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ACTS

OF

THE GENERAL ASSEMBLY

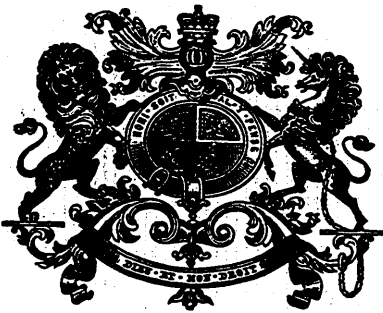
OF

HER MAJESTY'S PROVINCE

OF

NEW BRUNSWICK,

PASSED IN THE MONTHS OF MARCH, APRIL, AND MAY, 1856.



FREDERICTON :

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

1856.



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ANNO REGNI VICTORIÆ BRITANNIARUM REGINÆ DECIMO NONO.

AT the General Assembly of the Province of New Brunswick begun and holden at Fredericton on the nineteenth day of October, *Anno Domini* One thousand eight hundred and fifty four, in the eighteenth Year of the Reign of Our Sovereign Lady VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and from thence continued by several prorogations to the fourteenth day of February, One thousand eight hundred and fifty six; being the Third Session of the Sixteenth General Assembly convened in the said Province.

ACTS

OF

THE GENERAL ASSEMBLY.

19^o VICTORIÆ, A. D. 1856.

CAP. I.

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

Section.

1. Grants for Ordinary Services.

Section.

2. Money how to be drawn.

Passed 26th March 1856.

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

1. There be allowed and paid out of the Treasury of the Province for the services hereinafter mentioned, the following sums, viz:—

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

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

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

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

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

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

To the Clerk Assistant of the Legislative Council in General Assembly, one hundred pounds in full for his services during the present Session.

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

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

To the Messengers attending the Legislative Council and Assembly, seven shillings and six pence per diem during the present Session.

To His Excellency the Lieutenant Governor, twelve thousand five hundred pounds towards the encouragement of Parish Schools, agreeably to a Law of this Province.

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

To the Librarian of the Legislative Library, one hundred pounds for his services to the end of the present Session.

To the Keeper of the Light House at Point Le Preau, one hundred pounds.

To the Keeper of the Light House at Partridge Island, one hundred pounds.

To the Keeper of the Light House on Campo Bello, one hundred pounds.

To the Keeper of the Beacon Light, one hundred pounds.

To the Commissioners of Light Houses in the Bay of Fundy, the following sums to pay for the services for the year one thousand eight hundred and fifty six, viz :—

To the Keeper of the Light House at Gannet Rock and his Assistants, two hundred and ten pounds :

To the Keeper of the Light House on Thrum Cap, Quaco, one hundred and ten pounds, and an additional sum of thirty six pounds to enable him to pay an Assistant :

To the Keeper of the Light House on Machias Seal Island, one hundred and thirty pounds, and an additional sum of thirty six pounds to enable him to pay an Assistant :

To the Keeper of the Light House in the Harbour of Saint Andrews, fifty pounds :

To the Keeper of the Light House on Cape Enrage, one hundred pounds.

To the Commissioners of Light Houses in the Gulf of Saint Lawrence, one hundred pounds to provide for the salary of a Keeper for the year one thousand eight hundred and fifty six at the Light House on Point Escuminac.

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

CAP. II.

An Act to repeal the Export Duty on Hacmatac Knees.

Revised Statutes, Cap. 15, Title III, in part repealed.

Passed 26th March 1856.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That so much of Chapter 15, Title III, of Part First, of the Revised Statutes, as imposes a duty of two shillings upon every Hacmatac Knee, be and the same is hereby repealed.

CAP. III.

An Act to amend the Act relating to the repairing of Bye Roads and Bridges in this Province.

Time for transmitting lists of elected Officers altered as to Charlotte County.

Passed 26th March 1856.

WHEREAS the election of Town and Parish Officers for the several Parishes in the County of Charlotte takes place at too late a period to enable the Clerk of the Peace to make the return required by the said Act in proper time, and the Commissioners must necessarily be appointed instead of being elected to expend the Bye Road money, as contemplated by the said Act ;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the time for the Clerk of the Peace of the County of Charlotte to make and transmit the list required by the third Section of the Act passed in the eighteenth year of the Reign of Her present Majesty, intituled “An Act relating to the repairing of Bye Roads and Bridges in this Province,” shall be on or before the second Tuesday in April in each and every year, instead of the first day of April, as in the said Section mentioned.

CAP. IV.

An Act to enable the Parish of Manners-Sutton to elect Councillors.

Section.

1. Election of Councillors for Manners-Sutton authorized.

Section.

2. What notice to be given.

Passed 26th March 1856.

WHEREAS at the annual election of Councillors for the Municipality of York, the rate-payers of the Parish of Manners-Sutton neglected to elect from the want of due notice, and it is desirable to provide for an election of Councillors for the said Parish, to serve in the Council of the Municipality of York;—

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

1. The rate-payers on property in the Parish of Manners-Sutton, in the County of York, may elect Councillors to serve in the Council of the Municipality of York for the present year, with the like powers, duties, and privileges in all respects as if they had been elected at the annual election of Councillors for the said Municipality.

2. The Warden shall give fourteen days notice in writing, of the time and place of holding the said election, by causing the same to be posted up in three or more of the most public places in the Parish, and all the proceedings connected therewith shall be conducted in all respects as in the case of any other election of Councillors.

CAP. V.

An Act to alter the Division Line of the Parish of Cambridge, in Queen's County.

Division line altered.

Passed 26th March 1856.

WHEREAS one of the present boundary lines of the Parish of Cambridge, in Queen's County, is found inconvenient, and it is deemed advisable to alter the same;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That from and after the passing of this Act, the division line between the Parish of Cambridge and the Parishes of Waterborough and Johnston, be

defined by the Road leading from David Fowler's Cove, so called, on the Washademoak Lake, to Colwell's Mill Cove, on the Grand Lake in said County, instead of the present line of division.

CAP. VI.

An Act to authorize the Mayor, Aldermen and Commonalty of the City of Saint John to purchase or lease a Lot of Land for the purpose of a Hay Market.

Section.

1. Authorizes the leasing or purchasing of ground for a Hay Market.

Section.

2. Such land not to be liable for debts.

Passed 26th March 1856.

WHEREAS from the great increase of the City of Saint John and of the trade thereof, it has become absolutely necessary to establish a Market for the sale of Hay in the said City: And whereas under the provisions of an Act made and passed in the ninth year of Her present Majesty's Reign, intituled "An Act relating to the Public Debt of the City of Saint John," the Mayor, Aldermen and Commonalty cannot legally contract and agree for the leasing or purchasing and payment for the lands necessary to form such Market, unless authorized thereunto by law;—

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

1. Notwithstanding any thing in the said recited Act contained, it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, to contract and agree for the leasing or purchasing and payment for a lot or parcel of ground, for the purpose of establishing a Hay Market thereon, in the said City, and to make, execute, and deliver all such deeds, bonds, mortgages, leases, or other assurances as may be necessary for the payment or securing the payment of the rent or purchase money of such lot of land so to be leased or purchased for the purpose aforesaid; provided always, that no such deeds, bonds, mortgages, assurances, leases, contracts, or agreements to be made and executed by the Mayor, Aldermen and Commonalty of the City of Saint John, under the provisions of this Act, or any judgment to be obtained thereon, shall affect or in any wise be binding or operate upon any real

estate of the said Mayor, Aldermen and Commonalty, other than the land leased or purchased under and by virtue of this Act.

2. The lands leased or purchased by the said Corporation under the provisions of this Act, and every part thereof, with the improvements and appurtenances, shall not in law or equity be liable to be levied upon or taken in execution for the debts of the said Mayor, Aldermen and Commonalty, or any other person whatever; provided always, that nothing in this Section contained shall be construed or held to exempt the said land so to be leased or purchased, or any improvements thereon, from being levied upon or taken in execution for any debt incurred by the said Corporation for the rent or in payment of the said land under the provisions of this Act.

CAP. VII.

An Act to authorize the Rector, Church Wardens, and Vestry of Saint Paul's Church, in the Parish of Grand Manan, in the County of Charlotte, to sell and dispose of certain Lands in the said Parish, and invest the proceeds in other Lands.

Section.

1. Authorizes sale and deed of land.

Section.

2. Investment of proceeds.

Passed 26th March 1856.

WHEREAS it is deemed advisable to sell certain Lands in the Parish of Grand Manan, granted to the Rector, Church Wardens, and Vestry of Saint Paul's Church in the said Parish, and invest the proceeds arising from such sale in the purchase of other Lands more convenient and beneficial for a Glebe for the use of the Rector;—

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

1. That the Rector, Church Wardens and Vestry in the Parish of Grand Manan, in the County of Charlotte, be and they are hereby authorized and empowered, by and with the sanction and consent of the Lord Bishop of the Diocese, to sell, dispose of, and convey all and singular the Lands described as follows:—“All that piece or parcel of land situate at Whale Cove, described in the Grant as Lot No. 3, containing

seventy acres ; also that other piece or parcel of land situate at Grand Harbour in the said Island, described in the Grant as Lot No. 1, and containing sixty acres ;” and execute a good and sufficient deed of the same in fee simple to the purchaser.

2. The amount arising from such sale shall be invested by the said Rector, Church Wardens and Vestry in the purchase of other Lands more conveniently situated for the use and benefit of the said Rector or Minister of the said Parish for the time being, as a Glebe.

CAP. VIII.

An Act to amend an Act intituled *An Act to incorporate the Albert Mining Company.*

Section.

1. New division of capital stock authorized.
2. Disposal of shares to pay debts.
3. Issue of shares limited.
4. Responsibility for debts.

Section.

5. Act 15 V. c. 87, s. 4, repealed.
6. Issue of preference shares authorized.
7. Act not to prejudice rights.

Passed 26th March 1856.

WHEREAS the Capital Stock of the Albert Mining Company has, under the powers of the sixth Section of the Act of Assembly of this Province by which the said Company was incorporated, been increased to one hundred thousand pounds, divided into four thousand shares of twenty five pounds each ; a number of which shares, on which ten pounds per share assessment has been paid in to the said Company, have been issued, and are now held by the shareholders thereof: And whereas it is the desire of the shareholders of the said Company that the said Act of Incorporation should be amended in several particulars;—

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

1. The said Albert Mining Company shall have power to accept from the shareholders thereof a surrender of the twenty five pounds shares on which ten pounds assessment has been paid to the Company, and to make a new division of the said capital stock into ten thousand shares of ten pounds each ; and to issue one of such new ten pound shares to each shareholder for and in lieu of every twenty five pound share on which such ten pounds assessment has been paid ; and such new ten pound share shall be liable to no further call or assessment.

2. The residue of such new shares of ten pounds each may be issued and sold from time to time by the Corporation as full paid up shares, for the purpose of enabling the said Corporation to pay its debts and engagements, or to carry on the operations for which the said Company were incorporated.

3. Whenever four thousand one hundred shares of such new ten pounds full paid up shares shall be actually issued by the Company and held by shareholders thereof, no further sale or issue of shares shall be made, unless authorized by a vote of two thirds of the issued stock of the said Company at a special or general meeting of shareholders.

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

5. Section four of the said Act of Incorporation is hereby repealed.

6. The shareholders may at any public meeting, by a vote of two thirds of the issued stock of the said Company, direct the issue of shares of the said Company, not exceeding one thousand, to be deemed and treated as shares entitled to receive out of the net profits of the said Company a dividend of six pounds per centum per annum thereon from the date of their issue, before any division of the profits of the said Company shall be applicable to the other stock issued and held by the shareholders thereof; such preferred shares to be subject to such terms and conditions as the shareholders authorizing the said issue may impose.

7. Provided always, that nothing herein contained shall impair or prejudice the rights or claims which any person now has against the said Company, or its property, or the shareholders thereof, or any of them.

CAP. IX.

An Act to incorporate the Hopewell Chemical Manufacturing Company.

Section.

1. Company incorporated.
2. Time of first meeting.

Section.

3. Capital Stock.
4. Responsibility for debts.

Passed 26th March 1856.

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

1. That John Steadman, Thomas L. DeWolf, John M'Aully Gallacher, James Steadman, James Rogers, and Joseph Crandall, and their associates, successors, and assigns; shall be and they are hereby declared to be a body corporate and politic, by the name of "The Hopewell Chemical Manufacturing Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of manufacturing Alum. Chloride of Lime, Acids, and other chemical products.

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

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

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

CAP. X.

An Act to incorporate the New Brunswick Oil Works Company.

Section.

1. Company incorporated.
2. Capital Stock.
3. Calling of first meeting.
4. Shareholders to be members of the Corporation.
5. Liability of shareholders.
6. Assessment on shares, when and how to be made.
7. No transfer of shares in arrear.
8. What shall be a sufficient discharge.
9. Declaration in suits for calls.

Section.

10. Proof, what shall be sufficient.
11. Register to be *prima facie* evidence.
12. No dividend for shares in arrear.
13. Joint stock alone responsible.
14. Class A shares may be set apart.
15. Preferences to Class A shares.
16. Other security to Class A shares.
17. Class B shareholders to receive six per cent. before Class A receive more.
18. What may be regulated by bye laws.

Passed 26th March 1856.

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

1. That William H. Adams, Joseph A. Crane, James D. Lewin, Edmund Kaye, John Kerr, the Reverend William Scovil, Nathan S. Demill, Thomas E. G. Tisdale, William D. Pickup, Edward L. Thorne, James DeWolfe Spurr, John M'Grath, John H. Harding, their associates, successors, and assigns, be and they are hereby declared to be a body corporate, by the name of "The New Brunswick Oil Works Com-

many," with all the general powers and privileges made incident to Corporations by Act of Assembly in this Province, for the purpose of trading in, making, or producing oils and other illuminating or lubricating substances, and for purchasing, constructing, establishing, and maintaining all such lands, wharves, buildings, engines, machinery, implements, and things as may be necessary or convenient for carrying on said business and operations, and such other business as may be incidental thereto.

2. The capital stock of the said Corporation shall be fifty thousand pounds of current money of New Brunswick, divided into five thousand shares of ten pounds each.

3. The first meeting of the Corporation for the organization thereof may be called by the said James DeWolfe Spurr, or in case of his death, neglect, or refusal, by any one of the parties named, at such time and place as he may appoint, by publishing notice of the same in two of the Newspapers published in the City of Saint John at least one calendar month before such meeting is held.

4. Every person owning a share in the capital stock of the said Company shall be a member thereof, and be entitled to vote at all meetings of the said Company; and members may give as many votes as they own shares, and absent members may vote by proxy, such proxy being a stockholder and authorized in writing.

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

6. The Company, or the Directors if empowered by the bye laws of the Corporation, shall have power from time to time to levy and collect assessments upon the shares, or on such of them on which the amount subscribed has not been paid up, of such sums of money as may be deemed necessary for carrying on the business, or for the purpose or operations

of the said Company; and whenever any assessment shall be made as aforesaid, it shall be the duty of the Treasurer or Secretary to give notice thereof in a Newspaper printed and published in the City of Saint John, requiring payment of the same within not less than thirty days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares, or any part of such amount 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 or any part thereof is not paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount due on such assessment, and interest due thereon, 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 and delivered to the purchaser.

7. No shareholder shall be entitled to transfer or vote upon any share after any call shall have been made in respect thereof, until he or she shall have paid all calls for the time being due on every share held by him or them.

8. The said Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any of the said shares may be subject, and the receipt in whose name any such share shall stand in the books of the said Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the Register of Stockholders, shall from time to time be a sufficient discharge to the said Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the said Company have had notice of such trusts; and the said Company shall not be bound to see to the application of the money paid upon such receipt.

9. In any action or suit to be brought by the said Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one share or more in the said Company,

(stating the number of shares) and is indebted to the said Company in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the said Company by virtue of this Act.

10. On the hearing of such action or suit it shall be sufficient to prove that the defendant at the time of making such call was the holder of one share or more in the said Company, and that such call was in fact made, and such notice thereof given as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatever, and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon, unless it shall appear either that any such call exceeds the prescribed amount aforesaid, or that due notice of such call was not given.

11. The production of the Register of the Shareholders shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares.

12. No dividend shall be paid in respect of any share, until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable, shall have been paid.

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

14. The said Company may at any meeting of shareholders set apart any number of shares of the said Company to be denominated as Class A shares, and all other shares may be designated as Class B shares.

15. The shareholders of the said Company at any meeting may from time to time grant to the holders of Class A shares in such manner as they may think, a preferential interest or dividend not exceeding six per cent. per annum, on such terms and conditions as the said Company may impose.

16. The shareholders of the said Company may from time to time subject and charge, in such manner as they think fit, the lands, goods, and other property, income, and profits, present and future, of the said Company, or such parts thereof as

the said Company may think fit, to secure the payment or other satisfaction to the holders of Class A shares, of any interest or dividend aforesaid, not exceeding six per cent. as aforesaid.

17. No greater dividend than six per cent. per annum shall be made to Class A shareholders until Class B shareholders shall have received full six per cent. per annum interest or dividend on the amount of stock paid up by them, with interest on arrears of such dividends, if any.

18. The time and place of holding annual or semi-annual and special meetings of the Corporation, as also the number, eligibility, duties, and powers of Directors, officers, and servants, their continuance in office, removal, or disqualification, and the manner of election or appointment, and any other matter connected with the objects and purposes for which the said Company is incorporated, may be established or regulated by bye laws of the Company made at any meeting of the Company or adjournment thereof.

CAP. XI.

An Act to incorporate the President, Trustees, and Proprietors of Victoria College, in the City of Saint John.

Section.

1. Incorporation.
2. Capital.
3. Trustees, number and power of.
4. First meeting for election.
5. President, Secretary, and Treasurer, appointment of.
6. Trustees, meetings of.
7. Meetings of stockholders.
8. Qualification of Trustees.
9. Votes of stockholders.

Section.

10. Shares to be assignable.
11. Assessments on shares regulated.
12. Responsibility for debts.
13. Principal, appointment and powers of.
14. Transfer of the real estate.
15. Personal estate, limit of.
16. Special election of Trustees.
17. Stockholders may be sued for arrears.
18. Declaration in suits.
19. Proof.

Passed 26th March 1856.

WHEREAS the great population of the City of Saint John requires more than one Superior School for the education of Youth: And whereas it is considered that a Collegiate Academy wherein all the branches of a sound classical, mathematical, and commercial education shall be taught effectively at a cheap rate, will prove a great public benefit, by affording the means of acquiring a superior education to great numbers of youth who cannot now obtain the same, and who will thereby be better qualified to discharge the duties of their future respective stations in life: And whereas the persons hereinafter

named, together with many others, having constituted themselves a Joint Stock Association, have subscribed a large sum of money for the purpose of founding such an Institution, and have purchased real estate in the City of Saint John of the value of one thousand pounds, whereon they are about to erect the necessary and appropriate buildings; and it is therefore desirable for the better management and control of the said real estate and of the affairs of the said Association, that the members thereof should be incorporated;—

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

1. That the Reverend Alexander M'Leod Stavely, the Reverend James Bennet, the Reverend Samuel Robinson, the Reverend James Baird, the Reverend William S. Darragh, Samuel D. Miller, Robert D. M'Arthur, James P. Steves, M. D., Robert Golding, David Millar, M. D., James Adams, James F. Secord, James Olive, Stephen K. Foster, William H. Venning, John W. Beard, John A. Venning, John Vaughn, Charles Melick, Joseph Scammell, George Hutchinson, John Dever, James Dever, George E. Fenety, James E. Cutler, John G. Layton, William Haws, George Salter, Robert Salter, John C. Littlehale, Charles Ketchum, Josiah Adams, George J. Chubb, Ambrose Perkins, Samuel D. Berton, John W. Nicholson, Andrew Gilmour, John Hastings, Andrew Hastings, Asa D. Blakslee, Asaph G. Blakslee, George Morrison, William K. Crawford, Dennis Cole, Thomas Rankine, Junior, Samuel Neill, James Clerke, Charles Boyd, John E. Sancton, Nathan Partelow, James H. Fairweather, William Hewitt, James J. Christie, Robert Ewing, James R. Lawson, James M'Nichol, William Nayle, James Mahony, James G. Lester, John Smith, James Beatty, M. D., John H. T. Doherty, Henry Maxwell, Andrew Ruddick, Robert Walker, Thomas O. Crookshank, George J. Harding, M. D., James A. M'Innis, John L. M'Innis, and William M'Aulay, their associates, successors and assigns, shall be and they are hereby erected into a body politic and corporate, by the name and style of "The President, Trustees, and Proprietors of Victoria College, Saint John," and by that name shall have all the general powers and privileges made incident to a Corporation by any Act or Acts of Assembly in this Province.

2. The capital stock of the said Corporation shall be three thousand pounds, and shall be divided into six hundred shares of five pounds each, to be paid at such times and in such instalments as the business of the Corporation shall require; and the said Corporation shall also, when necessary, have leave and are hereby authorized to extend the said capital stock to five thousand pounds, and to increase the number of shares accordingly.

3. The affairs and business of the Corporation shall be managed by seven Trustees, (of whom not less than five shall be a quorum for the transaction of business,) to be elected as hereinafter provided; provided always, that five only of the said Trustees shall, after the first year, be annually elected, and the two senior Trustees in rotation shall remain in office a second year without re-election; but no Trustee shall continue in office more than two years successively without such re-election.

4. The first meeting of the said Corporation shall be held in the City of Saint John, and shall be called by Samuel D. Miller, or in case of his death, neglect, or refusal, by any two of the persons named in the first Section, 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 and choosing seven Trustees for the management of the affairs of the said Corporation, which Trustees 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 provisions hereinafter contained; and such first meeting so holden as aforesaid shall be adjourned from day to day till the business required to be done thereat is completed.

5. The Trustees shall elect a President from among themselves, and shall also appoint a Secretary and Treasurer. The President shall preside at all meetings of the Trustees or of the said Corporation, and shall in all cases of equality of votes give a casting vote. In the unavoidable absence of the President at any meeting of the Trustees or of the said Corporation, the members present shall elect a temporary Chairman.

6. The Trustees shall meet not less than three times in every year for the purpose of inspecting the affairs and trans-

acting the general business of the said Corporation. The President may at any time call a special meeting of the Trustees by giving not less than seven days notice thereof in writing to each Trustee.

7. A general meeting of the stockholders shall be held at the College Building on the second Wednesday in January in every year, for the purpose of choosing five Trustees in the place of the five retiring by rotation ; all meetings of the stockholders shall be called by giving at least fourteen days public notice of the time and place in one or more of the Newspapers published in the City of Saint John ; and special meetings for specific business may be called by the President under the authority of the Trustees, or by any ten stockholders, upon giving the like notice, and also specifying in such notice the specific object of such meeting ; and no business shall be done or transacted thereat other than what is specified in such notice.

8. No person shall be eligible as a Trustee unless such person is a stockholder, and is of the full age of twenty one years.

9. The stockholders in the said Corporation shall vote according to the following scale :—For one share and not more than two, one vote ; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares ; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares ; which said number of ten votes shall be the greatest that any stockholder shall be entitled to give.

10. The shares of the Corporation shall be assignable and transferable according to such rules and regulations as may be established by the Trustees in that behalf ; but no assignment or transfer shall be valid unless it shall be entered in a Book to be kept by the Trustees for such purpose, and in no case shall a fractional part of a share or other than a complete share or shares be assignable or transferable ; and whenever any shareholder shall transfer in manner aforesaid all his stock or shares in the said Corporation, he shall cease to be a member thereof.

11. The Trustees shall have full 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 out the objects and carrying on the business of the said Corporation, and may appoint any person whom they may choose to collect and receive payment of the same. Whenever any such assessment shall be made, it shall be the duty of the President or Secretary to give notice thereof and of the name of the collector appointed to receive payment of the same, in one or more of the public Newspapers printed in the City of Saint John, requiring payment of the same within thirty days to the said collector; and in case of non-payment, the Trustees in the name of the said Corporation may at their option and election either sue for and recover the same by legal process as hereinafter provided, or cause the delinquent shares to be sold at public auction to the highest bidder, and after retaining the amount of assessment and interest on each share, and all expenses, pay over the residue (if any) to the former owner; or in case the proceeds of such sale be less than the total amount of such assessment, interest, and costs, may sue for and recover from the former owner, in any Court having competent jurisdiction, the full amount of such deficiency; or the said Trustees may declare such delinquent shares absolutely forfeited to the said Corporation, and erase the name of the former owner or owners thereof from the list of shareholders in the said Corporation; and upon written notice thereof being given to any such former owner, he shall cease to be a member of the said Corporation.

12. The joint stock and property of the said Corporation shall alone be responsible for the debts and engagements of the said Corporation.

13. Upon the death or resignation of Samuel D. Miller, the first Principal of the said College, the said Trustees shall have power to appoint his successor, and thenceforth to appoint or remove the Principal to or from office, as they may deem necessary and expedient for the interests of the said College, any such appointment or removal being effected only by a vote of a majority of the said Trustees; provided always, that the Principal of the said College for the time being shall have the power and exclusive privilege of appointing all subordinate teachers and servants in the said College, who may be required to occupy situations under him, or to discharge any function

or duty in his department, and the said Principal shall also fix and determine the respective salaries or compensation to be allowed to such teachers and servants.

14. And whereas the said real estate belonging to and purchased by the said Joint Stock Association before the passing of this Act, was conveyed to and is now held in the names of the said Robert D. M'Arthur, James P. Steves, David Millar, Robert Golding, James Adams, James F. Secord, and Samuel D. Miller, hereinbefore named, the same having been conveyed to them by Benjamin Appleby, of the Parish of Hampton, in King's County, Gentleman, by Indenture bearing date the fifth day of October in the year of our Lord one thousand eight hundred and fifty five, and the same is now under mortgage to the said Benjamin Appleby for securing the payment of the purchase money thereof, and it is desirable and necessary that the equity of redemption of the said real estate and the whole title thereto, after discharge of the said mortgage, should be vested in the said Corporation as the exclusive estate and property of the said Corporation; Be it therefore enacted by the authority aforesaid, as follows:—Immediately after the first election of Trustees of the said Corporation under and by virtue of this Act, the said Robert D. M'Arthur, James P. Steves, David Millar, Robert Golding, James Adams, James F. Secord, and Samuel D. Miller, and their several and respective wives, shall join in fully, legally, and effectually conveying and transferring all and singular their and every of their right, title, interest, share, and estate of, in, and to the said real estate now jointly held by them as aforesaid, to the said Corporation; and upon such conveyance and transfer being duly and effectually made, the said Corporation shall forthwith execute and deliver to the said Robert D. M'Arthur, James P. Steves, David Millar, Robert Golding, James Adams, James F. Secord, and Samuel D. Miller respectively, or to such of them as with their respective wives shall duly execute and acknowledge such conveyance, a separate Bond of Indemnity to secure them respectively from and against all liability, costs, charges, expenses, and damages whatsoever arising out of, or that they or any of them may at any time hereafter be liable or put to by reason or on account of the said mortgage; provided always, that in the event of

either or any of them, the said Robert D. M'Arthur, James P. Steves, David Millar, Robert Golding, James Adams, James F. Secord, or Samuel D. Miller, or of either or any of their respective wives, refusing or neglecting to join in or duly to execute and acknowledge such conveyance and transfer when requested so to do, the share, estate, right, title, interest, claim, and possession of, in, to, or upon the said real estate and every part thereof conveyed in the said Indenture bearing date the fifth day of October in the year of our Lord one thousand eight hundred and fifty five, of the party or parties, person or persons so refusing or neglecting, shall thereupon become absolutely vested in the said Corporation without any formal conveyance or transfer thereof from or by the person or persons so refusing or neglecting, as fully and effectually as if the same had actually been conveyed to the said Corporation by such person or persons; and in such case no such Bond of Indemnity as aforesaid shall be executed or delivered by the said Corporation to any of the said persons in this Section before named, who, or whose wife, shall have so refused or neglected to execute and acknowledge such conveyance as aforesaid; and upon any such refusal or neglect being made or occurring, a memorandum thereof shall be endorsed on the Indenture or Deed of the said conveyance, and signed by two of the male parties who have duly executed the same; which memorandum shall be referred to in the certificate of acknowledgment endorsed on the said Indenture, and shall be recorded therewith in the proper Registry of Deeds, and the same shall thenceforth be deemed and taken in all Courts and places, and for all purposes, as sufficient evidence of such refusal or neglect, and of the said Corporation being duly and legally seized with, of, and in the whole title, estate, right, and possession of, in, and to all and singular the said real estate conveyed as aforesaid by the said Indenture bearing date the fifth day of October in the year of our Lord one thousand eight hundred and fifty five, and of and in all and singular the shares, estate, right, title, interest, and possession, both at law and in equity, of, in, and to the same and every part thereof, of the several persons and every of them hereinbefore in this Section named, and of their respective wives; provided also, that nothing in this Section contained shall in anywise affect or restrain the rights,

claims, estate, or interest, either at law or in equity, of the said Benjamin Appleby, the present mortgagee of the said real estate, or of any other incumbrancer thereof.

15. The said Corporation may receive, take, and hold real and personal estate by gift, grant, devise, or bequest, to any amount not exceeding ten thousand pounds, and hold the same in trust for the objects of the said Corporation.

16. If it should happen that the Trustees should not be chosen on the said second Wednesday in January in any year as aforesaid, it shall be lawful to choose them on any other day, on giving fourteen days notice of the time and place of a meeting to be held for such purpose in one or more of the Newspapers published in the City of Saint John; and in case of any casual vacancy among the Trustees, then the remaining Trustees may fill up the same by choosing one of the stockholders, who shall serve until another is chosen in his room.

17. If any stockholder shall fail to pay the amount of any assessment made by the said Trustees, or any part thereof, it shall be lawful for the said Corporation (if the said Trustees elect so to do as hereinbefore provided) to sue such shareholder for the amount, in any Court of law or equity having jurisdiction, and to recover the same with interest and costs.

18. In any such action it shall be sufficient for the Corporation to declare that the defendant is the holder of one share or more in the stock of the said Corporation, (state the number of shares) and is indebted to the Corporation in the sum to which the assessment or assessments in arrears, or the balance due thereon shall amount, in respect of one assessment or more, (state the number and amount of such assessments) by means of which an action hath accrued to the said Corporation by virtue of this Act.

19. On the trial or hearing it shall be sufficient to prove that the defendant at the time of making such assessment was a holder of one share or more in the stock of the said Corporation, and that such assessment was in fact made; and it shall not be necessary to prove any other matter whatsoever, and thereupon the Corporation shall be entitled to recover what shall be due upon such call, with interest and costs.

CAP. XII.

An Act to incorporate the Hammond River Boom Company.

Section.

1. Company incorporated.
2. Authority to maintain a Boom.
3. Property not to be entered on without consent.
4. Boom, security of and rafting from.
5. Injury to Boom.

Section.

6. Boomage and lien granted.
7. Capital, amount of.
8. Power to assess shares.
9. First meeting of the Corporation.
10. Limitation.

Passed 26th March 1856.

WHEREAS the erection of a Boom at or near the mouth of the Hammond River will be convenient and advantageous to the commercial interest of this Province;—

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

1. That Cyprian E. Godard, LeBaron Drury, John F. Godard, Charles W. Stockton, J. D. M. Keator, Elias Prince, William J. Prince, C. E. Dodge, John Murphy, James Dixon, William Dixon, Thomas Purvis, Stephen G. Fowler, Washington Alden, and James DeBow, 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 Hammond River Boom 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, building, and maintaining a Boom across Hammond River, at or near the mouth of the said River, to secure the timber, logs and other lumber floating down the said River.

2. The said Corporation may erect and maintain a Boom across the said Hammond River at some convenient place at or near the mouth thereof, for the purpose of stopping and securing timber, logs, masts, spars, and other lumber floating upon the said River, and may erect certain Piers and Booms such as they may think necessary, provided that the said Booms be so constructed as to admit the passage of rafts and boats, and preserve the navigation of the River, but no person shall be allowed at any time either with rafts of logs, timber, or other lumber, or boats, to encumber the same, nor be allowed a passage through the same with such rafts, logs, or other lumber or boats, when the opening the Boom for that purpose would endanger the safety of logs, timber, or other lumber contained therein.

3. Nothing in this Act shall authorize the said Corporation to enter upon the lands or use the private property of any person for the purpose of erecting or securing the said Boom, without their consent first had and obtained in writing for that purpose.

4. It shall be the duty of the said Corporation to secure the said Boom so that no lumber may be permitted to escape; and if the owner or owners of any timber, logs, masts, spars, or other lumber, do not wish the said Corporation to raft the same, it shall be the duty of the owner or owners thereof to raft and take the same out of the said Boom, but in case the owner or owners neglect so to do for the space of two days, it shall be lawful for the said Corporation to raft said timber, logs, masts, spars, or other lumber, safely and securely, in joints loaded suitably for the navigation of the River Kennebecasis, with two good boom poles and hardwood pins to each joint, such joints to be secured below the Booms for twenty four hours, and if the owner or owners on the expiration of the time aforesaid, have not taken charge of the same by putting his or their ropes thereon, the Corporation may remove and secure the same in some convenient place, and the owner or owners shall pay to the said Corporation such expenses as may arise in the removal and securing of the same; and the said Corporation shall cause the timber, logs, or other lumber to be rafted without any unnecessary delay, as soon after it comes into the Boom as possible: the said Corporation to be accountable for all losses sustained in consequence of negligence or carelessness of their agents or servants.

5. If any person or persons shall wilfully injure or destroy the said Boom or any Pier thereof, such person or persons so offending, shall upon conviction thereof before any two of Her Majesty's Justices of the Peace for the County of King's County, forfeit and pay a sum not exceeding ten pounds with costs of prosecution, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the over-plus (if any) to the offender or offenders; and for want of sufficient goods and chattels whereon to levy, it shall and may be lawful for the said Justices to issue their warrant to commit said offender or offenders to the common gaol of the County, there to remain without bail or mainprize for such period as

may be specified in such warrant, not exceeding one day for every two shillings of such penalty and costs : nothing in this Section shall prevent the said Corporation from maintaining a civil action against such offender or offenders for damages.

6. There shall be allowed to the Corporation a toll or boorage upon all square timber thus boomed the sum of six pence per ton, and for rafting and securing as aforesaid the sum of ten pence per ton, and the sum of two shillings per thousand superficial feet for rafting other lumber, except sawed lumber, and the sum of nine pence per thousand for the boorage of other lumber ; and the said Corporation shall have a lien on all timber and other lumber thus boomed or rafted for the payment of such toll or boorage, and other expenses, and the owner of such timber or other lumber to furnish the said Corporation or their agent, a proper and correct description of his or their several marks before the same comes into the boom ; the Corporation shall not be bound to secure or take care of any timber, logs, or lumber until the marks are so furnished ; and if no owner appears to claim timber or lumber so coming into the boom, it may after twenty days notice be sold ; and if at any time within two years the owner shall appear and prove to the satisfaction of the Inferior Court of Common Pleas for King's County, he may receive the net proceeds after deducting toll and expenses, but if not claimed and proved within two years the owner shall absolutely be barred from any claim.

7. The capital stock of this Corporation shall be five hundred pounds, in shares of five pounds each ; and the joint stock and effects of the said Corporation shall alone be liable for the undertakings or liabilities of the said Corporation.

8. The said Corporation 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 Corporation, and whenever any such assessment shall be made by the stockholders of the said Corporation, it shall be the duty of the Treasurer to give notice thereof in one or more Newspapers published in the City of Saint John, requiring payment within thirty days ; and if any shareholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his share or 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 fifteen days notice of the time and place of sale, and all shares upon which the assessment is not then paid, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due thereon, and expenses 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 purchasers; provided always, that no assessment shall be made except by a vote of the stockholders, and a majority of all the shares.

9. The first meeting of the Corporation shall be called by any two of the persons hereby incorporated, after ten days notice in a Newspaper published in the City of Saint John, for the purpose of organizing the said Corporation, which meeting shall be held at the time and place mentioned in such notice.

10. This Act shall continue and be in force until the first day of May one thousand eight hundred and fifty nine.

CAP. XIII.

An Act to incorporate the Trustees of Saint John's Church, Chatham, in connexion with the Presbyterian Church of Nova Scotia.

Section.

1. Trustees incorporated with general powers.
2. Estate vested in the Trustees.

Section.

3. Annual meeting for election of Trustees.
4. Trustees of other Churches in the same connexion incorporated.

Passed 26th March 1856.

WHEREAS the Members of Saint John's Church, Chatham, in connexion with the Presbyterian Church of Nova Scotia, being desirous that the Trustees in whom certain property is vested for the use of the said Church, should be incorporated in order that they may more effectually hold the same for the purposes for which the same was originally designed;—

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

1. The following persons, namely, John Alexander, John M. Ewen, John M. Rae, Daniel M. Laughlin, Peter Gray, William J. Fraser, James M. Wolhaupter, William A. Letson, and John Urquhart, be and they are hereby declared to be the Trustees for the said Church, until the election and appoint-

ment of not more than nine other Trustees as hereinafter directed ; and the above named Trustees, and the said Trustees and their successors to be chosen and appointed in manner hereinafter mentioned, shall be a body politic and corporate, in deed and in name, and have succession for ever by the name of "The Trustees of Saint John's Church, Chatham, in connexion with the Presbyterian Church of Nova Scotia," and by that name shall be enabled to sue and be sued, implead and be impleaded, answer and be answered unto in all Courts and places whatsoever within this Province, and shall have full power and capacity to purchase, receive, take, hold, and enjoy, for the exclusive use and benefit of the said Church, as well goods and chattels, as lands, tenements, and hereditaments, and improve and use the same for the benefit of the said Church, and also to hold the same according to the true intent and meaning of the donors when such property shall be given, devised, or bequeathed to the said Trustees to the use and benefit of the said Church ; provided always, that the amount of annual rents, profits, and receipts of such property, shall not exceed the sum of five hundred pounds, any law, usage, or custom to the contrary thereof notwithstanding.

2. All estate, real and personal, of what nature or kind soever, at present vested in the present Trustees of the said Church, shall be on the passing of this Act fully and absolutely vested and remain in the Trustees hereinbefore named and their successors for ever, for the exclusive use, trust, and benefit aforesaid, saving the rights of such present Trustees and of Her Majesty, and other persons, bodies corporate and politic, or other claims or rights whatsoever.

3. On the third Wednesday of January in each year for ever hereafter, a meeting of the persons then being proprietors of pews, seat-renters, or male communicants, shall be holden in the said Church ; at which meeting, between the hours of twelve of the clock noon and three of the clock in the afternoon, an election shall be made to be determined by a majority of such pew-holders, seat-renters, and male communicants then present, of not less than three nor more than nine persons being pew-holders, seat-renters, or communicants, to be Trustees of the said Church, who shall forthwith on the completion of such election enter upon the duties of their office, and con-

tinue in the same until other fit persons shall be elected in manner aforesaid.

4. The Trustees in their several and respective Churches already erected within this Province, and also of all Churches which may be hereafter erected in connexion with the Presbyterian Church of Nova Scotia, the Trustees of which are hereby incorporated, shall when elected in manner and form as directed by this Act be bodies politic and corporate in deed and in name, and have succession for ever by the name of the Trustees of the several and respective Churches to which they belong; and then this Act, and every direction and authority herein contained, shall extend and be in force in all such Churches in the same manner as if the same direction and authority were particularly re-enacted and applied to such Churches respectively.

CAP. XIV.

An Act relating to the European and North American Railway Company.

Section.

1. Government may accept transfers from the Contractors and the European and North American Railway Company.
2. Certain Debentures may be delivered to the Contractors.

Section.

3. Authority to issue the Debentures.
4. Revenues chargeable for the Debentures.
5. Authority to compensate the stockholders.
6. Assent of the Company to cancel the contract, to be had.

Passed 12th April 1856.

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

1. The Governor in Council may accept, for the use of the Province, a transfer and assignment from the contractors for constructing that portion of the European and North American Railway lying between the City of Saint John and Shediac, of all the work, iron, plant, rolling stock, and materials, either on the road or elsewhere in the Province, with the surveys, plans, and sections of the line north and west, and a transfer and assignment from the European and North American Railway Company, of all the lands, site of the road, and other property of the Company; the transfer and assignment from the contractors to be made to such person or persons as the Governor in Council may appoint to receive the same, and

the transfer and assignment from the Company to be made to the Queen.

2. On or after the delivery of the property, materials, and things mentioned in the first Section of this Act, and the delivery to the said European and North American Railway Company of all the Company's Bonds paid to the contractors on account of their contract, the Governor in Council may cause to be paid to the contractors the sum of forty six thousand eight hundred pounds sterling in Provincial Debentures redeemable in thirty years, payable with interest at the rate of six per centum per annum, in addition to the sum of forty three thousand two hundred pounds sterling which has been already paid to them; such payment to be made as of the first day of June in the year of our Lord one thousand eight hundred and fifty six.

3. The Governor in Council may issue the Debentures for the payment of the sums heretofore mentioned, in such form and manner as may be deemed advisable.

4. The Revenues of this Province shall be charged with the payment of the interest and redemption of the principal of all such Debentures as are issued under the authority of this Act.

5. The Governor in Council may make such compensation to the stockholders of the European and North American Railway Company as may be deemed equitable.

6. Before any transfer of the work done on the European and North American Railway, the assent of the Company to the cancelling of the contract made for construction of the road between Saint John and Shediac, shall be first had.

CAP. XV.

An Act to authorize the construction of Railways in this Province.

Section.

1. Railways under this Act to be Provincial works.
2. Lines to be constructed defined.
3. In what order to be constructed.
4. Management to be in five Commissioners.
5. Commissioners to proceed by Tender and Contract.
6. Contracts to be guarded by certain securities.
7. Chief Engineer and other officers, appointment of.
8. Payments to Contractors, on what dependent.
9. Offices which Members of the Legislature may not hold.

Section.

10. General authority to do lawful acts.
11. Recovery of penalties.
12. Arrangements for working Railway, when and how to be made.
13. Contracts and proceedings of Commissioners, inspection of.
14. Salaries of the Commissioners.
15. Annual expenditure limited.
16. Accounts to be audited and laid before the Legislature.
17. Entry on lands reserved for Naval or Military purposes.
18. Chairman may do what the Commissioners may.

Passed 12th April 1856.

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

1. The lines of Railway to be constructed under the provisions of this Act, shall be Public Provincial Works, and shall be made on such grades as the Governor in Council shall determine, as best adapted to promote the public interests.

2. The lines to be constructed shall be a line from Saint John to Shediac, and also from Saint John to the State of Maine, with extensions to Woodstock *via* Fredericton, and from some point on the Bend and Shediac line to Miramichi.

3. The line from the Bend of Petitcodiac to Shediac shall be completed first, at the same time the two extensions shall be surveyed; when that portion of the line from Shediac to the Bend of Petitcodiac is completed, the line from Saint John to the Bend of Petitcodiac shall be proceeded with, during the construction of which, fifty thousand pounds sterling shall also be expended in construction on each extension, to commence in the year one thousand eight hundred and fifty seven, and the expenditure on the extension to Woodstock to begin at Fredericton and proceed upwards; after which, the line from Saint John to the State of Maine to be proceeded with, and the two extensions shall be proceeded with by an equal annual expenditure on each extension.

4. The construction and management of such Railways shall be under the charge of five Commissioners, any two of whom, with the Chairman, shall be a quorum, to be appointed by the Governor in Council, and to hold office during pleasure, one of whom to be named in the Commission shall be the Chairman, who may sit and vote with the other Commissioners: not more than one of such Commissioners shall hold a seat in each branch of the Legislature.

5. The Commissioners shall build such Railways by tender and contract, after the plans and specifications therefor shall have been duly advertised, and they may accept the tenders of any such contractors as shall appear to them to be possessed of sufficient skill, experience, and resources, to carry on the whole or such portions thereof as they may be willing to contract for: but where the Commissioners in any case may deem it necessary for the public interest not to accept the

lowest tender that may be made, it shall not be competent for them to accept a higher tender without the approval of the Governor in Council.

6. The contracts to be entered into shall be guarded by such securities, and contain such provisions for retaining a proportion of the contract moneys to be held as a reserve fund for such periods of time and on such conditions as may appear to be necessary for the protection of the public and securing a due performance of the contracts.

7. The Governor in Council may appoint a Chief Engineer and such other officers as may be deemed necessary, who shall hold office during pleasure, and be under the control and receive their instructions from the Commissioners; the Chief Engineer shall have the general superintendence of the works to be constructed under this Act.

8. No money shall be paid to any contractor until the Chief Engineer shall have certified that the work for or on account of which the same shall be claimed, has been duly and faithfully executed, nor until such certificate shall have been approved of by the Commissioners.

9. No Member of the Legislature shall hold or be appointed to any office of emolument under the Commissioners, or be a contractor or party to any contract for the construction, management, or working of the road, or any part thereof.

10. The Commissioners shall do all other lawful acts necessary for making, maintaining, altering or repairing, and using the Railway, and making regulations for the safe construction and working of the Railway under their charge, for the transmission of goods and passengers thereon, for their care and management and that of the plant and equipment used thereon, for the protection of the wharves, bridges, culverts, crossings, stations, buildings, and depots, erected or to be erected, and all other the property in the possession and under the control of the Board, and in such regulations to fix fines and penalties not exceeding twenty pounds for any breach thereof: such regulations shall, before they go into operation, be approved of by the Governor in Council.

11. Penalties prescribed by the Board, under the authority of this Act, may be sued for and recovered in the manner provided by the thirty second Section of Chapter 161, of Title XLI,

of the Revised Statutes, in the name of the Chairman of the Board, and when recovered shall be paid into the Province Treasury, and accounted for in the same manner as other public moneys.

12. Whenever the Railways or any portion thereof shall be completed, the Governor in Council may make such arrangements for working them as may be deemed necessary; such arrangements to be submitted to both Branches of the Legislature at the Session then next ensuing.

13. The Governor in Council may inspect all contracts and proceedings of the Commissioners, examine their accounts at all times, and if deemed necessary, suspend the progress of the works or any part thereof.

14. The salary of the Chairman shall be five hundred pounds currency per annum, and each Commissioner two hundred pounds currency per annum; and the Governor in Council may fix the salaries of all other officers.

15. No greater sum than at the rate of two hundred thousand pounds sterling per year shall be expended under the authority of this Act.

16. The Commissioners shall furnish accounts of the expenditure whenever required by the Governor in Council, and quarterly accounts of all expenditures, liabilities, and receipts, which shall be audited by the Auditor General and laid before the Legislature within ten days after the opening of the Session.

17. Nothing in this Act contained shall authorize the Commissioners or contractors to enter upon any lands reserved for Naval or Military purposes without the consent of Her Majesty.

18. Any thing authorized or directed to be done by the Commissioners in the construction of works under this Act, may be done by the Chairman.

CAP. XVI.

An Act to provide Funds for the construction of Railways.

Section.

1. Loan may be contracted on pledge of Revenues.
2. Authority to issue Debentures.
3. Sinking fund for redemption of Loan.
4. Faith and credit of the Province pledged.

Section.

5. Receipt, payment, and accounts, how to be managed.
6. Effect to be given to agreements authorized by the Governor in Council.
7. Quarterly accounts to be rendered.

Passed 12th April 1856.

WHEREAS an Act has passed during the present Session of the Legislature to authorize the construction of Railways in this Province, and it is necessary to provide the funds required therefor;—

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

1. The Governor in Council may contract a loan on the pledge of the Revenues of the Province, whether arising from the duties upon imports, the sale of Crown lands, the export duty on timber and other lumber, the Royalty derived from mines and minerals, or the tolls to be collected on the Railways constructed with the money borrowed under this Act; which money so borrowed shall not exceed the rate of two hundred thousand pounds sterling per year.

2. Certificates of Debt, to be called Debentures, payable in sterling money, to be numbered consecutively, commencing with number one, with coupons annexed, bearing interest at six per cent. payable semi-annually at such place as shall be specified therein, may be issued from time to time as the Railways proceed, in such form, verified and authenticated in such manner, payable in such periods, in such amounts not less than one hundred pounds each, and on such conditions as the Governor in Council may prescribe; the principal of such Debentures to be paid in full after the expiration of thirty years to the holders thereof.

3. A sum equal to one and a half per cent. interest upon the whole sum borrowed for the construction of Railways, to be deducted from the profits of the said Railways, together with the proceeds of the sale of all the Crown lands and timber of the Counties through which the road passes, after the completion of any section thereof, subject to any charge on such proceeds for the Civil List, shall form a surplus or sinking fund for the final redemption of the loan, and to be appropriated to the extinguishment thereof.

4. Subject to the payment of the Civil List, and of any previously existing liability, the faith and credit of the Province, and the ordinary revenues thereof, derived from all sources, and the proceeds of any special impost now or hereafter levied and collected for the purpose of paying Railway Debentures,

or the interest thereon, together with any Railway constructed by the loan hereby authorized, shall be and hereby are declared pledged to any and every holder of the same.

5. The principal sums to be raised and borrowed shall be received and paid out as other public moneys are, in defraying the charges made payable by this Act, or any other Act relating thereto; and the account of the money raised by the authority of this Act, and the expenditure thereof, shall be kept with such Bank or Banks, and the fund shall be paid and managed in such manner for the redemption and liquidation of the principal sum, as the Governor in Council shall prescribe.

6. The Legislature of the Province will by law confirm and give full effect to any agreement which may be made or authorized by the Governor in Council, not inconsistent with the spirit of this Act, or of any other Act in relation thereto, with regard to the raising and borrowing of the sums aforesaid, and the keeping of the accounts, the management of the sinking fund, and the payment of the debt.

7. The proper accounting party shall quarterly transmit to the Governor, for the purpose of being audited and laid before the Legislature, a correct and detailed statement and account of the sums raised under the authority of this Act, and of the Debentures which shall have been issued, and of the interest and dividend paid thereon, and of the redemption of the whole or any part of the principal sum, and of the expense attending the negotiation, management, and redemption of the loan.

CAP. XVII.

An Act relating to Lands required for Railway purposes.

Section.

1. Authority to take possession of lands for the track.
2. Authority to enter on lands to deposit and take materials, &c.
3. Authority to construct temporary or permanent works.
4. Course of rivers or other waters may be altered.
5. Conduits or drains may be formed.
6. Appraisers to be appointed.
7. Proceedings before Appraisers.

Section.

8. Claims to be in writing.
9. Discharges and valuations of lands of corporate bodies, &c.
10. Benefits to be considered in appraising.
11. Appraisements to be by a majority.
12. Appraisements, transmission and payment of.
13. Remuneration of Appraisers.
14. Fences to be kept along the line.
15. Consent in case of Naval and Military lands.

Passed 12th April 1856.

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

1. The Commissioners for the management and construction of Railways, appointed under the authority of an Act passed during the present Session of the Legislature to authorize the construction of Railways in this Province, or any of them, by themselves and by their servants, are authorized to enter upon and take possession of any lands required for the track of the Railways, or for Stations; and they shall lay off the land by metes and bounds and record a description thereof in the Registry of Deeds for the County in which the lands are situate, and the same shall operate as a dedication to the public of such lands; the lands so taken shall not be more than six rods in breadth for the track, exclusive of slopes of excavation and of embankments, except when it may be deemed advisable to alter the line or level of any public or private carriage road, or divert any stream or river, in which case it shall be competent for the Commissioners to take such further quantity as may be found necessary for such purposes; also at each Station a sufficient extent for Depot and other Station purposes; but for any Depot or Station the quantity so appropriated shall not exceed five acres.

2. The Commissioners, by themselves and by their servants, and the Contractors with authority from the Commissioners, may enter with workmen, carts, carriages, teams, horses and oxen upon any lands, and deposit thereon soil, earth, gravel, trees, bushes, logs, poles, brushwood, or other materials found on the line of Railway, or works connected therewith, and for the purpose of surveying and locating the said Railway, and for the purpose of digging up, quarrying, and carrying away earth, stones, gravel, or other material, and cutting down and carrying away trees, bushes, logs, poles, and brushwood therefrom, for the making of such Railway, or for the purpose of cutting down trees in the wilderness lands which may be liable to fall on said Railways, and are standing within six rods thereof, with right of ingress, egress, and regress into and upon the adjoining land for the purpose of repairing and preventing such accident, and to do such work as may be necessary, but that such works shall be as little injurious to the adjoining land as the nature of the operations will admit of, and shall be executed with all possible dispatch.

3. The Commissioners may make or construct in, upon,

across, under and over any lands, streets, hills, vallies, roads, railroads, or tramroads, canals, rivers, brooks, streams, lakes, or other waters, such temporary or permanent inclined planes, embankments, cuttings, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, or other works as they may deem necessary for Railway purposes.

4. The Commissioners may alter the course of any river, canal, brook, stream, or water course, and divert or alter as well temporarily as permanently the course of any such rivers, streams of water, roads, streets, or ways, or raise or sink the level of the same, in order to carry them over or under, on the bed of, or by the side of the Railway, as they may think proper.

5. The Commissioners shall have power to make conduits or drains into, through, over or under any lands adjoining the Railway, for the purpose of carrying water from or to the Railway.

6. The Governor in Council may appoint not less than three persons to be Appraisers, for ascertaining and settling all disputes and difficulties relative to the payment for land and materials, or any claim for damages occasioned by the construction of any Railway constructed under the authority of the Board of Railway Commissioners, who shall be sworn to the faithful and impartial discharge of their duties before the Clerk of the Peace of any County in the Province, who is hereby authorized to administer the said oath, and forthwith transmit a certificate thereof to the Provincial Secretary.

7. Whenever a proprietor claims payment for lands, or damages done thereto by the Commissioners or any person acting under their authority, under the provisions of the first five Sections of this Act, and he cannot agree with the Commissioners upon the price to be paid therefor, such proprietor or Commissioners may apply to the Appraisers, who shall, after ten days notice in writing to the Commissioners or their Chairman, and such proprietor, his representatives or assigns, examine the site of the said Railway and lands entered upon, and assess the damages.

8. Every claim for damages shall be made in writing, and within six months from the entry on the said lands.

9. If any land or property be taken for Railway purposes, the property of any body corporate, guardians, committees,

executors, administrators, or other trustees whatsoever, held for or on behalf of those whom they represent, whether corporations, infants, idiots, lunatics, feme covert, persons deceased or beyond seas, or other person or persons whomsoever, who are or shall be possessed of or interested in the said land or estate, the respective contracts, agreements, and sales of the said corporations, guardians, committees, executors, administrators, or other trustees whatsoever, shall be valid and effectual in law to all intents and purposes whatsoever, and their respective receipts shall be good and valid releases and discharges therefor; and they shall agree and settle with the said Commissioners for damages, if any, by reason of taking such land or property; in case of disagreement, the damages to be settled by the Appraisers as is prescribed in the seventh Section of this Act.

10. The Appraisers, in assessing the damages, shall take into consideration the benefit likely to accrue to the respective proprietors from the Railway running through or near their land, and the damages shall be reduced or extinguished accordingly.

11. The appraisement shall be agreed to and signed by a majority of the Appraisers who may make the appraisement; such majority in no case to be less than two.

12. The Appraisers shall transmit the appraisement to the Governor in Council, who shall direct payment to be immediately made to the person entitled thereto, out of any moneys provided for the construction of Railways.

13. The Governor in Council shall determine the amount of remuneration to be paid to the Appraisers for their services.

14. The Commissioners shall erect and maintain sufficient fences along the line of Railway, where the public security may require the same, or where the safety of the proprietors through whose improved and cleared lands the Road may pass, require such protection from the working of such Railways.

15. Nothing in this Act contained shall authorize the Commissioners or contractors to enter upon any lands reserved for Naval or Military purposes, without the consent of Her Majesty.

CAP. XVIII.

An Act to levy an Impost for Railway purposes.

Section.

1. Duty of 2½ per cent. on imports granted.
2. Payment and collection of duty, by whom and how.

Section.

3. Appropriation of money raised.
4. Separate account to be kept.
5. Exemptions from duty.

Passed 12th April 1856.

WE, Her Majesty's dutiful and loyal subjects, the Assembly of New Brunswick, in General Assembly convened, for the raising the necessary fund to assist in providing for the interest of Debentures issued for the purpose of constructing Railways in this Province, have freely resolved to give and grant to the Queen's Most Excellent Majesty, the several rates and duties hereinafter mentioned, and do therefore pray Your Excellency that it may be enacted ;—

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

1. On and after the passing of this Act, there shall be granted to the Queen, for the use of the Province, towards defraying the interest on any loan effected for the construction of Railways, and on all Debentures issued for Railway purposes, upon all goods, wares, merchandise, chattels, and things not specially herein excepted, brought into the Province, whether from any part of the British Empire or Foreign place, or which may be saved from any wrecked or stranded vessel, a duty of two pounds ten shillings for every hundred pounds of the true and real value thereof, and at the like rate for any greater or less sum.

2. The duties herein imposed shall be paid by the importer or importers thereof respectively, and shall be held and taken to be in addition to any duties which are or may be imposed and collected by any Act of the General Assembly of the Province now or hereafter in force, and shall be collected and secured by means, and under the regulations and penalties, and shall be drawn back on exportation, or warehoused in the manner provided by any law in force at the time for the collection and protection of the Revenue.

3. The moneys raised by this Act shall be appropriated towards the payment of the interest of any loan obtained for Railway purposes, and of the interest of any Debentures issued by the Government of the Province for work done on Railways.

4. The Treasurer shall in each and every year collect and

retain in a separate and distinct fund all moneys collected under the authority of this Act.

5. The articles specified in the Schedule to an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled "An Act for giving effect on the part of the Province of New Brunswick to a certain Treaty between Her Majesty and the United States of America;" and any articles the growth or produce of any British Colony or other country which are or may be exempted by law, or Proclamation under the authority of law, and the baggage, apparel, household effects, the working tools and implements used and in use of persons or families arriving in the Province, if used abroad by them, and not intended for any other person or persons, or for sale, and carriages of travellers not intended for sale, shall and are hereby declared to be exempt from duty under this Act.

CAP. XIX.

An Act relating to the Saint Andrews and Quebec Railroad Company.

Section.

1. 10 V. c. 27, s. 2, repealed.
2. Extension of time to complete a certain portion.

Section.

3. 6 W. 4, c. 31, s. 25, to remain repealed.
4. Time in 10 V. c. 27, s. 11, extended.
5. Act not to lessen rights of Class A shareholders.

Passed 12th April 1856.

Whereas by the twenty fifth Section of an Act passed in the sixth year of the Reign of His late Majesty William the Fourth, intituled "An Act to incorporate the Saint Andrews and Quebec Railroad Company," the Company, to entitle themselves to the privileges to them granted by that Act, were required to complete the Railroad from Saint Andrews to the Province line within fifteen years from the passing of that Act: And whereas by the second Section of an Act passed in the tenth year of the Reign of Her present Majesty, intituled "An Act further to amend and extend the provisions of an Act, intituled 'An Act to incorporate the Saint Andrews and Quebec Railroad Company'," the twenty fifth Section of the first recited Act was repealed, and in lieu thereof, the Company, to entitle themselves to the privileges to them granted by the first recited Act, and by the now reciting Act, were required to complete the Railroad from Saint Andrews to

Woodstock within ten years from the passing of the now reciting Act; and by the eleventh Section thereof, Her Majesty's Government were empowered, if it should think fit, at any time after the expiration of the term of twenty years, to purchase the Railway with all its hereditaments, stock, and appurtenances, in the name and on behalf of Her Majesty: And whereas by the eleventh Section of an Act passed in the thirteenth year of the Reign of Her present Majesty, intituled "An Act relating to the Saint Andrews and Quebec Railroad," the Directors of the Company were authorized to charge the then present and future lands, goods, and other property and effects, tolls, income, and profits of the Company, or such parts thereof as the Directors of the Company thought fit, with the payment or other satisfaction to the holders of Class A shares in the Company, of such interest or dividend, profits, privileges, and advantages as therein expressed: And whereas the Directors of the Company have charged such lands, goods, property, effects, tolls, income and profits, or parts thereof, in favour of the holders of Class A shares accordingly: And whereas it is expedient to make further provision with respect to the Railroad;—

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

1. The second Section of the recited Act of the tenth year of Her present Majesty, shall be and the same is hereby repealed; and in lieu thereof,

2. The Company, to entitle themselves to the privileges, benefit, and advantages to them granted by the several Acts of Assembly relating to the Company, including this Act, shall and they are hereby required to make and complete the Railroad from Saint Andrews in the County of Charlotte, to Woodstock in the County of Carleton; and also a branch thereof to the River Saint Croix, at or near the Ledge (so called) in the Parish of Saint Stephen, in the said County of Charlotte, within four years from the passing of this Act; and if the same shall not be so made and completed within such four years, so as to be used for the conveyance and carriage of passengers, goods, chattels, wares, and merchandise thereon, then the several Acts of Assembly relating to the Company, including this Act, and every matter and thing therein respectively contained, shall cease and be utterly null and void.

3. Provided always, That notwithstanding the repeal by this Act of the second Section of the recited Act of the tenth year of Her present Majesty, the twenty fifth Section of the recited Act of the sixth year of His late Majesty shall continue repealed.

4. The term of twenty one years mentioned in the eleventh Section of the recited Act of the tenth year of Her present Majesty, shall be computed from the passing of this Act.

5. Provided always, That this Act, or any thing herein, shall not take away, lessen, or prejudicially affect any of the estates, rights, interests, powers, privileges, or authorities of the Company, or of the Directors of the Company, or of the holders of Class A shares, or of the Directors of Class A shareholders, under or by virtue of the several Acts of Assembly and Facility Acts relating to the Company, or any of them.

CAP. XX.

An Act relating to the Savings Banks and other Provincial Liabilities.

Section.

1. Loan not exceeding £90,000 may be effected.
2. Governor in Council to prescribe forms and conditions.

Section.

3. Appropriation of the money.
4. Faith and credit of the Province pledged.
5. Duration of loan.

Passed 12th April 1856.

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

1. The Governor in Council may cause a loan to be effected of a sum not exceeding ninety thousand pounds, payable with interest semi-annually at a rate not exceeding six per cent. per annum, either by a cash credit with any individual or body corporate, or the issue of Debentures, or both.

2. The Governor in Council shall prescribe the time and mode of effecting the said loan, and the form, amount, terms, conditions, and mode of issuing the Debentures, and regulate the time and mode of paying off, calling in, or redeeming the same, or any part thereof.

3. The money so loaned shall be appropriated by the order of the Governor in Council, either in providing for the payment of demands upon the Savings Banks, or of other Provincial liabilities.

4. The faith and credit of the Province, and any moneys from time to time in the Treasury, shall be charged with the payment of any sums borrowed under the authority of this Act.

5. No loan shall continue for a longer period than ten years.

CAP. XXI.

An Act to amend Chapter 118, Title XXX, of the Revised Statutes, "Of Letters Patent for useful Inventions."

Section.

1. Patents may be granted for 14 years.
2. Before whom oaths or affirmations may be taken.

Section.

3. False oath or affirmation, penalty for.
4. Inconsistent Acts repealed.

Passed 12th April 1856.

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

1. From and after the passing of this Act, Letters Patent may be granted to any applicant for a term not exceeding fourteen years, giving him the exclusive right to make, use, and vend any new invention or discovery, instead of ten years as provided for by Section 1, Chapter 118, Title XXX, Part Second, of the Revised Statutes, "Of Letters Patent for useful inventions."

2. When oaths or affirmations are required by the said in part recited Chapter, in order to obtaining the said Letters Patent, the same may be administered by Commissioners for taking affidavits in the Supreme Court of the Province, and also by the same persons before whom conveyances of land can be proved or acknowledged, as authorized by Chapter 112, Title XXX, Part Second, of the Revised Statutes, "Of the Registry of Deeds and other Instruments," and in manner and form as therein directed.

3. If any person or persons shall wilfully, falsely, and corruptly take any of the oaths or affirmations appointed and required by any of the provisions of this Act or the Act to which this is an amendment, and be thereof lawfully convicted by indictment or information, or if any person or persons shall corruptly procure or suborn any other person or persons to take the said oaths or affirmations, or either of them, and the person so procuring or suborning shall be thereof convicted by indictment or information, every person so offending shall for

every such offence incur and suffer such penalties, forfeitures, and disabilities, as persons convicted of wilful and corrupt perjury are liable to.

4. All Acts or parts of Acts inconsistent with this Act be and the same are hereby repealed.

CAP. XXII.

An Act to amend Chapter 1, of Title I, of the Revised Statutes, so far as relates to the Division Line between the Parishes of Northesk and Nelson.

Commencement of division line altered.

Passed 12th April 1856.

WHEREAS it is deemed advisable to alter the Division Line between the Parishes of Northesk and Nelson, in the County of Northumberland;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That that part of the said Chapter 1, Title I, as relates to the division line between the Parishes of Nelson and Northesk, in the County of Northumberland, be and the same is hereby repealed; and in lieu thereof, that the said division line shall commence from Beabear's Point, and run south sixty eight degrees west, as formerly established by law.

CAP. XXIII.

An Act relating to the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Gloucester.

Section.

Section.

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| 1. Opening of Court when first Tuesday is New Year's day. | 2. Return of writs, and validity of proceedings. |
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Passed 12th April 1856.

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

1. When the day of opening of the said Courts for the January Term, being the first Tuesday in January, shall happen to be New Year's Day, the said Courts may be opened on the following day, but all proceedings shall be as of the first Tuesday in January, and relate thereto; and the elections

of Parish Officers under Title VIII, Chapter 52, of the Revised Statutes, shall in such case be held on the Wednesday previous to the said first Tuesday in January.

2. All Writs shall be returnable on the first Tuesday in January as heretofore, and all proceedings shall be as valid and effectual as if the said Courts had opened on the said first Tuesday in January, and the said Parish election held on the Tuesday previous.

CAP. XXIV.

An Act relating to the Fire Department of Saint Stephen, in the County of Charlotte.

Section.

Section.

1. Firemen exempted from Jury service.

2. Privilege after 14 years service.

Passed 12th April 1856.

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

1. The Firemen attached to the Saint Stephen Volunteer Fire Engine Company Number Two, in the Lower Village District, shall be and they are hereby declared to be exempted from serving upon any Jury in any Court of Law in the County of Charlotte.

2. The members of the said Company after a faithful service therein of fourteen years, shall be allowed, with the consent of the General Sessions of the Peace of the said County, or of the County Council when the said County shall be incorporated, to retire therefrom, and be entitled to all the privileges and exemptions granted to members of the said Company by this or any other Act of Assembly in this Province.

CAP. XXV.

An Act to erect the upper part of the Parish of Saint Patrick, in the County of Charlotte, into a separate Town or Parish.

Section.

Section.

1. Parish of Dumbarton erected.

2. To possess privileges of other Parishes.

3. Commencement of Act, and effect on assessments, &c.

Passed 12th April 1856.

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

1. All that part of the Parish of Saint Patrick, in the County of Charlotte, situate on the northern side of a line commencing at the northeastern corner of the Parish of Saint Andrews, and thence running in a direct line easterly to and along the southern boundary lines of the Grants to James M'Farlane and John Gilman to the Digdeguash River, thence down stream along the same to the lower line of the Lot granted to John Campbell, thence along the same easterly to the rear thereof, thence northerly along the rear of said last mentioned Lot to meet the westerly prolongation of the line dividing the Lots ten and eleven, in the Clarence Hill, and thence easterly along the said line, dividing the Lots number ten and eleven, to the westerly line of the Parish of Saint George, shall be and the same is hereby erected into a separate Town or Parish, to be known by the name of the Town or Parish of Dumbarton.

2. The said Town or Parish shall have the same privileges, and be subject to the same laws and regulations, as extend to or govern the other Parishes in the County.

3. This Act shall not come into operation or be in force until the first day of September next, and it shall not interfere with or prevent the recovery of any assessment which may have been previously made or ordered, or with any fines, penalties, or moneys which may have accrued to or become due, or with the discharge of the duties of any officer who may have been appointed for the year then running; but every such officer shall discharge his duty until the end of the year, in the same manner as if the Parish of Saint Patrick had not been divided.

CAP. XXVI.

An Act to authorize the draining of German Town Lake in the County of Albert.

Section.

1. Drainage of Lake authorized.
2. Commissioners of Sewers may act by consent.

Section.

3. Consent to Canal to be had.

Passed 12th April 1856.

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

1. The proprietors of the marshes, bog land, and low land, situate within and adjoining the German Town Marsh, including the land covered with the waters of German Town Lake, within the Parish of Harvey, in the County of Albert, or so many of such proprietors as shall choose so to do, may and they are hereby authorized and empowered to cause to be drained the said Lake, by making a Canal or Canals from the said Lake to Shepody River, to intersect the said River at some place between the division line of Barnaby H. Newcomb's and Michael Keiver's marsh, and the ditch on the marsh of Agrun Tinglay the Second, and for this purpose may cause to be straightened the course of the said River at such places above the place of intersection aforesaid as may be deemed advisable.

2. The Commissioners of Sewers for Harvey aforesaid, may by the consent of a majority of acres of the said marshes, bogs, and low lands collectively, carry into effect the provisions of this Act.

3. Provided always that such Canal shall not pass within or through the land of any proprietor or occupier, without his written consent being first had and obtained.

CAP. XXVII.

An Act relating to the Public Burial Grounds in the Town of Saint Andrews.

Section.

1. When burials in Saint Andrews shall be unlawful.
2. Penalty for interring after 1st September next.

Section.

3. Interment of paupers.
4. Act suspended till a Cemetery be provided.

Passed 12th April 1856.

WHEREAS it is apprehended that the interment of the dead in the Public Burial Grounds in the Town of Saint Andrews, if continued, may be detrimental to the health of the inhabitants of the said Town;—

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

1. That upon and after the first day of September next it shall not be lawful to inter, bury, or place the corpse of any deceased person within the Public Burial Grounds in the Town of Saint Andrews; provided nothing herein contained

shall prevent the placing or exposing the corpse of any person unknown in the dead house for the purpose of recognition before interment for the space of one week.

2. That if any person or persons shall after the first day of September next inter, bury, or place, or shall aid or assist in interring, burying, or placing any corpse within the said Burial Grounds, shall forfeit and pay the sum of fifty pounds, to be recovered by an action of debt in any of Her Majesty's Courts of Record in this Province, by and in the name of the County Treasurer of the County of Charlotte, to be paid to and applied by the Commissioners of the Alms House in the Parish of Saint Andrews aforesaid, for the use of the poor thereof; and it shall and may be lawful for any of the Justices of the Peace for the County of Charlotte, and they are hereby required to order and direct the disinterment and removal of any corpse interred, buried, or placed in the said Burial Grounds contrary to the provisions of this Act, and to cause the same to be decently interred in any other Burial Ground at the discretion of such Magistrate.

3. That on application to be made to the Commissioners of the Alms House in the Parish of Saint Andrews for the interment of the corpse of any pauper, it shall be the duty of the said Commissioners, and they are hereby required to provide a proper conveyance and other things needful for the decent interment of such corpse in the ground attached to the Alms House of the said Parish, or elsewhere in some proper and convenient place at their discretion, the expense of such interment to be borne and defrayed in like manner as any charge for the maintenance of the poor of said Parish.

4. This Act shall not come into operation till a Public Cemetery be provided and established under proper regulations for the accommodation of the several Denominations whose Burial Grounds will be by this Act interfered with.

CAP. XXVIII.

An Act to incorporate the Saint Stephen Rural Cemetery.

Section.

1. Saint Stephen's Rural Cemetery incorporated.
2. Capital to be £2,500.
3. Call of first meeting.
4. Cemetery exempted from rates.

Section.

5. Penalty for injuries and other acts in the Cemetery; recovery.
6. Lots in the Cemetery exempted from execution.

Passed 12th April 1856.

WHEREAS a suitable place for the burial of the dead is much required in the Parish of Saint Stephen ;—

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

1. That S. H. Hitchings, William Todd, N. Lindsay, Nehemiah Marks, Timothy Crocker, A. H. Thompson, Daniel Harman, F. H. Todd, Z. Chipman, Daniel Sullivan, Samuel G. Stevens, their associates, successors, and assigns, be and they are hereby declared to be a body politic and corporate, by the name of "The Saint Stephen Rural Cemetery," and by that name shall have all the general powers and privileges made incident to a Corporation by any Act or Acts of the General Assembly now or hereafter to be in force in this Province, for the purpose of procuring and maintaining a Cemetery or Burial Ground in the Parish of Saint Stephen, in the County of Charlotte.

2. The capital stock of the said Corporation shall consist of the sum of two thousand five hundred pounds, and shall be divided into one thousand shares, to be paid in such sums and at such times as the Directors of such Corporation shall from time to time appoint.

3. The first meeting of the said Corporation shall be called by the Town Clerk of the Parish of Saint Stephen, or in case of his death, neglect, or refusal, by any two of the said Company, by giving ten days notice of the time and place of such meeting.

4. The land purchased and held by the said Corporation for the purposes herein expressed, is hereby declared to be exempted from all rates, assessments, and taxes, so long as the same shall remain dedicated to the purposes of a Cemetery.

5. If any person or persons shall wilfully destroy, mutilate, injure, or remove any tomb, monument, grave stone, or other structure placed in the Cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of any tomb, monument, grave stone, or other structure aforesaid, or shall wilfully destroy, remove, cut, break, or injure any tree, shrub, or plant, within the limits of the said Cemetery, or shall play at any game or sport, or shall discharge any gun or fire-arm save at a military funeral, within the said Cemetery, or who

shall wilfully and unlawfully disturb any persons assembled in the said Cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the said Cemetery, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof before any Justice of the Peace, be punished by a fine of not less than one pound or more than five pounds, or be committed to the common gaol for the space of not more than thirty days, according to the nature and aggravation of the offence; and such offender shall be liable to an action of trespass to be brought against him in any Court of competent jurisdiction, in the name of the Corporation, to pay all such damages as shall be occasioned by his or their unlawful act or acts, which money when recovered shall be applied by the Corporation to the reparation of the property destroyed or injured as above; and members of the Corporation shall be competent witnesses in such suits.

6. The lots in the said Cemetery, and the land enclosed but not laid out in lots, shall not be levied upon or taken in execution, but shall be altogether free from seizure, and the property in the same or any part thereof shall not prevent any confined debtor from receiving support under the Law for the relief and support of confined debtors.

CAP. XXIX.

An Act for the incorporation of certain Congregational Churches in this Province.

Section.

1. Corporation erected with general powers.
2. What property shall be subject to this Act, and when.
3. Election of Trustees provided for.
4. Meetings of Congregations, how to be called.

Section.

5. Authority to Trustees to manage affairs.
6. Election of and management by Trustees of educational or other Societies.
7. Quorum for business.
8. Annual revenue limited.

Passed 12th April 1856.

WHEREAS certain persons are associated in Churches constituting a religious community holding the principles of the Congregational Union of England and Wales: And whereas sundry Chapels and other Buildings have been erected, and lands purchased or otherwise conveyed or held in trust for the use of such Churches, in several Counties of this Province, or for educational or other benevolent objects in connexion therewith, and inconveniences have been experienced in managing

the same by Trustees without being incorporated for that purpose ;—

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

1. Every Board of Trustees of any Chapel, or Seminary for education, and land and buildings held therewith, or of land held for the purpose of erecting any Chapel or Seminary thereon, for the use and benefit of any Congregational Church holding the principles of the Congregational Union of England and Wales, to be hereafter chosen for any such purpose, and their successors, shall be a body corporate, by the name of "The Trustees of the Congregational Chapel," or other property, as the case may be, in the place in which the trust property may be situate, and by that name shall have perpetual succession, power to sue and be sued, a common seal renewable at pleasure, power to hold and receive real and personal estate, and improve, let, sell, or assign the same, or any part thereof, or any interest in or arising out of the same, and make bye laws and exercise such other powers as are conferred by law for the purpose of managing the temporal affairs of the said Chapel or other property, for the benefit of the Church to which the same may belong, or the educational or other objects to which it may be devoted.

2. All Chapels or other property as aforesaid held in trust as aforesaid in any part of this Province, shall be subject to the provisions of this Act, whenever a Board of Trustees to manage the same shall be elected as hereinafter mentioned, and a conveyance thereof shall be made to the Corporation by the existing Trustees, or other party conveying the same ; and the said Corporation shall then hold the same for the purposes aforesaid with as good a title, legal and equitable, as such Trustees had at the time of conveyance.

3. Every such Church, together with the congregation regularly attending and contributing to its funds, by pew-rents or otherwise, may annually at such time and in such manner as each Church shall prescribe by the male members present at any meeting for that purpose, elect any number of Trustees not less than three nor more than nine, from among the male members of the said Church or congregation, or both, who shall continue in office for one year or until others are elected in their stead.

4. Every meeting of the Church or Church and congregation, for any of the purposes aforesaid, shall be called by notice to be given by the Pastor or Minister presiding over the same, or if there be none, by any Deacon thereof, at any usual meeting of the Church for worship or business.

5. Such Trustees may on due notice meet together, and manage the temporal affairs of the Chapel for which they are elected, and the property in connexion therewith, for the benefit of the Church to which the same shall belong.

6. Every educational or other Society as aforesaid may at any annual or other meeting, to be held at any place on notice by post or otherwise, elect from among its members such number of Trustees as may be deemed necessary for the management of the affairs of any Seminary in connexion therewith, who may transact its business, on due notice to be given as aforesaid, or by a Committee to be appointed for that purpose at the same time by the said Trustees.

7. Whenever by this Act any Board of Trustees or number of persons may require to transact any business in connexion with their trust, a majority of those present at the meeting shall be sufficient for the purpose.

8. The annual revenue derived from the rent of lands belonging to any such Church, Seminary, or Society as aforesaid, shall not exceed five hundred pounds.

CAP XXX.

An Act to incorporate the Saint Stephen's Gas Light Company.

Section.

1. Company incorporated.
2. Power to hold property and execute works.
3. Authority to lay pipes in the streets.

Section.

4. Authority to form connections with other Companies.
5. First meeting, call of, and business.

Passed 12th April 1856.

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

1. That Stephen H. Hitchings, William Todd, George S. Hill, John M'Adam, Noah Smith, Junior, Seth W. Smith, their associates, successors, and assigns, are hereby made and constituted a body politic and corporate, by the name of "The Saint Stephen's Gas Light Company," and are vested with all

the powers and privileges and subject to all the restrictions and liabilities made incident to a Corporation by Act of Assembly in this Province,

2. Said Corporation is authorized to hold all such real and personal estate as may be necessary and proper to enable them to carry on the manufacture of Gas for the purpose of lighting the streets, factories, and all other buildings and works in the Parish of Saint Stephen and County of Charlotte, and to construct such reservoirs, gas holders, gas pipes, and other things as may be necessary and proper for such purpose; provided the whole amount of the capital stock of said Company shall not exceed thirty five thousand pounds.

3. Said Corporation shall have the right to lay gas pipes in any of the public streets or highways of said Parish of Saint Stephen; provided always, that the said Company shall at their own proper cost and charges, and to the satisfaction of the Commissioners of Streets and Highways for the said Parish for the time being, and without unnecessary delay, repair and replace in good condition the said streets and highways in every part where the said Company may break up or open the same; and on neglect or refusal so to do, the said Commissioners may cause the same to be repaired, and sue for and recover the expense incurred therein from the said Company in any Court of Record in the Province.

4. Said Corporation shall have the right to make such connection with other Gas Light Companies or Company within or without the Province, either by leasing their works to other Corporations or Corporation, or by consolidating the stock of their Company with that of other Gas Light Companies or Company, or in any other way they may think proper, and upon such terms and for such length of time as may be agreed upon.

5. Any two of the persons named in the first Section of this Act may call the first meeting of the said Corporation, by notice published in any Newspaper printed in said County of Charlotte seven days at least before the day of meeting; and at such meeting bye laws may be adopted, and all necessary officers chosen for managing the affairs of said Corporation.

CAP. XXXI.

An Act to continue an Act to incorporate the Courtney Bay Bridge Company.

Act 16 V. c. 63, continued.

Passed 12th April 1856.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the sixteenth year of the Reign of Her present Majesty, intituled “An Act to incorporate the Courtney Bay Bridge Company,” be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty two.

CAP. XXXII.

An Act to incorporate certain Districts of the Parish of Woodstock, in the County of Carleton, to be known as the Town of Woodstock.

Section.

1. Incorporation of described districts.
2. Town divided into Wards.
3. Government vested in a Town Council.
4. Election of Mayor, Councillors and Assessors;
5. Their qualification.
6. Qualification of voters.
7. Assessment lists to be filed with the Town Clerk.
8. Disqualification for Mayor, Councillor, or Assessor: payment.
9. Refusal to serve or take oath of office;
10. Residence without the Town limits; absence from meetings, effect of.
11. Time for first and subsequent elections.
12. Notice of elections to be given by the Clerk.
13. Nomination of candidates.
14. Supply of extraordinary vacancies.
15. Voting to be by ballot; how counted.
16. Court of nomination and the Poll, duration of, and other specialties.
17. Poll, when may be sooner closed.
18. Return of persons elected, and of votes.
19. Final delivery of poll lists, &c. to the Clerk.
20. Mayor, how long to continue in office.
21. Interim vacancies, notification and supply of.
22. Voters—Ward list, tax receipt, oath.
23. Swearing or affirming falsely.
24. Electors, where to vote.
25. Officer holding election to have the power of a peace officer.
26. Tax receipts of Mayor, Councillors and Assessors, to be filed.
27. Councillor elected for more than one Ward—proceedings.
28. Officers to be eligible for re-election;
29. To go out of office on day of annual election.

Section.

30. Meetings of Town Council.
31. Court for business, and its Minutes.
32. Meetings of Council; who shall preside; casting vote; open doors.
33. Minute book to be open for inspection.
34. Decision of officer holding election may be reviewed.
35. Council may appoint Committees.
36. Improper conduct of Councillors, proceedings on.
37. Adjournments of Council.
38. Annual election by Council of Clerk, Auditor, Treasurer, and other officers.
39. Clerk, Wharfinger, &c. to give Bonds.
40. Treasurer to receive all rates, &c. on Town account;
41. And disburse only on written order.
42. Detailed statement of receipts and expenditures to be published.
43. Officers to be accountable to the Council, and accounts open for inspection.
44. Council authorized to make laws on specified subjects.
45. Council to have sole power over streets, wharves, sewers, &c.
46. Authority to raise money by assessment, and by debentures.
47. Assessors, duty of, in assessing and filing roll.
48. Appointment of Assessor to make the apportionment.
49. Council empowered to regulate the collection and recovery of the rates.
50. Commitment on want of distrainable property.
51. Notice of assessments to non-residents.
52. Proceedings against non-resident defaulters.
53. Appeal in case of over-assessment.
54. Assessments recoverable from owners or occupants.

Section.

55. Debts to the Corporation to have precedence.
 56. Assessors may correct errors.
 57. Assessment to be valid, although 10 per cent. over amount.
 58. Power to regulate tavern keepers and retailers, transferred to Town Council.
 59. Citizens and officers to be competent witnesses.
 60. Mayor and Councillors deemed Justices of the Peace.

Section.

61. No Mayor or Councillor to be paid for services.
 62. Assessment of Corporations.
 63. Recovery of fines.
 64. Arrangements for support of the poor.
 65. Assessments for County purposes.
 66. New election on equality of votes for Mayor.
 67. Sheriff to hold first election, afterwards persons appointed by the Council.
 68. Gaol of Carleton to be gaol of the Town.

Passed 1st May 1856.

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

1. That from and after the passing of this Act all the inhabitants of that part of the Parish of Woodstock which is bounded as follows, viz :—Commencing at the River Saint John and at the north side line of lands now owned and occupied by William D. Smith; thence running the same course of said line back or westerly one mile; thence northerly and the same course with the River Saint John until it strikes the upper or north side line of land owned and occupied by the late Anthony Baker in his life time; thence easterly along said north side line to the River Saint John; thence southerly along said River Saint John to the place of beginning, and to include also Bull's Island in front thereof, shall be a Town Corporate in right and in name, by the name of "The Town of Woodstock," and shall have perpetual succession, and a common seal, with power to break, renew, and alter the same at pleasure, and shall be capable in law of suing and being sued, and purchasing and holding lands and tenements for the use of the said inhabitants, and of making and entering into such contracts and agreements as may be necessary for the exercise of their corporate functions, and to do and execute every other matter or thing incidental to such Corporation, subject to the provisions hereinafter mentioned.

2. That the said Town of Woodstock shall be and hereby is divided into three Wards, viz :—Ward number one, Ward number two, and Ward number three; to be severally bounded as follows :—

Ward Number One—Commencing at the mouth of the Maduxnakick Creek on the north side; thence running along the same to the bridge; thence northerly along the main highway road leading to Canada to the upper boundary line of the

said Town; thence easterly along the said line to the River Saint John; thence southerly along the said River Saint John to the place of beginning.

Ward Number Two—Commencing at the Maduxnakick Bridge on the west side of the main highway; thence northerly along the said highway to the upper boundary line of the said Town; thence westerly along the said boundary line to the rear line of the said Town; thence southerly along the said rear line until it strikes the Maduxnakick Creek; thence along the said Creek to the place of beginning.

Ward Number Three—Commencing at the River Saint John at the mouth of the Maduxnakick Creek on the south side thereof; thence westerly along said Creek until it strikes the western boundary line of Ward Number Two; thence southerly along the rear boundary line of the said Town until it strikes the lower or southerly boundary line of said Town; thence easterly along said lower or southerly boundary line to the River Saint John; thence northerly along the said River Saint John to the place of beginning; and to include also Bull's Island in front thereof.

3. The administration of the fiscal, prudential, and municipal affairs, and the whole legislative power and government of the said Town, shall be vested in one principal officer, who shall be the Mayor of the Town of Woodstock, and in six other persons, and in no other power or authority whatever, two of whom shall be annually elected for each Ward, and who shall be styled Councillors for the Town of Woodstock, all of whom shall be severally elected as is hereinafter directed; and such Mayor and Councillors for the time being shall be the Town Council; and all Bye Laws made by the said Council shall express to be enacted by the Town Council of the Town of Woodstock.

4. There shall be annually elected at the same time hereinafter appointed for the election of Mayor and Councillors one Assessor for each Ward; and no person shall be eligible for that office unless he be resident in the Ward for which he may be elected, and qualified to the extent required in the case of a Councillor.

5. No person shall at any time be qualified to be elected as Mayor, Councillor, or Assessor for the said Town, unless at the time of his election he be resident within the same, of the

full age of twenty one years, and shall have been assessed in the Assessment next preceding such election for real or personal estate, or both, within the said Town, to the value of one hundred pounds or upwards, and shall have paid before the time of such election all rates and taxes legally due from him within the said Town.

6. At the first election under this Act for Mayor, Councillors, and Assessors, no person shall be qualified to vote unless he be of the full age of twenty one years, and possessed at the time of such election of real estate or personal property within the said Town of the value of twenty five pounds or upwards; at every subsequent election all persons of the full age of twenty one years who shall have resided within the said Town for the period of two years, and shall have been assessed upon property in the Assessment next preceding such election, and non-residents who shall have been assessed as aforesaid for real estate within the said Town of the value of twenty five pounds or upwards, and shall have paid all rates and taxes due previous to such election, shall be qualified to vote; the evidence of such payment shall be a receipt from the Collector of Rates, who is hereby required to furnish the same under a penalty of forty shillings for each refusal.

7. It shall be the duty of the Assessors in each and every year, to file a copy of the Assessment List for each Ward with the Town Clerk within one month after the same shall be made up, and it shall be the duty of the said Clerk on or before the first day of March in each and every year, to make up from the assessment lists a true and correct registry or list for each Ward, of the persons qualified under this Act to vote at the next ensuing election for Mayor, Councillors, or Assessors, and shall on or before ten of the clock in the morning of the day appointed to hold any election under this Act, deliver to each of the officers appointed to hold the same a copy of the registry or list for the Ward in which he is to preside.

8. No person shall be qualified to be elected to serve in the office of Mayor or Councillor so long as he shall hold any office or place of profit in the gift or disposal of the Council, nor during such time as he shall by himself, his partner, or in any other way or manner, directly or indirectly have any share or interest in any contract or employment with or on behalf of

the said Council; nor shall any person accountable for the Town revenues, or any part thereof, nor any officer or person presiding at any election of a Mayor, Councillor, or Assessor, while so presiding, nor any clerk or assistant employed by him at any such elections, while so employed, be elected to the office of Mayor, Councillor, or Assessor in the said Town: provided nevertheless, that no person shall be disqualified to serve as Mayor, Councillor, or Assessor as aforesaid, by reason of his being a proprietor or shareholder in any Company which shall or may contract with the Town Council for lighting, or supplying with water, or insuring against fire, any part of the said Town; provided always, that such disqualification shall not arise from holding any lease of land from the Corporation; and that no Councillor shall receive into his hands any moneys for and on account of any contract, work, or employment, made, done, or performed by, or on behalf of, or by direction of the said Corporation, but that all moneys due by the said Corporation on any such account shall be paid by the Treasurer of the Town to the person or persons who shall have actually done such work, and shall be entitled to such moneys by, under, or for such contract, work, or employment, or to his or their order.

9. When any person duly elected to the office of Mayor, Councillor, or Assessor, shall neglect or refuse to accept the same within the time limited, or to take the oath of office as aforesaid, the said office shall be deemed vacant, and shall be filled up by a new election to be made in the manner hereinafter provided for holding elections.

10. If any person holding the office of Mayor, Councillor, or Assessor, remove his place of residence without the limits of the Town, or shall be absent from the meetings of the Council for more than two months at any one time, except in case of illness or by leave of the Council first obtained, then in every such case such person shall immediately be deemed and taken to be disqualified, and shall cease to hold his office of Mayor, Councillor, or Assessor, and his place shall be filled up by a new election, to be made in the manner hereinafter directed for holding elections.

11. The first election for a Mayor, Councillors, and Assessors for the said Town, after the passing of this Act, shall be

held on the second Monday in May in the present year; and the annual election for a Mayor, Councillors, or Assessors as aforesaid, in all succeeding years, shall be held on the second Monday in March in each and every year.

12. Public notice of the time and place for holding every such election respectively shall be given by the Clerk, by publishing such notice in one or more of the public Newspapers printed in the said Town, and by printed handbills in the several Wards, for not less than ten days previous to such election; provided always, that the elections in the several Wards for Mayor, Councillors, and Assessors, shall be held on the same day and hour.

13. At every annual election to be held under and by virtue of this Act, and before the polling commences, which shall be at ten o'clock in the forenoon, there shall be nominated by duly qualified electors out of the persons capable, including the Mayor, Councillors, and Assessor then in office, one or more persons for the office of Mayor, two or more persons for the office of Councillors in each Ward, and one or more persons for the office of Assessor in each Ward, and no vote shall be counted except those given for one or more of the persons so nominated as aforesaid.

14. At all elections to supply extraordinary vacancies, there shall be nominated in the manner hereinafter provided, and out of persons duly qualified, one or more persons according to the nature or number of vacancies so to be supplied, and the votes given for the persons so nominated only shall be counted.

15. All voting under this Act for election of Mayor, Councillors, or Assessors, shall be by ballot and not by open vote, and a separate ticket shall be given by each voter for each office then about to be filled, but a blank ticket shall not in any case be counted as a vote; and provided also, that if in sorting the votes it shall be found that two or more ballots are enclosed in the same cover, or if the name of the same person be more than once entered in the same ballot, or if any ballot shall contain a greater number of names of persons as designated to any office, than there are persons to be elected to such office, all such ballots shall be rejected in toto and destroyed.

16. At all elections to be held under this Act, the Court for nomination of candidates or persons proposed shall be opened

at nine o'clock in the forenoon, by and before the officer or person appointed to hold such election; and the Poll shall open at ten o'clock in the forenoon, and shall continue open until five o'clock in the afternoon of the same day, unless sooner closed as hereinafter provided, and the name of each elector voting at such election shall be written in a Poll List to be kept at such election by the officer or person holding the same; and after finally closing the Poll for Mayor, Councillors, or Assessors at any such election, the officer or person by whom the same shall be held, shall forthwith proceed openly and publicly to ascertain and declare the number of votes given for each of the candidates or persons for whom the votes shall then have been given, and he shall also then publicly declare the person or persons having the greatest number of votes in his and their favour to be duly elected as such Councillors or Assessors, and return the number of votes given for each Candidate for the office of Mayor to the Town Clerk, who shall upon the receipt of the returns from all the Wards declare the candidate having the greatest number of votes to be duly elected; and the officer or person so presiding, whether otherwise qualified or not, shall give a casting vote in cases where such casting vote may be necessary to determine the election of Councillor or Assessor.

17. The officer or person holding any such election shall not be bound to keep the Poll open until five o'clock in the afternoon in any case where no more candidates have been proposed than may be necessary to be then elected, but in any such case the presiding officer may immediately after ten o'clock in the forenoon close the Poll and declare such candidate or candidates to be duly elected; and provided also, that if no vote shall be polled or offered during any one hour at one time after twelve o'clock, then and in such case the presiding officer shall close the Poll as aforesaid at the expiration of such hour, and proceed to ascertain and examine the votes given, and declare the persons elected in the manner hereinbefore directed.

18. The officer or person holding any election for Mayor, Councillors, or Assessors as aforesaid, shall immediately after the close thereof make a return to the Clerk of the names of the persons having the greatest number of votes, and declared

by him duly elected at such election for Councillors or Assessors, and the number of votes given for each candidate for the office of Mayor.

19. The Poll List kept at every such election, and the receipts delivered in by the electors hereinafter mentioned, shall on the next day after the conclusion of such election, (unless such day be Sunday, Christmas Day, or Good Friday, and then on the day next thereafter,) be delivered by the officer or person holding the same to the Clerk, to remain in his office, where they shall be open for inspection to any elector on the payment of one shilling.

20. Any person duly elected to the office of Mayor, and accepting the same by taking the prescribed oath as by this Act directed, shall be and remain in office as such Mayor, with all the powers and responsibilities incident to such office, until he die or become disqualified as hereinbefore provided, or until another person be sworn into office in his stead; and if any person holding the office of Mayor be at any annual election re-elected to the said office, it shall not be necessary for him to be again sworn into office as such Mayor.

21. If any vacancy shall happen by the death or disqualification of the Mayor, or of a Councillor or an Assessor, the Mayor, or in case of his absence, or if there be no Mayor, then any three of the Councillors shall by order in writing, and within ten days after the vacancy shall have happened, direct the Clerk to give public notice as hereinbefore provided, of the time and place when and where an election will be held to supply the said vacancy or vacancies, and such election shall be held in the manner provided in and by this Act.

22. No person shall be allowed to vote at any election for Mayor, Councillor, or Assessor, unless his name shall appear in the list of voters for the Ward in which he claims to vote, and before he be permitted to vote, shall deliver to the officer or person holding such election a receipt from the Collector of Rates as provided in and by the seventh Section of this Act, and also if required by the officer or person holding such election, or by any one of the candidates, or by any person duly qualified to vote at such election, shall make oath, or being a Quaker, shall make affirmation before the officer or person holding such election in the form following, that is to say:—

‘ I, A. B. do solemnly swear (or affirm) that I am of the full age of twenty one years, and that I am the person named in the receipt now exhibited by me, and the person named in the list of voters, and that the said receipt was given to me by the Collector of Rates whose name is thereto subscribed, and that I have not before voted at any Ward at this election.— So help me God.’

Which oath or affirmation, the officer or person holding such election is hereby authorized to administer, and in every case where the elector shall have been sworn as aforesaid, the presiding officer shall note in his Poll Book that such elector had been sworn, or had affirmed.

23. If any person shall knowingly swear or affirm falsely in taking any or either of the oaths, or in making the affirmation prescribed in and by this Act, he shall be deemed guilty of wilful and corrupt perjury, and on conviction shall suffer the pains and penalties provided by law in the like cases.

24. At any election for Mayor, Councillors, or Assessors, every elector shall vote in the Ward in which he resides and not elsewhere, and non-residents shall vote in the Ward in which the property lies, but no person shall vote at any one election in more than one Ward; non-residents having property in more than one Ward may notify the Clerk of the Ward in which he desires to vote, and the Clerk shall enter his name in the list for that Ward.

25. Every officer or person holding any such election for Mayor, Councillors, or Assessors as aforesaid, shall be and may be deemed a peace officer on that occasion, and shall have power and authority to maintain and enforce order and decorum and preserve the peace at the election held by him, and to suppress all riotous and disorderly conduct thereat; and all peace officers and all others Her Majesty’s subjects, are hereby required and commanded to be aiding and assisting him therein, and any person neglecting or refusing to give such aid and assistance when thereunto required by such presiding officer, shall be taken and deemed guilty of a misdemeanor; and if any person or persons shall commit violence, or be engaged in any affray or riot, or shall in anywise disturb the peace and order at such election in any manner whatever, or in anywise interrupt the Poll or the business thereof, or wilfully

obstruct or threaten any person coming to vote, the officer or person holding any such election shall have power and authority, on view or on oath of one credible witness, (which oath the officer or person holding such election is hereby empowered to administer,) forthwith to order such person into custody, or to commit him to prison, should such officer deem it expedient, by warrant in writing directed to the Sheriff or his deputy, or to any constable within the Town, or to the keeper of the gaol or lock-up house; which warrant such Sheriff, deputy sheriff, constable, or gaoler, shall and may, and is hereby required forthwith to obey, under a penalty not exceeding ten pounds for disobedience thereto; provided that such imprisonment or restraint shall not continue more than forty eight hours after the adjournment or dissolution of such meeting; and provided also, that the person or persons so guilty of such disorderly or riotous conduct, or of disturbing or interrupting the Poll in any way or manner whatever, as hereinbefore specified, shall be liable, notwithstanding such restraint and imprisonment, to be otherwise prosecuted and punished as if no such arrest had been made.

26. The Mayor, Councillors, and Assessors, before entering upon the duties of their offices respectively, shall file with the Clerk the assessment receipts given to them severally by the Collector of Rates as hereinbefore provided, and shall also severally be sworn, or in case of Quakers, shall make affirmation, by taking and subscribing the following oath of office before any Justice of the Peace, that is to say:—

‘ I, A. B. do solemnly swear (or affirm) that I am a British subject, and am qualified as by law required in every respect, for the office of Mayor, (Councillor, or Assessor, *as the case may be,*) to which I have been elected; and that I will diligently, faithfully, and impartially, and to the best of my ability, discharge the several duties which appertain to the said office of Mayor, (Councillor, or Assessor, *as the case may be,*) while I hold the same.—So help me God.’

27. If at any election any person shall be elected as Councillor for more than one Ward of the said Town, he shall within three days after receiving notice thereof, make his option and declare for which he shall serve, or in his default, the Mayor for the time being shall declare for which one of

the said Wards such person shall serve as Councillor, and thereupon such person shall be held to have been elected in that Ward only, and another election shall thereupon be held in the Ward so left vacant as in other cases of extraordinary vacancies.

28. At the annual election to be held under this Act, all the officers whose term shall then expire shall be eligible for immediate re-election, if duly qualified in other respects.

29. The Councillors and Assessors to be elected under this Act shall severally go out of office on the day hereinbefore prescribed for holding the annual election.

30. The said Town Council shall meet for the transaction of business at such time and place as the Mayor or any four Councillors may from time to time appoint, giving at least three days public notice of such meeting; provided always, that there shall be four quarterly meetings in each and every year, to be held at such time and place as the Council may by any bye law appoint.

31. In all meetings of the Council to be held under this Act, three members with the Mayor or Chairman, shall constitute a Court for the purpose or purposes for which they had been convened as aforesaid, and a majority of the members present shall determine the questions and matters submitted for consideration; and it shall be the duty of the Clerk at all meetings to keep a minute of the proceedings, in which he shall enter the names of the members who shall be present at the opening or during the continuance of such meeting, and the persons whose names have been so entered shall be deemed and taken to be to all intents and purposes present at such meeting, until the same shall be finally adjourned or dissolved by the presiding officer; and the rules, orders, and regulations, enactments and decisions of such meeting shall not be deemed illegal, or contrary to the true intent and meaning of this Act, notwithstanding some of the members shall withdraw therefrom previous to such adjournment or dissolution.

32. At all meetings of the Council, the Mayor, if he be present, shall preside, and in case of his absence the Councillors present shall choose one of their own number to act as Chairman and preside at such meeting; and the Mayor or Chairman so presiding shall not vote, except in case of equal votes upon

any question, and he shall then have a casting vote, and all meetings of the Council shall be held with open doors.

33. The minutes of proceedings of all meetings of the said Council to be held as aforesaid, shall be drawn up and fairly entered in a book to be kept for that purpose by the Clerk, and shall be signed by the Mayor or Chairman presiding at such meeting, and the said Minute Book shall be open on payment of the fee of one shilling, to the inspection of all persons qualified to vote at the election of Councillors.

34. If any candidate or duly qualified elector be dissatisfied with the decision of the officer or person holding any election under this Act, in any case relating to the return of a Mayor, Councillor, or Assessor, such candidate or elector shall within ten days next after the day of such election, make application in writing through the Clerk to the Council, setting forth the cause of complaint, and demanding an investigation thereon, and the said Council are hereby authorized and required to assemble and examine, and determine the matter of such complaint without delay; but the Mayor or Councillor whose return or seat is in dispute shall not vote on the examination of such complaint; and if it shall appear to the Council by satisfactory evidence on complaint as aforesaid, that any person has been returned and is serving as Mayor, Councillor, or Assessor, contrary to the provisions of this Act, the said Council shall declare his election to be void, and shall direct a new election to be held to supply his place, as in the case of other extraordinary vacancies.

35. It shall be lawful for the said Council to appoint from out of the members composing such Council, such and so many Committees, and consisting of such number of persons as they may think fit, for the transaction of the business before such Council, and for the discharge of such duties as by the said Council may be prescribed, but subject in all things to the approval, authority, and control of the said Council, and in all questions coming before any such Committee, a majority of the members present shall determine such question, provided that a majority of the persons composing such Committee be present.

36. If at any meeting of the said Council to be held under this Act, any member of the Council shall be guilty of grossly

violent or improper conduct, or shall make use of language indecent, or profane, or insulting to the presiding officer, or to any member of the Council present at the meeting, the Council, if five members in all, or more, besides the offender, be then present and concur in the sentence, may expel such offending Councillor from the Council, or another meeting may be specially summoned to adjudicate upon the subject, the time and object of such meeting being previously notified in writing to every member, or to be left at his usual place of abode; and if five members at least, including the offender, be present at such special meeting, the Council so assembled shall have power in such manner as may be determined at such meeting, to punish the offender by reprimand, fine, or expulsion, as any five of the members then present shall think fit; provided that in case of expulsion, the person so expelled shall forthwith cease to be a member of the Council, and forfeit all rights, powers, and privileges enjoyed by him as such, and the Mayor shall immediately order a new election to supply the vacancy occasioned by such expulsion, as in the case of other extraordinary vacancies; and provided also, that in case a fine shall be imposed, the same shall in no case be more than five pounds, to be recovered with costs in the name of the Treasurer, who is hereby authorized and required to sue for the same before any competent Court in a summary manner, in which a certificate of the Clerk shall be conclusive evidence of the defendant's liability, which certificate the said Clerk is hereby authorized and required to furnish without fee or reward.

37. Any meeting of the Council to be held under this Act may be adjourned from day to day, for three days in the whole, and no longer.

38. At the first meeting of the Council after every annual election, or at any subsequent meeting, the said Council, if they see fit, may nominate and appoint from time to time for the said Town, a Clerk, an Auditor, a City Treasurer, a Marshal, a Clerk of the Market, and so many Constables, Surveyors of Roads, Collectors of Rates, Pound Keepers, Harbour Masters, Wharfinger, or Overseers of the Poor, according to the true intent and meaning of this Act or any bye-law, and to define the duties of such officers and their respective terms of office, which, except in cases of the Clerk

and Treasurer, shall not be longer than one year, unless they be re-appointed, and the Council may also remove or displace any of the said officers and appoint others in their stead, and to impose penalties for the non-performance of duties, or other misdoings of such officers, and to cause such penalties to be levied and recovered by distress or otherwise as such Council may direct, and shall grant and allow in any year by stated salary or otherwise, to the Clerk and other officers so to be appointed as aforesaid, such allowance or compensation for their services as the said Council may think fit; provided that no person shall be capable of acting in any office to which he may be appointed by the Council, until he shall have been sworn or have affirmed before the Mayor that he will diligently, faithfully, and impartially, and to the best of his ability, discharge the several duties appertaining to the office to which he has been appointed, so long as he shall hold the same.

39. No person shall be capable of acting as Clerk, Wharfinger, Collector of Rates, or in any other office or capacity accountable for the revenues or any part thereof, until he shall have entered into a Bond to the said Corporation, with two sufficient sureties to be approved by the Council, in such form and for such penal sum as the Mayor may approve or any bye law prescribe, conditioned to account for and pay over to the Treasurer all moneys received by him on behalf of the said Town; and provided also, that the Treasurer, before entering upon the duties of his office, shall enter into a Bond to the said Corporation, with two or more sureties to be approved of by the Council, in the sum of two hundred pounds, conditioned for the faithful performance of the duties of his office.

40. The Treasurer of the said Town shall receive all rates, taxes, assessments, fines, penalties, imposts, or other moneys payable by the inhabitants of the said Town, or received for and on account of the revenues of the said Town, under and by virtue of this Act, or of any bye laws to be made by the Town Council, by the authority of the same.

41. The said Treasurer shall not pay out any money as such Treasurer, otherwise than upon an order in writing of the Council of the said Town, to be signed by the Mayor, or in his absence, by the Councillor presiding at any meeting of

the Council when such moneys were ordered to be paid, and countersigned by the Clerk.

42. It shall be the duty of the Council to publish in one or more of the Newspapers published in the Town, one month before the annual election of Mayor and Councillors in each year, for the information of the citizens, a full and detailed statement of the receipts and expenditure of the Corporation during the past year; and in every such statement the different sources of revenue and the amount received from each, the several appropriations made by the Council, the objects for which the same were made and the amount of money expended under each, the moneys borrowed on the credit of the Corporation, the authority under which such loan was made and the terms on which the same was obtained, shall be clearly and particularly specified, together with the amount of assessments ordered and made, the several purposes of such assessments, the amount actually received under such assessments, and a detailed account of the application thereof; and such statements and accounts shall be made up to the thirty first day of December preceding such publication in each year, signed by the Mayor and Clerk of the Town for the time being.

43. All Boards, Commissioners, and officers appointed to act under the authority of the said Council, and entrusted with the collection or expenditure of any moneys belonging to the said Corporation, shall be accountable therefor to the said Council in such manner as may be ordained and directed by the bye laws and ordinances of the said Council; and the Books of Accounts of the said Corporation, shewing the amounts, particulars, state and circumstances, and also the receipts and expenditure of the property, funds, taxes, and effects, and fees belonging and accruing or payable to the said Corporation or any of its officers, and a full and particular account of the same, shall be deposited and kept in the office of the Clerk, and shall be there exhibited for the inspection and examination of every elector of the Town who may within the usual office hours on any business day apply to inspect and see the same, on payment of one shilling for every such inspection or search.

44. The said Council in addition to the general powers of making bye laws for the good government of the said Town,

and the other powers incident thereto, especially conferred in and by the provisions of this Act, shall in the manner hereinafter mentioned have the sole power and authority from time to time to make, ordain, enact, revise, alter, and amend such laws as they may deem proper for the several purposes following, within the said Town, that is to say :—

1st. The regulating weights and measures in the public markets and all other places within the said Town, according to the lawful standard, and to authorize the seizure and destruction of such as are not according to the standard, and to impose fines or penalties on the owner of or persons using such defective or fraudulent weights or measures, beams, scales, or other devices for weighing.

2nd. To regulate and manage the market or markets, and to establish and regulate market days and fairs, provided that the same shall not come into operation until sanctioned by the Municipal Council of the County.

3rd. To regulate the manner of selling, weighing, and measuring butcher's meat, fish, vegetables, grain, hay, straw, and fodder, and to grant licences for the due weighing and admeasurement thereof.

4th. To restrain and regulate the purchase and manner of selling of vegetables, fruit, country produce, poultry, and all other articles and things, or of animals openly exposed for sale or marketed.

5th. To restrain and regulate the purchase of such things by hucksters and runners living within the Town.

6th. To regulate the measurement of coal, lime, salt, grain, boards, cordwood and other fuel, clapboards, shingles, laths, and other lumber, and to impose penalties for light weight or short count or measurement on any thing marketed.

7th. To regulate all vehicles, vessels, and other things in which any thing may be exposed for sale or marketed in any street or public place, and to seize and destroy all tainted and unwholesome meat, poultry, fish, or other articles of food, and to impose and recover such reasonable penalties as may be found proper, upon the person or persons exposing for sale such tainted or unwholesome articles within the said Town.

8th. To regulate the assize of bread, and provide for the seizure of bread baked contrary thereto, and to impose penal-

ties upon the person so baking contrary to the provisions of any bye law to be made on that behalf.

9th. To regulate the anchorage, lading and unlading of vessels and other craft arriving at the said Town.

10th. To regulate and provide for the erection, management, and rent of wharves, piers, quays, landings, and docks in the said Town, being the property of said Corporation, and the toll to be paid for vessels and steamboats touching thereat or using the same, and to regulate and establish ferries within the limits of or belonging to the said Town.

11th. To regulate carters, wagoners, and cartmen, the price to be paid to them for hauling loads in the said Town, and the quantity to comprise a load.

12th. To enforce the due observance of the Sabbath.

13th. To punish vice and immorality and indecency in the streets or other public places within the Town.

14th. To preserve peace, health, and good order.

15th. To prevent the spreading of infectious or other diseases.

16th. To prevent excessive beating, or other cruel and inhuman treatment of animals.

17th. To prevent the sale of any intoxicating drinks to children, apprentices, or servants, without the consent of their lawful protectors.

18th. To impose penalties on the keepers of low tipping houses, frequented or visited by dissolute and disorderly persons, where spirituous liquors are not sold.

19th. To licence, regulate, or prevent billiard tables, bowling alleys, or other places of amusement.

20th. To restrain or suppress gambling houses, and to enter into them and seize and destroy rouge et noir and roulette tables, and other devices for gambling.

21st. To restrain and punish all vagrants, drunkards, mendicants, and street beggars.

22nd. To restrain or to regulate the licencing of all exhibitions of natural or artificial curiosities, and all theatres, circuses, or other shows or exhibitions for hire or profit, and for preserving quiet and good order thereat.

23rd. To establish and regulate one or more pounds, and the fees to be taken thereat.

24th. To restrain, regulate, or prevent the running at large

of horses, cattle, swine, goats, sheep, dogs, geese and poultry, and to impound the same.

25th. To impose a tax on the owners or harbourers of dogs, and to regulate and prevent dogs running at large, and to provide for killing such as are found so running at large contrary to any law or bye law, after public notice given.

26th. To abate and cause to be removed all public nuisances, and all filth and encumbrances in the streets.

27th. To regulate the construction of privy vaults and sinks on private property.

28th. To cause vacant lots in central situations when they become nuisances to be properly enclosed at the cost and expense of the owners, and to recover such expenses with costs in a summary manner.

29th. To regulate and prevent the erection or continuance of slaughter houses, distilleries, tanneries, and manufactories or trades which may be or be likely to become nuisances.

30th. To prevent the ringing of bells, blowing of horns, shouting, and other unusual noises in the streets and other public places.

31st. To purchase, enclose, plant, lay out, and adorn any public square, park, or parade, for the use of the Town, and to make and ordain rules for the government and preservation thereof, and to impose penalties and punishment by fine or imprisonment, or both, for the violation or non-observance of such rules.

32nd. To prevent the injuring or destroying of trees planted within any of the streets or public grounds of the said Town.

33rd. To prevent immoderate driving or riding within the Town, and to regulate driving and riding on or across Maduxnakick Bridge in the said Town.

34th. To establish bathing houses, and prevent or regulate bathing within or near the said Town.

35th. To regulate and licence owners of livery stables, or other owners of horses or carriages letting out the same for hire or profit, and also porters, butchers, and hucksters.

36th. To establish and regulate a police for the said Town, and take up and arrest, or order to be taken up and arrested, all rogues, stragglers, idle and disorderly persons, and order them to be set to work on the streets, or committed to the

workhouse or common gaol for such term, not exceeding ninety days at any one time, as shall seem meet.

37th. To provide for the proper keeping of the poor, and management of any house of refuge, hospital, workhouse, bridewell, or house of correction that may be established in the said Town, and also to provide for the erection or establishment of any such houses of refuge, hospitals, workhouses, bridewells, or houses of correction as they may deem necessary for the public welfare.

38th. To erect, preserve, and regulate public cisterns, reservoirs, and other conveniences for the supply of good and wholesome water, or for the extinguishing of fires, and to make reasonable charges for the use thereof.

39th. To establish, make, and regulate public fountains, pumps, and wells, and to prevent the waste and fouling of public water.

40th. To prevent or regulate the firing of guns or other fire-arms.

41st. To prevent or regulate the firing or setting off of squibs, fire-balls, crackers, or other fireworks.

42nd. To prevent or regulate the keeping or transporting of gunpowder, or other combustible or dangerous substances.

43rd. To prevent or regulate the use of fire, lights, or candles in livery or other stables, and in cabinet makers' and carpenters' shops, and in other places where combustible substances are kept, and to prevent or punish the use of pipes and cigars in such places.

44th. To regulate the carrying on of manufactories or trades dangerous in causing or promoting fires.

45th. To regulate and require the safe keeping of ashes in proper deposits.

46th. To provide for the security, safety, and advantage of the inhabitants, by such rules and regulations and restrictions as they may deem expedient to be observed by all persons in the erection of buildings to be built within the populous parts of the said Town.

47th. To regulate the construction of any chimney flue, fire place, stove, oven, boiler, or other apparatus or things in any house, manufactory, or business which may be dangerous in causing or promoting fires.

48th. To enforce the proper cleaning of chimneys.

49th. To regulate the number of fire buckets to be provided by the several inhabitants, and the time and manner in which they shall be so provided, and also to provide for the management and examination of such buckets, and the use of them at fires.

50th. To regulate the conduct, and enforce the assistance of the inhabitants at fires, and for the preservation of property thereat.

51st. To make regulations for the suppressing of fires, and the pulling down or demolishing adjunct houses, and remunerating the owners thereof in certain circumstances.

52nd. To compel the owners or occupiers of houses to have ladders leading to and on the roof of such houses.

53rd. To establish and regulate engine, fire, hook, ladder, and property saving companies, and to provide and afford exemptions and immunities to the officers and members thereof.

54th. To provide for the purchase of such and so many fire engines as they may deem necessary.

55th. To provide for the payment of such premiums or rewards for early attendance of wagons and other vehicles with water at fires, as to the said Town Council may from time to time seem expedient.

56th. To appoint from time to time such and so many persons to be Firewards as the said Council may think proper, and to enact rules and regulations prescribing the duties of such Firewards.

57th. To regulate the management and provide for the security of the public property of any kind belonging to the said Town, and to provide for the permanent improvement of the said Town in all matters as well ornamental as useful.

58th. To provide for the erection, preservation, and security of lamp-posts, sign-boards and other fixtures within the Town.

59th. To provide for defraying out of the funds of the Town, if it be deemed necessary, the expense of lighting the same or any part thereof with gas, oil, or other substances, and for the performing of any kind of work required for the purpose of supplying the said Town with gas, oil, or other substance, and for compelling the proprietors or occupiers of real property to allow such work to be done, and to permit

such fixtures as may be necessary to be placed in and about their premises, such work and fixtures to be at the cost of the said Town, and to provide for the erection of all works connected with such lighting, or that may be necessary to furnish a supply of gas, oil, or other substances for the inhabitants of said Town; and generally to make all such laws and ordinances as may be necessary and proper for carrying into execution the powers herein vested or that may hereafter be vested in the said Town Council, or in any officer or department of the same, subject to the limitations with respect to penalties contained and prescribed in and by this Act.

45. The said Council shall have and they are hereby invested with the sole and exclusive power to open, lay out, regulate, repair, amend, and clean the streets, lanes, and alleys now existing or that may hereafter be found necessary within the said town, and of such parts of highways and bye roads (if any) as may be within the limits thereof, and of putting and building drains, sewers, culverts, and bridges therein, and to prevent the encumbering of the same in any manner, and to protect the same and every part thereof from encroachment and injury by such laws and ordinances as the said Council may from time to time enact and establish for the purposes aforesaid; and for making, flagging, planking, macadamizing, paving, raising, repairing, lighting, watching, planting, and chaining any or any part of the streets, squares, commons, lanes, alleys, walks, sidewalks, crossings, roads, bridges, wharves, docks, slips, and shores now laid out or erected or hereafter to be laid out, executed, or erected [either] within the limits of the said Town, and to regulate or prevent the encumbering, injuring, or fouling of the same by any animals, vehicles, vessels, crafts, lumber, building or other materials or things, in any way or manner whatsoever, and to make, ordain, and enforce bye laws and regulations for the confiscation, sale, removal, or destruction of any such encumbrances or any such nuisance, and to impose penalties on the owners or persons placing the same in such places, and to levy and recover the same by distress and sale of goods, or to award punishment therefor by the imprisonment of the party offending, as may seem discreet and proper in the respective cases, and to regulate the breaking of the roads and streets of the said Town in the winter,

and to require the owners of horses, sleds, and other teams to assist thereat ; and to provide for erecting, making, or repairing any common sewer, drain, flagging, posts, or pavement of stone, deal, plank, or other material, in any public square, street, or place, or for assessing the proprietors or lessees of such real property as will be immediately benefited by such improvements, and to regulate the time and manner in which such assessment shall be collected and paid ; and for directing and causing the removal at any time of any future erections, projections, or obstructions whatsoever which may project into or over any public street, square, or road, at the expense of the proprietors, lessees, or of the occupants of the real property in or near which such erection, projection, or obstruction may be found ; provided that nothing in this Act contained shall extend or be construed to extend to authorize the opening of any streets, roads, or highways through the private property of any person or persons without complying with the provisions of any Act or Acts of the Province for providing for the awarding of damages to any person or persons who may be injured thereby.

46. It shall be lawful for the said Council at any meeting or meetings to be held as hereinbefore provided, to direct the raising, assessing, levying, collecting, and applying such moneys as may be required for the execution of the powers with which the said Council is hereby invested, and for maintaining a good and efficient system of Police in such manner as may by any bye laws of the said Council be provided, either by imposing tolls and rates to be paid in respect of any public works, or in respect of any other matter or thing within the said Town, or by means of any rate or assessment to be assessed or levied on real or personal property, or both, within the Town, or upon the owners or occupiers thereof in respect of such property, or upon the income of the inhabitants of the said Town derived from any trade, employment, profession, or calling within the Province, or upon the poll of the inhabitants, or upon the sale of goods by public auction within the said Town, or upon the capital stock or other trading capital of any Bank, Banking Company, Insurance or other Trading or Joint Stock Company or Corporation, or upon the Agencies of Foreign Companies, being Companies whose principal place

of business is not within this Province; provided that not more money in the whole than five hundred pounds shall in any one year be assessed or levied, or be collected and raised from the said Town, whether by rents of property or otherwise, in any way or manner whatever by authority of the said Council, over and above such amount as may be necessary for the relief of the poor, the support of the fire department, lighting the Town, and making and repairing the streets and roads, and provided also that the Council may at their discretion remit so much of the rates imposed upon mills and other manufacturing establishments within the said Town as they shall deem just and reasonable; and to borrow money not exceeding five hundred pounds in any one year, and to issue Debentures therefor on interest.

47. Immediately upon the annual election of Assessors as hereinbefore provided, and after they have been sworn into office, the said Assessors shall give public notice of their appointment in one or more of the public Newspapers printed within the said Town, and any inhabitant or person owning property in the said Town, may at any time within forty days after the date of such notice, give into the said Assessors or any one of them, a statement of his property and income in the manner prescribed by the Act relating to the government of Counties, Towns, and Parishes; and the Assessor, if such statement be attested before a Justice of the Peace or the Mayor, who are severally hereby authorized to administer such oath, shall estimate or assess the property and income of such person at the amount mentioned in such statement, and no more; and the Assessors, at the expiration of forty days as aforesaid, shall proceed to assess or appraise the real and personal estate of the several inhabitants of the Town, and of non-residents having property therein, and the income of the said inhabitants derived from any trade, employment, profession or calling within the Province, (but not from real or personal property,) and shall file with the Clerk a roll or list of such assessment, to be prepared in such form as the Council may determine.

48. Whenever the said Council may order any sum of money to be raised by rates or assessment upon the Town as aforesaid, they may appoint one or more of the Assessors then

in office to make the apportionment of such rates according to the list so filed by the Assessors with the Clerk.

49. The said Council by any bye law made for that purpose, shall have power to regulate the time and manner of collecting the rates upon any assessment within the said Town, and to allow a reasonable discount for the prompt payment of such rates before the list or book shall be placed in the hands of the Collector, and establish a summary method for recovering the rates due from defaulters residing within the said Town, by writ, in the nature of a *levari facias*, in the manner used for recovering fines from jurors for non-attendance; provided that no such process shall issue for the recovery of rates due by any person rated and residing within the said Town, until at least ten days after a printed or written notice shall have been delivered to such person, or left at his dwelling house or last known place of abode, either with his wife or some adult member of his family, if any such can be found, which notice shall contain a statement shewing the several amounts assessed or rated against such person and the time at which the same is to be paid, nor until the default shall be made to appear by the affidavit of the Collector, or other satisfactory testimony.

50. If any person residing within the said Town and rated therein, shall not have any property whereon to distrain for the rates due and not paid by him, it shall be lawful for the Mayor, by warrant under his hand and seal, to cause such person to be committed to the common gaol or to the lock-up house in the said Town, until the said rates be satisfied; provided however, that no person who may be so committed for default in the payment of rates shall be detained more than one day for every two shillings of the amount assessed and of the costs directed to be levied, nor 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, but the execution or process shall remain in full force and effect as against the property of such person, for the space of two years from the date thereof; and provided always, that no person under arrest for non-payment of rates as aforesaid, shall be deemed entitled to the benefit of the gaol limits.

51. When any person assessed as a non-resident shall have a known agent in the said Town, the notice hereinbefore

provided to be delivered to residents shall be delivered to such agent in respect of the rates assessed against his principal, and if such non-resident shall not have any known agent in the Town, the Town Clerk shall cause a list to be published in some one or more Newspapers published in the Province, containing the names of all such non-residents who have no known agents, and the amounts due from them respectively, and such publication shall be continued for three months, excepting the names of those who may sooner pay the amounts due from each of them with their respective proportions of the expenses.

52. The Collector at the end of such three months' publication or delivery of the notice to an agent as aforesaid, shall make application to the Mayor under oath, setting forth the assessment and default, and the said Mayor is hereby authorized by warrant under his hand and seal, to direct the Sheriff or a Coroner of the County of Carleton to sell at public auction to the highest bidder, first giving thirty days notice of such sale in some Newspaper published in said County, so much of the real estate of the person named in such warrant as in his judgment may be sufficient to pay such assessment with all the costs and charges attending the recovery thereof, retaining the overplus (if any) for the use of the owner; and the said Sheriff or Coroner is hereby authorized and directed to make such sale, and to execute a Deed to the purchaser of such property, his heirs and assigns, and to deliver seizin and possession thereof to the purchaser.

53. Any person believing himself over-assessed or otherwise aggrieved by any assessment made in the said Town, or the agent of any non-resident assessed as aforesaid, may appeal to the Council at any time within twenty days after notice as hereinafter provided shall have been delivered to him or left at his last known place of residence, and the Council shall have power to give such relief as they shall deem just and equitable, by adding the name of such person to the assessment list, or in case of over-assessment by either ordering a deduction to be made from the amount of rates then assessed against him, or by an order that the Assessor in the next succeeding year shall make the said deduction from the amount which otherwise would be assessed against appellant in such succeed-

ing year, and in the latter case the amount so to be deducted shall be entered in the assessment roll as a deduction for overcharge the previous year.

54. Any rate or assessment with which any lands, tenements, or hereditaments within the said Town may be legally rated or assessed, may be exacted and recovered either from the owner of the property so rated or assessed, or from any person occupying the same or any part thereof as a tenant or otherwise, and when any such rate or assessment shall be paid by any tenant not liable to make such payment by the terms of the lease or other agreement under which he holds or occupies such property, such tenant may deduct or set off the sum so paid by him from the rent payable by him in respect of the enjoyment or occupation of the property so rated and assessed, or may recover the same with costs from the said owner by action in any competent Court.

55. All debts, from and after the passing of this Act, as shall become due and payable to the said Corporation for or by reason of any rate or assessment assessed or imposed upon any real or personal property, or both, within the said Town, or upon the owners or occupiers thereof in respect of such property, shall be privileged debts, and shall be paid in preference to all other debts excepting debts due to the Crown, and shall in the distribution of the proceeds of property, whether personal or real, of any person liable to pay any such debt, be so held, considered, and adjudged in all Courts of Law or Equity, and all Surrogate Courts, and by all Commissioners or other persons having jurisdiction in Bankruptcy in this Province; provided always, that such preference shall not extend beyond the amount of the rate and assessment due for two years, that is to say, the amount due for the then current year and the year next preceding the same.

56. If in any assessment as aforesaid it shall happen that property belonging to one person shall be assessed against another person, or if the name of any person liable to be assessed shall have been omitted in the assessment list, or if any error shall occur in the addition, extension, or apportionment of any part of the said list, it shall be lawful for the said Assessors to correct such errors and supply such omission at any time before another assessment is made for a similar purpose.

57. No assessment shall be deemed illegal although the sum total of such assessment may exceed the amount ordered to be raised, if such excess do not amount to more than ten per cent. in the whole.

58. From and after the passing of this Act, all the powers vested in the Court of General Sessions or the Municipal Council for the County of Carleton, in and by the several Acts of the General Assembly of this Province for regulating Tavern Keepers and Retailers, shall be transferred to and vested in the said Town Council, so far as such laws may be applicable to the said Town, and the Mayor and each several Councillor of the said Town for the time being shall have full power and authority to do any act or thing in respect of the said Acts within the said Town which are in the said Acts directed or permitted to be done by a Justice of the Peace or the Municipal Council; provided that all penalties or fines imposed and recovered within the said Town for violation of the said laws, and all moneys exacted for granting licences to Tavern Keepers or Retailers, (which shall not in any one case exceed the sum of twenty five pounds for twelve months,) shall be paid to the Treasurer for the use of the said Town; and provided also, that no General or Special Sessions or the Municipal Council shall have power to grant any tavern, retail, or other licence, or to make any rules or regulations respecting the same, to be in force within the said Town.

59. In any action or other proceeding at law or equity, or otherwise, in which the said Town shall be a party or concerned, no citizen or officer of the said Corporation shall in consequence thereof be deemed an incompetent witness or juror.

60. The Mayor or Councillors of the said Town during his or their continuance in office shall be and be deemed Justices of the Peace, and shall have, use, and exercise the same power and authority as if he or they had been commissioned a Justice or Justices of the Peace.

61. Neither the Mayor nor Councillors of the said Town or any of them shall receive any pay or remuneration for their services in that capacity.

62. For the purposes of assessment within the said Town, the President or other chief officer, or the Agent of any Company or Corporation, shall be deemed and taken to be and

assessed as the owner of its capital stock ; and the name, style, or firm of any co-partnership in trade or business shall be entered in the Assessment Roll as assessed for the property or income of such co-partnership, and the assessed amount may be recovered from and levied upon any member of such co-partnership ; and in case of mortgaged property, the party in possession shall be deemed the owner for the purposes of assessment.

63. All fines, penalties, or forfeitures to be recovered by the provisions of this Act, or by any of them, or by virtue of any bye laws to be made and enacted under the authority thereof, shall and may be sued for, recovered, and enforced with costs, on the oath of one or more credible witness or witnesses, before the Mayor of the said Town and any one of the Town Councillors, and in case of the sickness or absence of the Mayor, before any two of the said Councillors, who are hereby authorized and empowered to be and are hereby constituted a Court for the trial of all complaints, suits, prosecutions, or controversies arising under this Act, or the said bye laws, or any of them, within the limits of the said Town, and to which any fine, penalty, or forfeiture is or shall be attached by virtue of this Act or of any such bye law ; and such fine, penalty, or forfeiture may be levied and recovered by warrant of distress of the offender's goods and chattels, under the hands and seals of the said Mayor and Councillor, or of the said two Councillors ; and in default of payment of such fine, penalty, or forfeiture, or for want of sufficient goods and chattels of the offender whereon to levy such fine, penalty, or forfeiture, together with costs and the charges for distraining and selling the same, to commit the offender or offenders to the common gaol of the County, or lock-up house within the said Town, for such period not exceeding three months as the said Mayor and Town Councillor, or any two Councillors, shall direct ; and all such complaints, suits, prosecutions, or controversies shall be prosecuted by summons or warrant in the name of the Town Clerk, and the proceedings shall be *viva voce*, and conducted in a summary way, as directed by the Acts of Assembly relating to the duties of Justices of the Peace out of Sessions within this Province, and judgment shall be given as the very right of the matter may appear, without regard to technical

objections, imperfections, or defects which do not affect the substantial justice of the case.

64. The Overseers of the Poor for the Parish of Woodstock and the Overseers of the Town shall and may make such arrangements for the support of the poor of the said Town and Parish as they or a majority of them may deem equitable.

65. In any assessment for County purposes to be made in the Parish of Woodstock, the County Council shall apportion the amount to be levied between that part of the Parish not incorporated and the Town of Woodstock.

66. In any election for Mayor if there should be an equal number of votes given for any two or more of the candidates, the Town Council shall immediately direct a new election to be held as in the case of extraordinary vacancies.

67. The first election for Mayor, Councillors, and Assessors under this Act, shall be held by the Sheriff of the County of Carleton and such persons as he may appoint, and any subsequent election by such persons as the Town Council may from time to time appoint.

68. The gaol of the County of Carleton shall be the gaol of the said Town of Woodstock, and notwithstanding the same shall be without the limits of said Town, all warrants, commitments, and other processes or proceedings issued or awarded under this Act, whereof any person or persons may be ordered to be committed or confined in the common gaol, shall have full power and effect in like manner as if the common gaol were within the limits of said Town, and shall be committed accordingly; and the gaoler of the said common gaol shall receive all such persons into his custody in the same manner as if the gaol were within the limits of said Town, and the authority of the person or persons committing the same shall extend to said common gaol, notwithstanding it may be beyond the limits of said Town.

CAP. XXXIII.

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

Section

1. Grant for special services.

Section

2. Money, how to be drawn.

Passed 1st May 1856.

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

1. There be allowed and paid out of the Treasury of this Province, the following sums, to wit:—

To Rachel Martin, of Fredericton, an aged and valuable instructress of youth, the sum of twenty pounds.

To the Trustees of the Baptist Academy the sum of two hundred and fifty pounds towards the support of that Institution.

To Michael White the sum of one hundred pounds for his services as Clerk in the Office of the Clerk of the Pleas.

To His Excellency the Lieutenant Governor the sum of fifty pounds, in aid of individual subscription, towards the support of a Female School for poor children in the City of Fredericton.

To the Infant School in the City of Fredericton, the sum of fifty pounds towards the support of that Institution.

To Ann M'Donald, Widow of the late Surgeon M'Donald, of the New Jersey Volunteers, the sum of ten pounds.

To Sarah Cyphers, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds.

To William Watts the sum of ten pounds for his services as Usher and Crier of the Supreme Court.

To Abigail M'Kay, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds.

To Jacob Kollock, an old Soldier of the Revolutionary War, the sum of fifteen pounds.

To Mary Harned, Widow of the late Alward Harned, for many years Doorkeeper of this House, the sum of ten pounds.

To Elizabeth Whitehead, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds.

To Hannah M'Donald, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds.

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

To Nathaniel Hubbard, Esquire, the sum of five pounds to remunerate him for examining and reporting upon the Roads and Banks through the Parishes of Maugerville, Sheffield, and

Canning, in the year one thousand eight hundred and fifty three, the same to be taken out of the Great Road money the present year.

To His Excellency the Lieutenant Governor two hundred pounds in aid of the Mill Town Academy, at Saint Stephen.

To Jane Hawkins, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds.

To Margaret Grierson, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds.

To Mary Pratt, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds.

To Donald Robertson the sum of eight pounds twelve shillings and six pence, being amount due his late Mother, Elizabeth Robertson, the Widow of an old Soldier of the Revolutionary War, at the time of her death.

To Sarah Greenlaw, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds.

To Jane Hamilton, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds.

To Jesse Teed the sum of nine pounds three shillings and four pence, balance due the late Mary Teed, Widow of an old Soldier of the Revolutionary War, at the time of her death.

To Mercy M^cNichol, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds.

To Jane M^cRae, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds.

To John Rosborough the sum of seven pounds ten shillings to compensate him for the support of the late Andrew Rush, an old Soldier of the Revolutionary War, up to the time of his death.

To Rebecca Howard, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds.

To Letty Bell, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds.

To George Camp the sum of eight pounds six shillings and eight pence to compensate him for the support of the late Mary Ferris, the Widow of an old Soldier of the Revolutionary War, up to the time of her death.

To His Excellency the Lieutenant Governor the sum of fifty pounds in aid of the Newcastle Grammar School taught

by John Hardy, for the year ending October one thousand eight hundred and fifty six, to be paid on its being certified to the satisfaction of the Governor in Council that such School has been efficiently taught.

To the Governor and Trustees of the Madras Board the sum of four hundreded pounds in aid of the Madras Schools.

To His Excellency the Lieutenant Governor the sum of fifty pounds towards the support of the Roman Catholic School in the Parish of Chatham, in lieu of the Parochial allowance.

To William Russell the sum of fifteen pounds in full for having taught a School in the Parish of Blackville, in the County of Northumberland, for six months ending in one thousand eight hundred and fifty.

To Anna Hadley the sum of four pounds ten shillings in full for teaching a School in the Parish of Beresford, in the County of Gloucester, for three months ending March one thousand eight hundred and fifty four.

To Mary Morrison the sum of six pounds in full for teaching a School in the Parish of Beresford, in the County of Gloucester, for four months ending the tenth day of January one thousand eight hundred and fifty six.

To Margaret Stevens the sum of six pounds in full for teaching a School in the Parish of Hampton, in King's County, for four months ending first November one thousand eight hundred and fifty four.

To Mary M'Intosh the sum of seventeen pounds ten shillings in full for teaching a School in the Parish of Durham, in the County of Restigouche, for twelve months ending ninth November one thousand eight hundred and fifty five.

To Thomas Earles the sum of nine pounds in full for teaching a School in the Parish of Chipman, in Queen's County, for six months ending eighth June one thousand eight hundred and fifty two.

To Mary P. Davis the sum of six pounds in full for teaching a School in the Parish of Springfield, in King's County, for four months ending twenty seventh March one thousand eight hundred and fifty five.

To Sylvain Boudrot, the sum of seventeen pounds ten shillings for teaching a School in the Parish of Shediac, in the County of Westmorland, for twelve months ending in one thousand eight hundred and fifty five.

To William S. Cronk the sum of fifteen pounds in full for teaching a School in the Parish of Grand Manan, in the County of Charlotte, for a period of two years and nine months between the years one thousand eight hundred and forty seven and one thousand eight hundred and fifty three.

To Jane Ross the sum of seven pounds in full for teaching a School in the Parish of Saint Stephen, in the County of Charlotte, for six months ending in one thousand eight hundred and fifty three.

To Philip Casey the sum of six pounds in full for teaching a School in Sussex, King's County, for four months up to February one thousand eight hundred and fifty five.

To Neil Donoghue the sum of eighteen pounds in full for teaching a School at Madawaska, in the County of Victoria, for twelve months ending December one thousand eight hundred and forty nine.

To William F. Brand the sum of five pounds twelve shillings and six pence in full for teaching a School at Newcastle, Northumberland, for three months ending thirtieth June one thousand eight hundred and fifty four.

To Mary Hughson the sum of three pounds in full for teaching a School at Springfield, in King's County, for two months ending in one thousand eight hundred and fifty five.

To the Reverend Alfred H. Weeks the sum of fifty pounds for teaching a superior School at Shediac, in the County of Westmorland, when it shall be satisfactorily certified to the Governor in Council that the said School has been taught for one year.

To George Powell the sum of six pounds in full for teaching a School at Wellington, in the County of Kent, for four months and a half, ending the sixteenth day of March one thousand eight hundred and fifty four.

To Esther Howe the sum of nine pounds in full for teaching a School at Upham, in King's County, for six months ending in May one thousand eight hundred and fifty three.

To Sarah Hicks the sum of nine pounds in full for teaching a School at Wellington, in the County of Kent, for six months ending the eleventh day of July one thousand eight hundred and fifty five.

To Charles Lindsay the sum of five pounds twelve shillings

and six pence in full for teaching a School at Addington, in the County of Restigouche, for three months ending in March one thousand eight hundred and fifty three.

To John S. P. Gibb, of Bathurst, in the County of Gloucester, an old and valuable instructor of youth, the sum of twenty pounds to aid him in his present destitute circumstances.

To James M'Crea the sum of eleven pounds five shillings in full for teaching a School at Kent, in the County of Carleton, for six months ending the first day of September one thousand eight hundred and fifty five.

To Henry A. Sormoney the sum of eleven pounds five shillings in full for teaching a School at Shippegan, in the County of Gloucester, for six months ending in one thousand eight hundred and fifty five.

To Ruth Amelia Estey the sum of twenty pounds in full for teaching a School in the City of Fredericton for twelve months ending the first day of November one thousand eight hundred and fifty five.

To Elizabeth Phillips, of Saint John, the sum of twenty pounds in full for teaching an Infant School at that place for twelve months ending thirty first December one thousand eight hundred and fifty five.

To Jane Vantassel the sum of three pounds for teaching a School at Wickham, in Queen's County, for two months ending the eighth day of August one thousand eight hundred and fifty five.

To Hepsabeth Lawretta Smith the sum of seventeen pounds ten shillings in full for teaching a School at Wellington, in the County of Kent, for twelve months ending the first day of October one thousand eight hundred and fifty five.

To Rachael M'Callum the sum of twenty pounds in full for teaching a School at Carleton, Saint John, for twelve months ending the first day of December one thousand eight hundred and fifty five.

To George T. Taylor the sum of thirty pounds in full for teaching a School for one year ending the twenty eighth day of January one thousand eight hundred and fifty six.

To James Kennealy the sum of eighteen pounds fifteen shillings in full for teaching a School at the City of Saint John for six months ending first November one thousand eight hundred and fifty five.

To James Mulholland the sum of thirty seven pounds ten shillings in full for teaching a School at Lancaster, in Saint John, for the past year.

To William Kearne the sum of eighteen pounds fifteen shillings in full for teaching a School at Portland, Saint John, the past year.

To Henrietta Veith the sum of twenty pounds in full for teaching a School at Portland, Saint John, for the past year.

To Anna M'Keane the sum of thirteen pounds ten shillings in full for teaching a School in the City of Saint John for six months ending thirteenth February one thousand eight hundred and fifty six.

To Catharine Jane Peters the sum of twenty pounds for teaching a School in the City of Saint John for the past year.

To the Trustees of the Wesleyan Methodist Church in Saint John, a sum not exceeding one hundred pounds in aid of the Varley School established in that City.

To the Reverend G. Armstrong, of the City of Saint John, the sum of fifty pounds in aid of two Schools in that City for the education of poor children.

To His Excellency the Lieutenant Governor the sum of one hundred and fifty pounds towards the support of the Roman Catholic School established in the City of Saint John.

To His Excellency the Lieutenant Governor the sum of thirty pounds, in aid of individual subscription, towards the support of the Free School in the Parish of Portland, County of Saint John; the same to be expended by the Board of Commissioners of the Roman Catholic School in the City of Saint John.

To His Excellency the Lieutenant Governor the sum of one hundred and fifty pounds in aid of the French Male and Female Academy at Memramcook.

To His Excellency the Lieutenant Governor the sum of one hundred and fifty pounds in aid of the Roman Catholic School in the City of Fredericton.

To the Mayor and Council of the Town of Moncton the sum of eight pounds seventeen shillings and nine pence to reimburse them money expended to prevent the spread of Cholera in said Town in the year one thousand eight hundred and fifty four.

To His Excellency the Lieutenant Governor the sum of one hundred pounds in aid of the Roman Catholic School in Saint Stephen, County of Charlotte.

To the Trustees of Schools of the City of Saint John the sum of one hundred pounds in aid of the Commercial School taught therein by Samuel D. Miller.

To Sarah Ponsford, of Carleton, in the City and County of Saint John, the sum of twenty two pounds ten shillings to remunerate her for teaching a second class School at that place the past year.

To L. P. DesBrisay, of Richibucto, the sum of three hundred pounds for running a Steamer from Richibucto and Shediac to Pictou and Prince Edward Island in one thousand eight hundred and fifty five.

To the Trustees of the Wesleyan Academy, Sackville, the sum of three hundred pounds in aid of the Male Branch of that Institution.

To the Trustees of the Wesleyan Academy, Sackville, the sum of three hundred pounds to aid in the support of the Female Branch of that Institution.

To Timothy Murphy, a third class Teacher, the sum of nine pounds for teaching a School in the Parish of Upham, in King's County, for a period of six and three quarter months in one thousand eight hundred and fifty five.

To the Managing Committee of the Roman Catholic School in Saint Andrews, the sum of seventy five pounds in aid of the Male and Female Branches of that Institution.

To Thomas Prince the sum of eight pounds thirteen shillings and nine pence for expenses incurred and services performed by him in completing the Census for the Parish of Stanley, in the County of York, in the year one thousand eight hundred and fifty one, as recommended by the Sessions.

To His Excellency the Lieutenant Governor the sum of fifty pounds for the Missionary to the Micicete Tribe of Indians stationed at Fredericton, for the year one thousand eight hundred and fifty six.

To the Commissioners for erecting the Steamboat Landing at Saint Andrews the sum of one hundred and twenty five pounds for the extension and completing the said landing, when it shall be certified to His Excellency the Lieutenant

Governor that the sum of seventy five pounds has been paid by the Steamboat Company of Eastport and Calais, in aid of the completion of said landing.

To Eliphaz Coddington, of Grand Manan, the sum of ten pounds to assist him in his present destitute circumstances.

To William Segee the sum of twenty five pounds in full for his services and attendance with his Horses and Stage in the year one thousand eight hundred and fifty four.

To James Brown, Fishery Warden for the County of Charlotte, the sum of twenty five pounds to compensate him for his services in that capacity for the year one thousand eight hundred and fifty five.

To Alexander Cook, Fishery Warden for the County of Restigouche, the sum of fifteen pounds for his services in that capacity for the year one thousand eight hundred and fifty five.

To Dugald Stewart, Deputy Treasurer at Dalhousie, the sum of one hundred pounds for his services in that capacity the past year, in addition to the amount allowed by law.

To His Excellency the Lieutenant Governor the sum of one hundred pounds to aid in publishing the Decisions of the Supreme Court.

To James S. Morse, Fishery Warden for the County of Restigouche, the sum of fifteen pounds for his services in that capacity for the year one thousand eight hundred and fifty five.

To James W. Street, of Saint Andrews, the sum of seven pounds one shilling, being return duties on ninety four gallons of Gin leaked out of casks while in Warehouse in the year one thousand eight hundred and fifty four.

To David W. Jack, the Deputy Treasurer at the Port of Saint Andrews, the sum of fifty pounds in addition to his salary.

To Steadman, Gallacher and Company, of Hopewell, in the County of Albert, the sum of seventy one pounds five shillings and five pence, return duties paid on raw material imported for Chemical Works.

To Martin Cranney, of Chatham, the sum of thirty eight pounds in lieu of last year's Grant not drawn from the Treasury.

To J. and R. Jarvis, of Saint John, the sum of thirty five pounds twelve shillings and six pence, return duties on Machinery imported in the year one thousand eight hundred and fifty four.

To W. S. Smith, of Dalhousie, the sum of thirty two pounds eight shillings and eight pence, return duties paid on Timber and Deals reshipped from the wrecked Barque 'Mountaineer.'

To Philps Brothers, of Saint John, the sum of eighty pounds ten shillings, return duties paid on Machinery sent out of the Province for repair and re-imported, as also Machinery to complete their Paper Mills.

To Messieurs Thorn and Lee, of Saint John, the sum of forty nine pounds eight shillings and eleven pence, being excess of duties paid on Agricultural Implements, so called, imported into Saint John, they having paid thirty per cent. thereon at the time of importation, the Crown Officers immediately afterwards determining the articles should be admitted at seven and a half per cent.

To G. S. Hill and D. Upton, executors of A. U. Hill, the sum of twelve pounds twelve shillings and two pence, return duties on Goods lost on board Schooner 'Triad.'

To John M'Milnan, of Campbellton, Restigouche, the sum of fifteen pounds three shillings and eleven pence, return duties paid on Timber and Deals reshipped from the wrecked Brig 'Catherine.'

To A. T. Coburn the sum of twenty seven pounds four shillings and six pence, for return duties on Goods destroyed by fire in the City of Fredericton in the year one thousand eight hundred and fifty four.

To Isaac M'Lean, of Waterborough, in Queen's County, the sum of eighteen pounds to reimburse him costs and expenses incurred in defending certain Crown prosecutions, agreeably with the Report of a Select Committee in one thousand eight hundred and fifty five.

To Edward S. Outhouse, Assistant Teacher in the Provincial Training School, Saint John, the sum of forty pounds for his services in that capacity for the year one thousand eight hundred and fifty five.

To L. P. W. DesBrisay, of Richibucto, the sum of fifty pounds to pay him balance due for running a Steamer from Shediac to Prince Edward Island and Pictou, in one thousand eight hundred and fifty four.

To Celestin Herbert the sum of seven pounds ten shillings for teaching a School in the County of Kent for a period of five months in one thousand eight hundred and fifty five.

To James Wilson, a licenced first class Teacher, the sum of eighteen pounds fifteen shillings, being one half year's Provincial allowance, to aid him during his present illness; which amount shall be deducted from his yearly allowance.

To Angus M'Intosh, of Richibucto, in the County of Kent, the sum of ten pounds to relieve him in his distressed circumstances.

To His Excellency the Lieutenant Governor the sum of twenty pounds to remunerate Ann Mulhall, of Carquet, in the County of Gloucester, for relief afforded to wrecked seamen in one thousand eight hundred and fifty four.

To James Bradley, Stage Driver, the sum of five pounds to remunerate him for conveying four distressed sailors from Fredericton to Saint John in one thousand eight hundred and fifty two, they having been wrecked on a voyage to Miramichi.

To His Excellency the Lieutenant Governor the sum of seven hundred pounds for the maintenance of the Tracadie Lazaretto for the year one thousand eight hundred and fifty six.

To His Excellency the Lieutenant Governor the sum of four thousand pounds towards the support of the Lunatic Asylum for the year one thousand eight hundred and fifty six.

To His Excellency the Lieutenant Governor the sum of fifteen hundred pounds for the maintenance of the Provincial Penitentiary for the year one thousand eight hundred and fifty six.

To His Excellency the Lieutenant Governor the sum of one thousand pounds to pay off the debt due for buildings lately erected at the Provincial Penitentiary, and to complete the same.

To His Excellency the Lieutenant Governor the sum of fifty pounds for the support of the African School at Loch Lomond, in the Parish of Simonds, County of Saint John.

To His Excellency the Lieutenant Governor a sum not exceeding six thousand five hundred pounds for the collection and protection of the Revenue for the present year.

To the Adjutant General of the Militia Forces the sum of seventy pounds for his services in that capacity for the years one thousand eight hundred and fifty four and one thousand eight hundred and fifty five.

To His Excellency the Lieutenant Governor a sum not exceeding seventy five pounds to enable him to pay the three Appraisers at Saint John for such services as they have performed in that capacity for the past year.

To His Excellency the Lieutenant Governor a sum not exceeding two hundred and fifty pounds to be applied in relieving sick and distressed Indians in this Province, and for procuring seed grain and potatoes.

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 fifty five.

To the Commissioners of Government House the sum of thirty pounds for Coals for the Public Rooms and Offices in Government House.

To His Excellency the Lieutenant Governor a sum not exceeding seven hundred and fifty pounds to meet expenses in working the Dredging Machine for the current year.

To His Excellency the Lieutenant Governor the sum of seventy five pounds to compensate the Teacher of the African School at Saint John, to be expended by the Commissioners to be appointed to superintend such School.

To His Excellency the Lieutenant Governor the sum of five pounds to remunerate Joseph Theriau for having ferried Her Majesty's Mails over South Caraquet River during the year one thousand eight hundred and fifty five.

To the Quarter Master General of the Militia Forces the sum of one hundred and fifty pounds for his services in that capacity.

To Bernard Muldoon the sum of twenty two pounds one shilling to reimburse him legal expenses incurred while acting in the discharge of his duty as Commissioner of Roads, agreeably to the Report of a Select Committee.

To David Tapley the sum of one hundred and twelve pounds to reimburse him sums expended in rebuilding the Public Wharf at Maugerville, in the County of Sunbury, in one thousand eight hundred and fifty four.

To Sophia M'Gowan the sum of eighteen pounds for teaching a School for the past year in the City of Saint John.

To the Trustees of Saint John Church at Dalhousie, in the County of Restigouche, the sum of sixty pounds for the purchase of Crown Lands for the benefit of said Church.

To His Excellency the Lieutenant Governor a sum not exceeding one thousand five hundred pounds towards improving the navigation of the River Saint John.

To His Excellency the Lieutenant Governor a sum not exceeding seven hundred and fifty pounds for the repairs and improvement of the Public Buildings for one thousand eight hundred and fifty six.

To William Hartt the sum of twenty pounds in full for all claims for building a Bridge over Powers' Creek, in the County of Victoria, agreeably to the Report of a Select Committee; to be taken out of the Great Road money on the line of Road.

To Robert T. Miller, of Miramichi, the sum of nine pounds fifteen shillings, amount of duty paid by him on a puncheon of Alcohol imported into Miramichi from Boston, and subsequently exported to Halifax, Nova Scotia, and there landed.

To His Excellency the Lieutenant Governor the sum of three hundred pounds for the purpose of maintaining a communication by Steam between Richibucto, Shediac, Prince Edward Island, and Pictou, during open water the present year; not to be paid until certified to His Excellency in Council that the service has been faithfully performed.

To Daniel Craig, of Perth, in the County of Victoria, formerly Sergeant in the New Brunswick Fencibles, the sum of thirty seven pounds ten shillings to enable him to complete the purchase of two hundred acres of Crown Land on which he now resides in said Parish, in consequence of a lot of two hundred acres formerly located to him having been given and confirmed to another; agreeably to the Report of the Committee.

To George S. Harris, of Tabusintac, in the County of Gloucester, the sum of fifteen pounds twelve shillings to enable him to obtain a Grant of one hundred and thirty acres of land on the portage from Bathurst to Miramichi, on which he has erected an establishment for the accommodation of travellers on that route.

To Peter Coserty, Maces Bay, County of Charlotte, the sum of ten pounds to enable him to keep up and maintain the Ferry across the said Bay.

To His Excellency the Lieutenant Governor a sum not exceeding one hundred and fifty pounds to compensate claims for ferrying Mails throughout the Province the past year.

To the Joint Committee of the Legislative Library such sum as will be sufficient to purchase a Bill of Exchange for one hundred and fifty pounds sterling for the purchase of Books for the Library.

To His Excellency the Lieutenant Governor the sum of twelve pounds to be applied in obtaining a Grant of one hundred acres of land to Dennis Dornin, now occupied by him, in accordance with the Report of the Select Committee presented to this House on the fourteenth day of April instant.

To His Excellency the Lieutenant Governor the sum of twenty four pounds to be applied in obtaining a Grant of two hundred acres of Crown Land to William Shaughnessey, in accordance with the Report of the Select Committee presented to this House on the fourteenth day of April instant.

To His Excellency the Lieutenant Governor the sum of five pounds to be applied in obtaining a Grant of forty acres of land to Samuel Cooper, in accordance with the Report of the Select Committee presented to this House on the fourteenth day of April instant.

To the Commissioners of Light Houses in the Bay of Fundy the sum of one thousand seven hundred and fifty pounds to meet the contingencies of the present year.

To the Commissioners of Light Houses in the Bay of Fundy the sum of two hundred and ninety nine pounds ten shillings and ten pence, to pay the proportion for which this Province is liable for the support of the Light Houses on Cape Sable, Seal Island, and Briar Island, in Nova Scotia; and a further sum of two hundred and fifty pounds to procure new Lanterns for the Light House on Machias Seal Island.

To the Commissioners of Light Houses in the Gulf of Saint Lawrence the sum of one hundred and fifty three pounds nine shillings and eleven pence, being balance due them on the expenditure of the past year.

To Matthew O'Brien the sum of three pounds for replacing a Buoy carried away in the Harbour of Musquash by a storm.

To the Commissioners of Light Houses in the Bay of Fundy the sum of twenty pounds to rebuild a Bridge leading to the Light House at the entrance of the Harbour of Saint Andrews.

To Simon Ahern, of New Bandon, in the County of Gloucester, the sum of five pounds five shillings for expenses

incurred in attending to and administering to the necessities of a sick Indian, who finally died and was buried at the expense of the said Simon Ahern.

To Julia Hartt the sum of ten pounds for teaching a School in the Parish of Saint Mary's for six months ending first day of January one thousand eight hundred and fifty six.

To His Excellency the Lieutenant Governor the sum of one hundred and fifty pounds to aid in the erection of a Breakwater and public Steamboat Landing at the Albert Quarries, in the County of Albert; the same not to be drawn from the Treasury until it be certified to the satisfaction of His Excellency in Council that a like sum has been subscribed and expended in the construction of said public work: provided always, that Steamers for Passengers shall at all times have a right to the use of the said Wharf without any fee or charge whatever.

To the President and Directors of the Mechanics' Institute, in Dalhousie, County of Restigouche, a sum not exceeding twenty five pounds to assist them in procuring Philosophical Apparatus for said Institution.

To His Excellency the Lieutenant Governor a sum not exceeding two hundred pounds towards the improvement of the South West Branch of the Miramichi River.

To James Kenneally, a first class Teacher, the sum of nine pounds five shillings for one quarter ending first day of February last.

To John Simpson, Queen's Printer, the sum of five hundred and fifty pounds for printing one thousand five hundred copies of the Daily and Revised Journals of this House the present Session.

To His Excellency the Lieutenant Governor the sum of one hundred and fifty pounds to finish the cut through the Rock on the lower end of the Road leading up Tobique.

To Messieurs W. and R. Wright, of Saint John, the sum of eight pounds two shillings and six pence, being amount paid as duty on Life Boats imported on the thirty first ultimo.

To the Trustees of Schools in the Parish of Sheffield, County of Sunbury, the sum of fifty pounds to enable them to support a superior School at Sheffield, in the said County, not to be drawn until it be certified to the Government that the School has been in efficient operation.

To James W. Hierliby the sum of fifty five pounds eleven shillings and ten pence, costs and charges by him expended in defending a suit, as lessee of a Fishing Station in Miramichi Bay; to be taken from the Fishery Fund.

To Charles Johnston, Esquire, High Sheriff of the City and County of Saint John, the sum of eighty three pounds four shillings and one penny, for expenses attending the late Election in that County.

To Messieurs Hill and Upton the sum of four pounds, being for return duties on Goods lost on board the Schooner 'Triad.'

To His Excellency the Lieutenant Governor the sum of one hundred and fifty pounds to repair the Road from Saint John to Indian Town.

To Thomas Williams the sum of sixty pounds for his services in taking care of the Legislative Buildings and grounds around the same from first day of February one thousand eight hundred and fifty five to first day of February one thousand eight hundred and fifty six.

To His Excellency the Lieutenant Governor a sum not exceeding seventy five pounds for opening the Tobique Road to Campbellton, in the County of Restigouche.

To the High Sheriff of the County of York the sum of eighty pounds fourteen shillings for holding an Election in March last, for the return of a Member to serve in Assembly in room of the late James Taylor, Esquire, deceased.

To His Excellency the Lieutenant Governor the sum of two hundred pounds to be applied to the payment of the full quarter's salary ending on the first day of January one thousand eight hundred and fifty five, to the late Provincial Secretary and Surveyor General, being one hundred pounds each, they having been required to attend at their respective offices during nearly the whole of the said quarter in order to wind up the business of their Departments.

To His Excellency the Lieutenant Governor a sum not exceeding four thousand five hundred pounds to enable the Board of Works to pay off the balance expended in the erection of the Bridge over the North West Branch of Miramichi River, and place the same on the Great Road establishment for the free passage of all Her Majesty's subjects; such payment not to be made until it shall be certified to the Government by the

Board of Works that they have investigated the whole of the expenditure, and that the sum to be recommended should be paid, and that the Company have surrendered all their rights to the Bridge together with their Charter to the Crown.

To James Toner the sum of five pounds to remunerate him for damages sustained in consequence of an error in the survey of his land.

To Boyle Travers, M. D., of Saint John, the sum of fifty pounds in full for professional services and attendance on seventy poor children during the prevalence of Cholera in one thousand eight hundred and fifty four, at the request of Doctor Connolly, Bishop of Saint John, who had provided a temporary Asylum for them.

To James Wood, of Woodstock, Surgeon, the sum of seven pounds ten shillings for professional services and attendance on three Emigrants labouring under the malignant Typhus Fever, with which they were attacked at that place while on their way to Victoria in one thousand eight hundred and fifty three; to be taken from the Emigrant Fund.

To His Excellency the Lieutenant Governor the sum of ninety six pounds to provide for the payment of eight hundred acres of Crown Lands, to be divided among the following parties, namely: Peter Harquoil, two hundred acres; and Rosa Harquoil, Margaret Harquoil, Mary Harquoil, Catharine Harquoil, Sally Harquoil, and Joseph Harquoil, one hundred acres each, being in full compensation to them as heirs of the late Edward Harquoil, for loss and damages sustained by reason of the Town Plat of Dalhousie being laid out on land alleged to belong to the said Edward Harquoil, deceased, agreeably to the Report of the Committee.

To His Excellency the Lieutenant Governor a sum not exceeding four thousand five hundred pounds to enable the Postmaster General to pay the deficiency in the Post Office Department for the year one thousand eight hundred and fifty five.

To His Excellency the Lieutenant Governor a sum not exceeding one thousand eight hundred and seventeen pounds seventeen shillings and six pence to pay any balance that may be due the Queen's Printer.

To John Simpson, Esquire, Queen's Printer, the sum of one hundred pounds amount due him for publishing two thou-

sand five hundred copies of the Debates of eighteen hundred and fifty four.

To His Excellency the Lieutenant Governor the sum of one hundred and fifty pounds to enable him to procure a copy of such portion of the documents lying in the Archives of Canada and Paris as relates to the early settlement and history of the Province of New Brunswick.

To the Postmaster at Fredericton the sum of four hundred and twenty five pounds eighteen shillings, being Postages of the Legislature the present Session.

To the Clerk of the House of Assembly the sum of two thousand six hundred and eight pounds six shillings and ten pence, being the Contingencies of the Legislature the present Session.

2. That all the before mentioned sums of money shall be paid by the Treasurer of the Province by Warrant of the Governor in Council, out of moneys now in the Treasury, or as payment may be made at the same.

CAP. XXXIV.

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

Section.

1. Grants for Roads and Bridges.
2. Money, by whom and how expended, and accounts rendered.
3. Accounts from Municipalities of York and Carleton.

Section.

4. Money, how drawn.
5. Compensation to Commissioners.
6. Money, when to be expended;
7. On what roads.
8. Bonds by Commissioners.

Passed 1st May 1856.

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

1. There shall be allowed and paid out of the Treasury of the Province, to such persons as the Governor in Council shall appoint, in addition to the sums already granted, the following, for the purposes hereinafter mentioned, that is to say:—

To His Excellency the Lieutenant Governor the sum of twenty four thousand seven hundred and thirty pounds for the Great Road Service, including the contracts already entered into for the construction of Sullivan Creek, Hampton Ferry, South Bay, and Estey Creek Bridges.

To His Excellency the Lieutenant Governor the sum of eight hundred and fifty six pounds for the several Bye Roads and for Special Grants for the Road Service in the County of Albert; to be applied and expended agreeably to a Resolution of the House of Assembly passed on the sixteenth day of April in this present year of our Lord one thousand eight hundred and fifty six, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor the sum of one thousand two hundred and ten pounds for the several Bye Roads and for Special Grants for the Road Service in the County of Saint John; to be applied and expended agreeably to a Resolution of the House of Assembly passed on the sixteenth day of April in this present year of our Lord one thousand eight hundred and fifty six, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor the sum of one thousand four hundred and fifteen pounds for the several Bye Roads and for Special Grants for the Road Service in Queen's County; to be applied and expended agreeably to a Resolution of the House of Assembly passed on the sixteenth day of April in this present year of our Lord one thousand eight hundred and fifty six, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor the sum of one thousand five hundred and ninety six pounds for the several Bye Roads and for Special Grants for the Road Service in the County of Northumberland; to be applied and expended agreeably to a Resolution of the House of Assembly passed on the sixteenth day of April in this present year of our Lord one thousand eight hundred and fifty six, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor the sum of eight hundred and fifty five pounds for the several Bye Roads and for Special Grants for the Road Service in the County of Restigouche; to be applied and expended agreeably to a Resolution of the House of Assembly passed on the sixteenth day of April in this present year of our Lord one thousand eight hundred and fifty six, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor the sum of one

thousand six hundred and twenty two pounds for the several Bye Roads and for Special Grants for the Road Service in King's County; to be applied and expended agreeably to a Resolution of the House of Assembly passed on the sixteenth day of April in this present year of our Lord one thousand eight hundred and fifty six, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor the sum of one thousand six hundred and seventy one pounds for the several Bye Roads and for Special Grants for the Road Service in the County of Charlotte; to be applied and expended agreeably to a Resolution of the House of Assembly passed on the sixteenth day of April in this present year of our Lord one thousand eight hundred and fifty six, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor the sum of eight hundred and one pounds for the several Bye Roads and for Special Grants for the Road Service in the County of Victoria; to be applied and expended agreeably to a Resolution of the House of Assembly passed on the sixteenth day of April in this present year of our Lord one thousand eight hundred and fifty six, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor the sum of one thousand and seventy seven pounds for the several Bye Roads and for Special Grants for the Road Service in the County of Gloucester; to be applied and expended agreeably to a Resolution of the House of Assembly passed on the sixteenth day of April in this present year of our Lord one thousand eight hundred and fifty six, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor the sum of eight hundred and fifty five pounds for the several Bye Roads and for Special Grants for the Road Service in the County of Sunbury; to be applied and expended agreeably to a Resolution of the House of Assembly passed on the sixteenth day of April in this present year of our Lord one thousand eight hundred and fifty six, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor the sum of one thousand three hundred and ninety one pounds for the several Bye Roads and for Special Grants for the Road Service in the County of Westmorland; to be applied and expended agree-

ably to a Resolution of the House of Assembly passed on the sixteenth day of April in this present year of our Lord one thousand eight hundred and fifty six, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor the sum of one thousand and thirty seven pounds for the several Bye Roads and for Special Grants for the Road Service in the County of Kent; to be applied and expended agreeably to a Resolution of the House of Assembly passed on the sixteenth day of April in this present year of our Lord one thousand eight hundred and fifty six, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor the sum of three hundred and seventy pounds six shillings and eight pence, being for Special Grants for the Road Service in the County of Carleton; to be applied and expended agreeably to a Resolution of the House of Assembly passed on the sixteenth day of April in this present year of our Lord one thousand eight hundred and fifty six, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor the sum of five hundred and six pounds six shillings and eight pence, being for Special Grants for the Road Service in the County of York; to be applied and expended agreeably to a Resolution of the House of Assembly passed on the sixteenth day of April in this present year of our Lord one thousand eight hundred and fifty six, and concurred in by the Legislative Council.

To the Warden and Councillors of the Municipality of the County of Carleton the sum of seven hundred and forty pounds thirteen shillings and four pence, to be by them apportioned to the different Parishes, and applied in the opening and improving of the several Bye Roads in said County.

To the Municipality of the County of York the sum of one thousand and twelve pounds thirteen shillings and four pence, for the improvement of the Bye Roads in the said Municipality.

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

3. The Commissioners appointed by the Municipalities of

York and Carleton shall account for the moneys granted to the said Municipalities, in the same manner as the Commissioners appointed by the Governor in Council.

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

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

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

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

8. All persons who may be appointed Commissioners for the expenditure of money hereinbefore granted, and before entering upon the duties of his office, shall respectively enter into a bond to Her Majesty, Her Heirs and Successors, to the satisfaction of the Executive Government, for the due performing his duty as such Commissioner, and the faithful expenditure of and due accounting for such moneys as shall come into his hands as such Commissioner.

CAP. XXXV.

An Act relating to the collection of the Revenue.

Section.

1. Drawback allowed in a certain case.
2. Articles exempted from duty under 18 V. c. 2, not exempted under 19 V. c. 18.

Section.

3. Additional forms of affidavits may be framed.

Passed 1st May 1856.

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

1. A drawback of the duties on goods exported by sea, agreeably to the provisions of Section fifteen, of Chapter twenty eight, of the Revised Statutes, "Of Warehousing Goods," may be allowed where the value shall not be less than twenty five pounds on the first entry.

2. Nothing in the fifth Section of an Act passed at the present Session of the Legislature, intituled *An Act to levy an Impost for Railway purposes*, shall extend or be construed to extend to exempt from duty under the said recited Act of this Session, the articles or goods contained or enumerated in the Table of Exemptions to an Act passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act imposing Duties for raising a Revenue*, but the meaning and operation of the said fifth Section of the Act intituled *An Act to levy an Impost for Railway purposes*, shall be to exempt the articles particularly enumerated therein, the articles specified in the Schedule to an Act made and passed in the eighteenth year of the same Reign, intituled *An Act for giving effect on the part of the Province of New Brunswick to a certain Treaty between Her Majesty and the United States of America*, and such articles as may be exempt by proclamation under the authority of Law, or declared free or exempt from duty by any Law hereafter to be made, to promote reciprocity of trade with any other country.

3. The Governor in Council may from time to time prescribe new and additional forms of affidavit, not inconsistent with any of the laws in force relating to the collection and protection of the Revenue, to be made by importers, owners, or authorized agents, for the purposes specified in Chapter 27, of the Revised Statutes, "Of dutiable goods, payment of duties, and entries," which shall be of the like force and effect, and subject the persons swearing to all the pains and penalties for swearing falsely, as if the said forms of affidavit were contained in the said Chapter 27, of the Revised Statutes, and prescribed thereby.

CAP. XXXVI.

An Act relating to the exportation of Saltpetre, Nitrate of Soda, and other Chemical Salts used in the manufacture of Military and Naval Stores.

Section.

Section.

1. Exportation of Saltpetre, &c. may be prohibited by Proclamation.
2. Violation, a breach of the Revenue Laws.

3. Validity of bonds and securities.
4. Continuance of Proclamation.

Passed 1st May 1856.

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

1. The Governor in Council may from time to time by Proclamation to be published in the Royal Gazette, prohibit the exportation from this Province of Nitrate of Soda, Sulphate of Potash, Muriate of Potash, (Chloride of Potassium,) Saltpetre, Brimstone, and articles used in the manufacture of Military and Naval Stores, and also of Arms, Ammunition, and Munitions of War, or any of them, to all or any place or port without the Province, or to permit the same to be exported to any Colony, or any part of the British Dominions, upon such terms, and upon such securities by bond or otherwise, as by the Governor in Council may be ordered and determined.

2. Any violation of any such proclamation or order in Council, made or to be made under the provisions of this Act, shall be deemed and taken to be a violation of the Revenue Laws; and all or any of the articles exported or attempted to be exported, contrary to any proclamation or order made or to be made under this Act, shall be forfeited to the Crown, and liable to be seized and dealt with in the same manner as articles imported or attempted to be imported contrary to the provisions of any law now or hereafter in force for the collection and protection of the Revenue; and every such proclamation or order so made under authority of this Act, shall be as valid and of like force during the continuance thereof, as if contained in all or any of the laws which are or may be in force for the collection and protection of the Revenue.

3. The bonds and securities required and given on exportation of any of the articles mentioned in any proclamation under this Act, shall be as valid and binding on the parties giving the same, and be sued for, recovered, and collected in the same manner as other bonds provided for or given under

the authority of any law in force or to be made for the collection and protection of the Revenue, or the warehousing of any imported goods, or any law relating thereto; and any penalties prescribed by any proclamation or order under this Act, may be sued for, recovered, and collected in the same manner as penalties prescribed in and by any Act or Acts made or to be made for the collection and protection of the Revenue.

4. Every proclamation or order made under this Act shall continue of force for the period and during the time therein mentioned, unless suspended or annulled by some order made by the Governor in Council and published in the Royal Gazette; and such orders and proclamations, or any of them, may be made, published, suspended, or annulled from time to time, as and when the Governor in Council may deem necessary.

CAP. XXXVII.

An Act relating to Municipalities

Section.

1. Preliminaries to incorporation—Petition for a meeting.
2. Sheriff, Town Clerks, and appointees to preside at meetings.
3. List of rate-payers upon property to be given to the presiding officer.
4. Votes how to be taken;—in Saint John.
5. Returns and declaration.
6. Sheriff to certify to the Governor in Council if the vote be in the affirmative.
7. Charter to be granted;
8. To be sent to the Sheriff, who is to give notice for election of Councillors
9. Subsequent meetings after a negative vote.
10. Expenses to be defrayed as County contingencies.
11. Organization; election of Warden; What rates to qualify voters.

Section.

12. Councillors' tenure of office.
13. Election of Councillors to supply omission to elect.
14. Time for all future elections.
15. Council authorized to make bye laws.
16. Bye laws, proceedings to obtain sanction of Governor in Council
17. Bye laws, continuance of force of.
18. Assent of Governor in Council to a bye law, effect of.
19. Proof of assent of Governor in Council.
20. Bye laws continuing bye laws to have immediate force.
21. Meetings how called on death or absence from the Province of the Warden.
22. Certain Acts repealed.

Passed 1st May 1856.

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

1. If it is desired that any County shall be incorporated, the same shall be signified to the Governor in Council, in manner following:—At least one hundred of the resident freeholders or householders of the County paying rates upon property, shall petition the Sheriff, praying that public meetings may be called at the different polling places fixed by law for the election of Representatives to serve in General Assembly, in the several Parishes in the County, for the purpose of taking into

consideration the propriety of incorporating the County; the Sheriff shall thereupon give at least one month's public notice of the day and hour at which such public meeting shall be held; which meeting shall commence at eight o'clock A. M. and continue open until four o'clock in the afternoon of the same day; the notice shall contain a copy of the Petition and of the names of the signers; it shall be published in at least four weekly numbers of a Newspaper printed and circulated in the County, if any, and also shall be published by printed hand bills in at least ten of the most public places in each Parish.

2. The Sheriff shall preside at the meeting in the Shire Town, except in the City of Saint John, where no meeting shall be held at the Shire Town; the Town Clerks shall preside in the other Parishes, unless there are several polling places in a Parish, when the Sheriff shall prescribe the polling place at which the Town Clerk shall preside, (being the nearest to his residence,) and appoint by writing under his hand and seal, a fit person at any other place, of which appointment due notice shall be given by the Sheriff to the Collectors of Rates.

3. The Collectors of Rates in each Parish shall at least ten days previous to the day appointed for such meeting, furnish the officer appointed to preside thereat with a correct alphabetical list, under oath, of all the rate-payers upon property within such Parish, who were rated for Parish and County rates at the last assessment, and on failing to deliver such list, he or they may be committed by two Justices of the Peace to the County gaol, there to remain without bail or mainprise until such list is furnished.

4. At such meeting it shall be put to vote whether the County shall or shall not be incorporated, and the presiding officer shall take down in writing the names of all resident freeholders, householders, and rate-payers upon property, who shall vote on the question, and shall state whether they vote in the affirmative or negative; the Sheriff shall, after taking the question, adjourn the meeting at the Shire Town to some day not more than six days after the first meeting. If the application be to incorporate the County of Saint John, the Sheriff of the City and County of Saint John shall at the time of giving the notice required in and by the first Section of this Act, also give notice of the time and place at which a meeting will

be held at the said City of Saint John, for the purpose of casting up the votes given at the said meetings in the County of Saint John and declaring the result thereof.

5. The Town or Parish Clerks, or other officer presiding in the several Parishes, shall within two days after the meeting return to the Sheriff of the County, enclosed and sealed, the list of the names of those voting both for and against the incorporation of the County, and the Sheriff shall, on the day to which the meeting at the Shire Town shall have been adjourned, cast up the number of votes at the several meetings in the County, and shall then publicly declare the number of votes in the affirmative and negative on the said question.

6. If a majority of those voting on the question shall have voted in the affirmative, the Sheriff shall certify the same under his hand and seal to the Lieutenant Governor in Council.

7. The Governor in Council, on receiving such certificate, shall grant to such County a Charter of Incorporation under the Great Seal of the Province, constituting the rate-payers on property therein a body politic and corporate, by the name of "The Municipality of _____" (naming the County,) and by that name shall have perpetual succession and a common seal, and may sue and be sued, may hold real property within its limits not exceeding at any one time the yearly value of five hundred pounds, and may alienate the same, and enjoy all the powers and privileges necessary for the purpose.

8. The Provincial Secretary shall send every Charter issued to the Sheriff of the County incorporated thereby, who shall give notice of the time and places in the different Parishes of holding the first election of Councillors; which notice shall be at least fifteen days before the time appointed for holding the election.

9. If it be decided that the County shall not be incorporated, subsequent meetings may be called at any time after three months from the preceding meeting, on the like petition and similar notice for taking the question again into consideration as hereinbefore prescribed.

10. All official expenses attending the holding the several meetings for the purpose of ascertaining whether a County shall be incorporated, and for the purpose of making the returns thereof as required by law, shall be laid before the General

Sessions for the County, and after being audited by such Sessions, shall be ordered to be paid out of the County contingencies.

11. If the election takes place before the second semi-annual meeting, the payment of rates for the year preceding shall qualify the rate-payers; and in any case, the Chairman of the meeting shall immediately after the election return the names of the Councillors elected to the Sheriff; and the Councillors shall at the time appointed by the Sheriff assemble at the Court House, elect a Warden, and organize the Corporation.

12. If the Councillors are elected on or after the second semi-annual meeting holden on the third Tuesday in July in any year, they shall continue in office until the last Tuesday in December in the year next following, when the first annual election shall take place.

13. If any Parish fail to elect Councillors for the first Council, or at any time after, an election may be holden at any time on ten days notice being given by the Warden; and the election shall be conducted in the same manner in all respects as if holden at the proper time; and the Councillors so elected shall enjoy all the like powers and immunities as if elected at the proper time.

14. The Councillors shall be hereafter elected on the last Tuesday in December in every year, instead of the time now prescribed.

15. The Council may make bye laws for the good rule and government of the Municipality, and of all persons resident or being therein, and for the management and regulation of the local, municipal, fiscal, prudential, and sanatory affairs thereof, and prescribe such penalties for the breach of any bye law as may be deemed advisable.

16. The Secretary Treasurer shall forthwith on the passing of each bye law by the Council, transmit a copy to the Provincial Secretary, who shall endorse thereon the day of its receipt, and it shall not be of force until the expiration of sixty days thereafter: The Governor in Council within that period may disallow the same; and such disallowance, with a certificate of the day of the receipt, shall forthwith be transmitted by the Provincial Secretary to the Secretary Treasurer, and if disallowed the bye law shall be void.

17. Every such bye law shall continue in force for three years unless the Council prescribe a less period; but it may be continued by bye law in the usual way.

18. When the assent of the Governor in Council is given to any bye law, it shall be deemed valid, obligatory, and to have been enacted within the scope of the authority of the Council, unless repugnant to law.

19. The assent of the Governor in Council to the allowance of any bye law, may be proved by production of the official note of the Provincial Secretary or his deputy, or by an endorsement of allowance thereon signed in the same manner, and proof of the incorporation of the Municipality, by production of the Charter under the Seal of the Province.

20. Every bye law made to continue an existing bye law, shall remain in force from the time of its being passed by the Council until disallowed by the Governor in Council, if so disallowed.

21. In case of the death or absence from the Province of the Warden, the Secretary Treasurer on the application of five members of the Council, may call a special meeting of the Council, in the same manner and for the like purpose as the Warden on the application of four members.

22. An Act passed in the seventeenth year of the Reign of Her present Majesty, intituled *An Act to alter and amend the Act providing for the establishment of Municipal authorities in this Province*, and also an Act passed in the eighteenth year of the same Reign, intituled *An Act to enable a majority of the rate-payers upon property to establish a Municipality in any County*, and the parts of any other Act inconsistent with the provisions of this Act, be and the same are hereby repealed.

CAP. XXXVIII.

An Act relating to the local government of Counties, Towns, and Parishes.

Fishery regulations made by Sessions to be sent for confirmation by Governor in Council;
Act to extend to regulations by County Councils.

Passed 1st May 1856.

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

The Clerk of the Peace shall forthwith, on the passing of any regulation by the Sessions relating to the Fisheries, transmit a copy thereof to the Provincial Secretary, who shall endorse thereon the day of its receipt; the same shall not be of force until the expiration of sixty days thereafter, unless sooner allowed by the Governor in Council; and the Governor in Council may within that period disallow the same; and such disallowance, with a certificate of the day of the receipt, shall be forthwith transmitted by the Provincial Secretary to the Clerk of the Peace, and the regulation shall be void: The provisions of this Act shall apply to regulations made by the County Council in incorporated Counties.

CAP. XXXIX.

An Act relating to the Militia.

Section.

1. Certain Sections of Chapters 73, 74, 75, 76, 79, and 80, of Revised Statutes, suspended.

Section.

2. May be revived by Proclamation.
3. To be in full force on publication of Proclamation.

Passed 1st May 1856.

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

1. Sections 5, 6, 7 and 8, of Chapter 73; Section 2 of Chapter 74; Sections 4, 6, 7, 8 and 9, of Chapter 75; Sections 1, 2, 3, 4 and 5, of Chapter 76; Sections 4 and 5, of Chapter 78; Section 1 of Chapter 79; and Sections 2, 3 and 6, of Chapter 80, of Title XI, of the Revised Statutes, "Of the Militia," are hereby suspended until the first day of May one thousand eight hundred and sixty five.

2. If at any time the Commander in Chief shall deem it necessary to revive the said several suspended Sections, and to declare them in full force, he may by Proclamation to be published in the Royal Gazette, or as he may deem expedient, revive the said several suspended Sections, and declare them in full force.

3. Immediately on the publication of such Proclamation the said several suspended Sections shall be in full force.

CAP. XL.

An Act to enable the Justices of the Supreme Court further to enlarge the Terms of the said Court.

Section.

1. Terms may be extended to the third Saturday after first day of each Term.

Section.

2. Third Saturday after first Tuesday to be the teste and return day.

Passed 1st May 1856.

WHEREAS by the accumulation of Term business in the Supreme Court, and the time occupied in Equity Appeals, it has been found that the present duration of the Terms is insufficient for the dispatch of business in said Court ;—

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

1. It shall and may be lawful for the Justices of the Supreme Court, if they shall see fit, to extend the respective Terms of the said Court until the third Saturday after the first day of the Terms as now established, in like manner and subject to the same rules and provisions in all respects, as are contained in the Act made and passed in the sixtieth year of the Reign of His Majesty King George the Third, intituled *An Act to enable the Justices of the Supreme Court to enlarge the time of the Sittings of the said Court, when the same shall be expedient with regard to the said Court.*

2. The third Saturday after the first Tuesday of the respective Terms, shall also be a day for the teste and return of Writs.

CAP. XLI.

An Act in further amendment of the Law.

Section.

1. Crime or interest not to exclude from giving evidence : Plaintiff or defendant to be witnesses except as excepted, viz :
2. In criminal proceedings—self-crimination—husband and wife.
3. Communications between husband and wife ;
4. Proceedings in consequence of adultery.
5. Proof of foreign and other proclamations, treaties, judgments, &c.
6. Documents admissible in English Courts to be admissible in Provincial Courts.
7. Validity of affidavits for proceedings in this Province when made without the Province.
8. Proof of register of or declaration in respect of any British Ship, how may be made.

Section.

9. Penalty for wilfully certifying as true, false copies or extracts.
10. Courts, &c. authorized to hear evidence empowered to administer an oath to witnesses.
11. Penalty, &c. for forging, &c. seal or signature of certain documents.
12. Substitution of affirmation for an oath.
13. False affirmation deemed perjury.
14. Credibility of witness, how impeachable by party producing him.
15. Inconsistency on cross-examination, how to be established.
16. Examination of a witness as to previous written statements ;
17. As to his conviction of a felony or misdemeanor.

Section.

18. Proof of instrument by an attesting witness, when unnecessary.
19. Comparison of disputed with genuine writing.
20. Affidavit in answer to affidavits involving new matter.
21. On hearing any motion or summons, production of documents or witnesses may be ordered;
22. Order to have force of Rule of Court; adjournment and conduct of proceedings.

Section.

23. Affidavits obtainable by Rule of Court when party refuses;
24. Proceedings on such order.
25. Production of documents in possession of adverse party.
26. Act 3 V. c. 65, as to proof of records and Letters Patent, extended to Crown inquisitions, judgments, &c. and records of Court of Chancery.
27. First four Sections of this Act to come in force on 1st January 1857.

Passed 1st May 1856.

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

1. On the trial of any issue joined, or of any matter or question, or any enquiry arising in any suit, action, or other proceeding in any Court of Justice, or before any person having by law, or by consent of parties, authority to hear, receive, and examine evidence, no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest, from giving evidence either in person or by deposition, according to the practice of the Court: and the parties thereto, and the person in whose behalf any such suit, action, or other proceeding may be brought or defended, and the husbands and wives of the parties thereto, and the person in whose behalf any such suit, action, or other proceeding may be brought or instituted, or opposed, or defended, shall, except as hereinafter excepted, be competent and compellable to give evidence, either *viva voce* or by deposition, according to the practice of the Court, on behalf of either or any of the parties to the suit, action, or other proceeding.

2. Nothing herein contained shall render any person who, in any criminal proceeding, is charged with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence for or against himself, or shall render any person compellable to answer any question intended to criminate himself; and nothing herein contained shall render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband, in any criminal proceeding, or in any proceeding instituted in consequence of adultery.

3. No husband shall be compellable to disclose any communication made to him by his wife during the marriage, and no

wife shall be compellable to disclose any communication made to her by her husband during the marriage.

4. Nothing herein contained shall apply to any action, suit, proceeding, or bill, in any Court of Common Law or Court of Marriage and Divorce, instituted in consequence of adultery.

5. All Proclamations, Treaties, and other Acts of State of any Foreign State or of any British Colony, and all judgments, decrees, orders, and other judicial proceedings of any Court of Justice in the United Kingdom of Great Britain and Ireland, or in any Foreign State or in any British Colony, and all affidavits, pleadings, and other legal documents filed or deposited in any such Court, may be proved in any Court of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence, either by examined copies or by copies authenticated as hereinafter mentioned, that is to say : If the document sought to be proved be a Proclamation, Treaty, or other Act of State, the authenticated copy to be admissible in evidence must purport to be sealed with the seal of the Foreign State or British Colony to which the original document belongs ; and if the document sought to be proved be a judgment, decree, order, or other judicial proceeding of any British, Foreign, or Colonial Court, or an affidavit, pleading, or other legal document filed or deposited in any such Court, the authenticated copy, to be admissible in evidence, must purport either to be sealed with the seal of the said British, Foreign, or Colonial Court to which the original document belongs, or in the event of such Court having no seal, to be signed by the Judge, or if there be more than one Judge, by any one of the Judges of the said Court, and such Judge shall attach to his signature a statement in writing on the said copy, that the Court whereof he is a Judge has no seal ; but if any of the aforesaid authenticated copies shall purport to be sealed or signed as hereinbefore respectively directed, the same shall respectively be admitted in evidence in every case in which the original document could have been received in evidence, without any proof of the seal where a seal is necessary, or of the signature or of the truth of the statement attached thereto where such signature and statement are necessary, or of the judicial character of the person appearing to have made such signature and statement.

6. Every document which by any law now in force is or shall be admissible in evidence of any particular, in any Court of Justice in England, without proof of the seal or stamp, or signature authenticating the same, or of the judicial or official character of the person appearing to have signed the same, shall be admitted in evidence to the same extent and for the same purposes in any Court of Justice in this Province, or before any person having therein, by law or by consent of parties, authority to hear, receive, and examine evidence, without proof of the seal or stamp, or signature authenticating the same, or of the judicial or official character of the person appearing to have signed the same.

7. All affidavits for the purpose of holding persons to bail in this Province, or having relation to any judicial proceeding in any Court of Justice therein, purporting to be made before a Judge of any Court of Justice in the United Kingdom, or in any Foreign State, or in any British Colony, if in other respects conformable to law and the practice of the Court in which they are designed to be used, may, notwithstanding they are made before a Judge of a British, Foreign, or Colonial Court, be received and acted upon, and shall have the same effect as if made before a Judge or other lawful authority in this Province, provided the same purport to be sealed with the seal of the British, Foreign, or Colonial Court, before one of the Judges of which they purport to be made, or in the event of such Court having no seal, provided the Judge whose name is subscribed thereto shall have attached to his signature a statement in writing on the affidavit, that the Court whereof he is a Judge has no seal; but if any such affidavit shall purport to be sealed and signed, or to be signed without being sealed, as hereinbefore respectively directed, the same shall be respectively received and acted upon as aforesaid, and admitted in evidence in every Court of this Province, without any proof of the signature of the Judge and seal of the Court where a seal is necessary, or of the signature, or of the truth of the statement attached thereto, where such signature and statement are alone required, or of the judicial character of the person appearing to have made such signature, or signature and statement respectively.

8. Every register of or declaration made, in respect of any

British ship, in pursuance of any of the Acts relating to the registry of British ships, may be proved in any Court of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence, either by the production of the original, or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the person having charge of the original, and which person is hereby required to furnish such certified copy to any person applying at a reasonable time for the same, upon the payment of the sum of one shilling; and every register or copy of register, and also every certificate of registry granted under any of the Acts relating to the registry of British Vessels, and purporting to be signed as required by law, shall be received in evidence in any Court of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence, as presumptive proof of all the matter contained or recited in such register, when the register or such copy thereof as aforesaid is produced, and of all the matters contained or recited in or endorsed upon such certificate of registry when the said certificate is produced.

9. If any officer authorized or required by this Act to furnish any certified copies or extracts, shall wilfully certify any document as being a true copy or extract, knowing that the same is not a true copy or extract, as the case may be, he shall be guilty of a misdemeanor, and be liable upon conviction to imprisonment for any term not exceeding three years.

10. Every Court, Judge, Justice, Officer, Commissioner, Arbitrator, or other person now or hereafter having, by law or by consent of parties, authority to hear, receive, and examine evidence, is hereby empowered to administer an oath to all such witnesses as are legally called before them respectively.

11. If any person shall forge the seal, stamp, or signature of any document in this Act mentioned or referred to, or shall tender in evidence any such document with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall on conviction be liable to imprisonment for any term not exceeding three years, nor less than one year; and whenever any such document shall have been admitted in evidence by virtue of this Act, the Court or person who shall have admitted the

same may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded and kept in the custody of some officer of the Court, or other person, for such period and subject to such conditions as to the said Court or person shall seem meet; and every person who shall be charged with committing any offence under this Act, may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence may be laid and charged to have been committed in the County, district, or place in which he shall be apprehended or be in custody; and every accessory before or after the fact to any such offence, may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence laid and charged to have been committed in any County, district, or place in which the principal offender may be tried.

12. If any person called as a witness, or required, or desiring to make an affidavit or deposition, shall refuse or be unwilling from alleged conscientious motives to be sworn, it shall be lawful for the Court, or a Judge, or other presiding officer or person qualified to take affidavits or depositions, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following, videlicet:—

‘I, A. B. do solemnly, sincerely, and truly affirm and declare, that the taking of any oath is, according to my religious belief, unlawful; and I do also solemnly, sincerely, and truly affirm and declare,’ &c.

Which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form.

13. If any person making such solemn affirmation or declaration shall wilfully, falsely, and corruptly affirm or declare any matter or thing, which if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same penalties as by the laws of this Province are or may be enacted or provided against persons convicted of wilful and corrupt perjury.

14. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character, but he may, in case the witness shall in the opinion of the Judge prove adverse, contradict him by other evidence; or, by leave of the

Judge, prove that he has made at other times a statement inconsistent with his present testimony; but before such last mentioned proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or no he has made such statement.

15. If a witness upon cross-examination as to a former statement made by him relative to the subject matter of the cause, and inconsistent with his present testimony, does not distinctly admit that he has made such statement, proof may be given that he did in fact make it; but before such proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or no he has made such statement.

16. A witness may be examined as to previous statements made by him in writing, or reduced into writing, relative to the subject matter of the cause, without such writing being shewn to him; but if it is intended to contradict such witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him; provided always, that it shall be competent for the Judge at any time during the trial, to require the production of the writing for his inspection, and he may thereupon make such use of it for the purposes of the trial as he shall think fit.

17. A witness in any cause may be questioned as to whether he has been convicted of any felony or misdemeanor, and upon being so questioned, if he either denies the fact or refuses to answer, it shall be lawful for the opposite party to prove such conviction, and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for such offence, purporting to be signed by the Clerk of the Court, or other officer having the custody of the Records of the Court where the offender was convicted, or by the deputy of such Clerk or officer, (for which certificate a fee of five shillings and no more shall be demanded or taken,) shall upon proof of the identity of the person be sufficient evidence of the said conviction, without proof of the signature or official character of the person appearing to have signed the same.

18. It shall not be necessary to prove by the attesting witness any instrument to the validity of which attestation is not requisite; and such instrument may be proved by admission or otherwise, as if there had been no attesting witness thereto.

19. Comparison of a disputed writing with any writing proved to the satisfaction of the Judge to be genuine, shall be permitted to be made by witnesses; and such writings, and the evidence of witnesses respecting the same, may be submitted to the Court and Jury as evidence of the genuineness or otherwise of the writing in dispute.

20. Upon motions founded upon affidavits, it shall be lawful for either party, with leave of the Court or a Judge, to make affidavits in answer to the affidavits of the opposite party, upon any new matter arising out of such affidavits, subject to all such rules as shall hereafter be made respecting such affidavits.

21. Upon the hearing of any motion or summons it shall be lawful for the Court or a Judge thereof, at their or his discretion, and upon such terms as they or he shall think reasonable, from time to time to order such documents as they or he may think fit to be produced, and such witnesses as they or he may think necessary to appear, and be examined *viva voce* either before such Court or Judge; and upon such evidence to make such rule or order as may be just.

22. The Court or Judge may by such rule or order, or any subsequent rule or order, command the attendance of the witnesses named therein, for the purpose of being examined, or the production of any writings or other documents, to be mentioned in such rule or order; and such rule or order shall be proceeded upon in the same manner, and shall have the same force and effect as other rules or orders of the said Court now have, and be enforced in like manner; and it shall be lawful for the Court or Judge to adjourn the examination from time to time as occasion may require; and the proceedings upon such examination shall be conducted, and the depositions taken down as nearly as may be in the mode now in use with respect to the *viva-voce* examination of witnesses.

23. Any party to any civil action or other civil proceeding in the said Court, requiring the affidavit of a person who refuses to make an affidavit, may apply by summons for an order to such person to appear and be examined upon oath

before a Judge, or a person to whom it may be most convenient to refer such examination, as to the matters concerning which he has refused to make an affidavit; and a Judge may, if he think fit, make such order for the attendance of such person before himself or before the person therein appointed to take such examination, for the purpose of being examined as aforesaid, and for the production of any writings or documents to be mentioned in such order, and may therein impose such terms as to such examination, and the costs of the application and proceedings thereon, as he shall think just.

24. Such order shall be proceeded upon in like manner as other orders are now proceeded in, and the examination thereon shall be conducted, and the depositions taken down and returned, as nearly as may be in the mode now used in *viva voce* examinations.

25. Upon the application of either party to any cause or other civil proceeding in the said Court, upon an affidavit by such party of his belief that any document to the production of which he is entitled for the purpose of discovery or otherwise, is in the possession or power of the opposite party, it shall be lawful for the Court or a Judge to order that the party against whom such application is made, or if such party is a body corporate, that some officer to be named of such body corporate, shall answer on affidavit, stating what documents he or they has or have in his or their possession or power, relating to the matters in dispute, or what he knows as to the custody such documents or any of them are in, and whether he or they objects or object (and if so on what ground) to the production of such as are in his or their possession or power, and upon such affidavit being made, the Court or Judge may make such further order therein as shall be just.

26. The provisions of an Act passed in the third year of the Reign of Her present Majesty, intituled *An Act to amend the Law of Evidence in regard to the proof of Records and Letters Patent*, are hereby extended to all inquisitions, surrenders, escheats, leases, licences, judgments, and conveyances by, to, or from, or in favour of or against the Crown, and to the Records or Rolls of judgment and decrees heretofore had or obtained in the Court of Chancery by or against the Crown in this Province, or which may hereafter be had or obtained on the Equity side of the Supreme Court by or against the Crown.

27. The first four Sections of this Act shall not come into operation until the first day of January in the year of our Lord one thousand eight hundred and fifty seven.

CAP. XLII.

An Act for better securing the liberty of the Subject.

Section.

1. On cause, Judge may order keeper of a gaol to return to him whether a prisoner is detained, with the date and cause.
2. Return to be as to a Writ of Habeas Corpus, and to include specified particulars.
3. Upon return made, Judge to proceed.
4. Keeper to inform his prisoner of the order, and obey it.

Section.

5. Wilful disobedience, a misdemeanor.
6. Case may be decided by other than the Judge who issued the order.
7. No order to discharge a prisoner for cause not specified; additional returns by the keeper.
8. Act not to preclude remedy for false imprisonment.

Passed 1st May 1856.

WHEREAS the present practice of bringing up prisoners on Writs of Habeas Corpus, is attended with delay, expense, and inconvenience, not in general necessary to the purposes of justice;—

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

1. Upon sufficient cause shewn to any Judge of the Supreme Court, by or on behalf of any person confined in any gaol or prison, such Judge may and is hereby empowered, (instead of granting his fiat for a Writ of *Habeas Corpus cum causa*, requiring the keeper of such gaol or prison to bring the prisoner before him in order that the legality of such imprisonment may be inquired into, and discharge, bailment, or recommitment had thereon,) by order in writing signed by him, with his name, addition of office, and place of residence, to require and direct such keeper to return to him whether or no such person is detained in prison, together with the day and cause of his having been taken and detained.

2. It shall be the duty of such keeper immediately upon the receipt of such order, to make a true and full return in writing to such Judge, of the day and cause of such taking and detention to the same effect as a return to a Writ of Habeas Corpus would now be made, such return always to include a copy of the process, warrant, or order upon which the said prisoner is held, where the same is of a criminal nature, or upon any summary complaint or conviction before any Justice of the

Peace; and such Judge may enforce obedience to such order by process of contempt, in the same manner as he may now compel proper return to be made to a Writ of Habeas Corpus.

3. Upon return to such order, the Judge may proceed to examine into and decide upon the legality of the imprisonment, and make such order, require such verification, and direct such notices or further returns in respect thereof, as he may deem necessary or proper for the purposes of justice, and may, and he is hereby empowered by order in writing, signed as aforesaid, to require the immediate discharge from prison, or may direct the bailment of such prisoner in such manner and for such purpose, and with the like effect and proceeding, as is now allowed upon habeas corpus; such bail when ordered, to be entered into before any Justice of the Peace specially named in such order, or any Justice of the County or place where there is no such nomination.

4. It shall be the duty of such keeper immediately upon the receipt of any order of a Judge in relation to a prisoner in his custody, to communicate the same to such prisoner, and to give him a true copy thereof, if demanded, and to obey the requirements of the same.

5. Every wilful neglect or disobedience of the order of a Judge in relation to a prisoner shall be deemed a misdemeanor, and punishable as such by fine and imprisonment, or either, at the discretion of the Court.

6. The matter of the return made to the order of a Judge may be heard and decided on by any other Judge of the Supreme Court, who shall have the same power and jurisdiction in respect thereof as the Judge by whom the first order was made.

7. No orders made under this Act shall require or enable the keeper of any gaol or prison to discharge the prisoner from any commitment or charge, other than that specified in such order; but it shall be the duty of such keeper, in every return made to a Judge's order, to specify the several causes of commitment and detention, if more than one; and if between the time of making the return and receiving an order for the discharge or bailment, any other warrant, process, or order shall have been delivered to him, requiring the detention of the prisoner upon any charge of a criminal nature or summary

complaint or conviction, such keeper shall, without any further order, make and transmit to the Judge an additional return, with a copy of such warrant, process, or order, and the time of receiving the same; which may be dealt with by such Judge as if made pursuant to an order for that purpose granted.

8. Nothing in this Act contained shall extend or be construed to deprive any person who may have been falsely imprisoned, from his remedy by civil suit against any person who may have illegally caused such imprisonment; but the Judge by whom relief may be afforded under this Act, may by his order exempt any such keeper of a gaol from civil suit who may appear to him to have acted upon the warrant or order of any Judge or Justice, according to the requirement of the same, without malice or evil intent, although such warrant or order may be bad in form or substance; and any such order of exemption may be pleaded in bar to any action brought against such keeper, or notice given thereof as an additional ground of defence, under the Act of Assembly in such case made and provided.

CAP. XLIII.

An Act to explain and amend Chapter 137, Title XXXVII, of the Revised Statutes, "Of the jurisdiction of Justices in Civil Suits."

Section.

1. Jurisdiction of Justices of the Peace limited to County for which appointed.
2. Order for hearing on review, to stay execution.
3. On cause shewn a Judge may order removal of proceedings within thirty days after judgment.

Section.

4. Proceedings in case either party be out of the Province or concealed.
5. Judge on review, may for insufficient service, or want of opportunity, &c., set aside judgment, order non-suit, &c.
6. Venire to be delivered to a constable.

Passed 1st May 1856.

WHEREAS doubts have arisen as to the power and jurisdiction of Justices, under Chapter 137, Title XXXVII, of the Revised Statutes, to issue Summons, Capias, and Process to Counties in the Province other than those for which they are or may be respectively appointed: And whereas the said Chapter requires amendment in other respects;—

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

1. That nothing in the said Chapter shall authorize or be construed to authorize or empower any Justice to issue any

summons, *capias*, or other process, (except *subpœnas*) to any part of the Province, beyond the County for which such Justice is or may be appointed a Justice of the Peace, and in which such Justice shall at the time reside; and the jurisdiction of Justices in civil suits is and shall be in all cases confined to the County in which such Justice resides and for which he has been appointed a Justice of the Peace.

2. That in cases of review before a Judge of the Supreme Court, the order for hearing, if served on the Justice before execution shall have issued, shall stay the issuing of execution, and if the execution shall have been issued and not collected, the Justice shall grant the party requiring it a certificate of the issuing of such order, which on being served on the constable in whose hands the execution may be, shall suspend such execution.

3. In case any party to a suit in a Justice's Court may desire to have the same reviewed, and shall make it appear to the satisfaction of a Judge of the Supreme Court that he has been unable to apply to the Justice before whom the judgment was given for a copy of the evidence, a minute of the cause of action, the grounds of defence, and the result, within six days after such judgment, according to the provisions of the forty fourth Section of said Chapter, such Judge may, at any time within thirty days from the day of giving judgment, issue his order to the Justice, who upon service thereof and demand of such copy of the evidence and proceedings, shall within three days thereafter give the same to the party, he paying therefor as provided in the said forty fourth Section, and the proceedings in review shall be thereupon taken in the same manner as if the copy had been demanded within six days of the judgment, and according to the provisions of the said forty fourth Section; and such order for copy of evidence and proceedings when served on the Justice, shall operate as a stay of proceedings in the same manner as the order for hearing.

4. In case of either of the parties being out of the Province or concealed therein, so that the order for hearing or copy of proceedings cannot be served, then the service of the same on the Justice shall be a stay of proceedings until some person appear on behalf of the absent or concealed party, to resist or shew cause against such application, when the review may

proceed by service on the person so acting for the absent or concealed party, it being made to appear by affidavit, and to the satisfaction of the Judge granting such order, that the party is absent or concealed.

5. Upon the hearing on review, if the Judge of the Supreme Court be satisfied by affidavit that the defendant has not been legally served with summons or first process in the cause, or that he has not had a fair and reasonable opportunity of appearing, or defending the same before the Justice, the same shall be a sufficient ground for setting aside the judgment, or ordering a non-suit to be entered, or the Judge may make such order in the matter as to him may seem right, notwithstanding the return of the Justice, which shall be no bar or ground for excluding evidence by affidavit, either of the want of service of summons, or opportunity to appear as above stated; provided always, that copies of the affidavits to be used on such hearing be served on the Justice who tried the cause, with the order for hearing.

6. In case of a Jury being applied for, and a venire issued, the Justice shall not deliver the venire to either party, but to the constable by whom the Jury are to be summoned.

CAP. XLIV.

An Act to explain and amend Chapter 112, Title XXX, of the Revised Statutes, "Of the Registry of Deeds and other Instruments."

Section.

1. Meaning of "grant, bargain, and sell," in Chap. 112.

Section.

2. Meaning of Sec. 7 of Chap. 112, in respect of free execution of instruments by married women.

Passed 1st May 1856.

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

1. That nothing in Chapter 112, Title XXX, of the Revised Statutes, "Of the Registry of Deeds and other Instruments," or in the sixteenth Section thereof, shall extend or be construed to extend to prevent the words "grant, bargain, and sell," in any Deed or instrument, amounting to a conveyance, or to prevent such words being as sufficient to convey and transfer all the right and title of the grantor or bargainor executing such conveyance, as if that Chapter had not been passed.

2. Nothing in the seventh Section of the said Chapter 112, of said Title XXX, shall be construed to require the persons authorized by law to take acknowledgments of conveyances, to certify on any conveyance, power of attorney, or other instrument executed by a married woman, that such married woman executed the conveyance freely, but such Section shall mean that the person so certifying shall certify that he has examined such married woman apart from her husband, and she acknowledged that she executed the same freely.

CAP. XLV.

An Act relating to Insurance Companies not incorporated by Act of Assembly in this Province.

Section.

1. Insurance Companies not incorporated in the Province to file a statement of their affairs in the Provincial Secretary's office before transacting business.
2. Annual statements to be filed.
3. Provincial Secretary to grant a certificate of the filing of the required statement.

Section.

4. Certified copies of all papers filed under this Act to be received in evidence.
5. Service of process on a Company's Agent to be valid.
6. Proof of the issue of a Policy.
7. Penalty for violating this Act.
8. Commencement of Act.

Passed 1st May 1856.

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

1. It shall not be lawful for any Insurance Company or Association not incorporated by the Legislature of this Province, to establish or continue any Branch or Agency within this Province, or directly or indirectly to take any risk, or transact any business of insurance in the same, after the day fixed for this Act to come into operation, unless a statement subscribed by the President, Secretary, or principal Manager of such Company or Association, shall be first filed in the Provincial Secretary's Office in this Province; which statement shall specify the aggregate amount of the risks at that time taken by the said Company, the amount of losses incurred during the preceding year, the amount of capital actually paid in, and how the same has been invested and secured; also a particular statement of the manner in which the residue of the capital has been secured, the amount of the dividends for the preceding year and when declared, the amount of cash on hand and in the hands of Agents or other persons, together with the amount of the surplus profits then

belonging to the said Company, and how the same have been invested and secured, and the amount of real estate owned by the said Company; which statement shall be accompanied by an affidavit of the Secretary or principal Manager of said Company, that such statement is true and correct according to the best of his knowledge and belief; which affidavit shall be made before any Mayor or Chief Magistrate of any Borough, City, or Corporate Town of the State, Province, or Kingdom where the said Company has its principal place of business, or before any person authorized to take the proof or acknowledgment of the execution of Deeds for Registry in this Province.

2. The authorized Agent of every such Company shall, during the continuance of such Branch or Agency within this Province, cause to be made and filed in the Provincial Secretary's Office in this Province, between the first day of January and the first day of August in each and every year, a copy of the Balance Sheet as made up by the said Company, to the end of the fiscal year of the said Company then next preceding, with a statement of the assets of the said Company to and at the time when such Balance Sheet was made up, and also with the affidavit of the Secretary or principal Manager, to be made before the Mayor or Chief Magistrate of any Borough, City, or Corporate Town of the State, Province, or Kingdom where the said Company has its principal place of business, or before any person authorized to take the proof or acknowledgment of the execution of Deeds for Registry in this Province, that he believes the said statement to be true and correct.

3. On the production to the said Provincial Secretary of any such statement, by or on the behalf of any such Insurance Company as aforesaid, purporting to be subscribed by any such President, Secretary, or Manager, with the affidavit of any person resident in this Province that he is the authorized Agent of the Company by whom such statement is made, and that to the best of his knowledge and belief such statement is correct and true, and that the party subscribing such statement is the President, Secretary, or Manager of such Company, it shall be the duty of the said Provincial Secretary to furnish such Agent with a certificate of the said statement having been duly filed in his office.

4. Copies of all papers required by this Act to be filed or deposited in the office of the said Provincial Secretary, certified under his hand to be true and correct copies of papers so filed or deposited, shall be received in evidence in all Courts and places in this Province, and shall have the same force and effect as the original would have if produced and proved.

5. For the purpose of commencing any action or suit at law or in equity against any such Company, service of process on any such Agent shall be good service of process on such Company, whether the same be incorporated or not; and whether incorporated or not, any such Company may be sued by the name in which they do business, and a judgment against such Company shall be valid and effectual to all intents and purposes, unless reversed on appeal.

6. In any action brought against any such Company on any Policy purporting to have been issued by it or its Agent in this Province, proof of the signature thereto of such Agent or Agents, or, if not signed by him, of the issue of such Policy from the office in this Province of such Agent or Agents, shall upon the trial be deemed sufficient proof of the same being a Policy issued by said Company, unless the contrary be shewn.

7. Any person violating any of the provisions of this Act shall, upon conviction thereof before any Court of competent jurisdiction, be fined by such Court in any sum, according to its discretion, not exceeding two hundred and fifty pounds.

8. This Act shall come into operation on the first day of September next.

CAP. XLVI.

An Act for transferring to one of Her Majesty's Principal Secretaries of State the Powers and Estates vested in the Principal Officers of the Ordnance.

Section.

1. Powers and privileges vested by recited Acts or usage in the Principal Officers of Her Majesty's Ordnance, to be vested in the Secretary of State for the War Department.
2. All property, &c., vested in the Ordnance Department, transferred to the Secretary at War, and his successors.

Section.

3. All contracts with the Ordnance Department deemed entered into with the Secretary at War.
4. Style, seal and delivery of contracts, &c. by and with Her Majesty's Principal Secretary of State for the War Department.

Passed 1st May 1856.

WHEREAS by an Act of the General Assembly passed in

the eighth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to certain Lands belonging to Her Majesty, and for vesting the Title to the same in the Principal Officers of Her Majesty's Ordnance Department*; and by another Act passed in the ninth year of the same Reign, intituled *An Act relating to an exchange of Lands in Fredericton with the Ordnance Department*; various powers and authorities were given to, vested in, and exercisable by the Principal Officers of Her Majesty's Ordnance, and by the said Acts, and by or under divers Grants, Letters Patent, conveyances, surrenders, assignments, and leases, or by some other means divers lands, hereditaments, estates, and property were vested in the said Principal Officers: And whereas it is expedient that the said several powers and authorities, and the said lands, hereditaments, estates, and property, and all title, estate, and interest therein respectively, should be transferred from the said Principal Officers, and vested in one of Her Majesty's Principal Secretaries of State;—

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

1. All the powers, authorities, rights, and privileges whatsoever, which by virtue of the said recited Acts or either of them, or of any other Act or Acts of Assembly, or of any law, custom, or usage whatsoever, have been or were at any time vested in, or exercised, or exercisable by the Principal Officers of Her Majesty's Ordnance, or any of them, shall from henceforth continue in full force, and shall be and the same are hereby declared to be transferred to, and vested in, and exercisable by Her Majesty's Principal Secretary of State for the time being, to whom Her Majesty shall think fit to intrust the Seals of the War Department, and such last mentioned Principal Secretary of State shall be entitled to the same exemption from personal responsibility as the said Principal Officers were entitled to.

2. All lands, hereditaments, estates, and property whatsoever, which by virtue of the said recited Acts or either of them, or of any other Act or Acts of Assembly, or of any conveyance, surrender, lease, or other assurance, or of any law, custom, or usage whatsoever, before and at the time of the passing of this Act were vested in the Principal Officers of

the Ordnance, on behalf of Her Majesty, or which have been at any time before the passing of this Act held, used, or occupied, or purchased, vested, or taken by or in the name of, or by any person or persons in trust for Her Majesty for the use and service of the said Department, or for the defence and security of this Province, and which have not been sold, aliened or parted with, shall from henceforth be and the same are hereby declared to be transferred to and vested in the last mentioned Principal Secretary of State for the time being, on behalf of Her said Majesty; and when and so often as the last mentioned Principal Secretary of State, and any succeeding Principal Secretary of State to whom Her Majesty shall have intrusted the Seals of the War Department, shall cease to hold such office, the said several lands, hereditaments, estates, and property which hereafter shall be purchased or otherwise acquired by any such last mentioned Principal Secretary of State for the time being, on behalf of Her said Majesty, shall by virtue of this Act be absolutely divested out of such Secretary of State so ceasing to hold such office as aforesaid, and shall by virtue of this Act be transferred to and vested in his successor in the said office immediately upon his receiving the Seals of the said Department absolutely; and the said lands, hereditaments, estates, and property hereby vested or hereafter to be vested in the said last mentioned Principal Secretary of State, and his successors, shall, as to such of them as were or shall have been purchased, or are or shall be held for an estate of inheritance in fee simple, be so vested in such last mentioned Principal Secretary of State, and his successors, in the same manner as if the fee simple thereof had been originally conveyed to such Principal Secretary of State, as a Corporation sole, and his successors; and as to all lands, hereditaments, and property purchased or held for any less estate than an estate of inheritance in fee simple, as if the same lands, hereditaments, and property had been originally conveyed, surrendered, demised, or otherwise assured to such Principal Secretary of State as a Corporation sole, and his successors, for all the existing estates or interests therein respectively, and so from time to time.

3. All contracts, covenants, and agreements heretofore made or entered into by any person or persons whomsoever

with the said Principal Officers of the Ordnance, or any person or persons on their behalf, as to or concerning any lands, hereditaments, estates, and property vested in, or agreed to be purchased by the said Principal Officers, or in anywise relating to the public service, shall be deemed and taken to have been made or entered into with such Principal Secretary of State as last aforesaid, and shall be executed and enforced by him in like manner as if he had originally been party thereto, instead of the said Principal Officers of the Ordnance, and all proceedings whatsoever which have been, or might, or may have been commenced, taken, or done in the names of the said Principal Officers, on behalf of Her Majesty, shall and may hereafter be commenced, continued, taken, and done in the name of such Principal Secretary of State as aforesaid, in like manner (in the case of proceedings already commenced, taken, or done,) as if he had originally been party thereto, instead of the said Principal Officers of the Ordnance.

4. In every contract, conveyance, surrender, lease, or other assurance of any lands, hereditaments, estates, or property with, unto, or by the last mentioned Principal Secretary of State for the time being, and in every other deed or instrument relating to any lands, hereditaments, estates, or property, or in anywise to the public service, to which the last mentioned Principal Secretary of State for the time being shall be or shall be intended to be a party, it shall be sufficient to call or describe him by the style or title of "Her Majesty's Principal Secretary of State for the War Department," without naming him; and every such contract, conveyance, surrender, lease, assurance, deed, or instrument may be executed by said last mentioned Principal Secretary of State, or by any other of Her Majesty's Principal Secretaries of State for the time being, by signing his name thereto, and if the instrument so executed be in the form of a deed, by setting or affixing a seal thereto, and delivering the same as his deed; and whenever any contract, conveyance, surrender, lease, assurance, deed, or instrument shall be executed by any other Principal Secretary of State than the Principal Secretary of State for the War Department, the Principal Secretary of State so executing the same shall, for that time and on that occasion, and for the purposes thereof, be deemed the Principal Secretary of State for the War Department.

CAP. XLVII.

An Act to explain Chapter 120, Title XXXI, of the Revised Statutes, "Of Banking."

Construction of Chapter 120 of Revised Statutes, as to the issue of Bank Notes.

Passed 1st May 1856.

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

Nothing in Chapter 120, of Title XXXI, of the Revised Statutes, "Of Banking," shall extend or be construed to extend to prevent any Bank legally incorporated from issuing notes or other evidences of debt for the sum of one pound, or any greater sum; but the proper construction and intent of the first Section of said Chapter is merely to restrain and prevent every such Bank from issuing any note or evidence of debt for any sum below one pound, except for the sum of five, ten, and fifteen shillings, respectively.

CAP. XLVIII.

An Act to amend Chapter 30, Title III, of the Revised Statutes, "Of certain Salaries."

Section.

1. Revised Statutes, Chapter 30, Section 4, repealed.
2. £300 to be the yearly salary of the Clerk of the Pleas.

Section.

3. Salary of £100 per annum granted for a Clerk in his office.

Passed 1st May 1856.

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

1. The fourth Section of the said Act is hereby repealed.

2. The yearly sum of three hundred pounds is hereby granted to the Governor as and for the Salary of the Clerk of the Pleas, to be paid to him quarterly by Warrant of the Governor, in lieu of all fees and emoluments arising from his office as such Clerk, and as a full compensation for the performance of his duties, and for all contingencies of such office; such Clerk shall be a Barrister of the Supreme Court, and shall not be allowed to practice in any Court.

3. The yearly sum of one hundred pounds is hereby granted to the Governor for the Salary of a Clerk in the said office, to be appointed by the Governor in Council, and who shall be

under the direction of the Clerk of the Pleas; such Salary to be paid quarterly by Warrant of the Governor.

CAP. XLIX.

An Act to amend Chapter 55, of the Revised Statutes, "Of Contingencies and Accounts."

Time for returning Accounts by Grand Juries extended, as to the City and County of Saint John.

Passed 1st May 1856.

WHEREAS the time allowed by law for the Grand Jury to return the County Accounts, laid before them by the Court of Sessions, is found by experience to be too short to permit of a thorough revision of the same in the City and County of Saint John;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the time allowed to the Grand Jury for returning into Court the County and Parish Accounts, laid before them by the said Court, as mentioned in Chapter 55, Section 4, of the Revised Statutes, with their Presentment thereon, shall be and hereby is extended from Friday therein mentioned to the Tuesday following inclusive, so far as relates to the City and County of Saint John.

CAP. L.

An Act to erect the Parish of Saint Paul's in the County of Saint John, for ecclesiastical purposes.

Section.

1. Parish of Saint Paul's erected for ecclesiastical purposes.
2. Corporation of Saint Paul's Church vested with a certain piece of land and Chapel.
3. Churchwardens and Vestrymen for Saint Paul's to be elected by ballot.
4. Qualification of electors.

Section.

5. Powers of a Church Corporation, &c., extended to Saint Paul's.
6. Churchwardens, Vestry, and electors, in the several Parishes, to meet annually on Saturday before Easter Monday.
7. Rector need not be present; Accounts to be exhibited.
8. Operation of Act limited.

Passed 1st May 1856.

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

1. That from and after the second Monday in May in the present year, that part of the Parish of Portland, in the County of Saint John, which lies to the eastward of a line drawn along the centre of the Street passing over the Mill Bridge, and ex-

tending northwardly to the Kennebecasis River, shall be and the same is hereby declared to be a separate and distinct Parish for all purposes Ecclesiastical or relating to the Church of England, by the name of "The Parish of Saint Paul," and the Church or Chapel of Ease hereinafter mentioned shall be deemed and taken to be the Parish Church of the said Parish of Saint Paul; and the Church Wardens and Vestry of the said Parish, so soon as they shall be duly elected and chosen, together with the Rector for the time being, and their respective successors for ever, shall be a body politic in deed and in name, and shall have succession for ever, by the name of "The Rector, Church Wardens, and Vestry of Saint Paul's Church, in the Parish of Saint Paul."

2. The Rector, Church Wardens, and Vestry of Saint Paul's Church, in the Parish of Saint Paul, shall on the said second Monday in May, and for ever thereafter, stand seized of, hold, possess, and enjoy the lot of land and premises granted and conveyed by the late Honorable Ward Chipman to the Rector, Church Wardens, and Vestry of Saint Luke's Church, in the Parish of Portland, by deed bearing date the second day of June in the year of our Lord one thousand eight hundred and forty five, and therein described as—"All that lot of land situate, lying, and being in the said Parish of Portland, bounded and described as follows, that is to say:—Beginning at the intersection of the southern line of the Road leading to Sand Point with the eastern line of Wall Street; thence running southerly on the said eastern line of Wall Street one hundred and fifty six feet to the northern line of Winter Street; thence running easterly on the said northern line of Winter Street two hundred and seventy feet to the western line of a Street to be there laid out by the said Ward Chipman, fifty feet in width, and called Albert Street; thence running northerly on the said western line of Albert Street to the said southern line of the Road leading to Sand Point; thence running westerly on the said southern line of the Road leading to Sand Point, following the several courses thereof, to the place of beginning;" together with the said Church or Chapel of Ease erected on part of the said lot, called Saint Paul's Chapel; and all and singular the rights, members, privileges, and appurtenances to the same belonging, in like manner and for the like

uses, interests, and purposes, and for no other, and subject to the like trusts and conditions, as the Rector, Church Wardens, and Vestry of Saint Luke's Church might, before the passing of this Act, have held, possessed, and enjoyed the same; and the said Rector, Church Wardens, and Vestry of Saint Luke's Church shall thereupon be wholly relieved and exonerated from the trusts reposed in them under and by virtue of the said conveyance so made by the said late Honorable Ward Chipman.

3. Two Church Wardens and not more than twelve Vestrymen for the said Parish of Saint Paul, shall be elected and chosen by ballot, on the said second Monday in May in this present year, and after this present year on Easter Monday in each and every year, who shall continue in office until others are appointed in their stead.

4. Owners or Lessees for one year or longer of pews in Saint Paul's Church, being males of the age of twenty one years and upwards, and no other persons, shall be entitled to vote in the choice of, and shall also be qualified and capable to be elected and chosen Church Wardens and Vestrymen of Saint Paul's Church, in the Parish of Saint Paul; provided that no person shall be eligible as a Church Warden or Vestryman, unless he shall be a member of the Church of England, and shall have been for at least six months a stated hearer and attendant at the public worship of the same; and provided that the ownership or lease of a pew in the said Church shall not entitle more than one person to vote in respect of the said pew at any election.

5. The power and authority granted to a Church Corporation by any law in force in this Province, and all and every the clauses, enactments, and provisions of Title XXVIII, Chapter 107, of the Revised Statutes, "Of the Church of England," shall extend and be construed to extend to the said Parish of Saint Paul, erected by this Act, as fully and effectually as if such power and authority were herein specially granted, or such clauses, enactments, and provisions were herein particularly enacted, except so far as such clauses, enactments, and provisions may be inconsistent with the provisions of this Act.

6. The Church Wardens, Vestry, and Pewholders, or other persons qualified to vote in the election of Church Wardens

and Vestrymen in the said Parish, and in every other Parish in this Province, may assemble in their Vestry room or other usual place of meeting, for all business connected with their respective Parishes, (except the choice of officers) on the Saturday before Easter Monday in every year; and notice of such meeting shall be given by the Rector on the Sunday previous.

7. It shall not be necessary for the Rector to be present at such meeting; in his absence a Chairman shall be named by the persons present: A full and detailed statement and account of the receipts and expenditure of the Corporation for the past year shall be laid before the meeting, and any information required by any pewholder or person qualified to vote for Church Wardens and Vestrymen, respecting the same, or respecting the property of the Corporation and the management thereof, shall be given.

8. Nothing in this Act contained shall take away or in any wise affect, or be construed to take away or in any wise affect, the rights of any person or persons other than the Rector, Church Wardens, and Vestry of Saint Luke's Church, in the Parish of Portland, and the Rector, Church Wardens, and Vestry of Saint Paul's, in the Parish of Saint Paul's, or to give to or vest in the Rector, Church Wardens, and Vestry of Saint Paul's Church, in the Parish of Saint Paul's, any other or better title or estate than was vested in the Rector, Church Wardens, and Vestry of Saint Luke's Church, in the Parish of Portland, at the time of the passing of this Act.

CAP. LL

An Act in further amendment of the Charter of the City of Saint John.

Section.

1. Appointment of Common Clerk vested in the Common Council.
2. Present incumbent may be continued or removed.
3. Qualification of the Common Clerk.

Section.

4. Repeal of Charter, Bye Laws, and Acts of Assembly, so far as inconsistent with this Act.
5. Chief Engineer of Fire Department to be appointed by the Common Council.

Passed 1st May 1856:

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

1. The Common Council of the City of Saint John shall have full power and authority from time to time, to name, constitute, and appoint a fit and proper person to be Common

Clerk of the said City, who shall continue in and hold, exercise, and enjoy the said office during the pleasure of the Common Council, and until another fit person shall be sworn in in his stead, and no longer.

2. That the present incumbent may be continued or displaced by the Common Council, and another appointed in his stead whenever they may deem it advisable.

3. The person to be appointed Common Clerk shall be a fit, discreet, and reputable inhabitant and freeman of the said City, and skilful in the laws, and shall have been admitted and sworn an Attorney of the Supreme Court of this Province.

4. So much of the Charter of the City of Saint John, and of any Act or Acts of Assembly, and of any bye laws of the said Corporation, as is inconsistent with or contrary to the provisions of this Act, shall be and the same is hereby repealed and annulled.

5. That so much of the second Section of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act for the better extinguishing of Fires which may happen in the City of Saint John*, as relates to the appointment of one Chief Engineer, be and the same is hereby repealed; and in lieu thereof, that the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, may appoint one Chief Engineer of the Fire Department for the City of Saint John on the eastern side of the harbour, and one Chief Engineer for the said City on the western side of the harbour.

CAP. LII.

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

Section.

1. Governor in Council to appoint the Chief of Police.
2. Chief of Police to appoint the policemen; oath of office; authority; obedience;
3. Chief of Police may, subject to approval, establish regulations for the force.
4. Resignation by policemen, or withdrawal from duties.
5. Salary of Police Magistrate and Clerk; and wages of Chief and men of the Police force.
6. Obstructions by groups near sidewalks.
7. Powers, &c. of Police Magistrate to continue except as altered.

Section.

8. Certain parts of Act 12 V. c. 68, repealed.
9. Police Record Books to be submitted quarterly to the Common Council.
10. Chief of Police may in certain cases take recognizance.
11. Chief of Police may exact recognizance from persons making a charge, and on refusal discharge the person in custody.
12. Recognizance, conditions of; entry and return of by Chief of Police.
13. No Aldermen or Justice other than the Police Magistrate to hold a Court in the City for certain trials.

Passed 1st May 1856.

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

1. The Governor in Council shall from time to time appoint a fit and proper person to be Chief of Police of the City, who shall hold his office during pleasure, and shall be invested with all the duties and powers as are hereinafter specified.

2. The Chief of Police shall from time to time appoint such a number of fit and able men as the Common Council may designate, to be a Police Force for that part of the City lying on the east side of the harbour, who, as well as the Chief, shall be severally sworn in before a Justice of the Peace to act as day and night policemen, watchmen, and constables, for the preserving of the peace, and the preventing of all felonies, and apprehending of offenders against the peace; and the Chief and men so sworn shall, not only within the whole City of Saint John, but also generally within the City and County of Saint John, have all such powers, authorities, privileges, advantages, and exemptions, and be liable to all such duties and responsibilities as any constable duly appointed now has, or hereafter may have, or is or may be liable to within his constablewick, by virtue of the Common Law; or any Statute or Act of Assembly, or bye law of the said City, made or to be made; and the said policemen shall obey all such lawful commands as they or any of them may from time to time receive from the Chief, for conducting themselves in the execution of their office; and all the provisions, enactments, powers, and authority relating to policemen in and by an Act passed in the twelfth year of Her present Majesty's Reign, intituled *An Act in further amendment of the Charter of the City of Saint John*, or any other Act or bye law relating thereto, shall be vested in and apply to the Chief, and to all and every the said Police force so to be appointed as aforesaid, except so far as the same may be inconsistent with the provisions of this Act.

3. The Chief of Police may from time to time, subject to the approval of the Common Council of the City, frame and establish such orders and regulations as he shall deem expedient relative to the general government of the men so to be appointed members of the Police force, the place of their residence, the classification, rank, and particular service of the several men, their distribution and inspection, the description of arms and

accoutrements, and other necessaries to be furnished to them, and all such orders and regulations relative to the said Police force as the Chief shall from time to time deem expedient for preventing neglect or abase, and for rendering such force efficient in the performance of all its duties; and the Chief may at any time dismiss or suspend from his employment any man belonging to the Police force whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same; and when any man shall be so dismissed or cease to belong to the Police force, all powers and privileges vested in him as a constable of the said force or otherwise by virtue of this Act, shall immediately cease and determine.

4. No policeman or constable belonging to the Police force shall be at liberty to resign his office or withdraw himself from the duties thereof, unless expressly allowed to do so in writing from the Chief, or unless he shall give to the Chief one calendar month's notice in writing of such his intention; and every policeman and constable who shall so resign or withdraw himself without such leave or notice, shall be liable to forfeit all arrears of pay then due to him, or to a penalty of not more than five pounds, to be recovered as any other penalties under the said Act.

5. The salary of the Police Magistrate, and of the Clerk to the Police Office, to be appointed by the said Police Magistrate, shall be determined by the Governor in Council; the salary of the Police Magistrate not to exceed three hundred pounds, and of the Clerk not to exceed two hundred pounds; and the wages and pay of the Chief and policemen shall from time to time be determined and settled by the Common Council; and all the said salaries, wages, and pay, and the other expenses attending the Police establishment, shall be paid monthly, by order of the Common Council upon the Chamberlain, out of the funds in his hands applicable to the support and maintenance of the Police establishment.

6. Three or more persons shall not stand in a group or near to each other on or near any sidewalk of any street, in such a manner as to obstruct a free passage for foot passengers, for a longer time than twenty minutes, under a penalty of forty shillings, nor more than five minutes after a request to move on made by the Mayor or Recorder, or any Alderman, Councillor, or policeman, under a like penalty.

7. The authority, powers, rights, privileges, and duties of the Police Magistrate shall continue and remain as the same now are by law, except so far as they are altered by or are inconsistent with the provisions of this Act.

8. The eighth, ninth, tenth, and eighteenth Sections of the said Act, and also so much of the eleventh Section of the said Act as is inconsistent with the provisions of this Act, are hereby repealed.

9. The Police Magistrate shall at the first Common Council holden after the first days of January, April, July, and October in each year, on notice to him given of the holding of such Council, submit for the information of the Common Council, the Record Books kept by him under the provisions of the said Act.

10. Whenever any person charged with any offence for which he is liable to be summarily convicted before any such Police Magistrate shall be, without warrant, in custody at any watch-house within the Police district during the time when there shall not be any Magistrate sitting at the Police Office in said district, it shall be lawful for the said Chief of Police, if he shall deem it prudent, to take the recognizance of such person, with or without sureties, conditioned as hereinafter mentioned.

11. Whenever any person charged with any felony or indictable misdemeanor, shall be, without warrant, in custody at any watch-house in said district, during the time when there shall not be any Magistrate sitting at the said Police Office, it shall be lawful for the said Chief of Police to require the person making such charge to enter into a recognizance conditioned as hereinafter mentioned; and upon his refusal so to do, it shall be lawful for such Chief of Police, if he shall deem it prudent, to discharge from custody the person so charged, upon his recognizance, with or without sureties, conditioned as hereinafter mentioned.

12. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound, before the Police Magistrate or other Magistrate next sitting at the said Police Office, and the time and place of appearance shall be specified in the recognizance; and the said Chief of Police shall enter in a book to be kept

for that purpose, the name, residence, and occupation of the person, and his surety or sureties (if any) entering into any such recognizance, together with the condition thereof, and the sum thereby acknowledged; and shall return every such recognizance to the Police Magistrate or other Magistrate sitting at the said Police Office at the time when the person is bound to appear; and if the person does not appear at the time and place required, or within one hour after, the Police Magistrate or other Magistrate sitting at the said Police Office, shall cause a record of the recognizance to be drawn up, and to be signed by the said Chief of Police, and shall endorse thereon a certificate signed by such Magistrate, that the person has not complied with the obligation therein contained, and shall forthwith transmit such recognizance so endorsed, to the Clerk of the Crown, to be proceeded upon as in case of forfeited recognizances taken before Justices of the Peace, and such certificate shall be evidence of such default.

13. It shall not be lawful for any Alderman or Justice of the Peace, other than the said Police Magistrate or any other Magistrates duly appointed and sitting at the Police Office, to hold any Court in the City of Saint John for the trial of offences punishable by summary conviction or order, provided that nothing herein contained shall in any way alter, extend, or apply to the fourteenth Section of an Act passed in the thirteenth year of Her present Majesty's Reign, intituled *An Act relating to the Police Office established in the City of Saint John, and to provide for the relief of Debtors confined in the gaol of the said City for small sums, and making provision for levying and collecting of Assessments in the said City, and other purposes.*

CAP. LIII.

An Act relating to non-resident Freemen of the City of Saint John.

Section.

Section.

1. Certain non-residents to be entitled to the privileges of resident Freemen.

2. Place where such non-residents shall vote.

Passed 1st May 1856.

WHEREAS many persons doing business in the City of Saint John reside in the suburbs: And whereas from the great

increase of the population it is apprehended that persons engaged in mercantile and other pursuits in the said City, will be obliged to reside outside the limits thereof: And whereas it is right and just that they should retain their rights and privileges as citizens;—

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

1. That all persons being Freemen of the City of Saint John, personally engaged in conducting or attending to any business, employment, or occupation whatsoever within the same, and who shall be assessed therein upon personal estate or income, shall be deemed and taken to be residents and inhabitants thereof, and shall be entitled to all the rights, privileges, and immunities of resident Freemen and inhabitants, notwithstanding their place of abode be without the boundaries of the said City; provided that the Mayor and Recorder shall, nevertheless, reside within the limits of the said City, and also the Common Clerk, unless he shall have a sufficient deputy whose place of abode shall be within the bounds thereof; and further provided, that nothing in this Act contained shall authorize any person to vote at elections for Members to serve for the City of Saint John in the General Assembly of this Province.

2. Such non-residents who shall have been assessed in the assessment in the City next preceding any election, and who shall have paid all rates and taxes legally due from them, shall vote in the Wards in which their places of business are respectively situate.

CAP. LIV.

An Act to amend an Act to authorize the opening of a Street from Church Street to Princess Street, in the City of Saint John.

Section.

1. Commissioners under Act 18 V. c. 10, to make a new assessment.
2. Return of amounts paid on previous assessment.

Section.

3. Same right of appeal and redress as under former Act.
4. Other Commissioners may be appointed.

Passed 1st May 1856.

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

1. The Commissioners appointed under and by virtue of the first Section of an Act made and passed in the eighteenth year of Her present Majesty's Reign, intituled *An Act to authorize the opening of a Street from Church Street to Princess Street, in the City of Saint John*, shall immediately after the passing of this Act proceed to make a new assessment and apportionment of the estimated value of the lands, tenements, and hereditaments required for the opening of the said Street, upon the parties owning or interested in any lands, tenements, and hereditaments fronting on the said Street, or lying in the vicinity thereof, and in the discretion and opinion of the Commissioners benefited thereby, and such assessment shall be levied, collected, and paid in the manner pointed out in and by the said recited Act; and the said Commissioners shall make report of their doings, and take all other proceedings in reference to such assessment in the manner pointed out in the said recited Act.

2. The Commissioners shall pay over to any person who may have paid the amount of the assessment made under and by virtue of the said recited Act, or shall allow to any party assessed, when payment of the assessment is required, whatever sum the amount so paid or so assessed may exceed the amount which such person may be liable to pay under the assessment to be made in pursuance of this Act.

3. The persons assessed under and by virtue of this Act shall have the same redress and appeal from the decision of the Commissioners, as is given by the said in part recited Act to parties assessed thereunder.

4. In case the Commissioners already appointed shall neglect or refuse to act under the provisions of this Act, the Governor in Council shall appoint three or more discreet and disinterested persons Commissioners under this Act, who shall have the same powers and authority as are given by this Act and the Act to which this is an amendment, to the Commissioners already appointed.

CAP. LV.

An Act relating to Highways in the County of Saint John.

Section.

1. Penalty for removing earth, &c. from the Highways.

2. Recovery.

Section.

3. Jurisdiction of Portland Police Magistrate extended.

Passed 1st May 1856.

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

1. Whoever shall remove or take away any stone, gravel, sand, or earth from any Street, Road, or Highway in the County of Saint John, or shall dig or make any hole or excavation in such Street, Road, or Highway, without the licence of the Supervisor of the Road or Commissioners of Highways for the Parish in which such Road may be, shall forfeit the sum of forty shillings for every such offence.

2. Such penalty may be recovered before the Police Magistrate for the Parish of Portland or City of Saint John, with costs, and shall be applied to the Police fund.

3. The Police Magistrate for the Parish of Portland shall have jurisdiction over any offence against the Highway Acts on the Road leading from the Aboideau to Tisdale's cottage, and from the Aboideau to R. Jardine's house.

CAP. LVI.

An Act to continue the several Acts relating to the establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John.

Acts 11 V. c. 12; 12 V. c. 7; and 14 V. c. 7, continued.

Passed 1st May 1856.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*; also an Act made and passed in the twelfth year of the same Reign, intituled *An Act to amend an Act, intituled 'An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John'*; and also an Act made and passed in the fourteenth year of the same Reign, intituled *An Act to continue and amend an Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, so far as the said several Acts are now in force, be and the same are hereby continued and declared to be in force until the first day

of May which will be in the year of our Lord one thousand eight hundred and sixty three.

CAP. LVII.

An Act to amend Chapter 138, Title XXXVII, of the Revised Statutes, "Of Summary Convictions," so far as the same may apply to the Parish of Portland.

Section.

Section.

- 1. Police Magistrate may act in cases triable before two Justices.
- 2. Trial of larceny or receipt of stolen goods of the value of 40s. may be before the

Police Magistrate and two other Magistrates:

- 3. All fines and costs, when Police Magistrate presides, to be paid to the Police Treasurer.

Passed 1st May 1856.

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

1. In any information or complaint laid before the Portland Police Magistrate, under any Act or Statute wherein it is required that the same must be heard and determined by two or more Justices of the Peace, (larceny or receiving stolen goods excepted) that prosecution may hereafter be made thereon and dealt with by the Police Magistrate or Justice acting in his place.

2. When any person shall be charged with any larceny or any offence of receiving stolen goods, whenever the value of the property stolen shall not exceed forty shillings, it shall be lawful for the said Police Magistrate together with any two Magistrates for the City and County of Saint John, forthwith to hear and determine such offence, and on conviction either by confession or on the testimony of one or more credible witness or witnesses, the said Magistrates are hereby authorized and empowered to commit the offender to the common gaol or Provincial Penitentiary, in the discretion of the said Magistrates, for any term not exceeding six months.

3. All moneys ordered or levied for fines, penalties, or costs in any case in which the Portland Police Magistrate shall preside alone or with any other Magistrate at the Police Office in the Police district, shall be paid over to the Treasurer of the Portland Police, when recovered, to the purposes and provisions of the Portland Police Act, any thing to the contrary thereof in the Act imposing such fine, penalty, or costs, notwithstanding.

CAP. LVIII.

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

Act 5 V. c. 39, continued.

Passed 1st May 1856.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the fifth year of the Reign of Her present Majesty, intituled *An Act to regulate Dockage, Wharfage, and Cranage in the City of Saint John, and in the Parish of Portland*, except so much thereof as may have been repealed, be and the same is hereby revived and continued until the first day of May in the year of our Lord one thousand eight hundred and sixty.

CAP. LIX.

An Act to establish additional Polling places in the County of York.

Additional Polling places in Dumfries and Stanley appointed.

Passed 1st May 1856.

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

The following shall be additional Polling places in the County of York, that is to say:—

At or near Solomon Howe's, in the Parish of Dumfries:

At or near Thomas Bois', on the Bloomfield Ridge, in the Parish of Stanley, for all electors residing in that part of the said Parish situated northeasterly of the southwesterly boundary line of Lot number one, granted to Michael Cott on the thirty first day of December, anno domini one thousand eight hundred and twenty nine, situate on the Road from the Nashwaak to the Miramichi River, and its northwesterly and southeasterly prolongations.

CAP. LX.

An Act to amend an Act to authorize and empower the Justices of the Peace of the County of York to raise by loan a sufficient sum of money to enable them to erect a new Court House in the said County.

Section.

1. Debentures issued under 16 V. c. 40, to be assignable by indorsement.
2. Municipality and Secretary Treasurer to act under 16 V. c. 40.

Section.

3. Moneys hereafter borrowed to be paid to the Secretary Treasurer.
4. Cancelling of Debentures, how effected.

Passed 1st May 1856.

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

1. All debentures issued or to be issued by the Justices of the Peace for the County of York, under the authority of an Act passed in the sixteenth year of Her present Majesty's Reign, intituled *An Act to authorize and empower the Justices of the Peace of the County of York to raise by loan a sufficient sum of money to enable them to erect a new Court House in the said County*, shall be assignable by indorsement of the person named in such debenture, his executors, or administrators, in like manner as promissory notes; and the assignee thereof, his executors, administrators, or assigns, shall be entitled to demand and receive the money and interest secured thereby.

2. All the powers vested in and the duties imposed upon the Justices of the Peace and the Treasurer for the County of York by the said Act, for raising money by assessment, and applying the same in payment of the debentures issued, or to be issued by the said Justices, within the limits of the said Act, shall be exercised and discharged by the Municipality of the County of York, and the Secretary Treasurer thereof, respectively.

3. The moneys to be borrowed upon any debentures hereafter to be issued, shall be paid to the Secretary Treasurer of the County of York.

4. All debentures which shall from time to time be paid off, shall be cancelled by the holder's indorsing thereon a receipt, stating the amount of principal and interest received, and signing his name thereto; and such debentures shall be kept by the Secretary Treasurer as his voucher for payment.

CAP. LXI.

An Act to amend an Act intituled *An Act to incorporate the Town of Moncton*.

Section.

1. North and east boundary defined.
2. Mayor to be deemed a Justice of Peace.

Section.

3. Affidavits to be used before the Mayor, &c. may be taken before the Clerk.

Passed 1st May 1856.

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

1. The north and east boundary of the said Town shall be and be deemed to extend to mid-channel of Hall's Creek, and the south boundary of said Town shall be and be deemed to extend to mid-channel of the Petitcodiac River, for all purposes under the said Act of Incorporation.

2. The Mayor of the said Town during his continuance in office, shall be and be deemed a Justice of the Peace in and for the County of Westmorland, and shall have, use, and exercise the same power and authority as if he had been commissioned a Justice of the Peace.

3. All affidavits to be made or read in any proceedings before the Mayor or any of the Councillors, may be taken and sworn to before the Clerk of the said Town.

CAP. LXII.

An Act to authorize the Bishop of Fredericton to convey certain Lands to the Corporation of Christ Church, Fredericton.

Section.

1. Authority given to convey described land.

Section.

2. Investment of purchase money.

Passed 1st May 1856.

WHEREAS the Right Reverend John Medley, Bishop of Fredericton, is seized in fee simple to himself, and his successors for ever, of two Lots of Land in the City of Fredericton, which were conveyed to him by the Honorable John Simcoe Saunders: And whereas from the situation of the said two Lots of Land, it is desirable that they should be owned by the Rector, Church Wardens, and Vestry of Christ Church, in the Parish of Fredericton; and the said Bishop of Fredericton has agreed to convey the said two Lots of Land, together with the Buildings thereon, to the said Rector, Church Wardens, and Vestry, and their successors, for ever, for the price or sum of two hundred and fifty pounds;—

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

1. It shall be lawful for the Bishop of Fredericton for the time being, to convey the said two lots of land known as Lots

number three hundred and ninety four and three hundred and ninety six, in the City of Fredericton, to the Rector, Church Wardens, and Vestry of Christ Church, in the Parish of Fredericton, and their successors for ever, in fee simple; and the Deed of conveyance thereof, being duly acknowledged and registered, shall vest in the said Rector, Church Wardens, and Vestry, and their successors, the absolute estate in fee simple in the said land.

2. The amount of purchase money to be received for the said two Lots of Land, shall be invested in land, bank stock, or other securities, in the name of the Bishop of Fredericton and his successors for ever.

CAP. LXIII.

An Act to amend the Act to incorporate the Saint John Chamber of Commerce.

Section.

1. Act 17 V. c. 27, in part repealed; reservations.
2. Election of Board of Arbitration provided for.

Section.

3. Submissions, appointments, &c. to be agreeable to Act 17 V. c. 27.
4. Supply of vacancies in Board of Arbitration.

Passed 1st May 1856.

WHEREAS with a view to promote the objects of the said Chamber of Commerce, and to the greater efficiency of the Board of Arbitration thereof, it is deemed expedient to increase the number of members composing the said Board;—

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

1. That so much of the Act ~~made~~ and passed in the seventeenth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to incorporate the Saint John Chamber of Commerce*, as relates to the number of persons to be annually elected from the members of the Corporation to form a Board of Arbitration, be and the same is hereby repealed; provided always, that nothing in this Act contained shall extend or be construed so as to invalidate or in any manner affect any awards, orders, arbitrations, or other acts, matters, or things made, done, or performed by the present Board of Arbitration, or any of the members thereof; and every such award, order, arbitration, act, matter, and thing so made, done, or performed, shall be and continue as

valid and effectual, and of the like force and effect, to all intents and purposes as if this Act had not been made; and provided further, that the Board of Arbitration at present elected, under the provisions of the said recited Act, shall remain in office, and continue to be vested with all the powers and authorities conferred upon them under and by virtue of the said recited Act, until a new Board is elected in pursuance hereof.

2. At the same time and times as are in and by the said recited Act appointed for the election of the Council, and in the same manner, it shall be lawful for the members of the said Corporation to elect from their number twelve persons, who shall form a "Board of Arbitration," which said Board of Arbitration, and the members thereof, shall be vested with all the powers and authorities, and be subject to all the regulations contained in and conferred by the said recited Act.

3. That the submission to arbitration, the appointment of arbitrators, and all other proceedings, actings, and doings of the said Board of Arbitration, shall be conformable to the terms and provisions of the said recited Act, and the Forms and Schedules therein referred to.

4. That it shall and may be lawful to and for the members of the said Chamber of Commerce, at any special or general meeting of the said Corporation, to elect and appoint any of their number to fill any vacancy, whether temporary or otherwise, which may from time to time occur in the said Board of Arbitration, by the sickness, death, or absence of any of its members, and such persons when so elected shall constitute and be a part of the said Board of Arbitration, and shall be clothed with the like powers and authority, and be subject to the same rules and regulations as the other members of the said Board.

CAP. LXIV.

An Act relating to the Grand Falls Railway Company.

Section.

Section.

1. Acts 13 V. c. 1, and 17 V. c. 53, continued.

2. Operation of Act restrained.

Passed 1st May 1856.

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

1. That an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Grand Falls Railway Company*, and an Act made and passed in the seventeenth year of the same Reign, intituled *An Act to revive and amend the Act to incorporate the Grand Falls Railway Company*, be and the same are hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.

2. That nothing herein contained shall affect or be construed to affect the rights of Her Majesty in any Ordnance or other lands reserved for Military purposes within this Province, or to authorize the said Company to take possession of any such lands without previous permission duly and legally obtained for that purpose.

CAP. LXV.

An Act to amend an Act intituled *An Act to incorporate the Trustees of the Wesleyan Academy at Mount Allison, Sackville.*

Section.

1. Corporate name changed.
2. Who shall be members of the Corporation; appointment of Trustees.

Section.

3. Time and place of annual meeting;
4. Who shall preside.

Passed 1st May 1856.

WHEREAS certain arrangements have been made by the British Conference of Wesleyan Ministers, by which the Wesleyan Ministers in Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland, and the Bermudas, have been constituted a Conference, by the name of "The Conference of the Wesleyan connexion, or Church of Eastern British America," having ecclesiastical jurisdiction over the said Church: And whereas it is deemed necessary by the said Conference, and by the Trustees of the Wesleyan Academy at Mount Allison, Sackville, that certain alterations should be made in the Act passed on the fourteenth day of April one thousand eight hundred and forty nine, incorporating the said Trustees, in order to adapt the management of the affairs of the Academy to the new ecclesiastical organization;—

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

1. The corporate name of the said Trustees and their successors, shall hereafter be "The Trustees of the Mount Allison Wesleyan Academy."

2. The third Section of the said Act is hereby repealed, and the following substituted in the place thereof:—The said Corporation shall consist of the President of the Conference of the said Wesleyan Methodist Church, or in his absence, the Co-delegate, the Secretary of the Conference, the Principal of the Academy, the Governor and the Chaplain of the same for the time being, and four Ministers and seven lay members to be appointed annually by the Conference; and from the passing of this Act, until the said appointments shall be made by the Conference at its ensuing Session, the following persons shall be the said Trustees, viz:—The Reverend John Beecham, of London, England, D. D., or in his absence, the Reverend Matthew Richey, of Halifax, Nova Scotia, D. D., the Reverend William Temple, of Sackville, the Reverend Humphrey Pickard, of Mount Allison, A. M., the Reverend Ephraim Evans, of Mount Allison, D. D., the Reverend Richard Knight, of Saint John, the Reverend Thomas H. Davies, of Newport, Nova Scotia, the Reverend John M. Murray, of Charlottetown, Prince Edward Island, the Reverend Michael Pickles, of Yarmouth, Nova Scotia, Charles F. Allison, and Mariner Wood, of Sackville, Esquires, John H. Anderson, and George H. Starr, of Halifax, Nova Scotia, Esquires, Gilbert T. Ray, of Saint John, Esquire, the Honorable Charles Young, of Charlottetown, Prince Edward Island, and the Honorable Stephen Fulton, of Wallace, Nova Scotia.

3. The fourth Section of the said Act is hereby repealed, and the following substituted in the place thereof:—The annual meeting of the said Trustees shall be next holden in the Wesleyan Chapel in Germain Street, in the City of Saint John, on the third Tuesday in June next, at nine o'clock in the forenoon, and thenceforward at such times and places as shall be from time to time appointed by the said Trustees at their annual meeting.

4. In the eighth Section of the said Act, the words "the Chairman of the New Brunswick District of Wesleyan Missionaries," are hereby repealed, and the following substituted in the place thereof:—"The President of the Conference, or in his absence, the Co-delegate."

CAP. LXVI.

An Act to incorporate sundry persons by the name of the President, Directors, and Company of the Shediak Bank.

Section.

Section.

1. Company incorporated with specific privileges.
2. Amount of capital and periods of payment.
3. Value of lands and tenements to be acquired, limited.
4. First general meeting, time and manner of calling, and business.
5. Annual general meeting when Directors are to be chosen.
6. General power of Directors as to officers and expenses.
7. Board for business; vote of President.
8. President only to be compensated.
9. Qualification of Directors.
10. Cashier and Clerks to give security.
11. Votes of stockholders regulated as to number.
12. Votes by proxy allowed.
13. Subscriptions to stock limited.
14. Vacant Directorships how to be filled up.
15. Notice to pay in stock. Commencement of business.
16. First payment of £7,500, to be verified by Commissioners.
17. Shares in stock to be assignable.
18. Transactions confined to bills of exchange, gold, &c.
19. Liability of stockholders for Company debts.
20. Bills, &c. to declare payment from the corporate funds.
21. Amount of debts limited; and responsibility for excess.

22. Half yearly dividends of profits.
23. Books to be open to the Directors.
24. Bills or notes, signing, printing, &c.
25. Liability for amount of altered notes.
26. Bank to be kept at Shediak.
27. Statement of affairs for annual meetings and duplicates for Governor and Legislature.
28. No loans on stock.
29. Examination by joint Committees of the Legislature.
30. Special meetings of stockholders, how called.
31. Proceedings and liability on a dissolution of the Company.
32. Aggregate amount of debt limited.
33. Semi-annual statement of affairs to be made up.
34. A delinquent sheet to be furnished on each discount day: delinquent Directors not to act.
35. Disqualification of Directors for continued delinquency.
36. Actions on Bank notes.
37. Stock to be personal property.
38. Shares to be seizable on execution.
39. Capital stock may be increased.
40. Additional shares to be sold at auction.
41. Forty days notice of sale to be given.
42. Distribution of the premium (if any); banking operations on additional stock.
43. Additional shares subject as original stock.
44. Limitation.

Passed 1st May 1856.

WHEREAS it is thought that the establishment of a Bank at Shediak, in the County of Westmorland, would promote the interests of the Province by increasing the means of circulation;—

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

1. That Moses Welling, Richard C. Scovil, Henry Livingston, Thomas E. Smith, the Honorable John W. Weldon, James M'Phelim, the Honorable Daniel Hanington, John Bell, John Hickman, Junior, William K. Chapman, Alexander Robb, James Steadman, Amand Landry, Lemuel Wilbur, the Honorable Albert J. Smith, Joseph Hickman, and Joseph A. Crane, their associates, successors, and assigns, be and they are hereby declared to be a body corporate, by the name of "The President, Directors, and Company of the Shediak

Bank;" and they shall be persons able and capable in law to have, get, receive, take, possess, and enjoy houses, lands, tenements, hereditaments, and rents, in fee simple or otherwise, and also goods and chattels, and all other things real, personal, or mixed, and also to give, grant, let, or assign the same, or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation; and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of Law and Equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes, and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto; and also that they shall have one common seal to serve for the ensembling all and singular their grants and conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation; and also that they the said President, Directors, and Company, or the major part of them, shall from time to time and at all times have full power and authority and licence to constitute, ordain, make, and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation, provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the laws or statutes of this Province.

2. The capital stock of the said Corporation shall consist of current gold and silver coins of the Province to the amount of fifteen thousand pounds; the sum of seven thousand five hundred pounds, one half part thereof, to be paid in current gold and silver coins of the Province within one year from the passing of this Act; and the further sum of seven thousand five hundred pounds within two years from the passing of this Act; the whole amount of the said stock to be divided into shares of twenty five pounds each, making in the whole fifteen thousand pounds.

3. The said Corporation shall have full power and authority to take, receive, hold, possess, and enjoy in fee simple, lands and tenements to an amount not exceeding two thousand pounds; provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate to any amount whatsoever by mortgage taken as collateral security for the payment of any sum or sums of money advanced, or to be advanced by, or debts due to the said Corporation; provided further, that the said Corporation shall not lend money upon mortgage on lands or other fixed property, nor shall such be purchased by the said Corporation unless by way of additional security for debts contracted or to be contracted with the said Corporation in the course of its dealings.

4. Whenever three hundred shares of the said capital stock shall have been subscribed, a general meeting of the members and stockholders of the said Corporation, or the major part of them, shall take place by notice in one or more of the Newspapers published in this Province thirty days previous to such meeting, for the purpose of making, ordaining, and establishing such bye laws, ordinances, and regulations for the good management of the affairs of the said Corporation, as the members and stockholders of the said Corporation shall deem necessary; and also for the purpose of choosing five Directors, being stockholders and members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen, shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the affairs of the said Corporation, and shall commence the operations of the said Bank, subject nevertheless to the rules and regulations hereinafter made and provided; at which general meeting the members and stockholders of the said Corporation, or the major part of them, shall determine the amount of payments to be made on each share, also the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the said Corporation, shall be binding on the said stockholders, their successors, and assigns.

5. There shall be a general meeting of the stockholders and members of the said Corporation to be annually holden on the

first Monday in September in each and every year at Shediac, in the said County, at which annual meeting there shall be chosen by a majority of the said stockholders and members of the said Corporation 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, shall at their first meeting after their election choose out of their number a President.

6. The Directors for the time being shall have power to appoint such officers, clerks, and servants, as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper; all which, together with the expense of buildings, house rent, and all other contingencies, shall be defrayed out of the funds of the Corporation; and the said Directors shall likewise exercise such other powers and authority for the well regulating the affairs of the said Corporation as shall be prescribed by the bye laws and regulations of the same.

7. Not less than three Directors shall constitute a Board for the transaction of business, of which the President shall always be one except in the case of sickness or necessary absence, in which case the Directors present may choose one of their Board as Chairman in his stead; the President shall vote at the Board as a Director, and in case of there being an equal number of votes for or against any question before them the President shall have a casting vote; provided always, that no note or bill offered for discount at the said Bank shall be refused or excluded by a single vote.

8. No Director shall be entitled to any salary or emolument for his services, but the stockholders and members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

9. No person shall be eligible as a Director unless such person is a stockholder, and holding not less than ten shares of the capital stock of the said Corporation; provided that the stockholder, so otherwise qualified, be not a Director in any other Banking Company in this Province.

10. Every Cashier and Clerk of the said Corporation before he enters upon the duties of his office shall give bonds, with two or more sureties to be approved of by the Directors, that is to say, every Cashier in a sum not less than five thousand pounds, with a condition for his good and faithful behaviour; and every Clerk with the like conditions and sureties in such sum as the Directors shall deem adequate to the trust reposed in them.

11. The number of votes that each stockholder shall be entitled to on every occasion when in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in the following proportion, that is to say, for one share and not more than four shares, one vote; for every four shares above four and not exceeding twenty, one vote, making five votes for twenty shares; for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares, which shall be the greatest number any stockholder shall have.

12. All stockholders may vote by proxy, provided such proxy be a stockholder and produces sufficient authority in writing from his constituent or constituents so to act; and provided that no stockholder be entitled to hold more than three proxies.

13. No member of the said Corporation during the first three months, to be accounted from and after the passing of this Act, shall be entitled to hold and subscribe for more than sixty shares of the capital stock, and if the whole of the said capital stock shall not have been subscribed within the said time, then and in such case any stockholder may increase his subscription to eighty shares; provided always, that no stockholder shall hold more than eighty shares unless acquired by purchase after the Bank shall have commenced its operations; and provided also, that no stockholder in the said Bank at any one time shall hold more than twenty per centum of the capital stock.

14. The Directors are hereby authorized to fill up any vacancy that shall be occasioned in the Board by the death or resignation or absence from the Province for three months of any of its members; but in case of the removal of a Director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders, and the person

so chosen by the Directors or Stockholders shall serve until the next succeeding annual meeting of the stockholders.

15. Before any stockholder shall be required to make payment of any instalment upon the amount of his subscription, thirty days previous notice shall be given by the Directors in two of the Newspapers published in this Province of the time and place of payment; and the Directors shall commence with the business and operations of the Bank of the said Corporation; provided always, that no Bank Bill or Bank Notes shall be issued or put in circulation, nor any Bill or Note discounted at the said Bank until the said sum of seven thousand five hundred pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said Bank.

16. As soon as the sum of seven thousand five hundred pounds shall have been paid in in current gold and silver coins, and shall then be in the vaults of the said Bank, the President shall give notice thereof to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, who is hereby authorized by and with the advice of Her Majesty's Executive Council, to appoint three Commissioners, not being stockholders, whose duty it shall be to examine and count the money actually in the vaults, and to ascertain by the oaths of the majority of the Directors, that half of the amount of its capital has been paid in by the stockholders, towards payment of their respective shares, and not for any other purpose, and that it is intended to have it there remain as part of the capital stock of the said Bank; which investigation is hereby declared indispensable, and shall be made at the periods prescribed by the second Section of this Act, when paying in the capital stock of the said Bank.

17. The shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf; but no assignment or transfer shall be valid or efficient unless such assignment or transfer shall be entered and registered in a Book to be kept by the Directors for that purpose, nor until such person or persons so making the same shall previously discharge all debts actually due or payable to the said Corporation; in no case shall any

fractional part of a share or other than a complete share or shares be assignable or transferable; and whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Bank to any other person or persons whomsoever, such stockholder shall cease to be a member of the said Corporation.

18. The said Company shall not directly or indirectly deal in any thing excepting bills of exchange, gold and silver, bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed, which said goods and stock so pledged shall be sold at public auction by the said Corporation at any time not less than thirty days after the period for redemption; and if upon such sale of goods or stock there shall be a surplus, after deducting the money lent together with the expenses of sale, such surplus shall be paid to the proprietors respectively.

19. The holders of the stock of the said Bank shall be chargeable in their private and individual capacity, and shall be holden for the payment and redemption of all bills which may have been issued by the said Corporation, and also for the payment of all debts at any time due from the said Corporation; in proportion to the stock they respectively hold; provided however, that in no case shall any one stockholder be liable to pay a sum exceeding the amount of stock then held by him; provided nevertheless, that nothing previously contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

20. Every bond, bank bill, or bank note, or other instrument, by the terms or effect of which the said Corporation may be charged or held liable for the payment of money, shall specially declare in such form as the Board of Directors shall prescribe, that payment shall be made out of the joint funds of the said Corporation; provided nevertheless, that nothing herein contained shall be construed to alter, change, or diminish the responsibilities and liabilities imposed on stockholders in their individual capacities, by the nineteenth Section of this Act.

21. The total amount of debts (deposits excepted) which the said Corporation shall at any time owe, whether by bond, bill, or

note, or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the stockholders; and in case of any excess, the Directors under whose administration and management the same shall happen, shall be liable for such excess in their individual and private capacities; provided always, that the lands, tenements, goods, and chattels of the said Corporation shall also be liable for such excess.

22. The Directors shall make half-yearly dividends of all profits, rents, premiums, and interest of the said Corporation, payable at such time and place as the Directors shall appoint, of which notice shall be given in one or more Newspapers published in this Province.

23. The books, papers, correspondence, and funds of the said Corporation, shall at all times be subject to the inspection of the Directors; but no stockholder not being a Director shall inspect the account of any individual with the said Corporation.

24. All the bills or notes issued by the said Corporation shall be signed by the President for the time being, and countersigned and attested by the Cashier, and shall be printed and made in steel plates; and all bills and notes so signed and countersigned shall be binding on the said Corporation, and payable in specie on presentment at the said Bank; provided no note shall be issued by the said Corporation for a less sum than five shillings.

25. The said Corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of the said Bank which shall have been counterfeited or altered in course of its circulation to a larger amount notwithstanding such alteration.

26. The said Bank shall be kept and established in the Parish of Shediac, in the County of Westmorland.

27. The Directors shall at the general meeting to be held on the first Monday in September in every year, lay before the stockholders for their information, an exact and particular statement of the amount of debts due to and by the said Corporation, the amount of bank notes then in circulation, the amount of gold and silver on hand, and the amount of such debts as are, in their opinion, bad or doubtful, also the surplus or profit (if any) remaining after deduction of losses and provision for dividends; which statement shall be signed by the Directors and attested by the Cashier; and a duplicate state-

ment so signed and attested, shall be transmitted to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, and the Legislature; provided always, that the rendering of such statement shall not extend to give any right to the stockholders, not being Directors, to inspect the account of any individual or individuals with the said Corporation.

28. No loan shall be made by the said Bank on the pledge of its own stock.

29. Any joint Committee hereafter to be appointed by the Honorable the Legislative Council and House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall either during the Session or prorogation of the General Assembly, have free access to all the books and vaults of the same.

30. Any number of stockholders not less than twelve, who together shall be proprietors of three hundred shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the stockholders for purposes relating to the business of the said Corporation, giving at least thirty days previous notice in two Newspapers published in this Province, and specifying in such notice the time and place of such meeting, with the objects thereof; and the Directors, or any three of them, shall have the like power at any time, upon observing the like formalities, to call a general meeting as aforesaid.

31. On the dissolution of the said Corporation, immediate and effectual measures shall be taken for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders in proportion to their respective interests; and in case any bills issued by the said Corporation shall remain unpaid, the holders of stock in the said Corporation, as well as those who were stockholders at the time of the notice of the said dissolution, which said notice shall take place by a publication of their intention so to do in the Royal Gazette, twelve months previous to the said Corporation being allowed to carry the same into effect, shall be chargeable in their private and individual capacity for the redemption thereof, in proportion to the stock they respectively held or hold, subject however to the proviso

mentioned in the nineteenth Section of this Act; provided however, that the liability shall continue for two years only from and after the notice of such dissolution.

32. The aggregate of all the debts due to the said Bank from the Directors thereof, as principals, endorsers, or sureties, shall not at any one time exceed twenty per centum of the capital stock.

33. The Cashier of the said Bank shall semi-annually, that is to say, on the first Monday in January and the first Monday in July in each and every year, make a return in triplicate of the state of the said Bank as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the office of the Secretary of the Province; which return shall specify the amount due from the Bank, the resources thereof, designating in distinct columns the several particulars included therein; and the said return shall be made in the following form:—

FORM OF RETURN.

State of the _____ *on the* _____ *day of* _____ 18__
 3 o'clock P. M.

DUE FROM BANK.

Bills in circulation,
 Net profits on hand,
 Balance due to other Banks,
 Cash deposited, including all sums whatever due from the Bank
 not bearing interest, its Bills in circulation, profits, and
 balances due to other Banks, excepted,
 Cash deposited bearing interest,
 Total amount due from the Bank,

RESOURCES OF THE BANK.

Gold, Silver, and other coined metals in its Banking House,
 Real Estate,
 Bills of other Banks incorporated in this Province,
 Balances due from other Banks,
 Amount of all debts due, including Notes, Bills of Exchange,
 and all stock and funded debts of every description, ex-
 cept the balance due from other Banks,
 Total amount of the resources of the Bank,

Date and amount of the last Dividend, and when declared,
Amount of reserved profits at the time of declaring the last dividend,

Amount of debts due and not paid, and considered doubtful,
Which return shall be signed by the Cashier of the said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths, to the truth of the said return, according to the best of his knowledge and belief; and the Cashier of the said Bank shall also make return under oath whenever required by the Legislature, of the names of the stockholders, and the amount of stock owned by each; and a majority of the Directors of the said Bank shall certify and make oath before the same Magistrate as the said Cashier, that the books of the said Bank indicate the state of facts so returned by the Cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province as soon after the opening of any Session thereof as practicable, one of such respective returns as he may have received since the then last Session.

34. The Cashier, or acting Cashier for the time being, shall on each and every discount day furnish a true list to the President or Chairman of the said Bank of all delinquent promisers, endorsers, and sureties, made up to three o'clock in the day preceding the discount day; which list shall be called the delinquent sheet; and it shall be the duty of the President or Chairman on each and every discount day as aforesaid, to read the name or names contained in such delinquent sheet to the Board of Directors, and in case the name of any Director shall appear in such delinquent sheet, either as promiser, endorser, or surety, it is hereby declared illegal for such Director to sit at the Board or take any part in the management of the affairs of the said Bank during such delinquency.

35. In the event of any Director continuing a delinquent as aforesaid for ninety consecutive days at any one time, such continued delinquency shall disqualify such Director from holding his seat; and it shall be the duty of the President and other Directors forthwith to proceed in filling up the vacancy in the manner prescribed in the fourteenth Section of this Act, as in the case of death or absence from the Province.

36. No action shall be brought or maintained upon any Bank Bill or Bank Note which shall be issued by the said Corporation before such Bill or Note shall have been presented at the Bank for payment, and default in payment shall thereupon take place.

37. All and every the shares in the capital stock of the said Bank, and all the profit and advantages of such shares respectively, shall be deemed and considered to be of the nature of and shall be personal estate, and transmissible as such accordingly.

38. The shares in the capital stock of the said Bank shall be liable to be seized and taken in execution, and sold in like manner as other personal property; provided always, that the Sheriff or other officer executing such execution, shall leave a copy of such execution, certified by the Sheriff or his deputy, with the Cashier of the said Bank, and the shares in the capital stock of the said Bank so liable to such execution, shall be deemed to be seized in execution when such copy is so left, and the sale shall be made within thirty days after such seizure, and on production of a bill of sale from the Sheriff, the Cashier of the said Bank shall transfer the number of shares sold under such execution to the purchaser or purchasers thereof, and such transfer shall be valid and effectual notwithstanding there may be any debt due to the said Bank from the person or persons whose shares may be seized and sold; provided also, that the said Cashier shall, upon the exhibiting to him of such certified copy of such execution, be bound to give to such Sheriff or other officer a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution, and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from the time when such copy of the execution shall be so left with the Cashier.

39. And in case it should hereafter be found necessary at any time after the payment in and certificate of such first mentioned capital, and within ten years from the passing of this Act, to increase the capital stock of the said Bank, the same may be effected by a resolution of the Directors, or the major part of them for the time being, sanctioned and approved of by a majority of the votes of the shareholders present, in person

or by proxy, at a general meeting convened after special notice of the same and its intended object; such additional capital stock may be raised by the issue of additional shares severally of the value before mentioned; provided that the whole of such additional stock shall not exceed fifteen thousand pounds, thereby making the utmost amount of capital of the said Bank thirty thousand pounds, and in the whole twelve hundred shares.

40. Such additional shares shall be sold at public auction, in separate lots of four shares each, as follows, that is to say:— Five thousand pounds, making two hundred shares, at such time as the Directors shall appoint, and the residue of such increased additional capital at such times as the Directors may from time to time appoint; but not less than five thousand pounds to be sold at any one time.

41. The said Directors shall give at least forty days notice of the time of sale of any such increased stock, in some Newspaper published in this Province, in which notice shall be specified the time when such additional stock, with the advance or premium thereon, will be required to be paid into the said Bank.

42. The whole of such advance or premium, if any, first deducting the charges of sale, shall be divided in equal proportions among the shares in the stock of such Bank, as well the old as the new stock, and such dividend of the said premium shall be declared and paid by the Directors immediately after the payment into the Bank of the purchase money of the said additional shares; and banking operations may take place upon each respective amount of such additional stock so sold as aforesaid, when the Directors, or a majority of them, together with the Cashier of the said Bank, shall have signed and verified by oath, and filed in the office of the Secretary of the Province, a certificate that such amount of capital stock at any time called in, has actually been paid into the said Bank in current gold and silver coins of the Province, and not before.

43. The said additional shares shall be subject to all the rules, regulations, and provisions to which the original stock is subject or may hereafter be subject by any law of this Province.

44. 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 seventy seven.

CAP. LXVII.

An Act to incorporate the Moncton Rural Cemetery Company.

Section.

1. Company incorporated.
2. Capital stock and division into shares.
3. Public notice to be given of assessments on shares; proceedings on default in payment.
4. Described tract of land exempted from taxes while a Cemetery.
5. Who shall be members of Corporation.
6. Annual meeting for choice of Directors: quorum for business.
7. Directors to appoint officers and fix their compensation.

Section.

8. Who shall be members of Corporation.
9. Shares to be assignable.
10. Directors to fill vacancies in Directorships.
11. When shareholders shall cease to have an interest in the Cemetery.
12. Funds to be applied in improving the Cemetery after paying shareholders.
13. Penalty for wilful damage to structures, or disturbance by games, &c.
14. Lots exempted from executions.

Passed 1st May 1856.

WHEREAS a suitable place of Burial is much required by the inhabitants of the Town of Moncton and its vicinity;—

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

1. That James Steadman, John Humphrey, Michael S. Harris, E. B. Chandler, Junior, and William Fleming, their associates, successors, and assigns, he and they are hereby declared to be a body politic and corporate, by the name of "The Moncton Rural Cemetery 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.

2. The capital stock of the said Company shall consist of the sum of five hundred pounds, and shall be divided into two hundred and fifty shares of two pounds each, and be paid in such sums and at such times as the Directors of the said Company shall from time to time appoint; and every shareholder in the said Company shall have and be entitled to have a certificate under the seal of the said Company, and signed by the President and Secretary thereof, certifying his property in such shares as shall be expressed in the certificate.

3. Whenever any assessment shall be made, it shall be the duty of the Treasurer to give notice thereof in some Newspaper published in the County of Westmorland, or in two or more Newspapers published in the City of Saint John, requiring payment of the same within thirty days; and if any shareholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his share or shares at the time prescribed, it shall be the duty of the Treasurer to advertise such

delinquent share or shares for sale at public auction, giving at least ten days notice of the time and place of such sale; and such share or shares upon which the assessment or assessments, or instalments thereof, shall then remain unpaid, 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 in the book so to be kept by the Directors for that purpose as aforesaid, and such purchaser or purchasers shall be entitled to receive a certificate in the form prescribed in the second Section of this Act.

4. And whereas a piece of land containing thirteen and a half acres, and belonging to Warden Beckwith and the Honorable E. B. Chandler, situate in the Parish of Moncton, in the County of Westmorland, has been secured for the purpose of a Burial Ground, and, with the exception of a portion which has been laid aside for the Church of England, shall be for ever free to all denominations of Christians, to be divided into lots, and sold to such individuals as may be willing to purchase the same, and which said land is described as follows, to-wit:—Beginning at the point where the Irishtown and M'Lauchlan Roads meet; thence along the said M'Lauchlan Road twenty five chains; thence east eighteen degrees south by the magnet to the Irishtown Road, a distance of thirteen and a half chains; thence southerly along the Irishtown Road to the place of beginning;—Be it therefore enacted, that the said land above described, be and hereby is declared to be exempt from all rates, assessments, and taxes, so long as the same shall remain dedicated to the purposes of a Cemetery.

5. All persons who are now proprietors, or who shall hereafter become proprietors of Lots in the said Cemetery, of a size not less than one hundred and fifty square feet, shall thereby become members of the said Company, and shall have and be entitled to have a certificate under the Seal of the Company, signed by the Secretary, in the form following:—

“ Moncton Rural Cemetery Company, No. —

“ This is to certify that A. B. is the proprietor of Lot No. —, containing — square feet, in the Moncton Rural Cemetery, situate in the Parish of Moncton, in the County of Westmor-

land, subject to the rules, regulations, and bye laws of the said Corporation, and for which he has paid the sum of —.

“In testimony whereof, the Seal of the said Corporation is hereunto affixed, the — day of —, A. D. 18—.

[L. S.]

C. D., *Secretary.*”

And such certificate shall constitute a valid instrument of transfer of such Lot or Lots as may be expressed therein, and shall be held by the purchaser or purchasers thereof, for the use of burial only, subject nevertheless to all the bye laws of the said Corporation.

6. A general meeting of the stockholders and proprietors of the said Corporation shall be held at the Town of Moncton on the second Monday in May in each and every year, for the purpose of choosing eight Directors for the management of the said Corporation; which Directors so chosen, shall remain in office for one year, or until others are chosen in their stead, and shall at their first meeting after the election, choose one of their number President of the said Corporation; provided always, that not less than five 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.

7. The Directors for the time being shall and may appoint a Secretary and Treasurer, and such other officers, clerks, and servants, as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow them, out of the funds of the said Corporation, such compensation for their respective services, as to them shall appear reasonable and proper; and the Directors shall likewise exercise such other powers and authorities for the well regulating the affairs and managing the business of the said Corporation, as shall be prescribed by the bye laws.

8. Every person owning a share in the capital stock of the said Corporation, and every proprietor of a lot of not less each than one hundred and fifty square feet, shall be a member of the said Corporation, and entitled to vote at all meetings of the said Corporation, and members may give as many votes as they may own shares, and absent members may vote by proxy, such proxy being a shareholder and producing sufficient

authority in writing from his constituent; provided nevertheless, that no shareholder by himself or proxies shall have more than ten votes.

9. The shares of 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.

10. In case of any vacancy among the Directors by death, resignation, or disqualification, or otherwise, then and in either of such cases, the said Directors shall and may fill up such vacancy, by choosing one of the shareholders or proprietors of lots of not less each than one hundred and fifty square feet, and the person so chosen by the Directors shall serve until another be chosen in his room.

11. The several shareholders in the said Corporation shall be members of the same until they shall be repaid out of the funds of the said Corporation the amounts by them respectively invested, together with interest on the same at the rate of eight per centum per annum, when they shall cease to have any interest in the said Cemetery, and the property shall from thence be vested in the proprietors of lots of not less each than one hundred and fifty square feet.

12. From and after the payment to the several shareholders of the amount so invested by them respectively, together with interest, as is in and by the eleventh Section provided, the proceeds of all sales of lots, after deducting the annual expenses of the Cemetery, shall be for ever devoted and applied to the preservation, improvement, embellishment, and enlargement of the said Cemetery, and for no other purpose whatsoever.

13. If any person or persons shall wilfully destroy, mutilate, injure, or remove any tomb, monument, vault, grave stone, or other structure placed in the said Cemetery, or any fence, railing, or other work for the protection or ornament of any tomb, monument, vault, grave stone, or other structure afore-said, or shall wilfully destroy, remove, cut, break, or injure any tree, shrub, or plant within the limits of the said Cemetery, or shall play at any game or sport, or discharge any gun or other fire-arm, save at a military funeral, within the said

Cemetery, or who shall wilfully and unlawfully disturb any persons assembled in the Cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the said Cemetery, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof before a Justice of the Peace, be punished by a fine of not less than one pound, nor more than five pounds, or be committed to the common gaol of the said County of Westmorland for the space of not more than ten days, according to the nature and aggravation of the offence, and such offender shall also be liable in an action of trespass, to be brought against him in any Court of competent jurisdiction, in the name of "The Moncton Rural Cemetery Company," to pay all such damages as shall have been occasioned by his or their unlawful act or acts, which money when recovered shall be applied by the said Corporation to the reparation of the property destroyed or injured as above; and members of the said Corporation shall be competent witnesses in such suit.

14. The lots in the said Cemetery shall not be levied upon or taken in execution, but shall be altogether free from seizure at the suit of any person or persons whomsoever; and the property in any of such burial lots, or parts thereof, shall not prevent any confined debtor from receiving support under the law in force for the relief and support of insolvent confined debtors.

CAP. LXVIII.

An Act to incorporate the Northumberland Mutual Insurance Company.

Section.

1. Company incorporated.
2. Who shall be members.

Section.

3. First meeting, when and by whom called.
4. Investment of funds.

Passed 1st May 1856.

WHEREAS the establishment of a Mutual Insurance Company against Fire in the northeastern section of the Province would tend to keep within that district large sums of money which are now paid in other parts for Insurance against Fire;—

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

1. That John M. Johnson, Junior, James Kerr, William M. Kelly, Peter Mitchell, Edward Williston, Hugh Bain, John

M'Dougall, Robert T. Miller, Richard Sutton, George Kerr, Thomas C. Allan, John Noonan, and all and every such other person and persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby erected into a Company and declared to be a body politic and corporate, by the name of "The Northumberland Mutual Insurance 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 insuring against loss by fire; and the said Company, or the major part of them, shall from time to time and at all times have full power and authority to constitute, ordain, make, and establish such bye laws and ordinances as may be thought necessary for the good rule and government of the said Corporation, provided such bye laws and ordinances be not contradictory or repugnant to the laws and statutes of the Province and those in force within the same.

2. All persons who shall insure with this Corporation, and also their executors, administrators, and assigns, shall thereby become members thereof during the period they shall remain insured and no longer.

3. The first meeting of the said Corporation shall be held at Chatham, and shall be called by William J. Fraser, or in case of his death, refusal, or neglect, by any three of the said Company, by giving notice in one of the Newspapers printed in Miramichi, at least one month previous to such meeting, provided such meeting shall not be held until applications for insurance have been made to the amount of five thousand pounds.

4. All funds received by or remaining with the said Corporation shall be invested in stock, or personal or landed securities, provided such securities shall not be for a less period than one year.

ANNO DECIMO OCTAVO VICTORIÆ REGINÆ.

CAP. LXXVI.

An Act relating to Mines and Minerals.

Section.

1. Right of mining vested in owner of the soil.
2. Governor in Council authorized to grant licences under regulations.

Section.

3. Exemptions from operation of Act.
4. Suspending clause.

Passed 12th April 1855.

WHEREAS it is only just and proper that all Mines and Minerals of every description should pass with the soil to the grantee of the Crown, and be vested in him;—

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

1. The exclusive right of digging and raising Coal or other Mineral, shall be vested in the owner of the land wherein such Coal or Mineral is found to exist; but before he shall dig or raise such Coal or Mineral he shall obtain Licence therefor from the Governor in Council.

2. The Governor in Council may issue a Licence to the owner of any land, or his assignee, for that purpose, to dig and raise Coal and other Minerals therefrom, upon such terms and on payment of such rent or royalty, and subject to such rules and regulations, as the Governor in Council may prescribe.

3. This Act shall not affect, impair, or interfere with the rights or duties of any Licencee acquired under any Licence granted before it comes into operation, nor with any grant in which the Minerals are not reserved.

4. This Act shall not come into operation until Her Majesty's Royal approbation be thereunto had and declared.

[This Act was specially confirmed, ratified, and finally enacted, by an Order of Her Majesty in Council dated the twenty fourth day of September 1855, and published and declared in the Province the thirty first day of October 1855.]

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