply to cases in which the plaintiff 'has been nonsuited, and it is expedient that the Judge should have such power 'of certifying as well when a plaintiff is nonsuited as when he has a verdict 'against him ;' Be it therefore enacted, That the said provision of the said last mentioned Act, and every thing therein contained, shall apply to cases in which the plaintiff shall be nonsuited as well as to cases in which a verdict shall pass against him.

XXXII. And be it enacted, That in any summary action in the Supreme Court, wherein the plaintiff may be entitled to judgment by default, such judgment may be entered in vacation as an interlocutory judgment, and the damages or sum due may be assessed, and proceedings may be had to final judgment and execution as in other cases ; and the Clerk of the Pleas shall keep a book in which shall be set down such judgments by default so entered in vacation, and the time of such entry ; and such Clerk for every such entry and certificate thereof shall be entitled to demand and receive a fee of two shillings.

Amended Act 46 of 1837

Law respecting witnesses refusing to answer questions.

Costs of special juries in case of a non-suit. 26 G. 3, C. 6.

in the case of a non-suit

In summary actions in the Supreme Court judgments by default may be entered in vacation.

Clerk of the Pleas to keep a book for entering such judgments.

Referred by 10 vic. c. 42

CAP. XV.

An Act in addition to the Acts relating to the public registry of Deeds in this Province.

Passed 1st March 1837.

'WHEREAS it is expedient to provide under certain regulations and 'restrictions for the admission in evidence of copies of deeds which 'may have been duly registered in this Province ;'

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in any suit in any Court of law or equity in this Province where any party may be desirous of giving in evidence any deed or instrument which

26-3-5 c. 4

A certified copy of the registry of a deed may be produced in evidence on certain conditions.

which may have been duly registered pursuant to the Act or Acts of Assembly in such case made and provided, and which may be relevant to the matter in question, such party may produce in evidence a copy of the registry of such deed or instrument certified under the hand of the Register of the County where the same may be registered, which copy shall in the absence of the original deed or instrument be received and allowed as good and sufficient evidence of the contents of such original deed or instrument: Provided always, that before any such copy shall so be received in evidence, it shall be made to appear to the satisfaction of the Court, by affidavit, that such original deed or instrument is not in the possession or under the control of the party so offering such copy in evidence, and that such party doth not know where the same may be found: Provided also, that at least fourteen days notice in writing be given to the adverse party, his attorney or agent of the intention to offer such certified copy in evidence; which notice shall be accompanied by a copy of such certified copy, and of the affidavit herein before required; and the due service of such notice with the requisite accompaniments shall also be proved either *viva voce* or by affidavit to the satisfaction of the Court.

II. And be it enacted, That no certified copy of the registry of any deed shall be received in evidence otherwise than is herein before provided, unless by consent of parties, or unless it shall be made to appear to the satisfaction of the Court at which the trial may be had that the original deed is in the possession of the adverse party, and that due notice has been given to such party to produce the same at the trial, any thing contained in an Act passed in the twenty sixth year of the reign of King George the Third, intituled "An Act for the public registering of all deeds, conveyances and wills, and other incumbrances which shall be made of, or that may affect any lands, tenements or hereditaments within this Province," or any other Act or Acts of Assembly to the contrary thereof in any wise notwithstanding.

No certified copy to be otherwise received in evidence unless by consent &c.

III. 'And whereas it is expedient to declare the law respecting the registry of letters or powers of attorney relating to lands, tenements or hereditaments;' Be it declared and enacted, That every letter or power of attorney or other deed or instrument whereby power or authority is given to convey, transfer or affect any lands, tenements and hereditaments in this Province, may be registered in the same manner as any deed or conveyance; provided the same shall have been duly acknowledged or duly proved in the same manner as is required by the Act or Acts of Assembly for the acknowledging or proving of any deed or conveyance before registry; and that the registry of any deed or conveyance made and executed by virtue of any such power or authority shall not be valid and effectual unless the deed or instrument granting such power or authority, or some deed or instrument subsequently confirming the same, shall be duly registered in the office of Register of deeds for the County or City and County in which the lands, tenements or hereditaments to which the same may relate are situate.

Law respecting the registry of powers of attorney.

IV. 'And whereas doubts have arisen whether the provisions relating to giving deeds and copies of deeds in evidence, contained in the eleventh section of the said Act passed in the twenty sixth year of the reign of King George the Third, extends to deeds which have been duly registered on the proof of a subscribing witness, and have not been acknowledged by the grantor or bargainer;' Be it declared and enacted, That the several provisions of the said section shall extend to and embrace as well all such deeds and conveyances as have been or may hereafter be duly executed, proved and registered, as

Provisions of 26 G. 3, C. 3, S. 11, to extend to deeds registered on proof of a subscribing witness.

those which have been duly executed, acknowledged and registered by virtue of the said Act or any Act passed in addition thereto or in amendment thereof.

CAP. XVI.

An Act to repeal an Act made and passed in the third year of His Majesty's reign in amendment of an Act for the better securing the navigation of the inner Bay of Passamaquoddy.

Passed 1st March 1837.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of the reign of King William the Fourth, intituled "An Act to alter and amend an Act passed in the third year of His late Majesty's reign, intituled 'An Act for the better securing the navigation of the inner Bay of Passamaquoddy, and to indemnify the Deputy Treasurer at Saint Andrews against any demands for monies collected for tonnage duties since the former Acts for this purpose expired,'" be and the same is hereby repealed.

§ W. 4, C. 7, repealed.

CAP. XVII.

An Act to amend an Act, intituled "An Act to authorize the Grand Jurors in the several Counties within this Province to inspect the Public Accounts."

Passed 1st March 1837.

WHEREAS in and by an Act made and passed in the fifth year of the reign of His present Majesty, intituled "An Act to authorize the Grand Jurors of the several Counties within this Province to inspect the Public Accounts," it is *inter alia* enacted, that once in each year at the General Sessions of the Peace in each County at which Parish officers are appointed, it shall be the duty of the Justices at such General Sessions to cause a full, detailed and particular account of all the receipts and expenditure of public monies within such County for the past year, to be laid before the Grand Jury for their inspection and examination, and such Grand Jury may make such representation and presentment to the Court thereupon as to them shall seem meet: And whereas the period at which such accounts are so directed to be laid before the said Grand Juries is found to be inconvenient; in remedy thereof,

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

II. And be it further enacted, That once in each year, at the General Sessions of the Peace in each County in this Province next succeeding the General Session at which Parish officers are appointed, it shall be the duty of the Justices to cause a full, detailed and particular account of all the receipts and expenditures of public monies within such County for the past year, to be laid before the Grand Jury for their inspection and examination, and such Grand Jury may make such representation and presentment to the Court thereupon as to them shall seem meet.

III. And be it enacted, That this Act shall continue and be in force during the continuation of the Act to which this is an amendment, and no longer.

Amended by C-28

Preamble.

§ W. 4, C. 28.

§ W. 4, C. 28, S. 1, repealed.

Justices to cause accounts of public monies to be laid before the Grand Jury.

Grand Jury may make presentment. Limitation.

CAP. XVIII.

An Act to continue several Acts for the establishment and regulation of Boards of Health in the several Counties of this Province.

Passed 1st March 1837.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act passed in the third year of His present Majesty's reign, intituled "An Act for the establishment and regulation of Boards of Health in the several Counties of this Province;" and also an Act passed in the fifth year of His present Majesty's reign, intituled "An Act to continue and amend the Act for the establishment and regulation of Boards of Health in the several Counties of this Province," be and the same are hereby respectively continued and declared to be in force until the first day of April one thousand eight hundred and forty.

3 W. 4, C. 23.

5 W. 4, C. 47, continued.

W. J. cont'd 1842
Soc. - c. 64

CAP. XIX.

Repealed by Penalties
4 vi. - c. 64

An Act in amendment of an Act, intituled "An Act to authorize the Justices of the Peace in and for the City and County of Saint John to erect a building in the said City for a common Gaol and House of Correction, and to raise a sum of money for erecting and completing the same."

6 W. 4, C. 50.

Passed 1st March 1837.

WHEREAS it is expedient to authorize the Justices of the Peace for the City and County of Saint John, to agree and contract for the building of a Gaol and House of Correction for the said City and County, and to borrow money to greater amounts than are therein by the said recited Act authorized;

Preamble.

See 1st vi. - c. 16
2 80 e 3
4 20 e 6
5 20 e 2

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the amount authorized to be agreed for in the said recited Act mentioned for the erection of a common Gaol and House of Correction for the City and County of Saint John, is hereby extended to but not to exceed the sum of ten thousand pounds, which shall be in lieu of the said sum of four thousand pounds in the said recited Act specified; and that the amount authorized to be borrowed in and by the said recited Act for the purposes aforesaid, shall extend to but not exceed the sum of eight thousand pounds, which said sum of eight thousand pounds shall be in lieu of the said sum of three thousand therein authorized to be borrowed.

Contracts for Court House and Gaol not to exceed £10,000.

Amount to be borrowed not to exceed £8,000.

CAP. XX.

An Act further to continue an Act, intituled "An Act for the better and more effectually securing the navigation of the River Saint Croix in the County of Charlotte," and also further to continue an Act, intituled "An Act to empower the Justices of the County of Charlotte to make regulations for driving timber and logs down the Rivers Saint Croix, Magaguadavic, Digdeguash and their branches."

Passed 1st March 1837.

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the tenth and eleventh years of the reign of his late Majesty George the Fourth, intituled "An Act for the better and more effectually securing the navigation of the River Saint Croix in the County of Charlotte," and also an Act made and passed in the eighth year of the reign

10 & 11 G. 4, C. 12, and

8 G. 4, C. 15,
continued.

reign of his late Majesty King George the Fourth, intituled "An Act to empower the Justices of the County of Charlotte to make regulations for driving timber and logs down the Rivers Saint Croix, Magaguadavic, Digdeguash and their branches," be and the same are hereby severally continued until the first day of May one thousand eight hundred and forty five.

CAP. XXI.

An Act in amendment of an Act, intituled "An Act to prevent Nuisances within the City of Saint John, and Parish of Portland in the County of Saint John".

Passed 1st March 1837.

WHEREAS the Act now in force to prevent nuisances within the City of Saint John and Parish of Portland, in the County of Saint John, has been found ineffectual for that purpose;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the first section of the Act passed in the third year of his present Majesty's reign, intituled "An Act to prevent nuisances within the City of Saint John and Parish of Portland," be and the same is hereby repealed.

II. And be it further enacted, That from and after the passing of this Act if any hogs or hogs, swine, horse or horses, ox or oxen, cow or cows, sheep, goat or goats, dog or dogs shall be found going at large within the City of Saint John, on any of the roads, highways, streets, squares or alleys thereof, or within the populous parts of the Parish of Portland, lying to the westward of the Mill bridge, including the road to Indian Town and the Short Ferry, or on the public road leading from the said City, through the great marsh in the vicinity thereof, the owner or owners thereof shall forfeit and pay the sum of ten shillings for each and every hog or animal as aforesaid so found going at large, one half to the overseers of the poor for the said City, in case the offence shall happen there, or to the overseers of the poor for the Parish of Portland, in case the offence shall happen there, and one half to the informer, to be recovered with costs of prosecution upon conviction before any one of His Majesty's Justices of the Peace for the said City and County of Saint John, and to be levied on the goods and chattels of the owner of such hog or hogs or other animal or animals as aforesaid; and in case the owner or owners of such hog or hogs or other animal or animals as aforesaid shall not be known, then it shall be the duty of any hogreeve or hogreeves of the said City or Parish to impound such hog or hogs or other animals as shall be found so going at large; and it shall be the duty of the pound keeper or pound keepers of the said City and Parish respectively upon any hog or hogs or other animals as aforesaid being so impounded, to advertise the same in three public places in the said City and Parish respectively, and in case the owner or owners of such hog or hogs or other animal or animals shall not, within six days after such advertisement being put up as aforesaid, pay the said fine for each animal so impounded, together with the accustomed fees and charges for keeping the same, it shall and may be lawful for the said pound keeper to sell such hog or hogs or other animal or animals as aforesaid at public auction, and apply the money arising therefrom towards payment of the said fine and charges, and all other expenses, and to pay the overplus, if any, to the owner or owners thereof, whenever such owner or owners shall appear and demand the same; and in case such owner or owners shall not appear and demand the same within six months after such hog or hogs or other animal or animals shall have been so impounded, then the said overplus, shall be paid to the said

See 8 W. 4
C. 11.

5 W. 4, C. 32,
S. 1, repealed.

Owner of hogs,
swine, horses,
oxen, cows,
sheep, goats or
dogs found going
at large to forfeit
ten shillings.

Application.

Recovery.

If owner be not
known animal
to be impound-
ed.

Poundkeeper to
advertise and
sell if fine and
fees be not paid
within six days.

Application of
proceeds.

said overseers of the poor for the use of the poor of the said City or Parish, according to the place where the offence shall be committed.

CAP. XXII.

An Act to authorize the Justices of the Peace in General Sessions in certain Counties in this Province to exempt the Acadian French from the assessment of Poor Rates.

Passed 1st March 1837.

WHEREAS the Acadian French in this Province are in the habit of supporting their own poor;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Justices of the Peace in the several Counties of Westmorland, Kent, Northumberland and Gloucester, at their General Sessions of the Peace, who may allow and order any assessment of the accounts of any overseers of the poor, pursuant to the direction of the Act of the General Assembly of this Province for regulating and providing for the support of the poor in this Province, at the same time, if they in their discretion shall think proper, to exempt the Acadian French inhabitants who may be resident in the Parish in which such assessment is to be made, from the whole or any part of such assessment.

Justices of specified Counties may exempt the Acadian French from assessment for poor rates.

II. And be it enacted, That when any such exemption shall be so made, the same shall be expressed in the warrant of assessment which may thereupon issue, and the assessors to whom the same may be directed shall conform thereto in making their assessment.

Exemption to be expressed in the warrant.

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

Limitation.

by/in) see 4th sec. c. 5

CAP. XXIII.

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

Passed 1st March 1837.

WHEREAS the erection of brush and wooden wears or traps in the place of nets in the River Miramichi and its branches, and in the other navigable Rivers on the Gulf of Saint Lawrence, has a tendency very seriously to injure the fisheries in the Counties of Northumberland, Kent and Gloucester;

acted to 1845 by 3rd sec. c. 16

cont. to act 1/50 by 8th sec. c. 41

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That no person or persons shall after the passing of this Act, under any pretence whatsoever, erect, build, make or set up, or make use of in the said River Miramichi and its branches, or in any of the navigable Rivers on the Gulf of Saint Lawrence, within the limits of any of the said Counties, any brush or wooden wear or wears, trap or traps for the purposes of taking gaspereaux, salmon, shad, bass, or other fish, under a penalty of not less than five pounds nor more than thirty pounds, for each and every breach of this law, to be recovered at the suit of the party prosecuting for the same, with costs of suit, before any two of His Majesty's Justices of the Peace of the County in which the offence shall be committed, on the oath of one or more credible witness or witnesses, and to be levied by warrant of distress and sale of the offender or offenders' goods and chattels,

No person to erect brush or wooden wears or traps to take fish.

Repealed Act to 1845 by 8th sec. c. 41

Penalty. Recovery.

chattels, rendering to him or them the overplus (if any) after deducting the costs and charges of prosecution and of the levying and sale of the said goods, and if no goods and chattels can be found whereon to levy the same, then the offender to be committed by the warrant of such Justice to the common gaol of the County in which the offence shall be committed, there to remain for any time not exceeding thirty days, unless the amount of the penalty and costs awarded by such Justices shall be sooner paid; and such penalty when recovered shall be paid, one half into the hands of the overseers of the poor of the Parish where the offence shall be committed and the other half to the person or persons who shall prosecute for the same.

Application.

Authority given to destroy such wears or traps.

II. And be it enacted, That in all cases where any fish wear or wears, trap or traps shall be erected in any of the rivers or the branches thereof within the limits of any of the said Counties, contrary to the provisions of this Act, it shall be the duty of the overseers of the fisheries of the Parish in which such wear or wears, trap or traps, shall be so erected, and all other person or persons are hereby fully authorized and empowered immediately or at any time thereafter to pull down, remove and destroy such wear or wears, trap or traps.

Limitation.

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

CAP. XXIV.

Repealed by 15th Cap 17

An Act to alter the additional Terms of the Inferior Court of Common Pleas for the County of Kent.

Passed 1st March 1837.

Additional Terms to be held on the last Tuesdays in April and September. No process to abate by reason of the alteration.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the additional terms of the Inferior Court of Common Pleas for the County of Kent shall in future be held on the last Tuesdays in April and September instead of the first Tuesdays in April and September in each year.

II. And be it enacted, That no process shall abate, or other business of what nature or kind soever shall abate or be discontinued by reason of the alteration of the said Terms, but shall and may be proceeded upon, heard and determined at the times herein appointed in the same manner as they might have proceeded upon had no alteration been made.

75-4-21

CAP. XXV.

Repealed by 15th Cap 17

An Act for erecting a part of the Parishes of Saint Mary's and Douglas in the County of York, into a separate or distinct Town and Parish.

Passed 1st March 1837.

Preamble.

WHEREAS the division line between the Parish of Saint Mary's and the Parish of Douglas in the County of York, passes through the flourishing settlement of Stanley, in the tract of land granted to the New Brunswick and Nova Scotia Land Company, and thereby occasions difficulties in the regulation of roads in the vicinity thereof; And whereas the increased population of the said settlement renders it desirable that it should be erected into a separate Parish, including a part of both the said Parishes of Saint Mary's and Douglas;

Repealed by 15th Cap 17

I.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all that part of the said Parishes of Saint Mary's and Douglas, comprised within the bounds hereinafter described, to wit, commencing on the River Keswick where the northwestern boundary line of the Parish of Saint Mary's intersects that River, thence along the said northwestern boundary line and its prolongation, easterly, till it strikes the Taxes River, thence following the various courses of the said River down stream to the upper or westerly boundary line of a tract of land granted to the Honorable Thomas Baillie, thence along the western and southern boundary lines of the said grant, till it strikes the western boundary line of the grant to James Clarke on the said River, thence along said line and its prolongation to the Portage road, thence along the said road westerly to the grant to Isabella Hailes, thence following the various boundaries of the same and of the lots surveyed for military settlers on the west side of the Portage road, and along the road to the upper or north easterly line of the grant to Dougald Campbell and others, thence along the various boundaries of the same, and of the grant to Daniel Lyman and others, to the south branch of the Cleuristic stream, thence following the various courses of the said south branch up stream to the Cardigan road, thence in a direct line such a course as will strike the River Keswick at the point where it is intersected by the north west boundary line of the Parish of Douglas, and thence following the courses of the said River Keswick up stream to the place of beginning, be and the same is hereby erected into a separate and distinct Town or Parish, known and distinguished by the name of the Town or Parish of Stanley.

Parish of Stanley erected as herein described.

II. And be it enacted, That the Justices of the Peace for the said County shall and may have power to appoint annually from time to time officers for the said Town or Parish of Stanley in the same manner as for other Towns or Parishes within the said County; and also that the said Justices may at a Special Session to be for that purpose holden have power and authority to appoint such officers for the present year, which officers shall be sworn to the faithful discharge of their duties respectively, and be liable to the like penalties for neglect or refusal to accept or perform the duties of their respective offices as any other Town or Parish officers within the said County.

Parish officers to be appointed.

III. And be it enacted, That the provisions of an Act made and passed in the third year of the reign of His late Majesty King George the Fourth, intituled "An Act to provide for the erection of an Alms House, and Work House, within the County of York, and for making rules and regulations for the management of the same," shall extend to the said Parish of Stanley in as full and ample a manner, to all intents and purposes, as if the said Parish of Stanley had been particularly named in the said recited Act.

Provisions of 3 G. 4, C. 25, extended to Stanley.

IV. And be it enacted, That this Act shall in no wise prevent or interfere with the recovery of any Parish or County assessment which may have heretofore been made or ordered by the Court of General Sessions of the Peace for the said County.

Not to interfere with assessments ordered.

CAP. XXVI.

An Act to amend an Act to authorize certain persons to build a bridge across the Kennebecasis River in the Parishes of Hampton and Kingston in King's County.

Passed 1st March 1837.

WHEREAS by the first section of an Act made and passed in the sixth year of the reign of His present Majesty King William the Fourth, intituled

6 W. 4, C. 30.

‘intituled “ An Act to authorise certain persons to build a bridge across the
 ‘Kennebeccasis River in the Parishes of Hampton and Kingston in King’s
 ‘County,” it is enacted, that the said bridge shall be built upon lands of Lyman
 ‘C. L. Perkins, in Kingston, and Thomas Secord, in the Parish of Hampton :
 ‘And whereas a more eligible site for the said bridge is to be found on the lands
 ‘of David Meritt in the Parish of Kingston and of the said David Meritt in the
 ‘Parish of Hampton ;’

Site of Bridge to
 be built under
 6 W. 4, C. 30,
 altered.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and
 Assembly, That it shall be lawful for the persons named in the said Act to build
 and erect the said bridge from the north side of the said River on lands of David
 Meritt, and crossing the said River to land of the said David Meritt in the Parish
 of Hampton, at the place where the piers of the said bridge are already erected,
 any thing in the said Act to the contrary notwithstanding.

CAP. XXVII.

An Act to authorise the Justices of the Peace for the County of Carleton to assess the said
 County for the erection of a Lock up House at Tobique in the said County.

Passed 1st March 1837.

‘**W**HEREAS by reason of the great extent of the County of Carleton, the
 ‘removal to the County gaol of persons committed for breaches of the
 ‘peace and other offences, is oftentimes very expensive, and inconvenient; for
 ‘remedy whereof,’

Justices may
 contract for
 building a Lock
 up House at
 Tobique,

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assem-
 bly, That the Justices of the Peace of the said County, or the major part of
 them, at any general Sessions of the Peace hereafter to be holden, be and they
 are hereby authorized and empowered to contract and agree with able and suffi-
 cient workmen for building and finishing a Lock up house near the mouth of
 the Tobique in the said County, and to agree for such sum or sums of money as
 to them may seem meet, in order to carry this object into effect, and the said
 Justices or the major part of them at their General Sessions as aforesaid are
 hereby authorized and empowered to make a rate and assessment on the said
 County for a sum not exceeding one hundred pounds for defraying the expense
 of the erection and finishing of the said Lock up house, and to make such rules
 and regulations for said Lock up house as to them may seem meet.

and assess the
 County not ex-
 ceeding £100
 for the expense.

Persons arrested
 may be commit-
 ted to the Lock
 up House.

II. And be it enacted, That it shall and may be lawful for the High Sheriff
 of the said County, or for any other officer having legal custody of any person or
 persons who shall or may be arrested in the upper parts of the said County, in all
 cases in which the said Sheriff or other officer could legally lodge the said person
 or persons in the common gaol of the said County, to commit the said person or
 persons to the said Lock up house, until the said person or persons can be
 removed to the said County gaol: Provided always, nevertheless, that no person
 under civil arrest shall be detained in the said Lock up house for any space of
 time exceeding ninety six hours.

Proviso.

Assessment to
 be levied as
 other County
 rates.

III. And be it further enacted, That the said sum not exceeding one hun-
 dred pounds so to be assessed, shall be assessed, collected and paid agreeable to
 any Acts in force for the asseseing, collecting and levying of County rates.

CAP. XXVIII.

An Act to authorise the Justices of the Peace for the County of York to levy an assessment for the building a new Gaol in the said County.

Passed 1st March 1837.

WHEREAS the gaol of the County of York is too small and otherwise 'inconvenient for purposes required;

1. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of York or the major part of them at any General Sessions of the Peace, be and they are hereby authorised and empowered by themselves or by any Committee of management to be by them appointed for that purpose, to contract and agree with able and sufficient workmen for erecting, building and finishing a new gaol in the said County, and to agree for such sums of money as to them may seem meet in order to carry this object into effect; and the said Justices or the major part of them at their General Sessions as aforesaid are hereby authorised and empowered to make a rate and assessment upon the inhabitants and others of the said County for a sum not exceeding two thousand pounds, for defraying the expense of such building and erection.

Justices may contract for building a Gaol,

and assess for £2,000.

II. And be it enacted, That the said sum of two thousand pounds so to be assessed, shall be assessed, collected and paid agreeably to any Act or Acts in force for the assessing, collecting and levying of County rates, either in the whole or in such parts and portions as to the said Justices shall seem meet.

Assessment to be levied as other County rates.

CAP. XXIX.

An Act to enable the Rector, Church Wardens and Vestry of Trinity Church in the Parish of Saint John, in the City of Saint John, to sell certain land in the said City.

Passed 1st March 1837.

WHEREAS the Rector, Church Wardens and Vestry of Trinity Church 'in the Parish of Saint John, in the City of Saint John, are now possessed 'of a certain lot of land situate and being in the said City, and bounded and 'described as follows, that is to say, the eastern or rear part of that certain lot, 'piece and parcel of land known and distinguished, on the map or plan of that 'part of the said City lying on the eastern side of the harbour thereof, by the 'number one hundred and twenty one, bounded on the north by lands belong- 'ing to and in the occupation of John Robertson, Esquire, on the east by lands 'belonging to and in the occupation of Isaac Lawton Bedell, Esquire, on the 'south by lands belonging to the estate of the late William Donald, Esquire, and 'on the west by the front part of the same lot number one hundred and twenty 'one, together also with a right of way from the said rear part of the same lot to 'Germain Street: And whereas it is deemed advisable that the interests of the 'said Rector, Church Wardens and Vestry of and in the same lot of land should 'be sold and disposed of, and the proceeds arising from such sale applied either 'towards the payment of the debt due by them or else in the purchase of other 'lands;

Preamble.

Description of land.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said Rector, Church Wardens and Vestry of Trinity Church be and they are hereby authorized and empowered to make sale and dispose of the said lot of land and premises with the appurtenances to the highest

Authority given to sell the described land at public auction, the consent of Bishop being first had.

highest bidder at public auction, thirty days notice of the time and place of such sale being first given in one or more of the newspapers published in the City of Saint John; and thereupon to make and execute a good, legal and sufficient conveyance of the same in fee, any former law to the contrary notwithstanding: Provided always, that no sale and disposition of the said premises shall be made without the consent and approbation of the Bishop of the Diocese being thereto first had and obtained; which consent and approbation shall be manifested by the Archdeacon or Ecclesiastical Commissary of this Province becoming a party to the deed of conveyance of the same premises made under this Act, and by and with the direction of such Bishop signing and sealing the same:

Proceeds to pay debts or purchase other lands.

II. And be it further enacted, That the money arising from the sale and disposal of the said premises shall be paid and applied by the said Rector, Church Wardens and Vestry either towards the payment of the debts due by them or else in the purchase of other lands.

CAP. XXX.

An Act to enable the Governor and Trustees of the Madras School to sell certain land in Fredericton.

Passed 1st March 1837.

Preamble,

WHEREAS the Governor and Trustees of the Madras School in New Brunswick are seized and possessed of a certain lot of land situate in the Town of Fredericton in the County of York, fronting on King street in the said town, heretofore conveyed to them in two separate parcels by Joseph Gaynor, on which said lot a school house has been erected and now stands: And whereas the said school house is found to be inadequate and inconvenient for the purposes of the Madras Schools in the said Parish; and in order to raise money either for enlarging the said school house or for erecting a new building or buildings for the purposes of the said schools as may be found expedient, it is desirable that the said Governor and Trustees should be empowered to sell and dispose of a part of the said lot;

Authority given to sell part of the Madras school lot in Fredericton.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Governor and Trustees of the Madras School in New Brunswick be and they are hereby authorized and empowered to sell and dispose at public auction, thirty days previous notice of such auction, stating the time and place thereof, being first given in the Royal Gazette, of such part or parts of the said lot as they shall deem expedient, including the said school house, if they shall judge it advisable, for such price and prices as they may be able to get therefor; and any conveyance of any part of the said lot made under the seal of the corporation, in pursuance of any such sale shall be good and valid, any law or usage to the contrary notwithstanding: Provided always, that the said Governor and Trustees shall retain a part or parts of the said lot sufficient for the adequate and convenient accommodation of the Madras Schools in the said Parish of Fredericton.

Application of the proceeds of the sale.

II. And be it enacted, That the monies arising from any such sale shall be applied and disposed of by the said Governor and Trustees either for the purpose of enlarging the present school house or else for the purpose of erecting one or more buildings on the part of the said lot which they shall retain, as the said

said Governor and Trustees shall in their discretion deem most for the advantage of the said institution.

CAP. XXXI.

An Act to extend the Gaol Limits in the County of Carleton.

Passed 1st March 1837.

Repealed by 13 Vic cap 30

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Justices of the Peace of the County of Carleton at any General Sessions of the Peace or Special Sessions for that purpose to be holden, further to extend the limits for the gaol of said County, southerly along from said gaol down the main highway so far as to comprehend and include the Episcopal Church with the Methodist and Roman Catholic Chapels, which are near the Maduxnikick Creek: Provided always, that nothing herein contained shall be construed to authorize the Justices aforesaid to include any of the dwelling houses situate on the said highway within the limits thus to be extended.

Gaol Limits may be extended so as to include the Episcopal Church and Methodist and Roman Catholic Chapels.

CAP. XXXII.

An Act relating to Bank Notes.

Passed 1st March 1837.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That no action shall be brought or maintained upon any Bank bill or Bank note already issued or which shall hereafter be issued by any Bank incorporated by Act of Assembly or otherwise within the Province, before such bill or note shall have been presented at the Banking House or place of business of such incorporated company within banking or business hours, and default in payment shall thereupon take place.

No action to be brought on any Bank Note until after presentment and default in payment.

Question: If there be no banking place where is the note to be presented?

Repealed by 13 Vic cap 30

CAP. XXXIII.

Added to July 1/50 by 12 Vic 412

An Act to amend an Act, intituled "An Act relating to insolvent confined Debtors."

Passed 1st March 1837.

Amended by 12 vic cap 41

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for either the Mayor or Recorder of the City of Saint John, to carry into execution in the City and County of Saint John the several provisions of an Act made and passed in the sixth year of His present Majesty's reign, intituled "An Act relating to insolvent confined debtors," as fully and completely as any Justice of the Inferior Court of Common Pleas, together with any Justice of the Peace, being of the quorum, for the City and County of Saint John, might or could do by virtue of the said recited Act.

The Mayor or Recorder of the City of Saint John may carry into effect the provisions of 6 W. 4, C. 41.

II. And be it enacted, That this Act shall be in force during the continuance of the Act to which this is an amendment and no longer.

Limitation.

CAP. XXXIV.

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

Passed 1st March 1837.

Preamble.

Recital of appointment and award of Commissioners of Lower Canada, New Brunswick, Nova Scotia and Prince Edward's Island as to Light Houses and humane Establishments on Saint Paul and Scattarie Islands.

‘ **W**HEREAS His most gracious Majesty was lately pleased to signify to His faithful commons of New Brunswick, his disposition to render less dangerous the navigation of the Gulph of Saint Lawrence, by erecting Light Houses upon the Islands of Saint Paul and Scattarie off the coast of Cape Breton, provided the Colonies whose trade would be thereby benefited should engage to provide for their future maintenance : And whereas Commissioners were thereupon, in pursuance of the recommendations of His Majesty's Ministers, appointed by the several Provinces of Lower Canada, New Brunswick, Nova Scotia and Prince Edward's Island, which said Commissioners have made a final award as to the site, structure and apportionment of the annual expense of maintaining the Light Houses and humane institutions hereinafter mentioned, and have thereby awarded and determined that the superintendence of building Light Houses on the Islands of Saint Paul and Scattarie shall be vested in the Board of Commissioners appointed by the Government of Nova Scotia ; that two good and sufficient Light Houses with bells and guns shall be erected on Saint Paul's Island at the extreme point so as to be conspicuous on entering and leaving the Gulph of Saint Lawrence ; that the Light House on the Island of Scattarie shall be erected on the east point of the said Island which is about thirty feet above the level of the sea ; that the Light House on Saint Paul's should be of suitable elevation and constructed on such principles and with such further additions and appendages as may render them useful and conspicuous in a foggy atmosphere, with keepers' houses, stores or warehouses, with frost proof cellars to preserve provisions for the relief of shipwrecked persons, detached from the Light Houses ; that the establishment on the Island of Scattarie should consist of one Light House with revolving lights to distinguish it from others on the coast, with a keeper's house, warehouse and cellars similar to those recommended for Saint Paul's, subject however to any improved mode of constructing such lights as the Board of Commissioners may think fit to adopt ; that the whole duty of fixing upon the materials to be employed and the plans to be adopted for the lights, should be left to the discretion of such persons as may be charged with the superintendence of their erection ; that the establishment at Saint Paul's will require one superintendent and six other persons under his direction with boats and a continued supply of provisions, clothing, bedding, fuel, &c. for the use and assistance of shipwrecked persons, and that the establishment at Scattarie should consist of one superintendent and three other persons with a boat and a continued supply of provisions, clothing, bedding, fuel, &c. for the use of shipwrecked persons ; and that all the lights should be kept burning throughout the year ; and as to the maintenance of the said lights and humane establishments the said Commissioners did award and determine that New Brunswick shall pay to the Government of Nova Scotia, into the Treasury thereof, two hundred and fifty pounds Halifax currency, on the first day of July in each and every year after the said Light Houses and humane establishments shall be in operation, and as long as they continue to be so in conformity with the provisions of the said award ; that Lower Canada shall annually pay five hundred pounds, Prince Edward's Island thirty pounds, and Nova Scotia itself two hundred and fifty pounds, making

‘ making the whole annual amount one thousand and thirty pounds ; and that with
 ‘ the amount so contributed the Government of Nova Scotia shall support,
 ‘ uphold and maintain the said Light Houses and humane establishments, it
 ‘ being well understood that in case the said amount should prove insufficient in any
 ‘ one year the deficiency ought to be provided by the respective Legislatures of
 ‘ Lower Canada, Nova Scotia and Prince Edward Island, in such manner as
 ‘ shall appear to them most eligible, and in the same ratio as settled in the said
 ‘ award, but as to New Brunswick the sum of two hundred and fifty pounds afore-
 ‘ said shall be a settled and permanent contribution, the overplus (if any) going
 ‘ to Nova Scotia, and the proportionate deficiency being borne altogether by
 ‘ the said last mentioned Province ; provided however that should His Majesty’s
 ‘ Government contribute at a future period to the support of the said establish-
 ‘ ments by an annual grant, a rateable deduction shall be made from the amount
 ‘ of each Provincial contribution ; and it was also by the said award expressed
 ‘ that if the said Light Houses and establishments are destroyed by fire, tempest,
 ‘ or other causes, the expense of rebuilding the same shall not devolve upon Nova
 ‘ Scotia ; and also that the Board of Commissioners of Nova Scotia shall render
 ‘ accounts in each and every year to the House of Assembly of Nova Scotia,
 ‘ duplicates of which shall be transmitted annually to the Legislatures of Lower
 ‘ Canada, New Brunswick and Prince Edward Island respectively: For the
 ‘ purpose therefore of carrying into effect the said recited award, and providing
 ‘ the annual proportion of the expenses thereby charged upon the Province of
 ‘ New Brunswick,’

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assem-
 bly, That when and after the Light Houses and humane Establishments in the
 preamble to this Act mentioned shall be erected and in operation, and so long as
 they shall continue in operation, in conformity with the provisions of the award
 recited in the preamble of this Act, there be and is hereby granted to the Lieu-
 tenant Governor or person administering the Government of the Province of
 Nova Scotia for the time being, to be paid into the Treasury of the said Province,
 the yearly sum of two hundred and fifty pounds current money of Nova Scotia,
 to be paid on the first day of July in each and every year from the Treasury of
 this Province and drawn out of the same by warrant of the Lieutenant Governor
 or person administering the Government of this Province for the time being, by
 and with the advice and consent of His Majesty’s Executive Council.

*£250 per an-
 num granted to
 Nova Scotia
 when the Light
 Houses and
 humane esta-
 blishments are
 in operation.*

II. Provided always and be it enacted, That no second or subsequent pay-
 ment of the said yearly sum of two hundred and fifty pounds shall be made nor
 shall any warrant be issued for the same, until full accounts duly certified of the
 expenses incurred in the maintenance of the said Light Houses and Establishments,
 during the preceding year shall have been transmitted to and received by His
 Excellency the Lieutenant Governor or other person administering the Govern-
 ment of this Province for the time being, nor shall any such payment be made, or
 warrant issued, until and unless it shall be made to appear by certificates from the
 respective Commissioners and superintendents of the said Light Houses and Esta-
 blishments that the same have been in continued and uninterrupted operation,
 provided and furnished with men, provisions and other necessaries according to
 the terms of the said award recited in the preamble of this Act.

*No second or
 subsequent
 payment to be
 made until ac-
 counts of the
 expenses and
 certificate of un-
 interrupted oper-
 ation shall have
 been received.*

III. And be it enacted, That if His Majesty’s Government shall at any time
 hereafter contribute to the support of the said Light Houses and Establishments
 by an annual grant or other pecuniary assistance, a rateable deduction from the
 amount of the grant hereinbefore given shall be made, and the balance only after

*Proportionable
 deduction to be
 made from the
 annual grant if
 His Majesty’s
 Government
 shall contribute,*

making such deduction shall be drawn out of the Treasury of this Province and paid to the said Province of Nova Scotia.

Duty of one penny per ton imposed on all vessels arriving at Ports in this Province in the Gulph of Saint Lawrence.

Exceptions.

What vessels shall be deemed coasters and fishing vessels.

Rate of payments by coasters and fishing vessels.

Masters of vessels within twenty four hours to report to the Deputy Treasurer and pay the duty.

IV. And be it enacted, That from and after the time when this Act shall commence and go into operation there be and are hereby granted to His Majesty, His Heirs and Successors, for the support of the several Light Houses already erected or which may hereafter be erected on the said Islands of Saint Paul and Scattarie, a duty of one penny per ton for each and every ton which each and every vessel shall admeasure, agreeably to their registers, which shall arrive at any port or place of this Province in the Gulph of Saint Lawrence, excepting coasters and fishing vessels and new vessels not registered, and all registered coasters and fishing vessels which are wholly employed on the Gulph of Saint Lawrence, whether belonging to New Brunswick, Lower Canada, Nova Scotia or Prince Edward Island shall be deemed coasters, within the meaning of this Act; and all vessels which are employed in fishing on any of the fishing grounds upon the coasts of the British Provinces or Newfoundland, and when not so employed shall be otherwise wholly employed within the said Gulph of Saint Lawrence and limits prescribed for coasters shall be deemed fishing vessels within the meaning of this Act: Provided always, that all such vessels making a voyage to any port or place without the Gulph of Saint Lawrence aforesaid shall, upon their arrival at any port or harbour in the said Gulph from or after such voyage, be liable to the same duties as vessels which are not deemed coasters or fishing vessels, and upon the payment of such duty, agreeably to the tonnage of such vessel, the master or person having charge of such vessel may on payment of the annual duty imposed upon coasters and fishing vessels ceive a new coasting receipt, which the Treasurer or Deputy Treasurer as the case may be is hereby required to give, which receipt shall excuse such vessel from the payment of any further light duty until the first day of January next following the date thereof, unless the said vessel shall again sail beyond the limits prescribed for coasting and fishing vessels, in which case such vessel shall upon her arrival again from without such limits be again liable to the tonnage light duty, and may again upon payment of such duty resume her character as a coaster, and so on as often as such cases may happen: Provided also, that no vessel shall be deemed or taken to be a coasting or fishing vessel until the master or person having charge shall have paid the annual duty imposed by this Act, and have received a receipt for the same, and for the said registered coasters and fishing vessels above defined and described when under thirty five tons six shillings per annum, from thirty five to fifty tons twelve shillings and sixpence per annum, from fifty to seventy five tons fifteen shillings per annum, and for all such vessels over seventy five tons seventeen shillings and sixpence per annum: Provided always, that vessels arriving from any port or place without the Gulph of Saint Lawrence shall not be liable to pay the duties herein imposed more than once in each year, notwithstanding they may in order to complete their voyages have occasion to visit several ports or places within the said Gulph of Saint Lawrence; and provided also, that no ship or vessel shall be liable to pay the light duties herein imposed, more than four times in one year.

V. And be it enacted, That the master or commander of every ship or vessel subject to the duty under the provisions of this Act, and entering any port in this Provincewithin the said Gulph of Saint Lawrence, shall within twenty four hours after such arrival and before any part of the cargo, if any, be discharged, or before any cargo be taken on board, make report at the office of the nearest Deputy Treasurer or other person legally authorized to receive the same, and pay him the

tonnage

tonnage duty imposed by the preceding section of this Act; and in case any master or commander of any ship or vessel so entering as aforesaid shall neglect to make such report or to pay such duty within twenty four hours after the arrival of any such ship or vessel as aforesaid, he shall forfeit and pay the sum of five pounds, to be sued for and recovered with costs of suit by any Deputy Treasurer before one of His Majesty's Justices of the Peace for the County in which such port may be situated or where such master or commander may be found.

Penalty for neglect.

VI. And be it enacted, That separate accounts of the duties collected under and by virtue of this Act shall be kept by the several Deputy Treasurers, and the amounts of all such duties shall be paid into the Province Treasury to defray the said annual grant of two hundred and fifty pounds hereinbefore mentioned; and any surplus which shall remain after payment of the said annual grant shall from time to time be paid over to Commissioners of lights in the Gulph of Saint Lawrence, already appointed or to be appointed by His Excellency the Lieutenant Governor or other person administering the Government for the time being, to be by them applied towards the erection and maintenance of light houses and the general improvement of the navigation of the Gulph of Saint Lawrence, or of any of the ports and harbours thereof in this Province, in such manner as to them shall seem advisable.

Separate accounts of the duties collected to be kept, and amount paid into the Treasury. Application of the surplus after paying the annual grant.

VII. And be it enacted, That the Commissioners appointed or to be appointed in pursuance of the last preceding section of this Act shall, annually on the first day of January in each and every year, render true and full accounts upon oath with vouchers of the application of all such monies to the Lieutenant Governor or other person administering the Government of this Province for the time being; and such Commissioners or any of them shall and may be removed or displaced at the pleasure of the Lieutenant Governor or other persons administering the Government as aforesaid.

Commissioners of Lights in the Gulph to render accounts.

VIII. And be it enacted, That this Act shall not commence or go into operation until it shall be duly certified unto His Excellency the Lieutenant Governor or other person administering the Government of this Province for the time being, that the General Assemblies of the Provinces of Lower Canada, Nova Scotia and Prince Edward Island have respectively made and enacted laws or statutes confirming the award recited in the preamble of this Act, and providing for the fulfilling and carrying into effect the said award so far as the same relates to the said Provinces respectively, and until it shall also be duly certified to His Excellency the Lieutenant Governor or Commander in Chief for the time being that the light houses and establishments mentioned and contemplated in the said award have been erected and made and are in full operation; and whenever such certificates shall be received it shall and may be lawful for His Excellency the Lieutenant Governor or other person administering the government of this Province for the time being, and he is hereby required, by and with the advice of His Majesty's Executive Council, to issue his proclamation stating the same, and thereupon this Act shall commence and go into operation.

When Act to go into operation.

Repealed by 3rd Act. c.

~~CAP. XXXV.~~

~~An Act to establish a Boundary Line between the Counties of Westmorland and Saint John, and King's and Queen's Counties.~~

~~Passed 1st March 1837.~~

6 WHEREAS by an Act made and passed in the twenty seventh year of the reign of His Majesty King George the Third, intituled "An Act in addition

Preamble. 27 G. 3, C. 7,

Amended by 15th Act Cap 51

‘ addition to an Act for the better ascertaining and confirming the boundaries of the
 ‘ several Counties within this Province and for the subdividing them into Towns
 ‘ and Parishes,” it is enacted that a line due south from the north end of the Por-
 ‘ tage between Peticodiac and Salmon Brook to the northern boundary of the
 ‘ County of Saint John, and from the said north end of the said Portage due north
 ‘ to the southern boundary of the County of Northumberland, be the dividing
 ‘ line between the Counties of Westmorland and King’s and Queen’s Counties,
 ‘ any law or ordinance to the contrary notwithstanding: And whereas doubts
 ‘ exist as to the north end of the said Portage, and it is expedient to define the
 ‘ division line more clearly between the Counties of Westmorland and Saint John,
 ‘ and King’s and Queen’s Counties; for remedy whereof,’

Line herein de-
 scribed to be the
 boundary be-
 tween the Coun-
 ties of Westmor-
 land and Saint
 John, King’s
 and Queen’s
 Counties.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assem-
 bly, That a line commencing at a birch tree on the north shore of the Bay of
 Fundy, thirty chains to the eastward of Goose River so called, thence following
 the line run from the said birch tree by Deputy Surveyor Stiles in the autumn
 of the year one thousand eight hundred and thirty six, a course north by the
 magnet of that year, and a prolongation of such line northwardly until it inter-
 sects the southern boundary line of the County of Kent or Northumberland, as
 the case may be, be the dividing line between the Counties of Westmorland and
 Saint John and King’s and Queen’s Counties, any law or ordinance to the con-
 trary notwithstanding.

Land to be
 eastward of the
 line, and former-
 ly in St. John,
 to be part of
 Westmorland.

II. And be it enacted, That all the lands which may lie to the eastward of
 the said line, and which before the passing of this Act formed a part of the
 said County of Saint John shall be included in and form a part of the Parish
 of Hopewell, in the County of Westmorland, to all intents and purposes what-
 soever.

*Contd [unclear] 1867 by Act C. 11
 Contd [unclear] 1852
 4-10 C. 69*

CAP. XXXVI.

An Act relating to the Herring Fisheries in the County of Charlotte.

Passed 1st March 1837.

2 G. 4, C. 11,
 continued.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and
 Assembly, That an Act made and passed in the eighth year of the
 reign of His late Majesty King George the Fourth, intituled “An Act to
 regulate the Herring Fishery in the Parishes of Grand Manan, West Isles,
 Campo Bello, Pennfield and Saint George, in the County of Charlotte, and to
 provide for the inspection of smoked herrings in the said Parishes,” be and the
 same is hereby continued, and shall remain in full force during the continuance
 of this Act.

Meshes of nets
 or seines to be
 one inch and
 three quarters.

II. And be it enacted, That the meshes of all nets or seines used for taking
 of herrings in any of the waters within the said County of Charlotte, shall be at
 least of the size of one inch and three quarters, and any person or persons who
 shall use a seine or seines, net or nets for the purpose aforesaid, with meshes of
 a smaller size than one inch and three quarters, shall be subjected to the like
 penalties and forfeitures to be imposed, recovered and applied in the same man-
 ner as is provided in and by the first and fourth sections of the hereinbefore
 recited Act; provided that nothing in this Act contained shall extend or be
 construed to extend to any dip net used for the taking of herrings by torch
 light.

Penalty.

Limitation.

III. And be it enacted, That this Act and the above recited Act shall
 continue

continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and forty.

Contd. to April 1845 by Act. c-2. 3rd Mar 47

CAP. XXXVII.

*Amend & amended by 2 Act. c. 67
to continue to May 1/48*

An Act to continue and amend the Acts relating to Firewards in the Town of Fredericton.

Passed 1st March 1837.

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the reign of His late Majesty King George the Fourth, intituled "An Act to repeal the laws now in force for appointing firewards and the better extinguishing of fires, so far as the same relate to the Town of Fredericton, and to make regulations more suitable to the said Town," and an Act made and passed in the seventh year of the reign of His late Majesty King George the Fourth, intituled "An Act to extend the power of the firewards in the Parish of Fredericton, and to make further regulations for the better extinguishing of fires that may happen in the said Parish," together with this Act, be and the same are hereby continued and declared to be in full force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

6 G. 4, C. 5,
and

7 G. 4, C. 11,
continued.

II. And whereas it is found expedient more clearly to define the extent and limits of the Town of Fredericton and its immediate vicinity, mentioned in the said recited Acts; Be it further enacted, That a line commencing at the River Saint John, on the line dividing the Parishes of Fredericton and Kingsclear, thence along the said line until it intersects the prolongation of the rear line of the third range of pasture lots, thence along the said rear line and its prolongations south forty six degrees east by the magnet until it strikes the River Saint John, shall for all the purposes of the said recited Acts and of this Act be deemed and considered the extent and limits of the Town of Fredericton and its immediate vicinity.

Vicinity of Fredericton defined.

CAP. XXXVIII.

An Act to amend an Act to incorporate the Saint Andrews and Quebec Rail Road Company.

Passed 1st March 1837.

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the twelfth section of an Act passed in the sixth year of His present Majesty's reign, intituled "An Act to incorporate the Saint Andrews and Quebec Rail Road Company," as requires that two hundred and fifty thousand pounds of the capital stock of the said Corporation shall have been actually subscribed for before the holding of the first general meeting of the said Corporation at Saint Andrews, be and the same is hereby repealed; and in lieu thereof,

6 W. 4, C. 31,
S. 12, in part
repealed.

II. Be it enacted, That the first general meeting of the said Corporation shall be held in Saint Andrews, in the County of Charlotte, as soon as twenty five thousand pounds of the capital stock of the said Corporation shall have been actually subscribed for, any thing in the said recited Act to the contrary notwithstanding.

First general meeting to be held when £25,000 of the stock are subscribed for.

CAP. XXXIX.

An Act to increase the Capital-Stock of the Saint John Bridge Company.

Passed 1st March 1837.

Preamble.
5 W. 4, C. 48.

WHEREAS by an Act made and passed in the sixth year of His Majesty's reign, intituled "An Act to incorporate sundry persons by the name of the Saint John Bridge Company," it is provided, that the capital stock of the said Company shall consist of the sum of twenty thousand pounds: And whereas the said sum has been found insufficient to carry into effect the object contemplated by the said Act, and it is therefore necessary that the capital stock of the said Company should be increased;

Capital increased by £8,000 divided into 320 shares.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the capital or stock of the said Saint John Bridge Company shall be increased by a sum not exceeding eight thousand pounds, making the said capital stock in the whole not exceeding twenty eight thousand pounds, which additional capital or stock shall be divided into three hundred and twenty shares of twenty five pounds each.

Additional shares to be sold as the Directors shall direct.

II. And be it enacted, That the said additional shares in the said capital or stock of the said Bridge Company, shall be sold and disposed of in such manner and at such times as the said Directors shall think proper for the benefit and advantage of the Stockholders of the said Company.

Additional shares and holders thereof to be subject to the provisions of the Act 5 W. 4, C. 48.

III. And be it enacted, That the said additional shares hereby created, and the holders thereof, shall at all times be subject and liable to all and singular the rules and regulations, clauses and provisions of an Act made and passed in the fifth year of His present Majesty's reign, intituled "An Act to incorporate sundry persons by the name of the Saint John Bridge Company," and of the Bye Laws of the said Corporation, and of this Act or any other Act or Acts of the Assembly to be made and passed relating to the said Act.

Limitation.

IV. And be it enacted, That this Act shall continue and be in force and effect for and during the continuance of the Act to which this is an amendment.

CAP. XL.

An Act to explain and amend an Act to incorporate the Saint John Mechanics' Whale Fishing Company.

Passed 1st March 1837.

Preamble.
5 W. 4, (2d S.)
C. 10.

WHEREAS the powers granted in and by an Act made and passed in the fifth year of His present Majesty's reign, intituled "An Act to incorporate the Saint John Mechanics' Whale Fishing Company," have been deemed too extensive, and it is thought necessary to limit the operations of the said Company to the objects contemplated by them, and to make other and more effectual regulations for the carrying on the business of the said Company;

Powers conferred by 5 W. 4, (2d S.) C. 10, limited to whale fishing.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That nothing in the said Act contained shall extend or be construed to extend to authorize the said Company to do or carry on any other business than the Whale Fishing, and the matters connected therewith.

No alien to be a stockholder.

II. And be it enacted, That no foreigner or alien shall be a stockholder in the

the said Company, and it shall be the duty of the Directors of the said Company, and they are hereby required to transmit to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Legislature of the Province annually, that is to say, on the first Monday in January in each and every year, triplicate lists of the stockholders of the said Company, which list shall be signed by a majority of the said Directors, and also by the secretary, and shall be accompanied with a declaration under oath, that every of the stockholders in the said list contained are *bona fide* British subjects, and that no foreigner or alien hath any share or interest in the stock of the said Company.

Triplicate lists of stockholders to be annually sent to the Provincial Secretary for the information of the Governor and Legislature.

CAP. XLI.

An Act to amend the Act incorporating *The Restook Lower Mill Company*.

Passed 1st March 1837.

WHEREAS in and by the third section of an Act made and passed in the sixth year of the reign of His present Majesty King William the Fourth, intituled "An Act to incorporate the Restook Lower Mill Company," it is enacted, that the capital stock of the said company shall be forty eight thousand pounds, and shall be divided into nine hundred and sixty shares of twenty five pounds each: And whereas the said number of shares of the aforesaid amount will not make up the capital named in the said Act;

Preamble.

6 W. 4, C. 67.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the capital stock of the said Company shall be and the same is hereby reduced to the sum of twenty four thousand pounds, and shall be divided, as in the said recited Act is provided, into nine hundred and sixty shares of twenty five pounds each.

Capital reduced to £24,000.

II. And be it enacted, That the said in part recited Act, except as herein expressly altered, shall be and remain in full force, any thing in this Act contained to the contrary notwithstanding.

6 W. 4, C. 67, as amended to remain in force.

CAP. XLII.

An Act to incorporate *The Acadian Company*.

Passed 1st March 1837.

WHEREAS a joint stock company or association hath lately been formed for the purpose of erecting Mills and Machinery, and for Manufacturing purposes connected therewith, in the Parishes of Pennfield and Saint George, in the County of Charlotte, within this Province, for which object a large amount of capital hath been subscribed and in part invested: And whereas it hath been deemed expedient to afford protection and encouragement to the said Association by an Act of incorporation; therefore,

Preamble.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That William Jack, William Porter, Nehemiah Marks, Thomas M. Vinson, Neal D. Shaw, Timothy Williams, David Dudley, Isaac Clapp, Thomas Simmonds, David A. Simmonds, James Read, Benjamin T. Copeland, James L. P. Orrok, Charles Copeland, Theodore D. Parker, K. G. Robinson, Stanton Parker, W. T. Nutton, their associates, successors and assigns, shall

Persons herein named, their associates, successors and assigns incorporated with the powers and privileges incident to a corporation.

be

be and they are hereby erected into a body politic and corporate by the name of *The Acadian 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 erecting mills and necessary works therewith connected in the Parishes of Pennfield and Saint George, in the County of Charlotte, for the manufacture of lumber and other purposes, and for carrying on and managing the same.

Capital to be
75,000.

Fifteen per cent.
to be paid within
three years.

Capital may be
increased.

First meeting of
the Corporation
to be held at
Magaguadavic
to choose Direc-
tors and other
officers.

Annual meeting
for choice of di-
rectors to be
held at Saint
Stephen's on
third Monday in
August.

Election of Pre-
sident.

Qualification of
directors.

Each share to
be entitled to
one vote.

Votes by proxy.

II. And be it enacted, That the capital stock of the said Corporation shall be seventy five thousand pounds of current money of New Brunswick, and shall be divided into three hundred shares of two hundred and fifty pounds each, to be paid in at such times and in such instalments as the business of the said Company shall require; provided that fifteen pounds per centum of the capital stock of the said Company, amounting to eleven thousand two hundred and fifty pounds shall be actually paid in and invested in the business of the said Corporation, within three years from the passing of this Act; and provided also, that the said Corporation shall when necessary have leave to extend the said capital stock to the sum of one hundred thousand pounds of like current money, and shall have power to increase the number of shares accordingly, or to assess such increase upon the original number of shares; and provided also, that the said Corporation shall not be entitled to purchase any property, real or personal, or to incur any debts until the said fifteen pounds per centum of the said capital stock shall have been paid in.

III. And be it enacted, That the first meeting of the said Corporation shall be held at the Lower Falls of the River Magaguadavic, and shall be called by William Jack, or in case of his death, neglect or refusal by any two of the said Company, by personal notice, or by notice in writing to be sent by mail to each of the said Company, at least twenty days previous to such meeting, for the purpose of establishing Bye Laws, choosing directors and such other officers as may be necessary for the management of the affairs of the said Corporation; which directors and officers so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter made and provided.

IV. And be it enacted, That a general meeting of the stockholders of the said Corporation shall be held at Saint Stephen, in the County of Charlotte, on the third Monday of August in each and every year, for the purpose of choosing five directors and such other officers as may be necessary for the management of the affairs of the said Corporation; which Directors so chosen shall remain in office for one year, or until others are chosen in their place, and shall at the first meeting after their election choose one of their number President of the said Company: Provided always, that not less than three directors do form a quorum for the transaction of business; and in case of the absence of the President the directors shall have power to appoint one of their number chairman for the occasion.

V. And be it enacted, That no person shall be eligible as a director unless such person is a stockholder, and holds not less than two shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

VI. And be it enacted, That the number of votes to which each stockholder shall be entitled, on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in proportion of one vote to each share of stock, and that absent stockholders shall vote by proxy; provided such proxy be a stockholder and produce sufficient authority in writing.

VII.

VII. And be it enacted, That the shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf; but no assignment or transfer shall be valid or effectual unless entered and registered in a book to be kept by the directors for that purpose; that in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable; that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

Shares to be assignable.

VIII. And be it enacted, That if it should so happen that the said directors or other officers should not be chosen on the said third Monday of August in any year as aforesaid, it shall and may be lawful to choose them on any other day, between the hours of twelve at noon and three in the afternoon of such day, on giving twenty days notice of such meeting by personal notice, or by notice in writing sent by mail as aforesaid, or by publication in some newspaper published in the County of Charlotte; and in case any director shall be removed by the stockholders for misconduct or mal-administration, his place shall be filled-up by the stockholders, twenty days notice of the time and place of meeting for such purpose being first given as last aforesaid; and in case of any vacancy among the Directors by death, resignation or disqualification by sale or transfer of stock, then and in either of such cases the said directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the stockholders or directors shall serve until another is chosen in his room.

How directors to be chosen when not chosen at the annual meeting?

Filling up vacancies in the board of Directors.

IX. And be it enacted, That the joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

Joint-stock alone responsible for the debts. Company may assess the shares.

X. And be it enacted, That the said Company shall have power to levy and collect assessments upon the shares, from time to time, of such sums of money as may be deemed necessary for carrying on the business of the said Company; and whenever any assessments shall be made by the stockholders of the Company, it shall be the duty of the Treasurer to give notice thereof in some newspaper printed in the said County of Charlotte requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to 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 the assessment is not then paid with interest from the time when such assessment became due shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share and the expense of advertising and selling, the residue, if any, shall be paid over to the former owner, and a new certificate 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 the majority of all the shares.

On default of payment shares to be sold.

XI. And be it enacted, That special meetings of the said Company may be called by the Secretary under the authority of the directors, or of the shareholders representing not less than one hundred shares of stock, twenty days notice at least of the time and place of such meetings being given in some newspaper published in the said County of Charlotte, and the same notice by mail in writing to shareholders residing out of this Province.

Special meetings may be called by the Directors or shareholders.

XII. Provided always and be it enacted, That unless fifteen per cent. of the said capital stock shall be paid in for the purposes of this Corporation, and a certificate of such payment signed and verified on oath by the directors or a majority

Act to be void unless fifteen per cent. of the capital be paid in within three

years, and certificate lodged in the Provincial Secretary's office.

majority of them, before any Justice of the Peace, shall be filed in the office of the Secretary of the Province before the expiration of three years next after the passing of this Act, the operation of this Act shall cease, and the existence of this Corporation be terminated at the end of the said three years.

CAP. XLIII.

An Act to incorporate *The Fredericton Mill Company.*

Passed 1st March 1837.

WHEREAS the erection of Mills and Machinery for the manufacture of Lumber and Flour, and for Carding and Felling within or near the Town of Fredericton, would greatly promote the interests of this Province, it is deemed expedient to incorporate a Company for these purposes,

Persons herein named, their associates, successors and assigns incorporated with the powers and privileges incident to a Corporation.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Abraham T. Coburn, Charles Fisher, William D. Hartt, David Currier, Asa Dow, Joshua Dunn, Henry Fisher, Junior, Joseph Sutherland and Peter Fisher, and their associates, successors and assigns, shall be and they are hereby erected into a Company, for the purposes declared in the preamble to this Act, and declared to be a body politic and corporate by the name of *The Fredericton Mill 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.

First meeting of the Corporation.

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

Capital to be £10,000, payable as the Directors may require.

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

Fifteen per cent. to be paid in before any debts be incurred.

Capital may be increased to £50,000.

IV. And be it enacted, That so soon as the said capital stock shall have been paid in and expended for the purposes of this Corporation, it shall and may be lawful for the said stockholders at any general meeting to be for that purpose called, to increase the said capital stock from time to time, in such sums as they may deem expedient, to a sum not exceeding fifty thousand pounds, and they shall have power from time to time to increase the number of shares accordingly, or from time to time to assess such increase upon the original number of shares, or to increase the capital by both assessments upon and increase of shares.

Joint stock alone responsible for debts.

V. And be it enacted, That the joint stock and property of the said Corporation shall alone be responsible for the debts and engagements of the Company.

Act to be void if fifteen per cent. of the capital be not paid in

VI. And be it enacted, That unless fifteen per cent of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate

of

of such payment made and verified on oath by the directors of the said Corporation, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer,) shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

within three years and a certificate lodged in the Provincial Secretary's office.

CAP. XLIV.

An Act to incorporate *The Salmon River Mill Company.*

Passed 1st March 1837.

WHEREAS the Great Salmon River in the County of Saint John affords extensive water power for driving Mills and Machinery, and the erection of Mills there for the manufacture of Lumber, and for other purposes, will be advantageous to the commercial interests of the Province,

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That James Hendricks, Hugh M'Kay, Thomas L. Nicholson, John Duncan, Edward J. Budd, Thomas Leavitt, Henry Chubb and James Millican, their associates, successors and assigns, be and they are hereby created and declared to be a body politic and corporate by the name of *The Salmon River Mill Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting Mills, and necessary works therewith connected, on the Great Salmon River in the County of Saint John, and for carrying on and managing the same.

Persons herein named, their associates, successors and assigns incorporated with powers and privileges incident to a Corporation.

II. And be it enacted, That the capital stock of the said Corporation shall be fifteen thousand pounds of current money of New Brunswick, and shall be divided into fifteen hundred shares of ten pounds each, to be paid in at such times and in such instalments as the business of the said Company shall require, provided that fifteen per cent. of the said capital stock, amounting to two thousand two hundred and fifty pounds, shall be actually paid in and invested in the business of the said Corporation within three years from the passing of this Act; and provided also that the said Corporation shall, when necessary, have leave to extend the said capital stock to a sum not exceeding fifty thousand pounds of like current money, and shall have power to increase the number of shares accordingly, or to assess such increase upon the original number of shares; and provided also, that the said Corporation shall not be entitled to purchase any property, real or personal, or to incur any debts until the said fifteen per cent. of the capital stock as aforesaid shall be paid in.

Capital to be £15,000 payable as the business shall require.

Fifteen per cent. to be invested within three years.

Capital may be increased to £50,000.

III. And be it enacted, That the first meeting of the said Corporation shall be held at the City of Saint John, and shall be called by Edward J. Budd, Esquire, or in case of his death, neglect or refusal, by any two of the said Company, by giving notice in one or more of the public newspapers printed in the said City at least twenty days previous to such meeting, for the purpose of establishing bye laws, choosing five directors and such other officers as may be necessary for the management of the affairs of the said Company, which directors and officers so chosen shall serve until the first annual meeting or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter made and provided.

First meeting of the Corporation for making bye laws and choosing Directors and other officers, to be held at Saint John.

IV.

Annual meeting for choice of Directors to be held on first Tuesday in December.

Directors to choose a President.

Qualification of Directors.

Each share to be entitled to one vote.

Shares to be assignable.

When Directors are not chosen at the annual meeting another meeting may be called for the purpose.

How vacant directorships to be filled up.

Joint stock alone responsible for the debts. Company may assess the shares.

On default of payment shares to be sold.

IV. And be it enacted, That a general meeting of the stockholders of the said Corporation shall be held at the City of Saint John on the first Tuesday in December in each and every year, for the purpose of choosing five directors and such other officers as may be necessary for the management of the affairs of the said Corporation, which directors so chosen shall remain in office for one year or until others are chosen in their place; and shall at the first meeting after their election choose one of their number President of the said Company: Provided always, that not less than three directors do form a quorum for the transaction of business, and in case of the absence of the President, the directors shall have the power to appoint one of their number chairman for the occasion.

V. And be it enacted, That no person shall be eligible as a director, unless such person is a stockholder, and holds not less than ten shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

VI. And be it enacted, That the number of votes to which each stockholder shall be entitled on every occasion, when in conformity to the provisions of this Act, the votes of the stockholders are to be given, shall be in the proportion of one to each share of stock, and that absent stockholders may vote by proxy, provided such proxy be a stockholder and produce sufficient authority in writing.

VII. And be it enacted, That the shares in the said Corporation shall be assignable and transferable, according to such rules and regulations as may be established in that behalf, and no assignment or transfer shall be valid and effectual, unless the same shall be entered and registered in a book to be kept by the directors for that purpose; that in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable; that whenever any stockholder shall transfer in manner aforesaid, all his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

VIII. And be it enacted, That if it should so happen that the said directors or other officers should not be chosen in the said first Tuesday in December in any year as aforesaid, it shall and may be lawful to choose them on any other day between the hours of twelve at noon and three in the afternoon of such day, on giving fourteen days notice of the time and place of such meeting in one or more of the newspapers published in the City of Saint John, and in case any director shall be removed by the stockholders for misconduct or mal-administration, his place shall be filled up by the stockholders, fourteen days notice of the time and place of meeting for such purpose being first given, and in case of any vacancy among the directors by death, resignation or disqualification by sale and transfer of stock, then and in either of such cases the said directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the stockholders or directors shall serve until another be chosen in his room.

IX. And be it enacted, That the joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

X. And be it enacted, That the said Company shall have power to levy and collect assessments upon the shares, from time to time, of such sums of money as may be deemed necessary for carrying on the business of the said Company, and whenever any assessment shall be made by the stockholders of the said Company, it shall be the duty of the Treasurer to give notice thereof in a newspaper printed in the City of Saint John, requiring payment of the same within thirty days, and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale by auction, giving at least thirty days notice of the time and place of such sale; and all shares upon which the

the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of the assessment and interest due on each share and the expense of advertising and selling the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser: Provided always, that no assessment shall be made except by a vote of the stockholders, and by a majority of all the shares.

XI. And be it enacted, That all meetings of the said Company shall be called by public notice being given of the time and place, in a newspaper printed in the City of Saint John, seven days at least before the time of such meeting, and that special meetings may be called by the Secretary under the authority of the directors, or by the shareholders representing not less than four hundred shares of stock, upon giving like notice.

Mode of calling meetings.

XII. Provided always and be it enacted, That unless two thousand two hundred pounds of the said capital shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said directors or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer,) shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of the said three years.

Act to be void if £2,200 be not paid in within three years, and a certificate lodged in the Provincial Secretary's office.

CAP. XLV.

An Act to incorporate *The Sheffield Mill and Land Company.*

Passed 1st March 1837.

6 **W**HEREAS the erecting of Mills for the manufacture of Lumber and other purposes at Little River, in the County of Sunbury, will be highly beneficial to the Province;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That John G. Woodward, William Walker, William Leavitt, Henry Gilbert, John Kinnear, Robert Hatton, Edward J. Budd, their associates, successors and assigns, shall be and they are hereby erected into a body politic and corporate by the name of *The Sheffield Mills and Land Company*, and shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting mills and necessary works therewith connected on the Little River, in the County of Sunbury, for the manufacture of lumber and other purposes, and for carrying on and managing the same.

Persons herein named, their associates, successors and assigns incorporated.

II. And be it enacted, That the capital stock of the said Corporation shall be ten thousand pounds of current money of New Brunswick, and shall be divided into one thousand shares of ten pounds each, to be paid in at such times and in such instalments as the business of the said Company shall require; provided that fifteen per cent of the said capital stock, amounting to fifteen hundred pounds, shall be actually paid in and invested in the business of the said Corporation within three years of the passing of this Act; and provided also, that the said Corporation shall, when necessary, have leave to extend the said capital stock to the sum of fifty thousand pounds of like current money, and shall

Capital to be £10,000; Fifteen per cent. to be paid within three years.

Capital may be increased.

shall have power to increase the number of shares accordingly, or to assess such increase upon the original number of shares; and provided also, that the said Corporation shall not be entitled to purchase any property, real or personal, or incur any debts until the said fifteen per cent of the capital stock as aforesaid, shall be paid in.

First Meeting
to establish Bye
Laws and elect
Directors.

III. And be it enacted, That the first meeting of the said Corporation shall be held at the City of Saint John, and shall be called by John G. Woodward, or in case of his death, neglect or refusal, by any two of the said Company, by giving notice in one or more of the newspapers printed in the said City, at least twenty days previous to such meeting, for the purpose of establishing bye laws choosing five directors and such other officers as may be necessary for the management of the affairs of the said Company; which directors and officers so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter made and provided.

Annual Meeting
to choose Direc-
tors to be held
on the first
Wednesday in
June.

IV. And be it enacted, That a general meeting of the shareholders of the said Corporation shall be held on the first Wednesday in June in each and every year, for the purpose of choosing five directors and such other officers as may be necessary for the management of the affairs of the said Corporation, 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 their election choose one of their number President of the said Company: Provided always, that not less than three directors do form a quorum for the transaction of business, and in case of the absence of the President the directors shall have power to appoint one of their number Chairman for the occasion.

Directors to
choose a Presi-
dent.
Three Directors
to form a
quorum.

Qualification of
a Director.

V. And be it enacted, That no person shall be eligible as a director unless such person is a stockholder, and holds not less than ten shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

Votes of Stock-
holders regu-
lated.

VI. And be it enacted, That the number of votes to which each stockholder shall be entitled on every occasion, when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in proportion of one vote to each share of stock, and that absent members may vote by proxy; provided such proxy be a stockholder, and produce sufficient authority in writing.

Shares to be
assignable.

VII. And be it enacted, That the shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid and effectual unless the same shall be entered and registered in a book to be kept by the directors for that purpose; that in no case shall a fractional part of a share or other than a complete share or shares be assignable or transferable; that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company he shall cease to be a member of the said Company.

Should the
Directors not be
elected on the
first Wednesday
in June they
may be elected
on any other
day on notice.

VIII. And be it enacted, That if it should so happen that the said directors or other officers should not be chosen on the said first Wednesday in June in any year as aforesaid, it shall and may be lawful to choose them on any other day between the hours of twelve at noon and three in the afternoon of each day, on giving fourteen days notice of the time and place of such meeting in one or more of the newspapers published in the City of Saint John; and in case any director shall be removed by the stockholders for misconduct or mal-administration, his place shall be filled up by the stockholders, fourteen days notice of the time

time and place of meeting for such purpose being first given; and in case of any vacancy among the directors by death, resignation or disqualification, by sale and transfer of stock, then and in either such cases the said directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the stockholders or directors shall serve until another is chosen in his room.

IX. And be it enacted, That the joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

Joint Stock alone responsible for debts: Company may assess the shares.

X. And be it enacted, That the said Company shall have power to levy and collect assessments on the shares from time to time of such sums of money as may be deemed necessary for carrying on the business of the said Company; and whenever any assessments shall be made by the stockholders of the Company it shall be the duty of the Treasurer to give notice thereof in a newspaper printed in the City of Saint John, requiring payment of the same within thirty days, and if any stockholder shall neglect or refuse to pay the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least twenty days notice of the time and place of such sale, and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate of the shares so sold shall be made out and delivered to the purchaser: Provided always, that no assessment shall be made except by a vote of the stockholders, and a majority of all the shares.

On default of payment shares to be sold.

XI. And be it enacted, That all meetings of the said Company shall be called by public notice being given of the time and place in a newspaper printed in the City of Saint John, seven days at least before the time of such meeting, and that special meetings may be called by the Secretary under the authority of the directors, or by the shareholders representing not less than two hundred and fifty shares of stock, upon giving the like notice.

Mode of calling meetings.

XII. Provided always and be it enacted, That unless fifteen hundred pounds of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the directors of the said Company, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer,) shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of the said three years.

Act to be void if £1,500 be not paid in within three years, and a certificate lodged in the Provincial Secretary's office.

CAP. XLVI.

An Act to incorporate *The Salmon Falls Bridge Company*.

Passed 1st March 1837.

WHEREAS the erection of a good and sufficient Bridge across the Saint Croix River at the Salmon Falls would be a great public benefit and convenience: And whereas the undermentioned persons are willing at their own cost and charges to complete the same;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That James Rait, James Allanshaw, Thomas Wyer, John Wilson, Harris Hatch,

Persons herein named, their associates, suc-

cessors and assigns incorporated with the privileges incident to a corporation.

Hatch, John M^r Master, and their associates, their successors and assigns, shall be and they are hereby erected into a Company, and declared to be a body politic and corporate by the name of *The Salmon Falls Bridge Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by an Act of the General Assembly of this Province, made and passed in the sixth year of the reign of His present Majesty, intituled "An Act to prescribe general regulations in respect to Corporations."

Capital to be £2,500 payable as the Directors may require.

II. And be it enacted, That the capital stock of the said Corporation shall consist of the sum of two thousand five hundred pounds, the whole amount of the said stock to be divided into one hundred shares, of twenty five pounds each, to be paid in such proportions as the directors may think necessary.

Act to be void if the Bridge be not completed by first of October 1839.

III. Provided always and be it enacted, That unless the said Bridge be erected and opened for the use of the public (subject to the rates of tollage that may be levied by the proprietors thereof) on or before the first day of October one thousand eight hundred and thirty nine, the operation of this Act shall cease and the existence of the said Corporation be terminated.

CAP. XLVII.

An Act to incorporate certain persons by the name of *The President, Trustees and Proprietors of the Saint Stephens Academy*.

Passed 1st March 1837.

Preamble.

WHEREAS the establishment of a Seminary in the Parish of Saint Stephen for the education of youth in christian and loyal principles, and for their instruction in those branches and such literature which may fit them for discharging respectably the duties of their different stations in after life, is highly desirable: And whereas certain persons whose names are hereinafter set forth have united together for the purpose of establishing such an institution, and have actually subscribed in shares a stock nearly sufficient as they believe for the purpose of erecting suitable buildings for the same;

Persons herein named, their associates, successors and assigns incorporated with the powers and privileges incident to a corporation.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Reverend Skeffington Thomson, L. L. D. Clerk, Rector of Saint Stephens, Nehemiah Marks, John Marks, George Hill, William Foster, Robert Lindsay, Robert M. Todd, Robert Watson, James Albee, and Gilman D. Ring, with other their associates, viz.: all and every other person or persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors, administrators and assigns, shall be and they are hereby erected into a Company, and declared to be a body politic and corporate by the name of *The President, Trustees and Proprietors of the Saint Stephens Academy*, with all the rights and privileges by the Province law granted to Corporations by an Act made and passed in the sixth year of His present Majesty's reign, intituled "An Act to prescribe certain general regulations in respect to Corporations," and shall be capable in law to have, hold, purchase, get, receive, take, possess and enjoy houses, lands, tenements, rents and hereditaments in fee simple, leasehold or otherwise, and also goods, chattels, and all other things, real, personal or mixed, and also to give, grant, sell, let, assign or convey the same or any part thereof, and to do and execute all other things in and about the same as may be deemed for the advantage of the object for which this Corporation is erected: Provided nevertheless, that their personal property shall not at any time exceed the sum of three thousand pounds, nor their rents the sum of six hundred pounds per annum.

Personal and real estate limited.

II.

II. And be it enacted, That the capital or joint stock of the said Corporation shall (in the first instance) consist of current money of this Province, to the amount of one thousand pounds, but afterwards, if deemed necessary, be increased to the sum of three thousand pounds, which shall be divided into shares of twenty five pounds each, to be vested in and belong to the several persons in this Act named and their associates in the proportion by each subscribed.

Capital to be £1000 but may be increased to £3000.

III. And be it enacted, That the affairs of this Corporation shall be managed by a President and five Trustees, the Rector of the said Parish of Saint Stephen's to be always *ex officio* President and Superintendent of the Schools, and the said five Trustees to be always stockholders in the said Corporation, and resident within the said Parish, and to be chosen annually by the majority of votes of the shareholders, one vote to be given by each share held; the first election to be held at some public place in the village of Saint Stephen, to be appointed by the President by written notices under his hand, set up in three or more public places in the villages of Saint Stephen and Milltown, at least eight days before the day of election, and the persons so chosen and elected Trustees shall continue thence in office till the second Tuesday in June which shall be in the year of our Lord one thousand eight hundred and thirty eight, and on that day and on the second Tuesday in June in each year following, the proprietors shall meet in the public school room of the institution, and by a majority of votes choose and elect Trustees for the ensuing year: Provided always, that two out of the five Trustees of the former year shall be re-elected.

The affairs to be managed by a President and five Trustees, the Rector of Saint Stephens being *ex-officio* President.
First election.

Subsequent elections.

IV. And be it enacted, That no person shall be eligible as a Trustee unless he be a shareholder holding not less than two shares in the joint stock of the Corporation, and be of the full age of thirty years.

Qualification of Trustees.

V. And be it enacted, That the said President and Trustees shall appoint the under masters of the seminary, fix their salaries, establish the rate of tuition, enact bye laws for the regulation and discipline of the schools, and the course of study and books to be used in the same; they shall meet semi-annually in their board room on the second Wednesday in June, and the Tuesday on or next after the fifteenth day of December in each year, on which days and the ensuing days of the same weeks shall be held the semi-annual public examinations of the schools previous to Midsummer and Christmas vacations; the President shall nominate the public examiners who shall be graduates of some British or Colonial university; and as often as any matter shall require a special meeting of the Trustees, either at his own suggestion or by the written request of two or more Trustees, he (the President) shall call such meeting.

President and Trustees to appoint the masters &c. and make semi-annual examinations.

President to appoint Examiners, and may call meetings.

VI. And be it enacted, That not less than two Trustees with the President, or three Trustees including the Chairman shall constitute a board for the transaction of business; and in no case shall the President or Chairman be allowed to vote at any meeting of the board unless in cases where there is an equal division of the Trustees present, in which case the President or Chairman shall have a casting vote.

Board for transaction of business.

VII. And be it enacted, That in case of absence by sickness or other cause of the President from any stated or special meeting of the board of Trustees, it shall be lawful for the Trustees present, being not fewer than three, to choose a Chairman *pro tempore* to preside at such meeting, which Chairman shall have the same power for the time being as is by this Act given to the President on like occasions.

In absence of the President Trustees to appoint a chairman.

VIII. And be it enacted, That the same power to call special meetings of the board of Trustees as is given by this Act to the President be and the same

Two Trustees may call special

meeting of the
Boards.

Lieutenant Go-
vernors to be
visitors.

is hereby given to any two of the Trustees at their own instance, without any request from any other Trustee for that purpose.

IX. And be it enacted, That the Lieutenant Governor or Commander in Chief for the time being shall be and be deemed to be the visitor of the institution, and shall have all the powers and authorities incident to such office of visitor.

CAP. XLVIII.

An Act to incorporate *The Campo Bello Mill and Manufacturing Company.*

Passed 1st March 1837.

Preamble.

WHEREAS from the very extensive advantages that the Island of Campo Bello, in the County of Charlotte, possesses for commerce and manufactures, it is thought by putting the same into operation the trade of the Province will be very materially benefitted: And whereas it is deemed advisable to pass an Act of Assembly incorporating a Company for the purpose of erecting, using and employing all descriptions of mills, mill dams, fulling and carding machinery;

Persons herein
named, their as-
sociates, succes-
sors and assigns
incorporated
with the powers
and privileges
incident to a
Corporation.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That William FitzWilliam Owen, Sir Edward William Campbell, Rich Owen, William Owen, Milatiah Calkin, Thomas Wyer, Samuel Frye, John Wilson, Alfred L. Street, John M. Master, William Garnett, William Babcock, Thomas Sime, James W. Street, John Kinnear, William P. Ranney, Nehemiah Marks, Robert Watson, and John M. Kean, and all and every such other person and persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby erected into a Company for the purposes mentioned in the preamble to this Act, and declared to be a body politic and corporate, by the name of *The Campo Bello Mill and Manufacturing Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

First meeting for
choice of Di-
rectors.

II. And be it enacted, That the first meeting of the said Corporation shall and may be held at Campo Bello aforesaid, and shall and may be called, by Alfred L. Street, Esquire, or in case of his death, neglect or refusal, by any two of the said Company, by publishing notice thereof for thirty days in some newspaper published at some place in this Province, nearest Campo Bello, at which meeting or at any subsequent meeting to be for that purpose holden, seven directors (being members and stockholders of and in the said Corporation to such an extent as by the laws and regulations of the said Company may be provided) shall be chosen, which directors so chosen shall serve until the first annual meeting for the choice of directors, and until other persons are elected in their room, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations thereof, subject nevertheless to the laws and regulations which may from time to time be made by the said Corporation.

Annual meeting
for choice of
Directors.

III. And be it enacted, That there shall be a general meeting of the stockholders and members of the said Corporation to be annually holden at Campo Bello aforesaid, at such time as by the laws and regulations of the said Company may be appointed, at which annual meeting there shall be chosen seven directors, being members and stockholders of and in the said Company to such an extent

extent as by the laws and regulations of the said Company may be required; who shall continue in office for one year, or until others are chosen in their room; and the directors when chosen shall at their first meeting after their election choose one of their number to be the President of the said Company.

Directors to elect a President.

IV. And be it enacted, That in case of any vacancy among the said directors, by death, resignation or absence from the Province, or in case any director shall disqualify himself by sale, disposal and transfer of his shares or any of them so as to reduce his interest in the said Corporation to less than the number of shares required for the qualification of a director, then and in either of such cases the said directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen shall serve until another be chosen in his room.

Directors to fill up vacancies in the Board.

V. And be it enacted. That every person owning a share in the capital stock of the said Company shall be a member thereof and be entitled to vote at all meetings of the same, and members may give as many votes as they own shares, and that absent members may vote by proxy, such proxy being a stockholder, and authorized in writing.

Owners of shares to be members, and entitled to vote.

VI. And be it enacted, That the property of the said Corporation shall be divided into two thousand shares, and numbered in progressive order, beginning at number one; and that every member of the said Company shall have a certificate under the seal of the said Corporation, and signed by the President and Secretary thereof, certifying his property in such share as shall be expressed in the said certificate.

Property to be divided into 2000 shares, and members entitled to a certificate.

VII. And be it enacted, That the shares in the said stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf, but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered or registered in a book to be kept by the directors for that purpose; that in no case shall any fractional part of a share be assignable or transferable or other than a complete share or shares; that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

Shares to be assignable.

VIII. And be it enacted, That the capital or stock of the said Corporation shall consist of the sum of one hundred thousand pounds to be paid in such money as shall at the time of the said several payments hereinafter expressed be a legal tender in this Province; fifteen per cent of the said capital stock to be paid in before the said Corporation shall be entitled to purchase any property, real or personal, or incur any debts, and the remainder of the said stock to be paid at such time and times and in such parts or portions as the directors for the time being shall from time to time think necessary, the whole amount of such capital stock to be divided into shares of fifty pounds each, making in the whole two thousand shares.

Capital to be £100,000; fifteen per cent. to be paid before any debts be contracted; residue when required.

IX. Provided always and be it further enacted, That as soon as the said capital stock of one hundred thousand pounds, shall have been paid in and expended for the purposes of this Act provided, it shall and may be lawful for the said stockholders at any general meeting to be for that purpose called to increase the said capital stock from time to time in such sums as they may deem expedient to a sum not exceeding two hundred thousand pounds, to be assessed upon the several stockholders of the said Company in proportion to their respective shares.

Capital may be increased.

X. And be it enacted, That the President and directors of the said Company shall and may from time to time assess upon each share, such sum or sums of money as shall be judged by such Corporation necessary for raising a capital for the payment of any debts of the said Corporation, and for the purchase of such real and

Directors may assess the shares not exceeding 10 per cent. at any one time to

carry on the business,

and personal property, and the erecting, building, making, setting up, procuring and maintaining such buildings, wharves, dams, erections, machinery and all other things whatsoever as may be deemed necessary for carrying on the business of the said Company, which said sum or sums of money so to be assessed shall be paid to the Treasurer of the said Company at such time or times and by such instalments as shall be deemed requisite and proper, and may be directed thereby; provided that the amount so to be called in (after the payment of the first instalment of fifteen per cent) shall not exceed at any one time ten per cent. on the whole amount of the capital stock belonging to any individual; and provided always, that when any such assessment shall be made or ordered, thirty days notice thereof shall be given by the Secretary in some newspaper published in this Province, nearest to Campo Bello as aforesaid, requiring payment at such time or times as may for that purpose be appointed; and if the proprietor of any share or shares shall neglect or refuse to pay to the Treasurer the amount of any such assessment or assessments, or instalment thereof, at the time fixed for the payment of the same, it shall be the duty of the Treasurer to advertise such delinquent share or shares for sale at public auction, giving at least thirty days notice of the time and place of such sale in some newspaper published as aforesaid, and if the amount of such assessment or instalment be not then or sooner paid, such share or shares shall be sold to the highest bidder, and such sale shall be a legal transfer of the share or shares so sold to the purchaser or purchasers thereof, and shall be recorded accordingly by the Secretary, and such purchaser or purchasers shall be entitled to receive a certificate as prescribed in and by the fifth section of this Act.

On default of payment, shares to be sold.

Joint stock alone responsible for the debts.

XI. And be it enacted, That the joint property and stock of the said Company shall alone be responsible for the engagements and debts of the said Company.

Statement of the affairs to be laid before the general meetings.

XII. And be it enacted, That an annual statement of the affairs and amount of property of the said Company shall be made and exhibited at the general meeting of the said Company in every year, shewing the amount assessed and paid in by the proprietors of shares, and the amount and value (as near as may be) of the funds and property of the said Company, and the amount of debts due from such Company, which statement shall be certified as correct by the President, Secretary and Treasurer of the said Company under oath, each swearing to the best of his knowledge and belief respectively.

Act to be void if £15,000 be not paid in within three years, and a certificate lodged at the Provincial Secretary's office.

XIII. Provided always and be it enacted, That unless fifteen thousand pounds of the said Capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said directors or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer,) shall be filed in the office of the Secretary of the Province, before the expiration of three years after the passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of the said three years.

CAP. XLIX.

An Act for the incorporation of *The Saint John and Saint Croix River Canal Company.*

Passed 1st March 1837.

6 **WHEREAS** increasing the facilities of trade and intercourse between different sections of the Province, will greatly advance the general interest thereof; and it is considered expedient to encourage persons to devote their

their time and means to such objects: And whereas sundry persons are now desirous and willing to make and open a water communication by means of a Canal from the River Saint John to the Cheputnecticook Lake, on the Saint Croix River, and thence down along the said River Saint Croix to the tide way;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Alexander Campbell, James Frink, Colin Campbell, Josephus Moore, Angus M'Kenzie, Charles Perley, Francis E. Beckwith, Schuyler Putnam Frink, James Tibbets, Hugh Jamieson, Robert Chestnut, and Aaron Rogers, their associates, successors and assigns, be and they are hereby declared to be a body corporate and politic, by the name of *The Saint John and Saint Croix River Canal 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.

Persons herein named, their associates, successors and assigns incorporated, with the powers and privileges incident to a Corporation.

II. And be it enacted, That the said Company shall and they are hereby declared to have the right, power and privilege to dig, make, build, erect and construct a Canal, with all the necessary embankments, locks, gates, dam, piers, booms, wharves, sluices, and all other matters and things which they may deem necessary for the attainment of their object, and for the convenient and profitable use thereof, from some point on the said River Saint John, between Maduxnakik Creek so called, and two miles below the mouth of the Shugumock River, to the Cheputnecticook Lake on the Saint Croix River, and thence down along the said River to the tide way, and shall and may manage and control such Canal in such way and manner as the said Company may deem proper, not being repugnant to the provisions of this Act and the laws of this Province.

Power given to make the Canal and other necessary works.

III. And be it enacted, That the capital or stock of the said Corporation shall consist of the sum of one hundred and fifty thousand pounds, to be divided into so many shares of such an amount each as to the said Company or the majority thereof shall seem meet, and that fifteen per cent. of the said capital shall be paid in within three years of the passing of this Act, and the residue in such instalments as may be required for the services of the said Company, to be declared by the stockholders or a majority thereof, at any meeting to be called pursuant to any bye law of the said Corporation to be for that purpose enacted; and that in the management of the affairs and business of the said Company, every stockholder shall have as many votes as he may possess shares.

Capital to be £150,000; fifteen per cent. to be paid in within three years, and residue when required.

IV. And be it enacted, That the said Company shall make, allow and pay reasonable and proper compensation and satisfaction for all lands, tenements and hereditaments, taken, used, occupied, altered, damaged by means of and for the uses and purposes of the said Company, to be agreed upon by the said Company and the respective owners and occupiers of such lands, tenements and hereditaments, and in case of disagreement between the said Company and the said owners and occupiers, or any of them, then such compensation and satisfaction shall be determined by three arbitrators, one to be chosen by said Company, and one to be chosen by the owner or owners, occupier or occupiers of the private property in question, which two arbitrators so chosen shall choose the third arbitrator, and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, upon application of the said Company to appoint a third arbitrator, the award of whom or any two of whom shall be final and conclusive in the matters referred to them; and in case any of the owners or occupiers of such property shall decline making any such agreement, or appointing such arbitrators, then and in every such case

Company to make compensation for all lands, &c. taken or damaged.

In case of disagreement as to compensation, amount to be settled by arbitrators or a jury empanelled under the authority of the Supreme Court.

the said Company shall make application to the Supreme Court of this Province, stating the ground of such application, and such Court is hereby empowered and required from time to time, upon such application, to issue a writ or warrant directed to the Sheriff of the County where such property may lie and be, or in case of the Sheriff being a party interested, to the Coroner of such County, and in case of the Sheriff and Coroner being both interested, then to one or more disinterested persons as elizors, commanding such Sheriff, Coroner, person or persons as the case may be, to summon and empanel a Jury of twelve freeholders within such County, who are altogether disinterested in the matters in difference, which Jury upon their oaths (all which oaths as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such Jury is hereby empowered to administer), shall inquire, ascertain and assess the sum or sums of money or annual rent to be paid as the amount of compensation and satisfaction for the damage that may or shall be sustained by such owner or owners, occupier or occupiers of such property as aforesaid, and the inquisition, award or verdict of such Jury shall be returned and filed in the office of the Clerk of the Pleas of the said Supreme Court, and shall be final and conclusive between the parties; which amount so assessed as aforesaid with costs and expenses of such proceedings to be taxed and allowed by the said Supreme Court, shall be borne by the said Company, and shall be by them paid within thirty days after the said inquisition, award or verdict shall have been filed as aforesaid.

Expense to be borne by the Corporation.

Power to enter on any lands for the purposes of this Act, making compensation.

V. And be it enacted, That the said Company, their superintendents, engineers, artists, workmen and labourers, with their tools, implements, carts, waggons, sleds and other carriages, and beasts of burden or draught, may enter upon the land contiguous to the said Canal, whether granted or ungranted, giving or publishing notice thereof to the occupants thereof, if any, and from thence take and carry away any stone, gravel, sand, earth, wood or other material necessary for the construction of the said Cannal, doing as little damage as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damage that may be done therein, the amount of such damages if the parties cannot agree to be ascertained in like manner and in all respects as provided for in the fourth section of this Act in other cases.

Tolls may be exacted.

VI. And be it enacted, That the said Company, or such person or persons as they shall from time to time appoint as collectors or their deputies, are hereby authorised to demand and receive toll of and from any persons having charge of any boat, ark or other vessel, timber, wood, logs, bark, shingles, staves, lathwood, boards, planks, deals, scantling, goods, wares or merchandize, live or dead stock, or other things whatsoever passing through the said Canal or part thereof, the rates of toll which shall be established by the said Company, and the said Company may bring suit for the same toll against the owner, shipper, supercargo or captain of such vessel or other article, before any competent tribunal: Provided always, that if after the expiration of six years from the time of completing the said Canal, the rates, dues or tolls that may be established by the said Corporation under and by virtue of this Act shall be found excessive, it shall and may be lawful for the Legislature to reduce the said rates, tolls or dues, so as that the same shall not produce to the said Corporation a greater rate of net profit than twenty pounds annually for every hundred pounds of said capital stock; and in order that the true state of the affairs of the said Corporation shall be known; it shall be the duty of the President and directors thereof to produce and lay before the several branches of the Legislature of the Province at the expiration of six years after the said

If the tolls be excessive, the Legislature may reduce them.

said Canal shall have been completed as aforesaid, a just and true statement of the monies by them disbursed and laid out in making and completing the said Canal in manner aforesaid, and also of the amount of tolls and revenues of said Canal, and of the annual expenditure and disbursement in maintaining and keeping up the same during the said six years, the said several accounts and statements to be signed by the President and Treasurer of the said Corporation, and by such President and Treasurer attested to on oath before any one of His Majesty's Justices of the Peace for any County of this Province; and provided also, that it shall be the duty of the said President and Treasurer of the said Corporation once in every year after the expiration of the said six years to lay before the several branches of the Legislature a like statement and account, verified on oath by the said President and Treasurer as aforesaid.

VII. And be it enacted, That it shall and may be lawful for the collector or collectors of such tolls, or any or either of them, to stop or prevent the passage of any person or persons, or property of any kind for and in respect of which toll ought be paid, or it shall and may be lawful to and for the said collector or collectors to seize and detain the goods and chattels of such person or persons who may be unable or who may refuse to pay for the same; and in case the said tolls shall not be satisfied together with all reasonable costs and charges of making, keeping and detaining such distress, within the space of five days, the said collector or collectors shall and may sell the same, rendering the overplus, if any, after deducting such costs and charges of making, detaining and selling such distress to the owner or owners thereof.

Collectors of tolls may prevent passage on the Canal, if tolls be not paid, and detain goods, &c.

VIII. And be it enacted, That the directors of the said Company shall make yearly dividends of the tolls, income and profits arising to the said Company, first deducting thereout the annual costs, charges and expenses of the said Company, as well for the repairs of the works belonging to them as for the salaries and allowances made to their several officers and servants, and for such other purposes connected with the said Company as may be deemed proper by the said directors.

Directors to make yearly dividends of profits.

IX. And be it enacted, That the joint stock or property of the said Company shall alone be responsible for the debts and engagements of the said Company.

Joint stock alone to be responsible.

X. And be it enacted, That the shares, capital or stock of the said Company shall be assignable or transferable according to such rules and regulations as may by the directors be established in that behalf; but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered in a book to be kept by the directors for that purpose.

Shares to be assignable.

XI. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the injury or prejudice of the said Company, open or shut any lock, gate, waste gate or other gate, or by any means injure the same, so as to hinder or prevent the free use thereof, or shall throw down, injure or destroy any bridge by or over the said Canal, or shall break, injure or destroy any lock, bank, waste, weir, dam, aqueduct, or any sluice or pier, or shall dig or bore through any bank with intent to injure the said Canal or any of its works to be erected or made by virtue of this Act, such person or persons shall be adjudged guilty of felony, and every person or persons so offending, and being lawfully convicted thereof, shall be liable to the punishment prescribed for felony in an Act made and passed in the first year of the reign of His present Majesty, intituled "An Act for improving the administration of justice in criminal cases."

Maliciously destroying the Canal, &c. deemed felony.

1 W. 4, C. 14.

XII. And be it enacted, That the first meeting of said Corporation shall and may be called by notice, signed by any four or more of the members thereof, to be posted in three conspicuous places in the Counties of York, Charlotte, and any other

First meeting of Corporation.

other County or Counties through which said Canal may pass, at least twenty days before the day of such meeting and by publishing the same notice at least three weeks successively in one public newspaper, if any such there be, in each of the said Counties respectively.

Right to the use of waters for driving timber, &c. reserved.

XIII. And be it enacted, That this Act shall not be so construed as to prejudice the right of any owner or owners of saw logs, timber or other lumber, by preventing or restraining such owner or owners, their agents or workmen from the use of the waters of any river or stream for the purposes of driving or floating saw logs, timber or other lumber down the same; but that all rivers and streams heretofore used or capable of being used for the purposes of floating saw logs, timber or other lumber, shall be left in such a state as to give the same or equal facilities for the floating or driving of such saw logs, timber or other lumber as may exist at the time of the passing of this Act.

Bridges to be made by the Company where the Canal obstructs the passage of a road.

XIV. And be it enacted, That the said Company shall so make and construct said Canal as not to obstruct or impede the use and passage of any public road which may cross the same, and in all places where said Canal may cross or interfere with any such public road, it shall be the duty of such Company to make or cause to be made a good and sufficient causeway or bridge over such Canal sufficient for all the purposes of such road, and the same to maintain and keep in repair; and if said Company shall neglect or refuse to make such causeway or bridge as soon as practicable, or when made keep the same in repair, they shall be liable to pay the penalty of forty shillings for every day the same shall be neglected or refused after having been notified in writing by the Commissioners of roads of the Parish wherein such causeway or bridge or the repairs thereof is required, to be sued for and recovered by the said Commissioners in an action of debt with costs in any Court of competent jurisdiction, and when recovered such penalties to be applied for the use of the public road in such Parish, and such Company moreover shall be liable to an action or actions at the suit of any person who may be aggrieved thereby.

Penalty for neglect.

Bridges may be made over the Canal by proprietors of land passed through.

XV. And be it enacted, That the owner or owners of any land through which said Canal passes shall not be prevented from constructing bridges over said Canal agreeably to the form and structure of the bridges which may be constructed by said Company.

Act to be void if Canal be not completed within five years.

XVI. And be it enacted, That the said Corporation to entitle themselves to the privileges, benefits and advantages to them granted by this Act shall and they are hereby required to make and complete the said Canal, with all necessary embankments, locks, gates, dams, piers, booms, wharves and sluices within five years from the passing of this Act; and if the same shall not be so made and completed within the period before mentioned so as to be used for the conveyance of vessels, boats, timber and other articles, then this Act and every matter and thing therein contained shall cease and be utterly null and void.

CAP. L.

An Act for the incorporation of *The Salmon River Coal Company*.

Passed 1st March 1837.

‘ WHEREAS mines of coals and other minerals are known to exist within this Province, the working of which in an efficient manner would be conducive of great public benefit: And whereas it is thought expedient to afford encouragement to persons willing to engage in the same by granting them an Act of incorporation; therefore,

L.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Parker H. Pierce, Joseph Ballister, Nathaniel Tracy, Isaac Gage, Calvin Spaulding, Barnett Peters, and Moses H. Perley, their associates, successors and assigns, shall be and they are hereby erected into a body politic and corporate by the name of *The Salmon River Coal Company*, and 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 of coals and other minerals on and near the Salmon river in the County of Queen's, and establishing all necessary works therewith connected, and for the convenient carrying on and managing the same.

Persons herein named, their associates, successors and assigns incorporated with the powers and privileges incident to a Corporation.

II. And be it enacted, That the capital stock of the said Corporation shall be twenty thousand pounds of current money of New Brunswick, and shall be divided into one thousand shares of twenty pounds each, to be paid in at such times and in such instalments as the business of the said Company shall require; provided that fifteen per cent. of the said capital stock, amounting to three thousand pounds, shall be actually paid in and invested in the business of the said Corporation within three years from the passing of this Act; and provided also, that the said Corporation shall when necessary have leave to extend the said capital stock to the sum of one hundred thousand pounds of like current money, and shall have power to increase the number of shares accordingly or to assess such increase upon the original number of shares; and provided also, that the said Corporation shall not be entitled to purchase any property real or personal or incur any debts until the said fifteen per cent. of the capital stock as aforesaid shall be paid in.

Capital to be £20,000, with power to increase it to £100,000. Fifteen per cent. to be paid in within three years.

III. And be it enacted, That the first meeting of the said Corporation shall be held at the City of Saint John, and shall be called by Moses H. Perley, Esquire, or in case of his death, neglect or refusal, by any two of the said Company, by giving notice in one or more of the public newspapers printed in the said City, at least twenty days previous to such meeting, for the purpose of establishing bye laws, choosing five directors and such other officers as may be necessary for the management of the affairs of the said Company; which directors and officers so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter made and provided.

First meeting for establishing bye laws and choosing Directors.

IV. And be it enacted, That a general meeting of the shareholders of the said Corporation shall be held at the City of Saint John on the first Monday of July in each and every year, for the purpose of choosing five directors and such other officers as may be necessary for the management of the affairs of the said Corporation; which directors so chosen shall remain in office for one year, or until others are chosen in their place, and shall at the first meeting after their election choose one of their number President of the said Company: Provided always that not less than three directors do form a quorum for the transaction of business and in case of the absence of the President, the directors shall have power to appoint one of their number chairman for the occasion.

Annual meeting for choice of Directors to be held on the first Monday in July.

V. And be it enacted, That no person shall be eligible as a director unless such person is a stockholder, and holds not less than five shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

Qualification of Directors.

VI. And be it enacted, That the number of votes to which each stockholder shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in proportion of one vote to each share of stock, and that absent stockholders may vote by proxy, provided such proxy be a stockholder and produce sufficient authority in writing.

Each share to entitle the owner to a vote.

Shares to be assignable.

VII. And be it enacted, That the shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid and effectual unless the same shall be entered and registered in a book to be kept by the directors for that purpose; that in no case shall a fractional part of a share or other than a complete share or shares be assignable or transferable; that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

Should the Directors not be chosen on first Monday in July, they may be chosen on any other day, on notice.

VIII. And be it enacted, That if it should so happen that the said directors or other officers should not be chosen on the said first Monday in July in any year as aforesaid, it shall and may be lawful to choose them on any other day, between the hours of twelve at noon and three in the afternoon of such day, on giving fourteen days notice of the time and place of such meeting in one or more of the newspapers published in the City of Saint John, and in case any director shall be removed by the stockholders for misconduct or mal-administration, his place shall be filled up by the stockholders, fourteen days notice of the time and place of meeting for such purpose being first given, and in case of any vacancy among the directors by death, resignation or disqualification by sale and transfer of stock, then and in either of such cases the said Directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the stockholders or directors shall serve until another is chosen in his room.

Vacant Directorships to be filled up.

Joint stock alone responsible for the debts.

IX. And be it enacted, That the joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

Company may assess the shares.

X. And be it enacted, That the said Company shall have power to levy and collect assessments on the shares from time to time of such sums of money as may be deemed necessary for carrying on the business of the said Company; and whenever any assessment shall be made by the stockholders of the Company, it shall be the duty of the Treasurer to give notice thereof in a newspaper printed in the City of Saint John, requiring payment of the same within thirty days, and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquents' shares for sale at public auction, giving at least twenty days notice of the time and place of such sale, and all shares upon which the assessment is not then paid with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling the residue, if any, shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser: Provided always, that no assessment shall be made except by a vote of the stockholders and a majority of all the shares.

On default of payment, shares to be sold.

Mode of calling meetings.

XI. And be it enacted, That all meetings of the said Company shall be called by public notice being given of the time and place in a newspaper printed in the City of Saint John, seven days at least before the time of such meeting, and that special meetings may be called by the Secretary under the authority of the directors, or by the shareholders representing not less than two hundred and fifty shares of stock upon giving the like notice.

Act to be void unless £3000 be paid in within three years, and a certificate lodged in the Secretary's office.

XII. Provided always and be it enacted, That unless three thousand pounds of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the directors of the said Company or a majority of them (which oath any Justice of the Peace is hereby authorised to administer) shall be filed in the office of the

Secretary

Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of the said three years.

CAP. LI.

An Act to incorporate *The Washademoak Mill Company.*

Passed 1st March 1837.

WHEREAS the river Washademoak presents favorable situations for the erection and working of mills and machinery for the manufacture of lumber, and such erections will be of public utility: And whereas a larger amount of capital is necessary to be expended in the erection of dams and mills on the said river than will probably be invested therein by individual enterprise and it is therefore expedient that a Company be incorporated for the purpose;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That George F. S. Berton, James Taylor, John A. Beckwith, Francis E. Beckwith, Stephen Miller, James Rait and Neil D. Shaw, their associates, successors and assigns, be and they are hereby created and declared to be a body politic and corporate by the name of *The Washademoak Mill Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting mills and machinery for the manufacture of lumber on the river Washademoak in Queen's County, and for carrying on and managing the same.

Persons herein named, their associates, successors and assigns incorporated.

II. And be it enacted, That the first meeting of the said Corporation shall and may be held at Fredericton in the County of York, and shall and may be called by George F. S. Berton, Esquire, or in case of his death or neglect or refusal, by any two of the said Company, by publishing notice thereof in the Royal Gazette at Fredericton.

First meeting of the Corporation.

III. And be it enacted, That the capital stock of the said Company shall consist of the sum of twenty thousand pounds, to be paid in such money as shall at the time of the several payments hereinafter expressed be a legal tender in the Province; four thousand pounds being one fifth part thereof to be paid within three years after the passing of this Act, and the remainder of the said stock, being sixteen thousand pounds, to be paid at such time and times and in such parts or portions as the directors for the time being shall from time to time think necessary, the whole amount of such capital or stock to be divided into shares of ten pounds each, making in the whole two thousand shares; and provided that the said Corporation shall not be entitled to purchase any property real or personal, or to incur any debts, until the said sum of four thousand pounds be paid in.

Capital to be £20,000.

£4,000 to be paid within three years, and before any debts are contracted.

IV. Provided always and be it further enacted, That so soon as the said capital stock of twenty thousand pounds shall have been paid in and expended for the purposes by this Act provided, it shall and may be lawful for the said stockholders at any general meeting, to be for that purpose called, to increase the said capital stock from time to time in such sums as they may deem expedient to a sum not exceeding fifty thousand pounds, to be assessed upon the several stockholders of the said Company in proportion to their respective shares.

Capital may be increased.

V. And be it enacted, That the joint property and stock of the said Company shall alone be responsible for the engagements and debts of the said Company.

Joint stock alone responsible for the debts.

VI. And be it enacted, That a statement of the affairs and amount of property of the said Company shall be made by the said Company once in every year,

Statement of the affairs to be

year,

made up annually and published.

year, shewing the amount assessed and paid in by the proprietors of shares, and the amount and value (as near as may be) of the funds and property of the said Company, and the amount of debts due from such Company, which statement shall be certified as correct by the President and Secretary and Treasurer of the said Company under oath, each swearing to the best of his knowledge and belief respectively, and such statement shall be forthwith published in the Royal Gazette as aforesaid.

Act to be void if £4000 be not paid in within three years, and a certificate lodged in the Provincial Secretary's office.

VII. Provided always and be it enacted, That unless the sum of four thousand pounds of the said capital stock shall be actually paid in for the purposes of the said Corporation, and certificate of such payment signed and verified on oath by the said directors or a majority of them, which oath any Justice of the Peace may administer, shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

CAP. LII.

An Act to incorporate *The Nashwaak Mill and Manufacturing Company.*

Passed 1st March 1837.

WHEREAS the river Nashwaak affords a most desirable site for the erection of mills and machinery for the manufacture of lumber and other purposes: And whereas a large amount of capital is required to be invested in order to make the same of great public utility as well to the farming as commercial interests of the Province, it is expedient that the individuals engaged in the undertaking should be incorporated;

Persons herein named, their associates, successors and assigns incorporated.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Robert Rankin, William J. Bedell, Nathaniel Blake, Joseph Blake, John L. Blake, George E. Ketchum, Eli Hoskins, Henry G. Clopper, James Taylor, Jeremiah M. Connell, Thomas Gilbert, and Ira Wadleigh, their associates, successors and assigns, be and they are hereby erected and declared to be a body politic and corporate by the name of *The Nashwaak Mill Company*, and by that name shall have the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of erecting mills and and necessary works on the said river Nashwaak, and for carrying on and managing the same.

First meeting for choice of Directors.

II. And be it enacted, That the first meeting of the said Corporation shall and may be held at Fredericton in the County of York, and shall and may be called by any two of the said Company by publishing notice thereof for thirty days in the Royal Gazette, or in some other newspaper published in Fredericton; at which meeting or any subsequent meeting to be for that purpose holden, five directors, (being members and stockholders of and in the said Corporation to such an extent as by the bye laws and regulations of the said Company may be provided) shall be chosen, which directors so chosen shall serve until the first annual meeting for the choice of directors and until other persons are elected in their room, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operations thereof, subject nevertheless to the bye laws and regulations which may from time to time be made by the said Corporation.

Capital to be £40,000.

III. And be it enacted, That the capital stock of the said Company shall be forty thousand pounds, and shall be divided into shares of twenty five pounds each, to be paid by the stockholders at such time or times, and by such instalments from time

time to time as may be assessed and ordered by the said Company and the President and directors thereof as hereinafter directed: Provided nevertheless and it is hereby expressly required, that fifteen per centum of the said capital stock shall be paid within three years after the passing of this Act; and provided that the said Corporation shall not be entitled to purchase any property real or personal, or to incur any debts until the said fifteen per centum of the said capital stock as aforesaid shall be paid in.

Fifteen per cent. to be paid in within three years, and before any debts are contracted.

IV. And be it enacted, That the said Corporation may and they are hereby authorized whenever the whole amount of the said capital or sum of forty thousand pounds shall have been paid in and expended for the purposes contemplated by this Act, at any general meeting of the said Corporation, from time to time to increase the said capital stock to any amount or amounts (not to exceed in the whole the sum of one hundred thousand pounds) by an assessment or assessments upon the shares in the property of the said Company.

Capital may be increased.

V. And be it enacted, That all the shares in the said Company shall be numbered in progressive order, beginning at number one, and every member of the said Company shall have a certificate under the seal of the said Corporation and signed by the President and Secretary thereof, certifying his property in such shares as shall be expressed in the certificate.

Shares to be numbered, and Members entitled to a certificate.

VI. And be it enacted, That there shall be a general meeting of the shareholders and members of the said Corporation to be annually holden at Fredericton aforesaid, at such time as shall be for that purpose appointed by the bye-laws and ordinances of the said Corporation, at which annual meeting there shall be chosen of the said members five directors, being members and shareholders in the said Corporation to such an extent as may be provided and required in and by the said bye laws and ordinances of the said Company, who shall continue in office for one year or until others are chosen in their room; which directors when chosen shall at their first meeting after their election, choose out of their number a President.

Annual meeting to be held for choosing Directors.

Directors to choose a President.

VII. And be it enacted, That every person owning a share in the capital stock of the said Corporation shall be a member thereof, and be entitled to vote at all meetings of the same, and members may give as many votes as they own shares, and that absent members may vote by proxy, such proxy being a stockholder and authorized in writing.

Votes of stockholders regulated.

VIII. And be it enacted, That the President and directors of the said Corporation may from time to time assess upon each share such sum or sums of money as shall be judged by such Corporation necessary for raising a capital, or for the increase thereof, for the payment of any debts of the said Corporation, and for the purchase of such real and personal property, and the erecting, building, making, setting up and procuring such buildings, dams, mills, boats, machinery, and other things as may be deemed necessary and requisite for carrying on the business of the said Corporation: Provided always, that such assessment or assessments shall not in the whole exceed the amount of the capital stock appointed by this Act or the increased amount thereof, if the same shall be increased as herein before directed.

Directors may assess the shares.

IX. Provided always and be it enacted, That unless fifteen per centum of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said directors or a majority of them, which oath any Justice of the Peace is hereby authorized to administer, shall be filed in the office of the Secretary of the Province before the expiration of three years after passing of this Act, the operation

Act to be void if 15 per cent. be not paid in within three years, and a certificate lodged in the Provincial Secretary's office.

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

CAP. LIII.

An Act to incorporate *The Nashwaaksis Manufacturing Company.*

Passed 1st March 1837.

WHEREAS a Company or association of enterprising persons has lately been formed who have already invested large sums of money drawn from the Mother Country, and erected and set up extensive steam machinery for brewing malt liquors and other manufacturing purposes, with buildings and offices appropriate, near the mouth of the River Nashwaaksis, in the Parish of Douglas in the County of York: And whereas they are desirous of extending the original objects of the said association by adding to the said establishment sawing and grist mills, a distillery, and manufactory for making steam engines, with iron and brass foundries, and the trades necessary and appurtenant to such manufactories, and are also desirous of introducing further capital from the Mother Country as well as this Province to assist them: And whereas it is thought expedient to give protection and encouragement to the said association by granting them an Act of incorporation;

Persons herein named, their associates, successors and assigns incorporated.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Frederick Philipse Robinson, John Simcoe Saunders, John M'Neil Wilmot, William Braithwaite, William Porden Kay, Edward Nicholas Kendall, Joseph Kay, John Kay, John Braithwaite, Samuel Mayle, Robert Carter, Charles Stephens, and Charles Samuel Putnam, their associates, successors and assigns be and they are hereby declared to be a body politic and corporate by the name of *The Nashwaaksis Manufacturing Company*, for the purposes above mentioned, and by that name shall have perpetual succession and a common seal, and all the privileges and advantages incident to a Corporation, and that they shall be persons able and capable in law to have, purchase, take, hold, possess and enjoy lands, tenements and hereditaments in fee simple or for any less estate, and also goods, chattels, and all other property, real, personal or mixed, and also to give, grant, convey, let or assign the same or any part thereof in any legal way or manner, and to do and execute all other things in and about the same as they shall think advisable and necessary for the benefit and advantage of the said Corporation, and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of law or equity or any other place or places whatsoever in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner to all intents and purposes as any other person or persons are in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto.

Capital to be £50,000.

When £7,500 are paid in, operations may be commenced.

II. And be it enacted, That the capital stock of the said Corporation shall be fifty thousand pounds, and shall be divided into two thousand shares of twenty five pounds each, fifteen per cent. of which amount to be paid as the first instalment of the stockholders in current money of this Province; and so soon as it shall appear to the directors and treasurer of the said Company, that seven thousand and five hundred pounds of the whole stock shall have been paid in by all or part of the said stockholders, then the said Company shall be allowed to commence their work and business under this Act as a corporate body; and all the

the shares in the said Company shall be numbered in progressive order, beginning at number one; and that after the first meeting of the said Corporation each member holding shares in the said Company's stock shall be entitled to a certificate under the seal of the said Corporation and signed by the secretary thereof, certifying his property in such share or shares as shall be expressed in such certificate.

Members to get certificates of their shares.

III. Provided always and be it further enacted, That so soon as the said capital stock of fifty thousand pounds shall have been paid in and expended for the purposes by this Act provided, it shall and may be lawful for the said stockholders at any general meeting to be for that purpose called to increase the said capital stock from time to time in such sum or sums as they may deem expedient to a sum not exceeding one hundred thousand pounds, which additional capital stock shall be divided into shares of twenty five pounds each.

Capital may be increased to £100,000.

IV. And be it enacted, That a general meeting of the members and stockholders of the said Corporation or the major part of them shall take place in Fredericton by notice in the Royal Gazette, fourteen days previous to such meeting, which notice the said Charles Samuel Putnam, or in case of his death, neglect or refusal, any other of the persons incorporated in and by the first section of this Act is hereby authorized and empowered to give, for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good order and management of the affairs of the said Corporation as they shall deem necessary, and also for the purpose of choosing five directors, being members and stockholders of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which directors shall as soon thereafter as may be convenient meet together, and choose out of their number a President, and shall also appoint at the same time or at any future meeting a secretary, and so many and such other officers, clerks, servants and agents, for carrying on the said business as they shall deem requisite and necessary.

First meeting to establish bye laws, and elect Directors.

V. And be it enacted, That there shall be a general meeting of the said stockholders and members of the said Corporation held annually on the second Monday in January in each and every year at Fredericton, at which annual meeting there shall be chosen by a majority of the said stockholders and members five directors, who shall continue in office for one year or until others are chosen in their room; in the choice of which directors the stockholders and members of the said Corporation shall vote according to the rule hereinafter mentioned; and the directors when chosen or the major part of them shall at their first meeting after their election choose out of their number a President, who is to be chosen by a majority of votes, each director having one vote: Provided always, that four of the directors in office shall be re-elected at such annual meeting for the next succeeding year, of which the President shall always be one.

Annual meeting for choosing Directors to be held on the second Monday in January.

VI. And be it enacted, That every person owning a share in the capital stock of the said Company shall be a member thereof and be entitled to vote at any meeting of the same, and that members may give as many votes as they own shares, and that absent members may vote by proxy, such proxy being a stockholder and authorized thereto in writing.

Votes of stockholders regulated.

VII. And be it enacted, That no person shall be eligible as a director, unless such person is a stockholder, and holds not less than twenty shares of the capital stock of the Corporation.

Qualification of Directors.

VIII. And be it enacted, That if it should so happen that the directors should not be chosen on the second Monday in January in any year as aforesaid, it shall and may be lawful to choose them on any other day, between the hours of twelve at noon and three in the afternoon of said day, upon giving fourteen days notice

Should the Directors not be chosen on the second Monday in January,

they may be chosen on any other day, on notice.

Vacant Directorships to be filled up.

Directors may assess the shares.

On default of payment, shares to be sold.

Company not to engage in Banking.

Shares to be assignable.

notice of the time and place of meeting, which shall take place in Fredericton; and in case any director should disqualify himself by the sale, disposal or transfer of his shares, or of any of them, so as to reduce his interest in said stock to less than twenty shares required for the qualification of a director, or in case of the removal of a director by the stockholders for misconduct, or mal-administration his place shall be filled up by the said stockholders, fourteen days notice of the time and place of meeting being first given, and in case of any vacancy among the said directors by death, resignation or absence from the Province for three months, the said directors shall or may fill up the same by choosing one of the stockholders, and the person so chosen by the said stockholders or directors shall serve until another be chosen in his room.

IX. And be it enacted, That the President and directors of the said Corporation may from time to time assess upon each share such sum or sums of money as shall be judged by such Corporation necessary for raising a capital for the payment of any debts of the said Corporation, and for the purchase of such real and personal property, and the erection, building, making and setting up of such buildings, dams and other erections and machinery as may be deemed necessary for carrying on the business of the said Corporation, to be paid to the then treasurer at such time or times, and by such instalments as shall be deemed requisite; provided that such assessment or assessments shall not in the whole exceed the amount of the capital stock appointed by this Act, or to be increased as hereinbefore directed; and also that when any such assessment or assessments shall be made or ordered, notice thereof shall be given by the secretary in the Royal Gazette, requiring payment at such time or times as may for that purpose be appointed; and if the proprietor of any share or shares shall neglect or refuse to pay to the treasurer the amount of any such assessment or assessments or instalments thereof duly assessed or ordered as aforesaid, it shall be the duty of the treasurer to advertise the shares of such of delinquent proprietor at public auction, giving at least thirty days notice of the time and place of such sale in the Royal Gazette aforesaid, and all shares upon which the said assessment or instalment thereof is not then paid shall be sold to the highest bidder, and such sale shall be a legal transfer of the shares so sold to the purchaser or purchasers, and shall be recorded accordingly by the secretary, and such purchaser or purchasers shall be entitled to a certificate as prescribed in and by the second section of this Act: Provided always, that no stockholder shall in any case be assessed in a greater sum than one pound for each share at any one time.

X. And be it enacted, That the Company or Corporation shall not directly or indirectly deal or trade in buying or selling gold or silver coins or bullion, or deal in the lending of money, or in bills of exchange, or other negotiable instruments, by way of discount or otherwise, or engage in any banking operations whatsoever.

XI. And be it enacted, That the shares, capital or stock of the said Company shall be assignable or transferable according to such rules and regulations as may by the members or stockholders be established in that behalf; but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a book to be kept by the directors for that purpose, and in no case shall any fractional part of a share be assignable or transferable, and that whenever any stockholder shall transfer in manner aforesaid all his or her stock or shares in the said Corporation to any other person or persons whomsoever, such stockholder shall cease to be a member of the said Corporation, and the person or persons so purchasing shall become a member of the said Corporation in his or her stead, and be entitled to all the privileges as such, in proportion to the amount of stock or shares so purchased.

XII.

XII. And be it enacted, That the joint stock or property of the said Corporation shall be responsible for the debts or engagements of the said Corporation; and that no person or persons who shall or may have dealings with the said Corporation shall on any pretence whatsoever have recourse against the individual property of any present or future member or members of the said Corporation, or against their person or persons.

Joint stock alone responsible for the debts.

XIII. And be it enacted, That an annual statement of the affairs and the amount of property of the said Company shall be made previous to the general meeting of the said Company in every year, shewing the amount assessed and paid in by the proprietors of shares, and the amount and value, as near as may be, of the funds and property of the said Company, and the amount of debts due from such Company, which statement shall be certified as correct by the President and Secretary or Treasurer of the said Company, under oath, each swearing to the best of his knowledge and belief respectively, and such statement shall be forthwith published in the Royal Gazette.

Annual statement of the affairs to be made up and published.

XIV. Provided always and be it enacted, That unless seven thousand and five hundred pounds of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the said directors or a majority of them (which oath any Justice of the Peace is hereby authorized to administer), shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

Act to be void unless £7,500 be paid in within three years, and a certificate lodged in the Secretary's office.

CAP. LIV.

Amended by L. C. 14.

An Act to incorporate sundry persons by the name of *The New Brunswick Marine Assurance Company*.

Passed 1st March 1837.

‘WHEREAS the trade of this Province in shipping and navigation has of late greatly increased, and it is daily becoming more important; and it is expedient for the protection and encouragement thereof to establish a Marine Assurance Company at the City of Saint John;’

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Stephen Wiggins, Robert W. Crookshank, Elisha De Wolfe Ratchford, Thomas Barlow, James T. Hanford, James Kirk, William Walker, John V. Thurgar, Hugh M. Kay, Noah Disbrow, John Kinnear, Edward L. Jarvis, William Jarvis, Ambrose S. Perkins, David Hatfield, John Wishart, and George Wheeler, their associates, successors or assigns, be and they are hereby declared to be a body politic and corporate by the name of *The New Brunswick Marine Assurance Company*, and that they shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

Persons herein named, their associates, successors and assigns incorporated.

II. And be it enacted, That the capital or joint stock of the said Corporation shall consist of the sum of fifty thousand pounds, to be paid in such money as shall at the time of the several payments hereinafter expressed be a legal tender in this Province; five thousand pounds, being one tenth part thereof, to be paid within ninety days after the passing of this Act; five thousand pounds one other tenth part of the said capital stock within three calendar months after the expiration of the said ninety days, and the remaining eight tenths of forty thousand pounds to be paid at such time or times, and in such parts or portions as the

Capital to be £50,000, payable as herein specified.

directors for the time being of the said Corporation or a majority of them shall from time to time think necessary; the whole amount of the said capital stock to be divided into shares of twenty five pounds each, making in the whole two thousand shares.

Number of shares to be held limited.

III. And be it enacted, That no person or persons whatsoever, during the sixty days next after the passing of this Act, shall be entitled to hold or subscribe for more than fifty shares of the said capital stock; and if the whole of the said capital stock shall not have been subscribed for within the said sixty days, that then and in such case it shall be lawful for any stockholder or stockholders to increase his, her or their shares or subscriptions to as many shares as he, she or they may think proper.

Subscribers to stock to make a deposit previous to the election of Directors.

IV. And be it enacted, That all the subscribers for stock or shares in the said Corporation, shall previous to the day of the first general meeting of the members and stockholders of the said Corporation, to be called as hereafter mentioned, pay into the hands of such person or persons as the persons mentioned by name in and by the first section of this Act or the major part of them, or in case of the death of any of them the major part of the survivors, may direct, a deposit of two and one half *per centum* upon the amount of capital stock of the said Corporation for which they shall have subscribed; and the said deposit shall be taken and allowed to every subscriber who shall pay the same as part and out of the first one tenth part of the capital stock required to be paid in under and by virtue of this Act; and every subscriber who shall neglect or refuse to pay in the said deposit, shall for every share in respect of which he or she shall neglect or refuse to pay in be deemed a defaulter, and the said share or shares shall be forfeited to the Corporation; and no subscriber shall upon any pretence whatever vote at the said first general meeting in respect of any share or shares upon which he or she shall not have paid the said deposit.

Ten per cent. on the stock to be paid within ninety days, and security given for the remainder.

V. And be it enacted, That every stockholder or subscriber shall within the said ninety days after the passing of this Act pay into the hands of the directors for the time being of the said Corporation, or into the hands of such person or persons as they or a majority of them shall appoint, one tenth part or ten *per centum* on the whole amount of his or her share or shares, deducting the deposit mentioned in the fourth section of this Act, and shall give to the President and directors hereinafter mentioned good and satisfactory security or securities, either by bond and mortgage on real estate or otherwise, at the option and to the satisfaction of the said President and directors or a majority of them, renewable at least as often as once in every year unless secured on real estate, and oftener if the said President and directors or a majority of them shall require, that one other tenth part or ten *per centum* on the whole of his or her share or shares shall be paid to the said President and directors for the time being of the said Corporation within three calendar months after the expiration of the said ninety days, and that the residue of the whole amount of his or her share or shares shall be paid to the said President and directors for the time being of the said Corporation from time to time, and in such parts and portions, and in such manner as to them the said President and directors or a majority of them shall seem advisable; provided that the amount so to be called in shall not exceed at any one time twenty *per centum* on the whole amount of the capital stock of the said Corporation belonging to any individual, and that not less than thirty days notice of such payment being required shall be given in one or more of the newspapers published in the said City of Saint John: Provided always, that the said Corporation shall not go into operation until the said sum of five thousand pounds shall have been paid, and shall then be in the vault.

Refered to
13. 12. 1836
C. 54.

Company not to go into operation

vault or office of the said Corporation, or in one or more of the incorporated Banks established in the said City of Saint John; and that as soon as the said sum of five thousand pounds shall have been so paid, the President shall give notice thereof to the Secretary of the Province for the time being, for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, who is hereby authorized, by and with the advice of His Majesty's Executive Council, to appoint three Commissioners, not being stockholders, whose duty it shall be to examine and count the money actually in the vault or office, or in one or more of the Banks as aforesaid, and to ascertain by the oaths of a majority of the directors (which oaths any one of His Majesty's Justices of the Peace for the City and County of Saint John is hereby authorised to administer) that one tenth part of the amount of the capital stock of the said Corporation has been paid in by the stockholders towards the payment of their respective shares and not for any other purpose.

until £5000 be paid in, to be ascertained by Commissioners.

VI. And be it enacted, That when five hundred shares of the capital stock of the said Corporation shall have been subscribed for, a general meeting of the members and stockholders of the said Corporation shall be called to take place in the City of Saint John, by notice in one or more of the public newspapers published in the said City of Saint John, fourteen days at least previous to the day of such meeting, which notice George Wheeler, Esquire, Barrister at Law, or in case of his death, neglect or refusal, any other one of the persons mentioned by name in and by the first section of this Act is hereby authorized and empowered to give, for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good order and management of the affairs of the said Corporation as they shall deem necessary, and also for the purpose of choosing nine directors being members and stockholders of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which directors shall as soon thereafter as may be convenient meet together and choose out of their number a President, and shall also appoint at the same time, or at any future meeting a Secretary, and so many and such other officers, clerks, servants and agents for carrying on the said business, as they shall deem requisite and necessary, and shall at the same time, or at any future meeting, accept and receive what remains due of the first instalment of the ten *per centum* on each subscriber or stockholder's share or subscription, and shall take from such subscriber such securities for the remainder of their subscriptions as is hereinbefore pointed out, and shall commence the operations of the said Assurance Company, subject to the rules and regulations as hereinafter provided, and shall continue and serve to be directors aforesaid until the first annual meeting for the choice of directors as is hereinafter made and provided, or until others are chosen in their room; provided that the laws and ordinances at any time made shall be in no wise contrary or repugnant to the laws and statutes of this Province.

When 500 shares are subscribed, a meeting to be called to establish bye laws and elect Directors.

Directors to choose a President, and other officers, &c.

VII. And be it enacted, That there shall be a general annual meeting of the stockholders and members of the said Corporation held on the second Monday in April in each and every year after the present year one thousand eight hundred and thirty seven, at the City of Saint John, at which annual meeting there shall be chosen by the majority of the stockholders and members of the said Corporation then present or represented by proxy, out of all the stockholders and members of the said Corporation, nine directors who shall continue in office for one year or until others are chosen in their room, in the choice of which directors the stockholders and members of the said Corporation shall vote according to the rule hereinafter mentioned, and the directors when chosen or the majority of them,

Annual meeting for choosing directors to be held on the second Monday in April.

them, shall at their first meeting after their election choose out of their number a President, who is to be chosen by a majority of votes, each director having one vote: Provided always, that five of the directors in office shall be re-elected at such annual meeting for the next succeeding year, of whom the President shall always be one.

Directors to execute all things contained in the preceding sections, and manage the whole affairs of the Company.

VIII. And be it enacted, That the directors for the time being of the said Corporation shall have power to do and execute all the matters and things contained in the preceding sections of this Act as far as the same may be left unexecuted by the directors therein mentioned, and that they shall manage the whole concerns of the said Corporation agreeably to this Act of incorporation and such bye laws, rules and regulations as the stockholders and members thereof may from time to time establish, and also do and execute all other matters and things that may be necessary and requisite for the benefit of the said Corporation, and also shall have power to appoint and to remove at pleasure a Secretary and such other officers, clerks and agents as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow the said secretary, officers, clerks, agents and servants such compensation for their respective services as to them the said directors shall appear reasonable and proper; all which together with the expenses of buildings, house or office rent and all other contingencies shall be defrayed out of the funds of the said Corporation.

Board of Directors for business.

IX. And be it enacted, That not less than three directors shall constitute a board for the transaction of business of which the President shall always be one; except in case of sickness or necessary absence, in which case the directors present may choose one of their board as chairman for the time being; that all questions relating to any business to be transacted at the board shall be decided by a majority of the votes of the directors then present, and that no directors shall have more than one vote, except the President or chairman so chosen as aforesaid who shall vote at the board as a director, and shall also have a casting vote in all questions where the votes shall happen to be equal.

No Director to have a salary, but the stockholders may compensate the President.

Secretary to give security.

X. And be it enacted, That no director shall be entitled to any salary or emolument for his services, but that the members and stockholders for the time being of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

XI. And be it enacted, That every person hereafter to be appointed Secretary to the said Corporation, shall before he enters upon the duties of his office give a bond to the said Corporation, with two or more sureties to be approved of by the directors, in a sum not less than five thousand pounds, with a condition for his good and faithful behaviour in the said office of Secretary.

Qualification of Directors.

XII. And be it enacted, That no person shall be eligible as a director unless such person is a stockholder and holds not less than twenty shares of the capital stock of the said Corporation in his own right.

Votes of stockholders regulated.

XIII. And be it enacted, That on every occasion when in conformity to the provisions of this Act, the votes of the stockholders are to be given, every stockholder may vote by proxy, provided such proxy be a stockholder and previous to voting produce a sufficient authority in writing from his constituent or constituents so to act; that all questions be decided by a majority of the votes of all the stockholders then present or represented by proxy; and that the number of votes which each stockholder shall be entitled to give shall be one vote for each share he may hold in the capital stock of the said Corporation, provided that no stockholder shall hold at any one time more than five proxies; and provided also that no stockholder shall be allowed to give more than one hundred votes upon any

any question, either in respect of his own shares or in respect of any proxy or proxies of which he may be the holder.

XIV. And be it enacted, That if it should so happen that the directors should not be chosen on the second Tuesday in April in any year as aforesaid, it shall and may be lawful to choose them on any other day, between the hours of eleven in the forenoon and four in the afternoon of the said day, upon giving fourteen days notice of the time and place of meeting, which shall take place in the said City of Saint John, and in case any director should disqualify himself by the sale, disposal or transfer of his shares or of any of them, so as to reduce his interest in the said capital stock to less than twenty shares required for the qualification of a director, or in case of the removal of a director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders, fourteen days notice of the time and place of meeting being first given; and in case of any vacancy among the said directors by death, resignation, or absence from the Province for three months, the said directors for the time being shall and may if they shall think fit fill up the same by choosing one of the said stockholders, and the person so chosen by the said stockholders or by the said directors, shall serve until another be chosen in his room.

Should the Directors not be chosen on the second Tuesday in April, they may be elected on any other day on notice.

Vacant Directorships to be filled up.

XV. And be it enacted, That as soon as the said first instalment of five thousand pounds shall have been actually paid in manner and form as is hereinbefore provided on account of the subscriptions to the said capital stock, notice thereof shall be given in one or more of the newspapers published in this Province, and the directors shall commence with the business and operations of the said Corporation: Provided always, that no insurance shall be effected, nor shall any policy be signed in manner as hereinafter provided, until the said sum of five thousand pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said Corporation.

£5000 being paid in, notice to be given, and business commenced.

XVI. And be it enacted, That the said Corporation shall have power and authority to make marine insurance on vessels, freights, monies, goods and effects, and in case of money lent upon bottomry and respondentia, and to fix the premiums and terms of payment, and all policies of insurance by them made shall be subscribed by the President, or in case of his death, absence, sickness or inability, by any two of the directors, and shall be countersigned by the Secretary of the said Corporation, or in case of the sickness, absence or inability of the said Secretary, then by such person or persons as the directors or a majority of them may appoint to act in his stead, and shall be binding and obligatory on the said Corporation; and that all losses duly arising under any policy so subscribed and countersigned shall and may be adjusted and settled by the board of directors, and the same shall be binding on the said Corporation, and shall be paid to the assured within sixty days after such adjustment: Provided always, that the said directors shall not in any case make insurance on any single risk to an amount exceeding five thousand pounds.

Corporation to make Marine assurances, and fix the premiums.

Policies to be signed and countersigned.

Losses to be settled by the Directors.

XVII. And be it enacted, That it shall be the duty of the directors of the said Corporation or a quorum thereof to make half yearly dividends of all the profits, rents, premiums and interest of the said Corporation, or of so much thereof as they shall think fit, payable at such time and place as the said directors or a quorum thereof shall appoint, of which they shall give thirty days previous notice in one or more of the newspapers published in this Province; provided that the monies received and notes taken for premiums of risks which shall be undetermined and outstanding at the time of making any such dividend shall not be considered as part of the said profits of the said Corporation; and provided

Directors to make half yearly dividends of the profits.

further, that if the amount of the capital stock paid as by this Act is required, shall be by any means reduced to a sum not less than ten thousand pounds, then and in such case no dividend or dividends whatsoever shall be declared or made, until a sum equal to the said sum of ten thousand pounds shall be vested for the use of the said Corporation.

Corporation may hold real estate to the value of £5000.

Proviso for collateral security.

XVIII. And be it enacted, That the said Corporation shall have full power and authority to take, receive, hold, possess and enjoy any lands, tenements and real estate and rents, to any amount not exceeding five thousand pounds; provided nevertheless that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate or chattels to any amount whatsoever by mortgage taken as collateral security for the payment of any sum or sums advanced by or debts due to the said Corporation, or for the security of the payment of the amount of such part of the capital stock of the said Corporation as shall at any time or times remain unpaid.

Capital to be invested in public funds or other securities.

XIX. And be it enacted, That the capital stock of the said Corporation collected at each instalment and at the times and manner hereinbefore provided shall be by the said directors invested and disposed of in such public funds, or to such public or corporate bodies or associations or joint companies as may by the said directors be deemed advisable; and in the event of there being no public funds or public or corporate bodies or associations or joint companies to which the same can be advantageously lent and disposed of, or in which the same can be safely invested, then it shall and may be lawful for the said directors or a majority of them to apply the same and dispose thereof by letting the same out at interest upon the security of lands or upon other security as they may think fit: Provided always, that monies of the said Corporation shall be put out at interest nor any security taken for the same either by bond or mortgage or bill or note or otherwise for a shorter period than one year: Provided also, that no loan of the capital stock at any time to be created under the provisions of this Act, or any part thereof, shall be made directly or indirectly to any director of the said Company, nor shall any such director be a party to any security for any such loan; and no stockholder to whom any part of the said capital stock shall have been lent shall be eligible as a director while the loan continues.

No loan to be made to a Director.

Investment of money arising in the course of dealings.

XX. And be it enacted, That it shall and may be lawful to and for the directors of the said Corporation, to use, apply and dispose of the monies arising in the course of the dealing of the said Corporation, and all the profits, rents, premiums and interest thereof, by letting the same out at interest either upon the security of lands or other property, or otherwise, as the directors thereof may think fit, any thing contained in this Act to the contrary notwithstanding; and the restrictions as to loans to directors and to the eligibility as directors of stockholders to whom money may have been loaned, which are contained in the last preceding section with regard to the capital stock shall extend and apply in all respects to any loans of money to be made by virtue of this present section, in like manner as if the same were repeated herein.

Corporation not to trade, but may possess ships, &c. abandoned to them.

XXI. And be it enacted, That the said Corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever: Provided nevertheless, that it shall be lawful for the said Corporation to take, receive, hold, possess and enjoy, any ships, goods, merchandize, chattels or commodities whatsoever, which shall have been abandoned to the said Corporation by reason of any loss or damage having occurred to the same, and shall and may sell and dispose of the same at such time or times and in such manner as to the said directors for the time being shall seem expedient.

XXII.

XXII. And be it enacted, That the shares or capital stock of the said Corporation shall be assignable or transferable according to such rules and regulations as may be by the members and stockholders established in that behalf, but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a book to be kept by the directors for that purpose, and in no case shall any fractional part of a share be assignable or transferable, and that whenever any stockholder shall transfer in manner aforesaid all his or her stock or shares in the said Corporation to any other person or persons whomsoever, such person shall cease to be a member of the said Corporation, and the person or persons so purchasing shall become a member of the said Corporation in his or her stead, and be entitled to all the privileges and subject to all the liabilities as such.

Shares to be assignable.

XXIII. And be it enacted, That in case of any loss or losses taking place, which shall be equal to the capital stock of the said Corporation, and the President and directors after knowing of such loss or losses taking place shall make any further policy of assurance, they and their estates jointly and severally shall be accountable for the amount of any and every loss which shall take place under such policy or policies so made.

Liability of Directors on policies issued after losses to the amount of the whole capital.

XXIV. And be it enacted, That the joint stock or property of the said Corporation shall be alone responsible for the debts and engagements of the said Corporation, and that no person or persons who shall or may have dealings with the said Corporation shall on any pretence whatsoever have recourse against the separate property of any present or future member or members of the said Corporation or against their person or persons further than is in this Act provided.

Joint stock to be alone responsible for the debts.

XXV. And be it enacted, That the bonds and other securities of what nature or kind soever taken for the payment of the second instalment and residue of the said capital stock as is hereinbefore directed shall from time to time be renewed or changed, and other and further security or securities for the same be given as is provided in and by the fifth section of this Act, and in case of any refusal or delay to renew or change any such security or securities or to give and grant other and further security or securities therefor to the satisfaction of the said directors or a majority thereof, within thirty days after notice thereof given, then and in such case it shall and may be lawful to and for the said directors or a majority of them to cause such proceedings both in law or equity, or either as may be deemed requisite, to be taken for the recovery of the amount of such several and respective securities; or it shall and may be lawful to and for the said directors or a majority of them, if they shall think fit, to declare the shares in the capital stock of the said Corporation for the amount of the residue of which such security or securities shall have been given, forfeited to the said Corporation, together with all deposits, instalments, interests, profits or dividends thereto belonging or appertaining; and that such stock so forfeited shall be sold by public auction for and on account of the said Corporation, and the purchaser or purchasers thereof shall give such security or securities for the payment of the amount due to the said Corporation on account of such forfeited shares at the time of such forfeiture as is hereinbefore provided, and shall likewise be subject to all the provisions of this Act; any thing herein contained to the contrary thereof in any wise notwithstanding.

Securities for the capital may be renewed, and on refusal or delay, the Directors may proceed against the owners or declare the shares forfeited.

Aut. in. man.

XXVI. And be it enacted, That the books, papers, correspondence, and all other matters and things belonging to the said Corporation shall at all times be subject to the inspection of the directors or any of them, but no stockholder not a director shall inspect the account of any individual or corporate body with the said Corporation.

Books and papers to be open to the inspection of the Directors.

XXVII.

A statement of the affairs to be submitted at the annual meeting, and transmitted to the Provincial Secretary, for the information of the Governor and the Legislature.

XXVII. And be it enacted; That the directors shall at the general meeting to be holden on the second Monday in April in each and every year lay before the stockholders for their information, an exact and particular statement in triplicate of the then state of the affairs and business of the said Corporation, agreeably to the several regulations of this Act, and such other rules and regulations as may by the members and stockholders of the said Corporation be made by virtue hereof, so as the same may contain a true account of the whole of the affairs of the said Corporation, which statement in triplicate as aforesaid shall be signed by the directors and attested on oath or affirmation by the Secretary, or in case of his sickness, absence or inability to attend, by such person or persons as the directors or any quorum thereof may appoint to act in his stead, and shall be transmitted to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Legislature: Provided always, that the rendering such statement shall not extend to give any right to the stockholders not being directors to inspect the account of any individual or individuals with the said Corporation.

Joint committee of the Council and Assembly to have access to the books, &c.

XXVIII. And be it enacted, That any joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the Corporation, shall either during the Session or Prorogation of the General Assembly have free access to all the books and accounts of the same.

Special meetings may be called by proprietors of 1000 shares.

XXIX. And be it enacted, That any number of stockholders, not less than twenty, who together shall be proprietors of one thousand shares, shall have power at any time by themselves or their proxies to call a general meeting of the stockholders for any purpose relating to the business of the said Corporation other than a dissolution thereof, giving at least thirty days notice in two of the newspapers published in this Province, and specifying in such notice the time and place of such meeting with the objects thereof, and the directors or any five of them shall have the like power at any time upon observing the like formalities to call a general meeting as aforesaid.

Proprietors of 2000 shares may call a meeting to dissolve the Company.

XXX. And be it enacted, That any number of stockholders, not less than thirty, who together shall be proprietors of two thousand shares in the capital stock of the said Corporation, 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 Corporation, giving at least three months previous notice in two or more of the newspapers published in this Province, and specifying in such notice the time and place of such meeting with the objects thereof; and should it be agreed upon at such meeting that the said Corporation should be dissolved, such stockholders are hereby authorized and empowered to take all legal and necessary ways and means to dissolve the said Corporation; and upon such or any other dissolution of the said Corporation, 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 shares.

A statement of the affairs to be made up on the first Thursday in January annually for the information of the Legislature.

XXXI. And be it enacted, That the Secretary of the said Corporation shall on the first Thursday in January in each and every year, make a return in triplicate of the state of the affairs of the said Corporation as they existed at three of the clock in the afternoon of that day, and shall forthwith transmit the same to the office of the Secretary of the Province; which return shall specify the aggregate amount of the risks at that time taken by the said Corporation, the amount of losses incurred during the preceding year, the amount of capital actually paid in,

and how the same has been invested and secured, also a particular statement of the manner in which the residue of the capital has been secured, the amount of the dividends for the preceding year and when declared; together with the amount of surplus profits, if any, then belonging to the said Corporation, and how the same have been invested and secured, the amount of real estate owned by the said Corporation, together with a particular statement of all other the affairs of the said Corporation; which return shall be signed by the Secretary of the said Corporation, who shall make oath or affirmation before some Justice of the Peace for the City and County of Saint John to the truth of the said return according to the best of his knowledge and belief; and the Secretary of the said Corporation shall also at the same time make a return under oath or affirmation of the names of the stockholders, and the amount of stock owned by each; and a majority of the directors of the said Corporation shall certify and make oath or affirmation before the same Justice of the Peace, that the books of the said Corporation indicate the state of facts so returned by their Secretary, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province so soon after the opening of the Session as practicable, such returns as aforesaid as he may have received since the then next previous Session.

XXXII. And be it enacted, That if at any time it shall be deemed expedient to increase the capital stock of the said Corporation, the stockholders of the said Corporation shall and they are hereby authorized and empowered from time to time hereafter, at any general meeting to be for that purpose called and holden, to increase the capital stock of the said Corporation by such additional amounts, not less at any one time than ten thousand pounds and not exceeding in all the sum of fifty thousand pounds, as they may deem expedient; which additional stock shall be divided into shares of twenty five pounds each, and shall be sold and disposed of at public auction to the highest bidder, at such times and places as the said stockholders at such general meeting as aforesaid shall appoint, sixty days notice of such sales respectively being first given in two or more of the newspapers published in the City of Saint John and in Fredericton.

Capital stock
may be increased
to £100,000.

XXXIII. And be it enacted, That an instalment of ten *per centum* on the whole amount of the additional shares which may be sold from time to time as aforesaid, shall be paid down at the time of such sales respectively, and a second instalment of ten *per centum* on the amount of the said additional shares, together with the whole amount of any advance or premium at which they may have been respectively sold, shall be paid within thirty days after the day of every such sale respectively, and the residue of the whole amount of the said additional shares shall be paid at such time or times and in such parts or portions as the directors for the time being of the said Corporation or a majority of them shall from time to time think necessary; and that every purchaser of the said additional shares shall at the time of such sales respectively pay down the said first instalment of ten *per centum* on the whole amount of the said additional shares so purchased by him or her, and shall also at the same time give to the said Corporation good and satisfactory security either by bond and mortgage on real estate or otherwise, at the option and to the satisfaction of the said directors for the time being of the said Corporation or a majority of them, renewable at least as often as once in every year, unless secured on real estate, and oftener if the said directors or a majority of them shall require, that the said second instalment of ten *per centum* on the amount of the said additional shares, together with the whole amount of any advance or premium at which they may have been respectively

Payments to be
made by the
purchaser of the
increase stock.

respectively sold, shall be paid within thirty days next after the day of every such sale respectively, and that the residue of the whole amount of the said additional shares so purchased by him or her shall be paid from time to time and in such parts or portions and in such manner as to them, the said directors or a majority of them shall seem advisable; provided that the whole amount so to be called in shall not exceed at any one time twenty *per centum* on the whole amount of the said additional shares belonging to any individual, and that not less than thirty days notice of such payment being required shall be given in one or more of the newspapers published in the said City of Saint John.

Profit arising from the sale of the increase stock to be divided among all the shares.

XXXIV. And be it enacted, That the whole amount of the advance or premium at which the said additional shares or any of them shall have been sold (if any such advance or premium there be), first deducting thereout the charges of such sale, shall be divided in equal proportions to and among all the shares in the capital stock of the said Corporation, as well the said additional shares as the original shares, and such dividend of the advance or premium shall be declared and paid by the said directors at the time of declaring and paying the next succeeding half yearly dividend.

Securities for the increase stock to be renewed as specified in the 34th section, and on refusal or delay, the Directors may proceed as directed by the 26th section.

XXXV. And be it enacted, That the bonds and other securities of what nature or kind soever taken for the payment of the second instalment and premium or advance and residue of the said additional shares as is hereinbefore provided, shall from time to time be renewed or changed, and other and further security or securities for the same be given, as is provided in and by the thirty fourth section of this Act; and in case of any refusal or delay to renew or change any such security or securities, or to give and grant other and further security or securities therefor, to the satisfaction of the directors for the time being of the said Corporation or a majority of them, within thirty days after notice thereof given, then and in such case it shall and may be lawful for the said directors or a majority of them to proceed in the mode or modes directed in and by the twenty sixth section of this Act to be pursued in regard to the original shares in the capital stock of the said Corporation.

Original and additional stock to be subject to the same rules.

XXXVI. And be it enacted, That all and every the said additional shares in the capital stock of the said Corporation to be created and sold under and by virtue of the provisions of this Act and the several and respective holders thereof, shall at all times be subject and liable to all and singular the rules, regulations, clauses and provisions hereinbefore mentioned and contained in regard to the original shares in the capital stock of the said Corporation, save and except only as in and by this Act is otherwise provided.

Limitation.

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

**Anno Regni GULIELMI IV. Britanniarum Regis
Octavo.**

AT the General Assembly of the Province of New Brunswick begun and holden at Fredericton, on the Twentieth Day of January, *Anno Domini* One thousand eight hundred and thirty five, in the Fifth Year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith; and from thence continued by several Prorogations, to the sixth day of July One thousand eight hundred and thirty seven, being the Fifth Session of the Eleventh General Assembly convened in the said Province.

*5th part of this Act withdrawn by 8 Geo. 4. c. 2 V.D. in
as relates to the ferry number & suspended
by 7th Act c. 35.*

CAP. I.

An Act for the support of the Civil Government in this Province.

Passed 17th July 1837.

See 9th Act cap 59

WHEREAS His Most Gracious Majesty has been pleased to signify to His faithful Commons of New Brunswick, that His Majesty will surrender up to their control and disposal, the proceeds of all His Majesty's Hereditary, Territorial and Casual Revenues, and of all His Majesty's woods, mines and royalties, now in hand, or which may hereafter during the continuance of this Act be collected in this Province, on a sufficient sum being secured to His Majesty, His Heirs and Successors for the support of the Civil Government in this Province: And whereas We, His Majesty's most dutiful and loyal subjects, the Commons of New Brunswick in General Assembly convened, with hearts full of the warmest duty and gratitude, are desirous that ample and liberal provision should be made for the expenses of the said Civil Government during the continuance of this Act, by charges on all and every of the Revenues now and hereafter to be levied and collected in this Province, have therefore freely and unanimously resolved to give and grant unto His Majesty King William the Fourth, His Heirs and Successors, a certain sum for the aforesaid expenses of the Civil Government, payable out of the joint Revenues of this Province;

*Printed & inserted
by 8
c. 2. 37*

*P. above given
to procure & to
sell any grain
necessary to
maintain the
peace of the
Province of New
Brunswick*

I. Be it therefore enacted by the His Excellency the Lieutenant Governor, Legislative Council and Assembly, and by the authority of the same, That the proceeds of all and every the said Hereditary, Territorial and Casual Revenues, and the proceeds of all sales and leases of Crown lands, woods, mines and royalties, which have been collected and are now in hand, or which shall be collected hereafter during the continuance of this Act (except the monies which shall be expended

Proceeds of His Majesty's Hereditary, Territorial and Casual Revenues made payable to the Provincial Treasurer.

*8th Act
cap 102*

*by 7th
c. 4*

expended in the collection and protection thereof as specially authorized and provided for by the fourth section of this Act), shall immediately be payable and paid to the Provincial Treasurer, who is hereby authorized to receive the same for the use of this Province; and from and after the expiration of this Act, the proceeds of all the said Hereditary, Territorial and Casual Revenues, and of the said lands, woods, mines and royalties, shall revert to and be payable and paid to His said Majesty, His Heirs and Successors.

To revert to the Crown on expiration of this Act.

£14,000 per annum granted for the support of the Civil Government.

II. And be it enacted, That there shall be granted to His Majesty, His Heirs and Successors, for and during the whole period of the continuance of this Act, the clear yearly sum of fourteen thousand five hundred pounds current and lawful money of this Province, and that the said sum shall be charged on and made payable out of the aforementioned and all other Revenues raised, collected and paid into the Treasury of this Province, and shall commence from and immediately after the thirty first day of December now last past, and to be paid by the said Treasurer by warrant under the hand and seal of His Excellency the Lieutenant Governor or Commander in Chief for the time being, with preference to all other charges or payments which have heretofore been or which shall hereafter be made upon or payable from the said Revenues; such payments to be made quarterly (that is to say) on the thirty first day of March, the thirtieth day of June, the thirtieth day of September and the thirty first day of December, in each and every year, by equal and even proportions, out of the monies in the said Treasury; the first charge for the same to be made on the quarter day next immediately after the passing of this Act, and to include the proportion of the said sum which may become due for the support of the said Civil Government by the said quarter day.

All monies paid to the Treasurer except £14,500 to remain until appropriated by the General Assembly.

III. And be it enacted, That all the monies which shall be paid to the Provincial Treasurer under and by virtue of this Act, except the said sum of fourteen thousand and five hundred pounds hereby granted, shall remain in the Treasury until appropriated or disposed of by an Act or Acts of the General Assembly of this Province, to be passed for that purpose.

Governor with advice of Council to defray expenses of management out of the gross Revenues.

IV. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor and Commander in Chief for the time being, by and with the advice of the Executive Council, to expend out of the gross proceeds of the said Hereditary, Territorial and Casual Revenues, and of the said sales and leases of Crown lands, woods, mines and royalties, such sums of money as they may from time to time deem necessary and requisite for the prudent management, protection and collection of the said Revenues; and that His Excellency the Lieutenant Governor and Commander in Chief for the time being, shall within fourteen days next after the commencement of each and every Session of the Legislature, cause to be laid before the Assembly a full and detailed account, stating all the particulars of the income and expenditure of and relating to the said Hereditary, Territorial and Casual Revenues, sales and leases of Crown lands, woods, mines and royalties, with all vouchers to the same appertaining, for the then previous year.

Detailed accounts of Revenue and Expenditure to be laid before the Legislature.

V. And be it enacted, That all and every grant, lease or other assurance which, during the continuance of this Act, shall be made or granted by His Majesty, His Heirs or Successors, of any lands, tenements, rents, woods, mines, royalties, revenues, or other hereditaments within this Province, now belonging or hereafter to belong to His Majesty, His Heirs or Successors, whereby any estate or interest whatsoever in law or equity shall or may pass from His Majesty, His Heirs or Successors, save and except as hereinafter provided, shall be utterly void and of none effect unless such grant, lease or assurance be made upon sale or rent

Grants, leases, &c. to be void, unless made upon sale or rent to the highest bidder at public auction.

*See 83. 4. 2
7th. c. 35*

to

to the highest bidder at public auction in this Province, due notice having been first given thereof in the Royal Gazette, and unless all such sums of money and rents as may be payable in consideration of such grant, lease or assurance be made payable to His Majesty, His Heirs or Successors during the whole term or time of the continuance thereof respectively.

VI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend in any wise to impair or affect any rights or powers of controul, management or direction, which have been or may be exercised by the authority of the Crown, or other lawful warrant, relative to any suits or proceedings for the recovery of the said Hereditary, Territorial, Casual and other Revenues, or to composition made or to be made on account of any of the same, or to any remission, mitigation or pardon of any penalties, fines or forfeitures, incurred or to be incurred, or to any other lawful act, matter or thing which has been or may be done, touching the said Hereditary, Casual, Territorial or other Revenues, or to disable His Majesty, His Heirs and Successors to make any grant or restitution of any estate or estates, or of the produce thereof, to which His Majesty hath or shall become entitled by escheat for want of heirs, or by reason of any forfeiture, or by reason of the same having been purchased by or for the use of any alien, or to make any grant or distribution of any personal property and devolved to the Crown by reason of the want of next of kin or personal representatives of any deceased person, and that the said rights and powers shall continue to be used, exercised and enjoyed in as full, free, ample and effectual manner to all intents and purposes as if this Act had not been made, and as the same have or might have been heretofore enjoyed by the Crown, subject nevertheless to the restrictions and regulations hereinbefore made and provided; it being the true intent and meaning of this Act that the said rights and powers shall not be in any degree abridged or restrained, or affected in any manner whatsoever, but only that the monies arising from the full and free exercise and enjoyment of them, so subject as aforesaid, shall during the continuance of this Act be carried to and made part of the joint Revenues at the disposal of the General Assembly of this Province.

Act not to impair the rights or powers of control, management or direction by the Crown, or disable His Majesty to make restitution of forfeited estates.

VII. And be it further enacted and declared, That nothing in this Act contained shall operate to annul or prejudice any sale, purchase, grant, lease, enfranchisement, exchange, contract, rent charge, agreement, bond, mortgage, security, exoneration or other act, matter or thing relating to the said lands, woods, mines or royalties which at the time of passing this Act shall have been made, done, given, effected or created, but the same shall remain as good, valid and effectual for the benefit or security either of His Majesty, His Heirs or Successors, or of any of the parties to or with whom or in whose favor any such sale, grant, lease, enfranchisement, exchange, contract, rent charge, agreement, bond, mortgage, security, exoneration or other act, matter or thing shall have been made, done, given, effected or created, and be of as full force and virtue as if this Act had not been passed.

Act not to prejudice previous sales, grants, agreements, &c.

VIII. And be it further enacted, That this Act shall continue and be of full force and effect for and during the full and complete term of ten years, commencing from and immediately after the thirty first day of December in the year one thousand eight hundred and thirty six last past.

Limitation. *Nulla puzeta*

ly 2 tre - e. 57
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CAP. II.

An Act to restrain the provisions of the fifth section of an Act, intituled "An Act for the support of the Civil Government in this Province," and to establish sundry regulations for the future disposal of Crown Lands and Timber in certain cases.

Passed 22d July 1837.

Preamble.

WHEREAS in and by the fifth section of an Act made and passed at this present Session, intituled "An Act for the support of the Civil Government in this Province," it is enacted, that all disposals of any of His Majesty's lands, woods, mines and royalties within this Province, made during the continuance of the said Act, shall be utterly null and void and of none effect unless made at public auction to the highest bidder: And whereas it is deemed advisable to restrain the operation of the said fifth section in certain cases;

Act 8 W. 4, C. 1, not to prevent the Governor in Council from disposing of land by private sale to persons settled on such land without legal authority.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That nothing in the aforesaid in part recited Act contained shall extend or be construed to extend to prevent His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of the Executive Council, at any time during the continuance of this Act from disposing, by private sale, of any tract or tracts of ungranted Crown lands to any person or persons who shall, prior to the passing of this Act, be actually settled upon and shall have improved such tract or tracts without any legal authority for so doing: Provided always, that in no case shall more than one hundred acres be granted to any one person, and that no grant be made as aforesaid for less than two shillings and sixpence currency per acre for immediate payment, or three shillings currency per acre by four annual instalments; and that the names of the Grantees, with a statement of the quantity of land granted to each, where situate, and the terms and conditions of sale be laid each year, with the other Casual Revenue accounts, before the General Assembly.

Return to be made to the General Assembly.

Governor in Council may grant annual licenses for cutting Timber, by private sale, at specified rates.

II. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor and Commander in Chief for the time being, by and with the advice and consent of the Executive Council, if they shall see fit, to grant licenses for cutting and hauling timber, logs, or other lumber, immediately on their being applied for, and to renew the same to the former occupant or occupants who may have worked the same during the previous year, on his or their making timely application therefor before the previous license expires, and to grant the same by private sale, on petition, without public auction, at the following rates, viz.:

For square red pine timber, two shillings and sixpence per ton;

For square white and sapling red pine, two shillings per ton;

For square Birch, Spruce and Hemlock, one shilling and sixpence per ton;

For pine and spruce logs, three shillings and sixpence per thousand superficial feet;

And for all other descriptions of wood, the sum of ten pounds upon every hundred pounds of its estimated value;

And in case two or more persons shall apply on the same day for a new berth, if the said Lieutenant Governor or Commander in Chief, by and with the advice and consent aforesaid, shall see fit to dispose of the same, that then and in such case it shall be sold by the Commissioner of Crown Lands or his Deputy, to the highest bidder, and be competed for between the applicants only; provided that no such licence be granted for a longer term than one year, and not to extend beyond the first day of May next after the issuing thereof.

III.

III. 'And whereas cases may arise where persons licensed to cut timber, logs or other descriptions of lumber may exceed the quantity so licensed;' Be it therefore enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice aforesaid, to grant relief to the person or persons so exceeding their license upon payment of the lawful tonnage money; provided that the person so exceeding the quantity licensed make such application for such excess and pay the tonnage before the first day of May in each year; and provided also, that such excess shall have been cut within the limits of his license.

Relief may be granted to persons exceeding their license.

IV. And be it enacted, That from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor and Commander in Chief for the time being, by and with the advice and consent aforesaid, to make such rules and regulations relating to the disposal of land and the licensing of timber, logs and all other descriptions of lumber, and for the guidance of applicants, agreeably to the true intent and meaning of this Act, as may be deemed expedient and proper to carry the provisions of this Act into effect, which said rules and regulations shall be published in the Royal Gazette.

Governor in Council may make rules relating to the disposal of land, licensing of Timber, and for guiding of applicants.

V. 'And whereas cases may arise where industrious emigrants or natives not having any land may be desirous of procuring small allotments for immediate settlement: And whereas there are in this Province sundry tracts of ungranted Crown land not valuable for lumbering purposes, but fit for agricultural improvement, and which should be disposed of on reasonable terms to persons of the above description;' Be it enacted, That from and after the passing of this Act, it shall and may be lawful for His Excellency the Lieutenant Governor or Commander in Chief, by and with the advice and consent of the Executive Council, to sell and grant by private sale to any emigrant or native, being British subjects, not having any land, and who shall prove to the satisfaction of the said Governor and Council that he is deserving of such privilege and has not applied for the same for any other purpose than that of immediate settlement and cultivation, a quantity of land of the description mentioned in the preamble of this section, not exceeding one hundred acres to each individual; and that an account of such disposals be annually laid before the General Assembly specifying the name of Grantees, the quantity granted to each, where situate, and the terms and conditions of sale: Provided always, that no land shall be sold and granted as aforesaid for less than two shillings and six pence currency per acre, to be paid immediately on the application being complied with, and before the applicant take possession thereof.

Governor in Council empowered to sell land by private sale for immediate settlement

VI. And be it enacted, That in case any officer of the army or navy of the United Kingdom shall be desirous of purchasing land from the Crown in this Province, and shall make it appear to the satisfaction of the Lieutenant Governor or Commander in Chief for the time being, that the same is for the purpose of actual settlement by such officer, that then it shall and may be lawful for His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of the Executive Council, to grant a remission of the purchase money or part thereof to all such officers according to the following graduated scale, on the production of testimonials of unexceptionable character from the General Commanding in Chief or from the Lords of the Admiralty:

Governor in Council may remit the purchase money to Officers of the army or navy desirous of obtaining land for actual settlement.

Field Officers of the Army of twenty five years service in the whole and upwards, three hundred pounds;

Scale of remission.

Field Officers of the Army of twenty years service in the whole and upwards, two hundred and fifty pounds;

Field

Field Officers of the Army of fifteen years service in the whole or less, two hundred pounds;

Captains in the Army of twenty years service in the whole and upwards, two hundred pounds;

Captains in the Army of fifteen years service in the whole or less, one hundred and fifty pounds;

Subalterns in the Army of twenty years service in the whole or upwards, one hundred and fifty pounds;

Subalterns in the Army of seven years service in the whole or less, one hundred pounds;

And Officers of His Majesty's Navy of the corresponding ranks and terms of service in the like proportion;

Provided always, that no remission of purchase money be made to any officers of the Civil Departments of the Army or Navy.

Grants, &c. under the great seal to be evidence that the requisitions of this Act and of 5 W. 4, C. 1 have been complied with.

VII. And be it enacted, That all grants, leases and other assurances under the great seal of this Province, made and entered into under and by virtue of any of the provisions of the said in part recited Act or of this Act, shall in all cases and in all Courts of law and equity within this Province be deemed and taken to be evidence, that all the requisitions of the said in part recited Act or of this Act, as the case may be, in regard to the mode and terms of disposing of the lands, tenements or hereditaments in such grants, leases or assurances contained, have been duly observed and complied with.

Limitation.

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

Handwritten note: Amend for 2 years by 50-c.5

CAP. III.

An Act for the appointment of Commissioners to examine and report upon the Casual Revenue Accounts.

Passed 22d July 1837.

Preamble.

6 WHEREAS it is deemed expedient and necessary that Commissioners should be appointed to examine and report upon the several accounts relating to the King's Casual and Territorial Revenue, as connected with the Crown Land Department, for the purpose of being laid before the Legislature at their next Session: And whereas it is deemed expedient and necessary that the said Commissioners shall have full power and authority to call before them persons and papers, to enable them fully to investigate the said accounts;

Governor empowered to appoint Commissioners to examine and report upon the accounts and vouchers of the Commissioner of Crown Lands in 1831, &c.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Lieutenant Governor or Commander in Chief for the time being, shall be and he is hereby authorised and empowered by warrant under his hand and seal, to appoint three or more fit persons to be Commissioners to examine and report upon the accounts and vouchers of the Commissioner of Crown Lands and Forests, in the year of our Lord one thousand eight hundred and thirty one, and the five following years.

Commissioners empowered to examine persons on oath, and require the production of books, papers, &c.

II. And be it enacted, That it shall and may be lawful for the said Commissioners or any two of them, for the purpose of procuring information relative to the said accounts and vouchers, to call before them any person or persons, and to require the production from any public office or department of any books, documents or papers connected with the said accounts as may be necessary; and the

the said Commissioners or any two of them are hereby authorised and empowered to examine upon oath (which oath the said Commissioners or any two of them are hereby authorised to administer) any person or persons relating to the said accounts and vouchers; and all such persons are hereby directed and required punctually to attend the said Commissioners at such time and place as they or any two of them shall appoint.

III. And be it enacted, That the said Commissioners or any two of them shall examine the said accounts, and make due report of their proceedings to the Lieutenant Governor for the purpose of being laid before the Legislature at their next Session. Commissioners to make report to the Lieutenant Governor.

CAP. IV.

An Act to establish Circuit Courts in this Province, and to provide for the travelling expenses of the Judges holding such Courts.

Passed 22d July 1837.

WHEREAS it is expedient that Circuit Courts be established in the several Counties in this Province;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Circuit Courts for the trial of all issues joined or to be joined in the Supreme Court of Judicature in this Province, triable at Nisi Prius, shall commence and be held upon the days and times in the several Counties hereinafter mentioned in each and every year, that is to say: Circuit Courts to be held at the times and places herein specified.

In the City and County of Saint John, on the second Tuesday in January and first Tuesday in August;

In the County of Charlotte, on the fourth Tuesday in April and Tuesday after the fourth Tuesday in October;

In the County of King's, on the ~~fourth~~ Tuesday in ~~January~~ ^{July};

In the County of Kent, on the last Tuesday in August;

In the County of Westmorland, on the first Tuesday in September;

In the County of Northumberland, on the second Tuesday in September;

In the County of Gloucester, on the first Tuesday in September;

In the County of Carleton, on the last Tuesday in September;

In the County of Sunbury, on the last Tuesday in February; [#]

In the County of Queen's, on the second Tuesday in March. ^{Wittjacob Act Tues in August}

II. And be it enacted, That it shall and may be lawful for any person or persons to take and sue forth writs or records of Nisi Prius for the trial of the said issues in such Counties respectively in which the venue or cause of action of such issues shall be respectively laid, and also writs of distringas, subpoena, and all such other writs and precepts as are or may be by the practice and usage of the said Supreme Court be issued and sued forth. Such writs, &c. for the trial of issues where the venue is laid may be taken out as may be issued by the practice of the Supreme Court.

III. And be it enacted, That such Circuit Courts respectively shall commence and be held on the said days, and continued so long as the Justice presiding in any such Circuit Court shall consider necessary and expedient for the trial of issues then and there entered and triable: Provided always and be it enacted, that in case it should happen, either by the pressure of business at other places or from other unforeseen circumstances, any of the said Circuit Courts shall not be opened at any place specified for holding the same on the very day appointed for such purpose, it shall and may be lawful to open the same on the following day, or if such following day shall be a Sunday or any other day of public rest, then Courts to continue so long as the presiding Justice shall consider necessary.
 Provide for opening the Court when not opened on the day appointed.

*A. extended to King's on the 2. Dec. - 1847.
 B. Queen's circuit altered to 1st Tues in March } 1 Dec. - 1846*

*See 1st Act. c. 16
 2. Act. - c. 47*

B

then on the succeeding day; and such opening shall be as effectual to all intents and purposes as if the same had been opened on the very day appointed for that purpose, and shall be deemed and taken to be an opening thereof on the day for that purpose appointed; and all records and other proceedings under or relating to the said Courts which may be opened and read by virtue of this Act, shall and may be drawn up, entered and made out under the same date, and in the same form in all respects, as if such Circuit Courts had been opened on the day originally appointed for that purpose.

Chief Justice or some Justice of the Supreme Court to preside.

Sheriffs, Jurors, &c. to attend, and be liable as at the terms of the Supreme Court.

Provision for the travelling expenses and charges of the Judges holding the Courts.

Limitation.

IV. And be it enacted, That the Chief Justice or some one of the Justices of the Supreme Court for the time being shall attend, be present and preside at such Circuit Court respectively; and the respective Sheriffs for the time being of the several Counties shall make return of all writs and precepts directed to them respectively, returnable at such Circuit Courts; and such Sheriffs and all Coroners, Bailiffs, Constables, and all officers and ministers of the Law in such Counties respectively, and also all Jurors to be summoned, and all parties and witnesses in the causes to be heard and tried at such respective Circuit Courts shall give their attendance at such respective Circuit Courts, and shall be charged and bound in the like manner and under the like pains and penalties for non-appearance and non-attendance, or for any misdemeanor or default at such Circuit Courts respectively, as if at the terms of the Supreme Court.

V. And be it enacted, That there be allowed and paid out of the Treasury of this Province a sum not exceeding two hundred and fifty pounds annually, to defray the travelling charges and expenses of the Judges holding such Circuit Courts; the same to be paid by warrant of the Lieutenant Governor or Commander in Chief, by and with the advice and consent of His Majesty's Executive Council, on the Province Treasury, out of any monies which may be in the same.

VI. And be it enacted, That this Act shall continue and be in force for ten years from the thirty first day of December last.

CAP. V.

An Act relating to Landlord and Tenant.

Passed 22d July 1837.

6 WHEREAS the present mode of proceeding by action of ejectment in order to dispossess tenants wilfully holding over premises after the expiration of their lease, is attended with great inconvenience, delay and expense, and it is considered expedient to give in certain cases a more summary and less expensive remedy;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That when any tenant of premises, under a lease for years or less period shall after the expiration of such tenancy, and on due notice to quit having been given, refuse to deliver up such possession to the lessor or person entitled thereto, it shall be lawful for such lessor or person to apply to two of the Justices of the Inferior Court of Common Pleas of the County or City and County within which such premises are situate, and having made oath before such Justices that such tenant has held and occupied such premises (particularly designating in the affidavit whether a messuage or other premises, and where situate,) for a certain period then last past, as tenant to such person, under a demise which had then expired, and that due notice to quit has been given, such Justices shall and may thereupon summon such tenant, giving at least six days notice, to be served either personally

Preamble.

When a tenant shall refuse to give up possession after the expiration of his term, the lessor may apply to two Justices of the Common Pleas, who shall summon the tenant to shew cause, &c.

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 c 83

personally on the tenant, or in case he cannot be found by leaving the same with his wife, servant or other adult member of the family on the premises, to shew cause at a time and place in such summons to be specified, before such Justices, why such tenant holds over such premises; and in case such tenant shall neglect or refuse to attend such summons, or attending shall not shew sufficient cause to the satisfaction of such Justices for so holding over, they shall issue their warrant in the nature of a writ of possession and execution, directed to the Sheriff of the County or City and County within which such premises may be situate, requiring him forthwith to put such person claiming such premises in possession, and to levy the costs of such proceedings, which execution as to costs shall be regulated and enforced by the provisions of the Act to regulate proceedings before Justices of the Peace in civil suits, and it shall be the duty of such Sheriff to execute such writ agreeably to the direction therein contained.

On neglect to attend, &c. they shall issue a warrant in the nature of a writ of possession and execution.

II. And be it enacted, That if such tenant or other person having an interest in such premises should consider himself aggrieved by the judgment of such Justices, it shall be lawful for the Supreme Court of Judicature in this Province, in term time, on the application of such tenant or other person, and upon sufficient cause shewn therefor by affidavit, to award a *Certiorari* for the removal of such proceedings before such Court, and upon the return of such proceedings such Court shall examine into the matter, and may admit affidavits on either side, and may in case that in the opinion of such Court may require it, direct an issue for trial of facts, and shall order and determine in the matter either by confirming or quashing the proceedings as to justice shall appertain; and such Court may make such orders and rules as may be necessary to carry their proceedings and determination into effect: Provided always, that no such *Certiorari* shall in the meantime stay or suspend the execution of the judgment of such Justices.

Supreme Court may award a *Certiorari* for removing proceedings before such Court, on application of a party considering himself aggrieved.

III. And be it enacted, That in all proceedings had under the provisions of this Act, the party prevailing shall recover his costs and have process therefor, that is to say, for proceedings had before such Justices, the like costs to be by them taxed and allowed as are recoverable for similar services by the Act to regulate proceedings before Justices of the Peace in civil suits, except the Sheriff's fees on the execution of such writ of possession, which shall be the same as for executing a writ of *Habere facias possessionem*, issuing out of the Supreme Court, and all proceedings upon *Certiorari* in the Supreme Court, costs to be levied and recovered in the usual manner.

No *Certiorari* to suspend execution.

Party prevailing to recover costs, and have process therefor.

IV. And be it enacted, That when such proceedings are quashed by the Supreme Court, the said Court may award a writ of restitution, and such tenant or other person may recover against the adverse party in such proceedings any damage which such person may have sustained by reason of such proceedings with costs in an action on the case.

When the proceedings are quashed, the Court may order a writ of restitution.

V. And be it enacted, That in the construction of this Act, words importing the singular number or masculine gender only, shall be understood to include several matters as well as one matter, and several persons as well as one person, and female as well as male, and bodies corporate as well as individuals.

Construction of this Act.

VI. And be it enacted, That the summons and writ of possession and execution shall be in form given by the schedule to this Act annexed, or in words to the like effect.

Form of summons and writ of possession and execution.

VII. And be it enacted, That this Act shall continue and be in force until the first day of April one thousand eight hundred and forty and no longer.

Limitation.

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SCHEDULE.
FORM OF SUMMONS.

Form of sum-
mons.

ss. To
Whereas of hath this day on oath made it appear to us that you have as his tenant occupied [*here describe premises*] for last past under a demise which has expired, and that after being duly notified to quit, you hold over and refuse to give up the possession of said premises; We do therefor, agreeably to the directions of the Act of Assembly in such case made and provided, summon you to appear before us [*here describe day, hour and place*], to shew cause, if any you have, why you should not deliver up to said the possession of said premises. Given under our hands this day of 183 .

L. M.
N. O.

FORM OF WRIT OF POSSESSION AND EXECUTION.

Form of writ of
possession and
execution.

By A. B. and C. D. two of the Justices of the Inferior Court of Common Pleas in and for the County of

To the Sheriff of

Whereas G. H. claiming as lessor of certain premises situate [*here describe premises*] now in the occupation of hath on oath made it appear to us, that the said holds over and refuses to give up the possession of said premises after his demise thereof has expired, and due notice to quit given, and the said having been duly summoned to appear before us agreeably to the direction of the Act of Assembly in such case made and provided, to shew cause why &c., We have adjudged that the said shall be forthwith put in possession of said premises, and shall also recover his costs of proceeding being besides your fees on executing this writ; and we do hereby command you, that without delay you cause the said to have possession of said premises: We also command you that you levy of the goods and chattels of said the sum of adjudged to him for his costs, besides you fees, and for want of goods and chattels whereon to levy, you are required to take the body of said and deliver him to the keeper of the gaol of said County, and the said keeper will take the said into his custody and him safely keep for days, unless the said and your fees be sooner paid; and how you shall have executed this writ, return to us within days from the date hereof. Given under our hands this day of 183 .

A. B.
C. D.

CAP. VI.

An Act to prevent the issue of Private Bank Notes in this Province.

Passed 22d July 1837.

Making, issuing
or passing bills,
notes or drafts
as a circulating
currency de-
clared unlawful.

Exceptions.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act it shall not be lawful for any person or persons whomsoever to make, issue, circulate or pass in this Province, any bill, note, draft, check or undertaking for the payment of money, struck from a steel, copper, brass, zinc or other plate of metal, or lithographed, engraved or printed in any way or manner whatsoever, as and for or to serve the purposes of Bank notes or a circulating currency: Provided always, that

that nothing in this Act contained shall extend or be construed to extend to prevent any person from making, endorsing or transferring any foreign or inland bill of exchange, payable to a *bona fide* payee or order, or from passing or transferring any note or bill of the Bank of England, or of any incorporated Banking Company in this Province, or in Great Britain or Ireland, the United States, or any of His Majesty's North American Colonies, or of any joint stock Banking Company sanctioned by any Act of the Imperial Parliament, or of the General Assembly of this Province, although not incorporated, or from passing or transferring any draft, check or order on any Banking Company or banker, or on any other person or persons with the purpose and intent that such draft, check or order shall be paid by the person or persons on whom the same may be drawn, or to whom the same may be addressed, or to prevent any person or persons from making his, her or their promissory notes payable *bona fide* to or to the order of the person or persons who shall be named in any such promissory note as the payee or payees thereof; provided the same be not expressed or intended to be transferred, passed or circulated merely by the delivery thereof as and for or to serve the purposes of Bank notes or a circulating currency.

II. And be it further enacted, That all and every person or persons who shall offend against any provision of this Act, shall for each and every offence forfeit and pay the sum of five pounds, to be recovered by any person or persons who shall or may sue for the same; and all and every person or persons are hereby authorised to sue for and recover such penalty in his, her or their own names by action of debt to and for his, her or their own use in any Court of this Province having jurisdiction in actions of debt to the amount of such penalty: Provided always, that nothing in this Act contained shall extend or be construed to extend to affect any notes now actually in circulation until after the first day of July next, which will be in the year of our Lord one thousand eight hundred and thirty eight: Provided also, that nothing in this Act contained shall extend or be construed to extend to affect or interfere with the Bank of Fredericton so called.

Penalty for offences against this Act.

Recovery.

Act not to affect notes in circulation until after 1st July next, nor to extend to the Bank of Fredericton.

CAP. VII.

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

Passed 22d July 1837.

WHEREAS in cases of fire or other disaster on board steam vessels, the lives of passengers are frequently endangered or sacrificed for the want of a sufficient number of boats, and it is expedient to remedy the mischiefs as far as may be by law;

See 3rd Act. c. 54 in amendment & in addition to the act

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the first day of September next, no British boat or vessel propelled by steam, shall be permitted by the captain or owner to ply or navigate with passengers on board, in any of the bays, rivers, lakes, harbours or other waters of this Province, without having on board or attached in a convenient manner good and sufficient boats, of sufficient capacity to carry all the passengers and crew at one time from such vessel to land in ordinary weather: Provided always, that no such vessel shall be required to have more than three good and sufficient boats of sufficient capacity in all to carry sixty adult passengers exclusive of the crew.

No steam vessel to ply with passengers without boats sufficient to land all the passengers and crew at one time in ordinary weather.

*1837
repealed
2nd Act*

Exception.

II. And be it enacted, That if any master or owner shall permit any such vessel

Penalty for plying without such boats.

so to ply or navigate without having on board or attached such good and sufficient boats, they or either of them shall forfeit the sum of two hundred pounds for each trip such vessel may make to or from any place within this Province without being provided with such sufficient boats as aforesaid, to be recovered, levied and applied as hereinafter directed.

Prosecution and application of the penalty.

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

Limitation.

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

CAP. VIII.

An Act to remedy the failure of the annual Courts or Meetings of the Corporation of the Madras School in this Province.

Passed 22d July 1837.

Preamble.

6 **W**HEREAS the annual court or meeting of the Corporation of the Governor and Trustees of the Madras School in New Brunswick hath failed on the first Tuesday in July in the present year, by reason of a sufficient number of members not having been present;

Governor to appoint another day for the holding of the annual court of Madras school Corporation for the present year.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Lieutenant Governor or Commander in Chief may appoint another day for the said annual court or meeting of the said Corporation for the present year, and upon ten days notice of such appointment being given in one or more of the public newspapers published in the City of Saint John, such annual court or meeting may be convened and held at the City Hall of the said City on the day so to be appointed therefor; and that the said Governor and Trustees or any five or more of them, being then and there assembled, shall form the legal annual court or meeting of the said Corporation for the present year, and shall have power to do, execute and perform all such matters and things as may or ought to be done at the annual court or meeting prescribed in the charter of the said Corporation, and also to adjourn from day to day as the business of the said Corporation may require.

Meeting invested with the powers of the legal annual court.

The like proceedings to be had in case of a like failure.

II. And be it enacted, That in case of a like failure of the annual court or meeting of the said Corporation in any future year, the like proceedings in all respects may be had as are hereinbefore prescribed for the present year.

CAP. IX.

6 W. 4, C. 32. An Act in addition to an Act, intituled "An Act to incorporate sundry persons by the name of *The President, Directors and Company of the Saint Stephen's Bank in the County of Charlotte.*"

Passed 22d July 1837.

Preamble.

6 **W**HEREAS by the second section of the above recited Act, one half of the capital stock of the said Bank is required to be paid in within one year

year, and the other half within two years from the passing of the same: And whereas it is expedient that a longer time be given for paying in the remaining half of the said capital stock than is allowed by the said Act;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the further time of two years from the eighth day of March one thousand eight hundred and thirty eight, be allowed for paying in the unpaid half of the said capital stock, the same to be paid in current gold and silver coins of this Province, agreeably to the provisions of the said recited Act.

Time for paying in the unpaid half of the capital stock extended to two years from 8th March 1838.

CAP. X.

An Act in addition to and in amendment of an Act, intituled "An Act to incorporate *The Saint Stephen's Whale Fishing Company.*" *The 6 W 4, C. 69.*

Passed 22d July 1837.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the second section of the said recited Act as requires twenty per cent of the capital stock of the said Company to be paid in within twelve calendar months from the passing of the same be and the same is hereby repealed, and in lieu thereof the time of four years from the passing of the same be allowed for that purpose.

Time for paying in twenty per cent. of the capital stock extended.

CAP. XI.

An Act to grant a loan of five thousand pounds to the Saint John Water Company.

Passed 22d July 1837.

WHEREAS the objects of the Saint John Water Company are of great public importance: And whereas the works of the said Company are in progress, but in consequence of the disastrous effects of the late fire at the City of Saint John, the said Company will not be able to proceed with such works without assistance, and it is therefore expedient that a loan be granted to the said Company from the Province Treasury;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be and is hereby granted to the Saint John Water Company the sum of five thousand pounds as a loan to the said Company, on interest at and after the rate of six per cent. per annum, for the term of five years.

Loan of £5000 granted to the Company for five years.

II. And be it enacted, That before the said sum of five thousand pounds shall be drawn from the Treasury, the said Company shall by themselves and their sureties give good and sufficient security to the satisfaction of His Excellency the Lieutenant Governor or Commander in Chief for the time being, or of Commissioners to be appointed for the purpose of examining such securities, to the King's Majesty, his heirs and successors, for the repayment of the said sum of five thousand pounds into the Treasury of this Province, on or before the first day of January which will be in the year of our Lord one thousand eight hundred and forty three, and for the payment in the mean time of the annual interest of and upon the said sum of five thousand pounds into the said Treasury on the second day of January in each and every year.

Security for the principal and interest to be given before the money be drawn from the Treasury.

III. And be it enacted, That when and so soon as security shall be given as herein before directed the said sum of five thousand pounds shall be paid by the Treasurer of the Province by warrant of His Excellency the Lieutenant Governor

Security being given, money to be drawn from the Treasury by or warrant.

or Commander in Chief for the time being, by and with the advice of His Majesty's Executive Council, to the said Saint John Water Company or their Treasurer out of the monies now in the Treasury or as payment may be made to the same.

Principal and interest to be paid as in Section I. into the Treasury.

IV. And be it enacted, That the said sum of five thousand pounds, and the interest thereof, shall be returned and paid as provided for and required in and by the second section of this Act into the Treasury of this Province, subject to the control and disposal of the Legislature.

CAP. XII.

5 W. 4. C. 9.

An Act to alter and amend an Act, intituled "An Act to repeal all the laws now in force for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provisions for the same," so far as the same relates to the Parish of Portland in the County of Saint John.

Passed 22d July 1837.

Preamble.

5 W. 4. C. 9.

W. C. 2

WHEREAS in and by the eleventh section of an Act made and passed in the fifth year of the reign of His present Majesty King William the Fourth, intituled "An Act to repeal all the laws now in force for regulating, laying out and repairing highways and roads, and for appointing Commissioners and Surveyors of highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same," it is among other things enacted, that the width of all highways or public roads after the passing of that Act should not be less than four rods: And whereas it is advisable that in certain parts of the Parish of Portland in the County of Saint John, power should be given to the Commissioners for the time being to lay out and establish highways or public roads of less width than four rods;

Roads of less width than four rods may be laid out in a specified part of the Parish of Portland.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful to and for the Commissioners for the time being in and for the Parish of Portland in the County of Saint John, to lay out and establish highways, roads and streets in that part of the said Parish, which lies to the westward of a line extending north and south through the centre of the aboideau at the Marsh Creek, so called, of less width than four rods: Provided nevertheless, that such highways, roads and streets be not less in width than fifty feet, any law to the contrary notwithstanding.

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Count to 15 5/4 15 3/4 CAP XIII.

An Act to authorise the extension of the Gaol limits in the City and County of Saint John.

Passed 22d July 1837.

Justices of Saint John empowered to extend the Gaol limits.

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Justices of the Peace of the City and County of Saint John, at any General Sessions of the Peace or Special Session for that purpose to be holden, to extend the limits of the Gaol of the said City and County to such parts of the City not now included as to them may appear proper.

Limitation.

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

Count to April 1845 by 2 we c. 9

CAP. XIV.

An Act in further amendment of the Law relating to Nuisances in the Parish of Portland, in the County of Saint John.

Passed 22d July 1837.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the provisions of the second section of an Act made and passed in the last Session of the General Assembly, intituled "An Act in amendment of an Act, intituled 'An Act to prevent nuisances within the City of Saint John, and Parish of Portland in the County of Saint John,'" shall extend and be construed to extend to that part of the said Parish of Portland which lies to the westward of the Marsh Creek so called, and between that Creek and the Mill Bridge, any thing in the said recited Act to the contrary notwithstanding.

Provisions of 7 W. 4, C. 21, sec. 2, extended to a specified part of the Parish of Portland.

CAP. XV.

An Act for the appointment of Firewards and the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John.

Passed 22 July 1837.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Lieutenant Governor or Commander in Chief for the time being, is hereby empowered by and with the advice of His Majesty's Executive Council, from time to time, by warrant under his hand and seal, to appoint a sufficient number of prudent and discreet persons as Firewards, not exceeding six, resident in that part of the Parish of Portland lying to the westward of a line running north and south through the abode at the Marsh Creek, so called, who shall be sworn to the faithful discharge of their duty before one of His Majesty's Justices of the Peace of the City and County of Saint John, and a certificate thereof endorsed on the several warrants of appointment, for which warrants and certificates no fees shall be demanded or received from the person so appointed and sworn.

Governor with the advice of Council to appoint Firewards, who shall be sworn.

II. And be it enacted, That in order that the said Firewards may be distinguished from others when on duty at a fire, and to enable them to communicate their directions with more facility, they shall each carry a staff seven feet in length, coloured red, and also a speaking trumpet, painted white, with the name of the Parish and district painted on it in black letters.

Firewards on duty to carry a staff and speaking trumpet;

III. And be it enacted, That whenever a fire shall break out in the said district, or part of the said Parish described in the first section of this Act, and during the continuance thereof, the said Firewards are hereby authorized and required jointly or separately to command assistance for extinguishing the fire, and removing household stuff, furniture, books, public stores, goods and merchandize, out of any houses, store houses and other buildings actually on fire or in danger thereof, and to appoint persons to take care of the same, and also to require assistance to prevent the further spreading of the fire in the said district, and to prevent tumults and disorders in the same; and the said Firewards respectively are hereby required, upon the notice of fire breaking forth in the said district (taking their badges and trumpets with them), immediately to repair to the place, and vigorously to exert their authority in requiring assistance, and use their utmost endeavours to extinguish the fire and prevent its spreading, and to preserve and secure property and effects, both public and private; and due obedience is hereby

To command assistance for extinguishing Fires, removing goods; &c.

required to be yielded to them and each and every of them accordingly for that service, as well by the person or persons having the charge and management of any engine or engines in the said district, as all other persons whomsoever.

Disobeying the orders of Firewards.
Penalty.
Recovery.

IV. And be it enacted, That for every refusal or neglect of any person to obey the order of any Fireward in performing any of the duties and services hereinbefore mentioned, such person shall forfeit and pay a sum of money not less than ten nor more than forty shillings, to be recovered upon conviction before any one of His Majesty's Justices of the Peace of the City and County of Saint John, on the oath of a Fireward or any other credible witness, and levied by distress and sale of the offender's goods and chattels, and for want of sufficient distress such offender shall suffer ten days imprisonment unless the penalty and costs be sooner paid; which penalty when recovered shall be paid into the hands of the Firewards of the said district, or their Treasurer for the time being, to be applied by them towards defraying the necessary expense attending the keeping the engine or engines of the said district in a proper state of repair and equipment, and any other necessary expense attending the keeping of the Fire Company of the said district in a proper state of organization.

Application.

Firewards may compel persons to form lines for conveying water.

V. And whereas it is necessary that prompt and implicit obedience should at all times during the raging of a fire be paid to the directions of the Firewards; Be it enacted, That the said Firewards respectively or any or either of them, shall have power and they and every of them are hereby authorized, when such necessity shall exist, to require and compel the persons present at any fire to fall in and form a line or ranks for the conveyance of water for extinguishing the fire, and to remain in such ranks as long as it may be deemed necessary; and if any person present at a fire shall refuse to fall in and remain in any such rank when thereunto required by any Fireward, such person so offending shall for each and every offence forfeit and pay the sum of not less than ten shillings nor more than forty shillings, to be recovered, levied and applied in the manner specified and provided in and by the fourth section of this Act.

Penalty.

Firewards may enter any building and examine stoves, fire places, &c. and if stoves, &c. be considered dangerous, may forbid the continuance of fire therein until altered as pointed out by them.

VI. And be it enacted, That the Firewards or any two or more of them are hereby authorized and empowered from time to time and at all seasonable times in the day time, to enter into any house, shop or other buildings within the limits of the said district, and to examine and inspect the manner in which any stove or stove pipes are set up, placed, fixed or carried, or any hearths, fire places or chimnies constructed or built; and if such stove or stove pipes, or such hearth, fire place or chimney shall be found (in the opinion and judgment of such Firewards or any two of them, and in case more than two be present, the major part of those present) so set up, placed, fixed or carried, constructed or built as to be dangerous, such Firewards are hereby authorized and empowered to give directions in writing to prevent the continuance of fire in any such stove or any such hearth, fire place or chimney, until the same shall have undergone such alterations as shall be pointed out in writing by the same Firewards; and any person or persons who shall disobey any such directions of such Firewards, shall for each and every offence forfeit and pay the sum of three pounds, to be recovered and applied in manner aforesaid.

Penalty.

Firewards to appoint men to have the care of fire engines, &c.

VII. And be it enacted, That the Firewards of the the said district shall at any meeting to be for the purpose holden, nominate and appoint by warrant under the hands and seals of them, or the hands and seals of the major part of them present, a sufficient number of able and discreet men willing to accept, not exceeding twenty in number to each engine, being inhabitants of the said districts or parts of the Parish of Portland aforesaid, to have the care, management and working

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4th Nov 1837

working of the said engine or engines, tools and instruments for extinguishing fires which may happen within the same, and to remove and displace any or all of them from time to time, and to nominate and appoint others in their stead, and to fill up any vacancy which may happen at any time by death or removal or otherwise; and that the names of the said persons so appointed shall from time to time as the appointment shall be made be registered with the Clerk of the Peace in the said City and County upon the certificates of the said Firewards, and to be called the Firemen of Portland, and are hereby enjoined and required to be ready as well by night as by day to manage, work and use the engine or engines, tools and instruments for extinguishing fires which may happen to break out in the said district; which Firemen and each and every of them from time to time during the continuance of being in office as such Fireman or Firemen and no longer shall be and are hereby declared to be freed, exempted and privileged from being compellable to serve in the militia, except in cases of invasion or other imminent danger.

Appointments to be registered with the Clerk of the Peace.

Firemen exempted from service in the militia.

VIII. And be it enacted, That it shall and may be lawful for the Firewards for the time being of the said district, at any meeting to be holden at which the major part shall be present, to make and establish such rules, orders and regulations in respect of the government, conduct, duty and behaviour of the said Firemen in working, managing, exercising, keeping and using the engine or engines, tools and instruments, and to impose and establish such reasonable fines and penalties upon them or any of them for default or neglect of the duties and services thereby to be enjoined or required from them, as the said Firewards or the major part of them present met as aforesaid shall from time to time think meet, so that the fine or penalty shall not exceed in any one instance the sum of forty shillings, to be recovered and applied as in the fourth section of this Act; which rules, orders and regulations shall be notified to the said Firemen by putting the same up at the engine house or engine houses, and inserting the same in one or more of the newspapers published in the said City and County.

Firewards to make rules and regulations for the government of the Firemen, with penalties.

IX. And be it further enacted, That within three months after the passing of this Act, every householder within the said district or part of the said Parish shall provide himself or herself with two good leather buckets of sufficient size to hold two and a half gallons of water each, with the name of the proprietor thereof painted on the side of each of the said buckets, to be kept always ready in some convenient place as near the outer door of his or her house opening towards the street or road near which the same house may be placed as may conveniently be; and that on any alarm of fire in the said district, every householder there knowing of such alarm and not being a Fireman shall forthwith carry his or their buckets so provided as above directed, or cause the same to be carried to the place where the fire may be, to be there used as occasion may require, and every person wilfully refusing or neglecting to perform any of the duties by this section imposed, shall for every such offence forfeit and pay a sum of money not less than ten shillings nor more than forty shillings, to be recovered and applied in like manner as the forfeitures mentioned in the fourth section of this Act are directed to be recovered and applied.

Each household-er to provide two leather buckets, and on an alarm of fire, to carry or send them to the place.

Penalty.

CAP. XVI.

An Act to enable the Proprietors or Shareholders of a Company, called *The Bank of British North America*, to sue and be sued in this Province, in the name of the Manager or of any one of the local Directors for the time being of the said Company.

Passed 22d July 1837.

Preamble.

WHEREAS certain persons in England and in this Province have formed themselves into a Company or Partnership called or known by the name of *The Bank of British North America*, for the purpose of establishing and carrying on Banks of issue and deposit at various Cities, Towns and Places, as well within this Province as within other British settlements and colonies in North America, and have subscribed and paid a considerable sum of money in order to carry on the business of the said Bank: And whereas it is expected that the public interests of this Province will be greatly benefitted by the operations of the said Company: And whereas inconveniences may hereafter arise in recovering debts due to the said Company, and also in enforcing claims for or on account of the said Company, and generally in suing and being sued, and also in prosecuting persons who may steal, injure or embezzle the property of, or who commit any other offence against the said Company, since by law all the proprietors or shareholders for the time being of the said Company ought in such cases to sue and be sued, and prosecute by their several distinct names; wherefore for obviating and removing the inconveniences aforesaid;

All proceedings at law or equity by or against the Company may be instituted and carried on in the name of the manager or of any one of the local directors of the Company as the nominal plaintiff or defendant.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act all actions and suits whatsoever at law or in equity which may be brought, instituted or prosecuted within this Province, against any person or persons already indebted or who may hereafter be indebted to the said Company, called *The Bank of British North America*, and all actions, suits and other proceedings whatsoever at law or in equity within this Province, for any injury or wrong done to any real or personal property of the said Company, in whomsoever the same may for the time being be vested, whether in the said Company or some person or persons in trust for, or for the use and benefit of the said Company, or upon any bonds, covenants, contracts or agreements which already have been or hereafter shall be given or entered into with the said Company, or to or with any person or persons whomsoever in trust for, or for the use and benefit of the said Company, or wherein the said Company is or shall be interested, and generally all other proceedings whatsoever at law or in equity within this Province, wherein the said Company is or shall be concerned or interested, against any person or persons, or body or bodies politic or corporate or others, whether such person or persons or any of them, or such body or bodies politic or corporate, or any member or members thereof respectively, is or are or shall be a proprietor or proprietors or other holder or holders of any share or shares in the said Company or not, shall and lawfully may be commenced, instituted and prosecuted in the name of the manager or of any one of the local directors of the said Company in this Province at the time when any such action or suit or other proceeding shall be commenced or instituted, as the nominal plaintiff, pursuer or complainer, or as acting in any other character for or on behalf of the said Company; and all actions, suits or other proceedings at law or equity within this Province to be commenced, instituted or prosecuted against the said Company by any person or persons, or body or bodies politic or corporate whether such person or persons, or such body or bodies or any member or members thereof, is or are or shall be a proprietor or proprietors,

or

or other holder or holders of any share or shares in the said Company or not, shall and lawfully may be commenced, instituted and prosecuted against one of the local directors or the manager of the said Company in this Province at the time when any such suit or action or other proceeding shall be commenced or instituted, as the nominal defendant, respondent or defender in such last mentioned actions, suits or proceedings, for or on behalf of the said Company; and the death, resignation or removal, or any other act of such manager or local director shall not abate or prejudice any action, suit or other proceeding in law or equity, commenced or instituted under this Act, but the same may be continued, prosecuted, carried on or defended in the name of any other local director or of the manager for the time being of the said Company.

II. And be it enacted, That from and after the passing of this Act, it shall be lawful for the said Company, by any local director or manager for the time being of the said Company, to prefer any indictment or information or other criminal proceeding in any Court or Courts in this Province against any person or persons, for any offence already committed or which shall hereafter be committed against the said Company, and in all indictments, informations and other proceedings against any person or persons whomsoever for feloniously taking, stealing or embezzling, damaging or destroying, or for any offence whatever relating to any goods, chattels, notes, bills, bonds, deeds or any securities, monies and effects, or any real or personal property whatever, of or belonging to the said Company, such goods, chattels, notes, bills, bonds, deeds, securities, monies, effects and property respectively may be laid and stated to be the goods, chattels, notes, bills, bonds, deeds, securities, monies, effects or property respectively of *The Bank of British North America*; and it shall not be necessary to state in any such indictment, information or other proceeding the name or names of all or any of the persons now or at any time hereafter constituting the said Company; and any offender or offenders shall or may thereupon be lawfully convicted in as effectual a manner to all intents and purposes as if the names of all the persons constituting the said Company were inserted in such indictment, information or other proceeding; or in any proceeding or proceedings consequent or attendant thereon.

Indictments, &c. may be preferred by the Company in the name of any local director or manager.

Goods, &c. may be laid as the goods, &c. of the Bank of British North America.

III. And be it enacted, That any person being or having been a proprietor or other holder of any share or shares in the said Company, and having any claim or demand upon the Company or the funds or property thereof on any account whatsoever, may for such claim or demand commence, prosecute and carry on any action, suit or other proceeding either at law or equity, within this Province, against any local director or the manager for the time being of the said Company, as the nominal defendant, respondent or defender; and any local director or the manager for the time being of the said Company, may as the nominal plaintiff, pursuer or complainer commence and carry on in his own name any action, suit or other proceeding at law or in equity in this Province against any individual proprietor or other holder of any share or shares in the said Company against whom the said Company may have any claim or demand, and all such actions, suits and other proceedings shall be as valid and effectual as if all the proprietors or other holders of shares in the said Company had been made parties thereto; and every judgment, decree and order made therein shall be binding for or against the said Company, and all the proprietors or other holders of shares in the said Company; and no abatement shall arise from the death, resignation or removal or any other act of the said local director or manager pending any such action, suit or other proceeding, but that the same may be continued,

Actions by Stockholders against the Company and by the Company against Stockholders.

defended,

defended, prosecuted or carried on in the name of any other local director or manager of the said Company for the time being.

Stockholders may sue and be sued by the Company in the same manner as if they were not Stockholders.

IV. Provided always and be it further enacted, That every person being a proprietor or other holder of any share or shares in the said Company shall in all cases be liable to be sued, prosecuted or proceeded against by or for the benefit of the said Company under the powers of this Act, by such actions, suits or other proceedings in such and the same manner, as effectually and with such and the same legal consequences as if such person had not been a proprietor or other holder of any share or shares in the said Company.

Execution upon judgments obtained against the Company.

V. And be it further enacted, That execution upon any judgment in any action or suit, or other proceedings under this Act, obtained against any local director or manager for the time being of the said Company, whether as plaintiff or as defendant, may be issued against any proprietor or proprietors, or other holder or holders for the time being of any share or shares in the said Company: Provided always, that in case such execution against any proprietor or proprietors, or other holder or holders of any share or shares in the said Company, shall be ineffectual for obtaining payment of and satisfaction for the sum or sums sought to be recovered thereby, it shall be lawful for the party or parties who shall have obtained a judgment against any local director or manager for the time being of the said Company, to issue execution against any other person or persons who was or were a proprietor or proprietors, or other holder or holders of any share or shares in the said Company at the time the contract or contracts was or were entered into, upon which such action, suit or other proceeding may have been brought or instituted; but no such execution as last mentioned shall be issued without leave first granted by the Court in which such action, suit or other proceeding may have been brought or instituted, which leave shall be applied for upon motion to be made in open Court, on notice to the person or persons sought to be charged: Provided also, that nothing herein contained shall render such past proprietors liable for payment of any debt for which such action, suit or other proceeding may have been brought to which they would not have been liable by operation of law as partners, in case any action, suit or other proceeding had been originally brought against them for the same: Provided also, that nothing in this Act contained shall be deemed or taken to enable any plaintiff or defendant in any action, suit or other proceeding under this Act to recover from any proprietor or other holder for the time being of shares in the said Company, or any other person whomsoever, any greater sum or sums of money than such proprietor or other holder or person would or might have been liable to pay, either at law or in equity, under any contract for the time being subsisting, if this Act had not been passed.

Judgments obtained against any local director or manager to have the same effect as if obtained against the Company.

VI. And be it enacted, That all and every judgment or judgments which shall at any time after the passing of this Act, be obtained or recovered in any action, suit or other proceeding in law or equity against any local director or manager of the said Company, shall have the like effect and operation upon and against the funds or property of the said Company, as if such judgment or judgments had been recovered or obtained against the said Company in any action, suit or proceeding in law or equity brought or commenced against the said Company, by or in the several and distinct names of the several proprietors or other holders of shares, and as if this Act had not been passed.

This Act to extend to the Company during the continuance thereof.

VII. And be it enacted, That this Act and the provisions herein contained shall extend to the said Company, called *The Bank of British North America*, at all times during the continuance thereof, whether the said Company hath been heretofore

heretofore from time to time, or shall hereafter be composed of all or some of the persons who were the original proprietors thereof, or of all or some of those persons, together with some other person or persons, or whether the said Company be at the time of passing this Act composed altogether of persons who were not original proprietors of the Company, or whether the said Company shall hereafter be composed of persons who were not original proprietors thereof, or of persons all of whom shall have become proprietors of the said Company subsequently to the passing of this Act.

VIII. And be it further enacted, That nothing herein contained shall extend to incorporate the said Company, or to relieve or discharge the said Company, or any of the proprietors or other holders of shares in the said Company from any responsibility, contract, duty or obligation whatsoever to which by law they, he or she now are or is or at any time hereafter may be subject or liable either as between such Company and other parties, or as between the said Company and any of the individual proprietors or other holders of shares in the said Company and others, or as between or among themselves or in any other manner howsoever.

This Act not to extend to incorporate the Company, nor discharge the Company, nor any proprietors therefrom from any liability to which they would be otherwise subject.

IX. And be it further enacted, That within one year after the passing of this Act, the names and places of residence of all the then stockholders in the said Company shall be entered and registered at the office of the Secretary of this Province, in a book to be there kept by the said Secretary for that purpose; in which shall also be entered the date or time when each of such stockholders became a proprietor of such stock, and in which book shall also be entered a memorandum in the form hereinafter mentioned of every transfer of stock that may thereafter be made by any of the stockholders, which entry shall always be made within twelve months after such transfer shall be made.

A registry of the stockholders to be made, and kept at the Provincial Secretary's office.

X. And be it further enacted, That whenever any sale or transfer of stock of the said Company shall be made after the passing this Act, a memorandum thereof signed by both parties, and by one or more witness or witnesses, shall within one year after such transfer be filed by the purchaser or person to whom the same may be so transferred at the office of the Secretary of this Province, which memorandum shall be in the following form, that is to say,

Registry of transfers.

A. B. this day transferred to C. D. shares in the capital stock of the Bank of British North America. Dated this day of

(Signed)

{ A. B.
C. D.

Witness.

And any transfer or sale of any stock in the said Company of which a memorandum in the form hereinbefore mentioned, shall not be so filed at the Secretary's office aforesaid in manner and form and within the time in this Act directed, shall not be deemed a good and sufficient transfer against subsequent purchasers.

XI. And be it further enacted, That it shall be the duty of the Secretary of the Province for the time being immediately or as soon after the filing at his office of every such memorandum as the same can be done, to cause the same to be entered and registered in the said book of registry so to be kept at the said Secretary's office as aforesaid; and which said book so to be kept shall be entitled and called the "Record of the stockholders of the Bank of British North America."

Dut. of Provincial Secretary in registering transfers.

XII. And be it further enacted, That the said book so to be kept at the Secretary's office shall in the first instance be furnished and then filed by the said Company, with the names, residence and dates of all the then stockholders respectively fairly entered therein, and at least three fourths of the said book left blank for the entry of memorandums of transfer that may be thereafter made as in this Act directed.

Registry book to be furnished, and filed by the Company with all the requisite entries.

XIII.

To be open for inspection.

Fees for entries of transfer and for searches.

Succeeding registry books to be furnished by the Secretary.

XIII. And be it further enacted, That such book of record shall be open to the inspection of all persons applying at the said Secretary's office during office hours for that purpose, and that the Secretary of the Province for the time being shall for his trouble be allowed, and is hereby authorised to charge for every entry of such memorandum of transfer in the said book of Registry a fee of one shilling and sixpence currency, and for every search in the book made by any person applying at the said office for that purpose the sum of one shilling, which said fees to be paid at the time of filing such memorandum of transfer, and making such search respectively; and that when the first book so to be kept as hereinbefore directed, shall be filled up, it shall be the duty of the Secretary of the Province to furnish another, and keep at his own expense all succeeding books that may be required for such registry, so long as the same shall be required by law to be there kept.

CAP. XVII.

An Act to appropriate a part of the Emigrant fund for the purposes therein mentioned.

Passed 22d July 1837.

WHEREAS immediate pecuniary aid is required for the support and relief of great numbers of poor and distressed Emigrants, who have lately arrived, and are now in and about the City and County of Saint John;

£1000 out of the emigrant fund granted to the Justices of Saint John for the relief of emigrants.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be allowed and paid out of the Emigrant fund so called, to the Justices of the Peace in and for the City and County of Saint John, the sum of one thousand pounds, to be appropriated by the said Justices towards the relief and support of the aforesaid needy and distressed Emigrants.

Money to be paid by warrant on the Treasury.

II. And be it enacted, That the before mentioned sum of money shall be paid by the Treasurer out of the monies of the aforesaid Emigrant fund by warrant of His Excellency the Lieutenant Governor and Commander in Chief for the time being, by and with the advice and consent of His Majesty's Executive Council.

CAP. XVIII.

An Act to provide for the relief of Poor Emigrants in the Town of Saint Andrews in the County of Charlotte.

Passed 22d July 1837.

WHEREAS from the destitute condition of a number of Emigrants arriving at the port of Saint Andrews this year, it is expedient that a sum of money be granted from the Emigrant fund for their relief;

£300 out of the emigrant fund granted to the Justices of Charlotte County for the relief of emigrants.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, to grant a warrant on the Treasury in favor of the Overseers of the Poor for the Parish of Saint Andrews, in the County of Charlotte, for a sum not exceeding three hundred pounds, to be taken from the Emigrant fund, to be applied and expended in relieving distressed Emigrants; and that the said Overseers of the Poor do furnish accounts and vouchers of the expenditure thereof, to be laid before the Legislature at their next Session.

Accounts of expenditure to be laid before the Legislature.

CAP. XIX.

An Act to alter and amend an Act, intituled "An Act to provide for opening and repairing 7 W. 4, C. 4 Roads and erecting Bridges throughout the Province."

Passed 22d July 1837.

6 WHEREAS it is necessary that a part of the grant of the Legislature for 'the great road from Saint John to Hayward's mills be expended in 'improving that part of the road between the forks on the Saint John marsh near 'Creighton's Inn to the highland ;'

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the supervisor of the said road be authorised and empowered, and he is hereby required to expend the sum of one hundred pounds, part of the said grant recited in the preamble to this Act, in repairing that part of the road between the forks on the Saint John marsh near Creighton's Inn to the highland.

Supervisor of the great road from Saint John to Hayward's mills to expend £100 on that part of the road between the forks on Saint John marsh and the highland.

Anno Sexto GULIELMI IV. Regis.

CAP. LXXIV.

An Act for the quiet of His Majesty's subjects, by limiting Actions and Suits of the Crown relating to Lands in this Province.

Passed 8th March 1836.

6 WHEREAS by an Act of the Parliament of Great Britain, made and passed in the ninth year of the reign of his late Majesty King George the Third, intituled "An Act to amend and render more effectual an Act made in the twenty first year of the reign of King James the first, intituled "An Act for the general quiet of the subject against all pretences of concealment whatsoever," His Majesty's subjects in the mother Country are quieted in their possessions against suits of the Crown by an enjoyment thereof against the Crown for a period of sixty years: And whereas it is just and expedient that His Majesty's subjects in this Province should be quieted in their possessions in like manner with their fellow subjects in the mother Country;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the King's Majesty, His Heirs or Successors, shall not at any time hereafter, sue, impeach, question or implead any person or persons, bodies politic or corporate for or in any wise concerning any lands, tenements or hereditaments whatsoever within this Province, (other than liberties or franchises,) or make any title, claim, challenge or demand, of, in or to the same, or any of them, where His Majesty, His Heirs and Successors, his or their predecessors and ancestors, shall have been out of possession of the same, or shall not have taken and received the rents, issues and profits thereof for the space of sixty years next before the filing, issuing or commencing of every such action, bill, plaint, information, commission or other suit or proceeding, as shall at any time or times hereafter be filed, issued or commenced for recovering the same, or in respect thereof; and that all and every person or persons, bodies politic and corporate, their heirs and successors, and all claiming by, from or under them or any of them, for and according to their and every of their several estates and interests which they have, or claim to have, or shall or may have or claim to have in the same respectively shall, at all times hereafter, quietly and freely have, hold and enjoy, against His Majesty, His Heirs and Successors, all and singular lands, tenements and hereditaments whatsoever, within this Province, (except liberties and franchises,) which he or they, or his or their or any of their ancestors or predecessors, or those from, by or under whom they do or shall claim, have or shall have held or enjoyed, or taken the rents, issues or profits thereof for the space of sixty years next before the filing, issuing or commencing of every such action, bill, plaint, information, commission or other suit or proceeding as shall at any time

Preamble.

Title to Lands, &c. not to be questioned when His Majesty has been out of possession for sixty years before the commencement of the action.

time or times hereafter be filed, issued or commenced for recovering the same or in respect thereof.

Act suspended until His Majesty's approbation be declared.

II. And be it further enacted, That this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

[*This Act was specially confirmed, ratified, and finally enacted by an Order of the King in Council, dated the 28th day of January, 1837, and published and declared in the Province on the 19th day of April, 1837.*]

CAP. LXXV.

An Act for the Naturalization of Aliens in this Province.

Passed 16th March 1836.

Aliens resident in the Province for seven years taking the oath prescribed in the schedule before a Judge of the Supreme Court, to have the privileges of natural born subjects.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the time when this Act shall come into force, all persons of Foreign birth, who have inhabited and resided in this Province for the space of seven years or more, previous to the time when this Act shall come into force, and shall not have been during such period of seven years stated residents in any Foreign Country, and who shall at any time within three years after the time when this Act shall come into force, take and subscribe the oath of allegiance and residence, or (being one of the persons allowed by law to affirm in civil cases) affirmation, prescribed in the Schedule to this Act, if they be of the full age of sixteen years at that time, and if not of the full age of sixteen years at the time when this Act shall come in force, then within three years from their attaining that age, before any Judge of the Supreme Court of this Province, shall be deemed adjudged and taken to be entitled to all the privileges of His Majesty's natural born subjects, to all intents, constructions and purposes, as if they and every of them had been or were born in His Majesty's dominions, which said oath or affirmation, and subscription, any of the said Judges is hereby authorised and empowered to administer and take; and the taking and subscribing of every such oath, or affirmation, shall be before any such Judge in open Court, either at Bar or *nisi prius*, between the hours of nine and twelve in the forenoon, and such subscription shall be made in a book to be kept for that purpose; and such Judge shall cause a certificate or return thereof to be transmitted to the office of the Secretary of the Province, and such Secretary shall cause an entry of such certificate or return to be made in a book to be kept for that purpose in his office.

Certificate under the Seal of the Province to be sufficient evidence.

II. And be it enacted. That a testimonial or certificate under the seal of this Province of such Alien having taken and subscribed the said oath or affirmation, shall be deemed and taken to be a sufficient testimony and proof thereof, and of his or her being entitled to all the privileges of a natural born subject of His Majesty, to all intents and purposes and in all Courts whatsoever.

False swearing as to residence to be deemed perjury, and induce a forfeiture of privileges.

III. And be it enacted, That if any person taking and subscribing the oath or affirmation required by this Act, shall falsely swear or affirm, as to the fact of residence in such oath or affirmation contained, such person so falsely swearing or affirming shall be deemed guilty of perjury, and shall be liable to the pains and penalties incident by law to the crime of perjury; and moreover upon conviction of such offence, shall be adjudged to have forfeited and lost, and shall forfeit and lose all the privilege of a natural born subject, to which he or she might

might otherwise have been entitled, by virtue of having been naturalized under this Act.

IV. Provided also and be it enacted, That this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

Act suspended until His Majesty's approbation be declared.

SCHEDULE.

FORM OF THE OATH.

I do swear (*or, being one of the persons allowed by law to affirm in civil cases, do affirm*) that I have resided seven years in this Province, without having been, during that time, a stated resident in any Foreign Country, and that I will be faithful, and bear true allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province as dependent thereon.

Form of oath.

[*This Act was specially confirmed, ratified, and finally enacted by an Order of the King in Council, dated the 28th day of January, 1837, and published and declared in the Province on the 19th day of April, 1837.*]

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