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ACTS

OF

THE GENERAL ASSEMBLY

OF

HIS MAJESTY'S PROVINCE

OF

**NEW-BRUNSWICK,**

PASSED IN THE YEAR

1835.



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FREDERICTON :

PRINTED BY JOHN SIMPSON,

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.

MDCCCXXXV.

Rec. Dec. 30, 1902.

ANNO REGNI

GULIELMI IV.

BRITANNIARUM REGIS QUINTO.



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



THE ACTS  
OF THE  
GENERAL ASSEMBLY.

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CAP. I.

An Act to continue and amend the Laws for raising a Revenue in this Province.

*Passed 17th March 1835.*

WE, His Majesty's dutiful and loyal Subjects, the Assembly of New Brunswick, in General Assembly convened, for raising the Supplies necessary to defray the expenses of His Majesty's Government within this Province, have freely and voluntarily resolved to give and to grant to the King's most excellent Majesty, the several Rates and Duties hereinafter mentioned, and do therefore pray your Excellency that it may be enacted; and be it enacted by His Excellency the Lieutenant Governor, by and with the advice and consent of the Legislative Council, and Assembly, and by the authority of the same, That on and after the first day of April which will be in the present year of our Lord one thousand eight hundred and thirty-five, there be and are hereby granted to the King's most excellent Majesty, his Heirs and Successors, for the use of this Province, and for the support of the Government thereof, the several Rates and Duties hereinafter mentioned, on the following articles which may be imported or brought into this Province, either by sea, by inland navigation, or by land, from any part of the British Empire, or from any Foreign port or place:—

For every Gallon of Rum, Spirits, Gin, Hollands, Geneva, Whiskey, or Cordials, *One Shilling and Sixpence;*

For every Gallon of Molasses, *One Penny;*

For every Gallon of Shrub, Santa, or Lime Juice, *Sixpence;*

For every Gallon of Brandy, *Two Shillings;*

For every Gallon of Wine, viz: Hock, Constantia, Mulmsey or Tokay, Champagne, Burgundy, Hermitage, Claret called Lafitto, Latour, Margaux, or Hautbrion, *Two Shillings and Nine Pence* per Gallon; For every Gallon of Madeira, Port, or Sherry, *Two Shillings* per Gallon; and for all other kind of Wines, *One Shilling and Sixpence* per Gallon;

For every Hundred Weight of dried Fruits, *Five Shillings*;

For every Pound of Coffee, and loaf or refined Sugar, *One Penny*;

For every Hundred Weight of brown or Muscovado Sugar, on the quantity mentioned in the original invoice, allowing twenty five per centum for tare and wastage, *Two Shillings and Sixpence*;

For every Foreign Horse, *Five Pounds*;

For every Foreign Ox, *One Pound*;

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

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

And upon the following Foreign manufactured articles, when not imported from the United Kingdom, upon every Hundred Pounds of the real value thereof, the rates and duties following (that is to say);

For Chairs, Clocks, Clock Cases, Clock Movements or Machinery, Watches, and every description of Household Furniture, Pictures, Mirrors, and Looking Glasses, *Twenty-five Pounds*;

For Soap and Candles, *Ten Pounds*;

For Tobacco, *Five Pounds*;

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

Upon all articles of the manufacture of the United Kingdom, imported into this Province, whether by sea, or inland carriage or navigation, for every Hundred Pounds of the real value thereof, the sum of *Two Pounds Ten Shillings*; excepting, nevertheless, Mineral and other Salt, Coals, Fishing Nets, Hooks, Lines and Twines, Steel, bolt, square, flat, pig and sheet Iron, Spikes and sheathing Nails, bolt and sheet Copper, and Copper Spikes and Nails, bar and sheet Lead, Canvass, Coal Tar, Oakum, Cordage, Anchors, and all Tackle and Apparel for Ships or Vessels, Steam and Mill Machinery of all kinds, Zinc, Beef, Pork and Bacon, Flour, Meal of all kinds, Mathematical Instruments of all kinds, Sheathing Paper, Iron Block Bushes, Loaf Sugar, Printed Books and Maps;

Upon Leather and Malt Liquor, not being of Foreign manufacture or the manufacture of the United Kingdom, imported into this Province, *Five Pounds per centum* on every One hundred Pounds of the value thereof at the place of the last shipment;

And upon all articles manufactured of Silk or Cotton in the British East India Possessions, on Pepper and all descriptions of Spices, from whatever place imported, *Two Pounds Ten Shillings* upon every One hundred Pounds of the value of the said articles respectively, at the place of the last shipment;

And in all cases when the duties are imposed and charged, not according to the weight, tale, gauge or measure, but according to the value thereof, such value shall be ascertained by the oath of the importer of such articles, or his known agent, before the Treasurer of the Province, or any Deputy Treasurer at the port or place of importation, in manner and form following (that is to say);

I, *A. B.*, do swear that the articles mentioned in this entry, and contained in the packages, or otherwise therein particularly described, and subject to Provincial duty, are of the value of — currency, and cost the same, to the best of my knowledge. *A. B.*

*Sworn before me* — at —, — day of —.

Which affidavit shall be written on the bill of entry of such articles and in all cases made before the Treasurer or Deputy Treasurer at the port or place of importation, and shall be subscribed with the hand of the importer thereof, or his known agent; and if it shall appear to the Treasurer or Deputy Treasurer, that the said articles are not valued according to the true price or value thereof, according to the true intent and meaning of this Act, then and in such case, the importer or his known agent shall be required to declare on oath before the Treasurer or Deputy Treasurer, as the case may be, what is the invoice price of such articles, and that he verily believes such invoice price is the current value of the articles at the place whence such articles were imported, and such invoice price shall be deemed to be the value of the articles, in lieu of the value so declared by the importer or his known agent, and upon which the duties shall be charged and paid: Provided, that if it shall appear to the Treasurer or Deputy Treasurer, that such articles have been invoiced below the real value thereof at the place from whence the same were imported, or if the value is not known, the articles shall in such case be examined by one or more competent person or persons to be nominated and appointed by the Lieutenant Governor or Commander in Chief of the Province for the time being; and such person or persons, or any one of them, shall declare before or certify to the Treasurer or Deputy Treasurer, what is the true and real value of such articles; and the value so declared or certified, shall be deemed to be the true and real value of such articles, and upon which the duties imposed by this Act shall be charged and paid: Provided always, that if such articles be charged with Imperial Duties, and have been charged with duties according to the provisions of the Imperial Act, such valuation shall be accepted as the true value for paying the Provincial duties thereon.

II. And be it enacted, That upon the following articles, upon which the duties have been paid or secured by virtue of this Act,

there shall be allowed when exported after having been landed from the vessel in which they were imported, or imported by land or inland navigation, or which may have been purchased at any Custom-house sale, or sale of Government Stores, the following Drawbacks, to wit:—For every Gallon of Rum, Spirits, Gin, Hollands, Geneva, or Whiskey, *One Shilling and Sixpence*; for every Gallon of Brandy, *Two Shillings*; for every Gallon of Shrub, Santa, Cordials, and Lime Juice, *Sixpence*; for every Gallon of Molasses, *One Penny*; for every Pound of Coffee, and loaf or refined Sugar, *One Penny*; for every Hundred Weight of Dried Fruits, *Five Shillings*; for every gross Hundred Weight of brown Sugar, *Two Shillings and Sixpence*; for every Head of Foreign horned Cattle, *One Pound*; and upon the Manufactures of the United Kingdom, not excepted in this Act, *Two Pounds Ten Shillings* upon every Hundred Pounds of the real value thereof, agreeably to the value ascertained upon such manufactures for charging them with duties at the time of importation thereof; and upon every Gallon of Wine, the same rate and duty as paid upon the importation thereof: Provided always, that no Drawbacks be allowed unless the articles be exported within twelve months from the time of their importation, and not in less quantity in any one ship or vessel than as follows: Wine, in wood, not less than twenty-five gallons, and in bottle, not less than six dozen; Brandy, Hollands, Geneva, Whiskey, not less than twenty-five gallons; Rum, not less than one hundred gallons; Molasses, not less than five hundred gallons; Brown Sugar, not less than ten hundred weight; Loaf or refined Sugar, not less than six hundred weight; Dried Fruits, not less than five hundred weight; Coffee, not less than five hundred weight; and upon any amount, not less than Fifty Pounds, of the original or declared value of any articles charged with duty according to the value thereof at the time of importation; nor unless the requisite proof of their having been landed without the Province, be produced at the Office within twelve months from the time of exportation; and no drawback shall be allowed upon articles landed in any part of the United States, Eastward of Machias Harbour: And provided also, that when satisfactory proof is lodged with the Treasurer or Deputy Treasurer, of the export of any article subject to duty, the said duty shall not be exacted within twelve months after the exportation of such articles.

III. And be it enacted, That the second, third, fourth, fifth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty ninth, fortieth, forty-first, forty-second, forty-third sections of an Act made and passed in the third year of the Reign of his present Majesty, King William the Fourth, intituled, *An Act for raising a Revenue*, and also the fourth, seventh and eighth sections of an Act made and passed in the fourth year of the same Reign, intituled, *An Act to continue and amend the Act for raising a Revenue, and for the increase of the Revenue of the Province,*



and every matter, clause and thing therein contained, shall be, and the same are hereby continued and declared to be in full force, virtue and effect, during the continuance of this Act, in as full and ample a manner as the same clauses would be, were they again herein repeated word for word.

IV. And be it enacted, That upon the entry outwards of any article to be exported from the Warehouse, or for removal from one Bonded Warehouse to another within the Province, the person entering the same shall give security by bond, in treble the duty thereon, with two sufficient sureties to be approved by the Treasurer or Deputy Treasurer, conditioned that the same shall be landed at the place for which they be entered outwards, or be otherwise accounted for to the satisfaction of the said Treasurer or Deputy Treasurer; and all articles deposited in any Warehouse, pursuant to this Act, shall be taken out for home consumption, or for exportation, within two years from the date of the original report and entry of such articles.

V. ' And whereas it is deemed expedient and advisable to adopt ' a more easy remedy for the disposal of any dutiable articles im- ' ported into this Province, and seized agreeably to the provisions ' of the fourth section of the herein before first recited Act, when ' no claim is made for the same;' Be it therefore enacted, That all dutiable articles which may be seized as having been imported and landed contrary to the provisions of this or any other Act of the General Assembly for raising a Revenue, shall and may be deemed and taken to be condemned for breach of any Law or Laws of this Province for raising a Revenue, unless the owner or owners of the articles so seized as forfeited, or the person from whom they were so seized, or some person duly authorized by him, shall within one calendar month from the day of seizing the same, give notice in writing to the Treasurer of the Province, or to the Deputy Treasurer at or nearest the place where such seizure shall have been made, that he claims the articles or other things so seized, or intends to claim them.

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

VII. And be it enacted, That when any articles that shall have been warehoused, or on which duties have been paid under this or any previous Act, shall be exported for the use of the Deep-sea or Whale Fisheries, the amount of such Duties shall be repaid to the exporter by the Treasurer or Deputy Treasurer, or the Warehouse Bond cancelled, on affidavit of the exporter, of the same having been so exported for the use as aforesaid.

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

## CAP. II.

An Act to repeal all the Laws now in force for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same.

Passed 17th March 1835.

I. **BE** it enacted by the Lieutenant Governor, Council, and Assembly, That an Act made and passed in the first year of the Reign of His Majesty King William the Fourth, intituled *An Act to repeal the Acts now in force for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same*; also an Act made and passed in the second year of the same Reign, intituled *An Act to amend an Act, intituled An Act to repeal all the Laws now in force for regulating and repairing the Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province, and to make more effectual provision for the same*; also an Act, intituled *An Act to amend the Law relative to Statute Labour, so far as the same relates to the Parish of Fredericton, in the County of York*; also an Act passed in the third year of the same Reign, intituled *An Act to continue and amend the Acts relating to Statute Labour on Roads, so far as the said several Acts are now in force*, be and the same are hereby repealed.

II. And be it enacted, That the Commissioners and Surveyors already appointed by virtue of any Act now in force for laying out Highways, Roads and Streets, shall continue in their respective Offices until others shall be appointed and sworn as is hereinafter directed; and that the Justices at their General Sessions, to be held for the several Counties, shall appoint three fit persons to be Commissioners to lay out and regulate Highways, Roads and Streets, in the Town or Parish for which they shall be so appointed; and the said Justices at the same time shall appoint a competent number of fit persons to be Surveyors of the said Highways, Roads, Streets and Bridges in each Town or Parish, who are to oversee and repair in the manner hereinafter directed, under the direction of the Commissioners, the several Highways, public Roads, Streets and Bridges within the respective Towns or Parishes for which they shall be so appointed; which said Commissioners and Surveyors shall be sworn to the faithful discharge of their respective offices for the year ensuing, before the said Sessions or before any one of the Justices of the Peace for said County; and any person being so nominated and appointed who shall refuse to accept of such office, to which he shall be so nominated and appointed, or shall neglect to be sworn as aforesaid, within fourteen days next after being duly notified of such nomination, or, having accepted, shall neglect his duty, shall forfeit for every refusal or neglect a sum not exceeding Five Pounds, to be recovered with costs of suit before any one of His Majesty's Justices of the Peace, at the suit of one of the acting Commissioners or Surveyors of the Parish in which the delinquent resides; and such Forfeiture, when recovered, shall be applied to the repairing of the Highways in such Parish: Provided always,

that in case of the death or removal, or other incapacity of any person so appointed and sworn, or of the neglect or refusal of any person so appointed to accept of the said office, it shall be lawful for any two Justices of the said County, or for the Justices of any General or Special Sessions of the Peace, to appoint another in his stead; and that such person so appointed shall be liable to the same penalty for refusing to qualify himself within fourteen days after being notified of such appointment, or for neglect or refusal to do the duty after being qualified, as is hereinbefore provided for the persons to be first appointed, and so *toties quoties*.

III. And be it enacted, That it shall and may be lawful for the said Sessions, and they are hereby authorised and empowered in all cases where they deem it advisable so to do, to divide the respective Parishes into Districts, not to exceed however the number of Commissioners appointed for such Parish, and to nominate and appoint a Commissioner of the said Parish, with such number of Surveyors as the said Justices may think necessary, to each District; and in such cases it shall be the particular duty of the Commissioner and Surveyors of each District to enforce and superintend the performance of the Statute Labor of such District only, and not of the adjoining Districts, and to make return thereof as hereinafter required.

IV. And be it enacted, That the Commissioners or the major part of them, in the respective Towns or Parishes for which they shall be appointed, are hereby empowered to lay out such public Highways as they or the major part of them shall think most convenient as well for Travellers as for the Inhabitants of each Town or Parish and the next adjacent Towns, Villages and neighbourhoods.

V. And be it enacted, That whenever any of the Roads and Streets already laid out, used and occupied as public Highways, shall in the opinion of the said Commissioners or a majority of them appear to be inconvenient, and an alteration in width or otherwise shall appear to be necessary, then the said Commissioners or a majority of them shall give notice to the Inhabitants of the intended alteration, by posting up such notice in three or more of the most public places in such Town or Parish, at least one month previous to the time of the alteration so intended to be made, which said notice shall point out the time and place of such intended alteration, and it shall be the duty of the said Commissioners to attend at the time and place specified in such notice, and then and there proceed to make the necessary alteration in width or otherwise, unless such alteration shall then be objected to by the Owner or Owners of the Land over which the Road may pass, or by at least one third part of the Freeholders or Occupiers of Land in such Town or Parish.

VI. And be it enacted, That when any such intended alteration shall be so objected to, then may any five or more of the Freeholders of such Town or Parish apply to two of His Majesty's Justices of the Peace for a Warrant, which Warrant it shall be the duty of the said Justices to direct to the High Sheriff, his Deputy, or any Constable within the County, commanding such High Sheriff, Deputy, or Constable, to summon a Jury of twelve dissi-

interested Freeholders or occupiers of Land in the said County, who shall be sworn to examine the said Road; and if said Jury after such examination, shall unanimously declare that an alteration is necessary, then shall the Commissioners forthwith proceed to make the alteration in manner pointed out by the Jury; and in case the said Road so altered shall pass through or extend upon any improved Lands or shall occasion the removal of any Buildings or Fences, then and in all such cases the damages shall be ascertained and assessed by such Jury at the time of laying out the same as aforesaid: Provided that in cases where the alterations made occasion a new Road to be opened, and the old Road or any part thereof, in consequence of such alteration is allowed to be shut up, and revert to the owner of the Land through which such altered Road passes or extends, the Jury in assessing the damages occasioned by such alteration are authorized and empowered to take into consideration the value of the old Road or any part thereof thus shut up, in diminution of the damages.

VII. And be it enacted, That if any public Road, hereafter to be laid out by virtue of the fourth Section of this Act, shall pass through any improved Lands, the damage to the owner or owners of such Lands by means of such Road shall be ascertained by a Jury to be summoned in the manner mentioned and directed in the sixth Section of this Act, on the application of the owner or owners of said Land, or if such Road shall occasion the removal of any Fences or Building, then and in such cases the damage to the owner or owners of such Land, occasioned by the removal of such Fences or Building, shall also be ascertained by such Jury.

VIII. And be it enacted, That the said Commissioners shall and may in all cases where the Jury shall have assessed the damages for the owner or owners of any Land over which a Road may have been laid out or altered either by the said Commissioners or a Jury, lay before the Justices of the said County, at their General Sessions, the assessment so made by said Jury; which assessment the said Justices are hereby authorized and required to examine and allow, and to make order for the payment thereof by the Inhabitants of such Parish or Parishes in the said County as they the said Justices shall think ought to bear the same, and in such proportion upon each Parish as they the said Justices shall think just and reasonable, and thereupon shall issue their Warrants to the Assessors of such Parish or Parishes for the assessing and levying the several sums allowed and ordered as aforesaid; which sums shall be rated, assessed and collected in such manner and under the same regulations, restrictions, penalties and forfeitures, as County charges are rated, assessed and collected, and shall be paid into the hands of the persons for whom such damages may have been assessed.

IX. Provided always, and be it enacted, That if any Road or Highway so to be laid out or altered, shall not in the opinion of the said Commissioners be necessary or useful for the Parish generally in which the same is situate but intended merely for the particular convenience of a certain portion, district or neighbourhood, whether lying wholly in one Parish or between two or more

Parishes, they shall report the same to the said Justices in General Sessions, specifying in such report the bounds and limits of such portion, district or neighbourhood, together with the names of the persons resident in the same; which said Justices are hereby authorised and required to examine into the matter, and if they should be of the same opinion as the Commissioners, then to appoint two or more persons within the said district or neighbourhood to be Assessors, who shall thereupon assess the damages which may be sustained in laying out such Road upon the said persons resident in the said district or neighbourhood, in the same manner as if such district or neighbourhood were a distinct Parish; and the like proceedings may be had for levying and recovering the said assessment as are now provided for the collection of other Rates for County charges.

X. 'And whereas it may be necessary to lay out private Roads within the several Counties in this Province;' Be it enacted, That upon application to the Commissioners appointed as aforesaid for any Town or Parish for a private Road, the Commissioners shall view the same, and if they are of opinion that such Road is necessary, and twelve disinterested Freeholders of the County, to be summoned in manner as directed by the sixth Section of this Act, under oath, shall be of the same opinion, the said Commissioners are hereby empowered to lay out such Road: Provided that they shall not lay out such Road through any person's Land without the consent of the owner or owners thereof, or agreeing with or paying to him or them the value of the Land so to be laid out into such Road, with such damages as he or they may sustain by the said Road; and in case they cannot agree, then the true value shall be set and appraised by the oath of the said Freeholders so summoned; and all the expenses and charges attending the said Road shall be paid by the person or persons applying for the same: Provided always, that no such private Road shall be laid out more than two rods wide, against the consent of the owner or owners of the Lands through which the same is to pass.

XI. And be it enacted, That the width of all Highways or public Roads hereafter to be laid out shall be left to the discretion of the Commissioners for the time being of the Town or Parish where such Highways or public Roads may be laid out, so that they do not exceed six rods and are not less than four rods.

XII. And be it enacted, That in all cases where a Jury shall be summoned under any of the provisions of this Act, the said Jurors shall be allowed the sum of two shillings and sixpence each for their services respectively for each time they shall be so summoned; and the officer who shall summon the same, shall be allowed the sum of ten shillings for his services in summoning such Jury and attending them; and the whole of the sum necessary to bear such expenses shall be deposited in the hands of the said Commissioners, by the person or persons applying for such Jury, previous to the issuing of the Warrant by the Justice for summoning such Jury; and the said Commissioners are hereby required to pay the officer summoning the said Jury his legal fees for such service, and also on

return of their Verdict to pay the said Jurors the sum of two shillings and sixpence each as aforesaid; and in all cases where such Jury shall return an affirmative Verdict in any way connected with a public Road or Highway, the amount of expenses in this Section named shall be included in the assessments provided in the eighth and ninth Sections of this Act, and collected as therein directed, as the case may be, and when collected paid over to the person or persons who may have advanced the same.

XIII. And be it enacted, That whenever any alteration is made in any Highway or Road in the Province, pursuant to the provisions of this Act, and the part or parts of such Road or Highway between the points of such alteration are not settled by the erection of dwelling houses thereon, and where the alteration so made shall not cut off any Proprietor from the Road so altered, then and in such case it shall and may be lawful to and for the Commissioners of Highways in the Town or Parish where such alteration may be made, to order and direct that the said points between such alteration may be stopped up and enclosed by the Proprietor or Proprietors of the Lands between such points of alteration as aforesaid, after which order and direction the said old Road shall no longer be considered public: Provided always, that the altered or new part of the Road shall, in the opinion of the Commissioners; be made equally as good and as passable for Travellers as the old Road, before the latter shall be shut up and enclosed as aforesaid.

XIV. And be it enacted, That the Commissioners of Highways in the respective Towns or Parishes for which they shall be appointed, be and they are hereby authorised and empowered, by and with the consent of all the owners of the Land over which any Road may pass, to shut up and stop the same: Provided that the said Commissioners shall be of opinion that such Road shall not be required for the convenience of the Inhabitants of the Town or Parish in which any such Road is situated, or of the Inhabitants of the next adjoining Towns, Villages and neighbourhoods.

XV. And be it enacted, That the Commissioners for each Town or Parish for which they shall be appointed, shall from time to time enter in writing all the Highways or Roads laid out, altered or shut up, as the case may be, and sign the same; and within three months after such Highway or Road shall be laid out, altered or shut up as aforesaid, make a return thereof into the office of the Clerk of the Peace for the County in which such Highways or Roads are situate, to be by such Clerk entered in a Book kept for that purpose; which return shall distinctly designate the marks, bounds and lines by which the Highway or Road so laid out, altered or shut up, may be known and ascertained; and whatsoever the said Commissioners shall do according to the powers given them in this Act, being so entered, shall be valid and good to all intents and purposes whatsoever; and that every Commissioner or Clerk of the Peace who shall refuse or neglect to perform the duty enjoined and required of each of them as aforesaid, shall forfeit and pay for every such refusal or neglect the sum of three pounds, to be recovered and applied in the same manner as directed in and by the second Section of this Act.

XVI. And be it enacted, That if any person or persons do or shall hereafter alter, stop up or encroach on any Street, Highway or public Road, by laying Timber, Wood, Rubbish, Stones, Carts, Trucks, or any thing thereon, or by having Gates or Doors opening towards and hanging over the said Streets, Highways or public Roads, such persons so offending contrary to the true intent and meaning of this Act, shall for every such offence forfeit the sum of forty shillings, to be recovered with Costs of suit before any one Justice of the Peace upon the oath of one or more credible Witness or Witnesses, and levied by Warrant directed to the Constable of

the Town or Parish where such offence shall be committed, by distraining the goods and chattels of the offenders; and where no such effects are to be found, the offender or offenders to be imprisoned for six days; or in case such offender shall not be known or found, the said articles (if saleable) shall be forfeited and sold by the order of the said Commissioner or the Surveyor, after three days' public notice, unless sooner claimed, and the proceeds arising from such sale shall be applied to the repairing of such Streets or Highways; and in case such encumbrances be of a nature not to produce any thing by the sale thereof, then the said Commissioners or Surveyors shall be empowered to employ any person liable to labour on the Highways to remove such encumbrances; which person shall be allowed therefor according to the time he may be employed, to be deducted from the time he shall be by Law liable to work on the Roads, Streets or Highways.

XVII. And be it enacted, That the Highways, Roads, Streets and Bridges within each County shall be cleared, maintained and repaired by the Inhabitants thereof; and that all Male Inhabitants of the age of Sixteen Years and upwards (with the exception of all denominations of regularly ordained Clergymen not having property for which they are liable to be assessed for Labour under the provisions of this Act, and Emigrants arriving from Great Britain or Ireland who shall have arrived in the Province within the year for which the assessment is made) shall work, either in person or by able and sufficient men in their stead, in each and every year, provided with such necessary implements as shall be directed by the respective Surveyors, the number of Days, allowing eight hours actual labour and no more to each day, hereinafter provided (that is to say); Licensed Parish Schoolmasters actually employed as such, and who do not come within any of the Scales hereinafter mentioned, and Indentured Apprentices, Two Days; and all persons above the age of sixteen years and under twenty-one years, Three Days; Journeymen Mechanics, hired Servants and common Labourers, Four Days; all persons whose real and personal Estate may be estimated at fifty pounds and does not exceed one hundred pounds, Five Days; all persons whose real and personal Estate exceeds one hundred pounds and does not exceed two hundred pounds, Six Days; exceeding two hundred pounds and not exceeding four hundred pounds, Seven Days; exceeding four hundred pounds and not exceeding seven hundred pounds, Eight Days; exceeding seven hundred pounds and not exceeding one thousand pounds, Nine Days; exceeding one thousand pounds and not exceeding fifteen hundred pounds, Ten Days; exceeding fifteen hundred pounds and not exceeding two thousand pounds, Eleven Days; exceeding two thousand pounds and not exceeding two thousand five hundred pounds, Twelve Days; exceeding two thousand five hundred pounds and not exceeding three thousand pounds, Fourteen Days; exceeding three thousand pounds and not exceeding four thousand pounds, Sixteen Days; exceeding four thousand pounds and not exceeding six thousand pounds, Eighteen Days; and all exceeding six thousand pounds, Twenty Days; and all other persons whose yearly income amounts to one hundred and fifty pounds and does not exceed three hundred pounds, shall work Eight Days; exceeding three hundred pounds and not exceeding five hundred pounds, Twelve Days; exceeding five hundred pounds and not exceeding seven hundred pounds, Sixteen Days; and all other persons whose yearly income shall exceed seven hundred pounds, Twenty Days; and all other Male Inhabitants, who do not come within any of the foregoing description of Persons, shall work Four Days: Provided always, that the said Commissioners or the major part of them, or in cases where the Parish is divided into Districts, the district Commissioner, shall and may and they are hereby authorised and empowered, at their or his discretion, to excuse or lessen the number of days' work to be performed by any infirm or indigent person within such Parish or District, certifying however in their

respective returns the name or names of such person or persons so excused and the cause thereof: Provided also, that no person shall be assessed both for property and income; and that it shall be in the discretion of the Commissioners to assess the Inhabitants of their respective Parishes, liable to be assessed in these respects, either for property or for income, as to such Commissioners shall seem meet.

XVIII. And be it enacted, That the Commissioners or the major part of them in each Town or Parish for the time being, shall by the first day of May in each and every year make out a list of the Inhabitants in such Town or Parish, and assess the number of days' work to be performed by each person, under the provisions of this Act, according to the best of their judgment; which List with the number of Days so assessed upon each person, shall be advertised by such Commissioners in the most public place in such Town or Parish; and the said Commissioners shall also furnish the Surveyors in their respective Districts with a List of the Inhabitants of such District and the number of days' work so to be done by each, and shall within fifteen days direct the said Surveyors at what places the work shall be done; which work shall be done by such Inhabitants under the direction of such Surveyors; and it shall further be the duty of the said Commissioners to add to their respective Lists the names of such persons as may come into their respective Parishes to reside after the said first day of May, except Emigrants as before excepted, and to affix and assess the number of days' work to be performed by such persons, unless they produce a certificate of their having performed their respective proportions of labour in some other Town or Parish.

XIX. And be it enacted, That if any person in such List named prefer paying money to doing such labour, it shall and may be lawful for such Commissioners, or in cases where the Parish is divided into Districts, for the district Commissioner, to take and receive from such person the sum of two shillings and sixpence for each day's labour required to be done by him, provided the same be paid within the period hereinafter limited for such payment by the twenty-second Section of this Act; and the monies which may be paid in lieu of such labour, as well as forfeitures which may be received by virtue of this Act, shall be laid out under the direction of such Commissioners, or where the Parish is divided into Districts by the Commissioner of the District, on such Highways, Roads, Streets and Bridges between the first day of May and first day of October in every year; and it shall further be the duty of such Commissioner or Commissioners receiving such sum or sums of money to give six days' notice, by public advertisement within the District, of the time and place where they respectively intend to expend the same, and to attend at the time and place so appointed in such advertisement, and let out the said work by public auction to the lowest bidder.

XX. And be it enacted, That it shall be the duty of the Surveyors of Highways in the several Parishes in this Province, when so directed by the Commissioners or Commissioner of the District, at the most fit and suitable time between the first day of May and the first day of September in each and every year, to summon the Inhabitants of their respective Districts, by publishing notice in writing of the time and place at which the Inhabitants of each District are to assemble to commence their Statute Labour, in one of the most public places in each District; which notice shall contain the names of the persons of the District in which the same is published, liable to work, and also the number of days' labour required to be performed by such persons respectively, with the implements of labour they are severally required to bring with them; and the said Surveyors shall then proceed to expend the labour of the persons so summoned in making, mending or improving the Highways, Roads, Streets and Bridges, in the most useful manner, during the number of Days appointed for each person



to labour, subject nevertheless to such orders and directions as the said Surveyors may from time to time receive from the Commissioner or Commissioners; and when any Surveyor of Highways shall judge the use of Waggon, Carts, Trucks, Ploughs, or Harrows, more necessary than the labour of men, in that case such Surveyor may call on any person or persons within his District keeping any Waggon, Cart, Truck, Plough, or Harrow, with two good Oxen or two Horses; which Waggon, Cart, Truck, Plough, or Harrow, with two good Oxen or two Horses, with a competent driver, shall be equal to Three Days' labour.

XXI. And be it enacted, That every person when called upon by any one of the said Commissioners shall, within twenty-four hours, give and render to the said Commissioner a particular account and statement, in writing, containing the names of all persons who may be in his, her or their employ, or who may be resident in the House kept or occupied by such person or persons, and who may be liable to perform labour on the Highways: such statement to contain not only the names of persons belonging to his, her or their family, but also the names of any Boarders, Lodgers, and domestic Servants, who may be liable as aforesaid; and if any such person or persons shall neglect or refuse to render such account when so called upon, or shall give and render a false or incorrect account or statement, he or she shall forfeit and pay a sum not exceeding five pounds to be sued for and recovered by any one of the Commissioners of the said Parish, before any one Justice of the Peace in and for the said County in which the said Parish is situate; and the penalty, when recovered, to be paid into the hands of the Commissioners to be by them applied in making and repairing the Roads within the said Parish.

XXII. And be it enacted, That if any person or persons when so notified to labour as aforesaid by the Surveyors of their respective Districts, shall neglect or refuse to appear and labour agreeably to such notice, and shall also neglect to pay the sum of two shillings and sixpence for each days' labour as aforesaid, it shall be the duty of such Surveyor, within six days after such neglect or refusal to make report of such delinquency to some one of the Commissioners, who shall without delay make complaint in their own names to a Justice of the Peace against every such delinquent; which Justice shall, on conviction, adjudge every such delinquent to pay the sum of four shillings for every day he has so neglected to appear and labour, together with costs of suit, to be levied by Warrant of distress and sale of such offender's goods and chattels, under the hand and seal of such Justice, directed to any Constable in the Town or Parish to which such offender may belong, and in case no goods or chattels can be found, it shall and may be lawful to commit such offender to the Common Gaol of the County for a space of time not exceeding Six Days; and if any person who shall appear agreeably to such notice, and being under the direction of such Surveyor, shall refuse or neglect to work, or shall not work in such manner as to satisfy such Surveyor, he is hereby empowered to dismiss such person from the work, and shall forthwith make complaint against him to some one of the Commissioners, who shall immediately proceed against him in the same manner as is hereinbefore directed to be done against persons neglecting to appear and labour after being duly notified, and the person so dismissed by such Surveyor for such delinquency, shall be adjudged to pay the sum of four shillings for every day he shall have neglected or refused to work to the satisfaction of such Surveyor, agreeably to such notice or be liable to imprisonment, not exceeding Six Days in the manner hereinbefore mentioned.

XXIII. And be it enacted, That in case any person keeping any Waggon, cart, truck, plough or harrow, with two oxen or two horses, when called upon as aforesaid by such Surveyor, shall refuse or neglect to furnish such Waggon, Cart, Truck, Plough, or Harrow, with two Oxen or two

Horses; with a competent driver agreeably to such direction of such Surveyor, it shall in like manner be the duty of such Surveyor forthwith to make complaint of such offender last mentioned to some one of the Commissioners, who shall immediately proceed against him in the same manner as is directed in the last preceding Section; and such offender last mentioned shall be adjudged to pay the sum of twelve shillings for every day he shall so have neglected or refused to furnish such waggon, cart, truck, plough or harrow, with two oxen or two horses, with a competent driver, agreeably to such direction of such Surveyor, or be liable to imprisonment for a space of time not exceeding Six Days, in the manner in the same Section mentioned: Provided always, That if any person who may be notified to do his labour on the Highways, shall produce a Certificate within Six Days after being so notified, from any Commissioner appointed by virtue of this Act, that he has, in the current year, done his tour of labour in any other Parish of this Province, he shall be excused from doing such labour that year; and if the person so notified shall neglect to produce such Certificate within the time so specified, he shall not be allowed to derive any benefit or exemption therefrom; and that no Justice of the Peace shall receive any such Certificate in evidence upon any Prosecution to be brought under the provisions of this Act, as a defence to such Prosecutions, unless it shall be made to appear to the satisfaction of the said Justice that such Certificate was produced to, or left at the Dwelling House of, such Surveyor, within the time above specified.

XXIV. And be it enacted, That during the intervening time between the finishing the Statute Labour in any one year, and commencing the same in the next succeeding year, it shall and may be lawful for the Commissioners of Highways or any one of them, in the several Towns and Parishes within this Province, to direct the Surveyors of Highways or any of them, from time to time as occasion may require, to remove all Trees and Windfalls from and out of the Roads, and to repair all Bridges and all such parts of the Highways that shall require reparation and amendment within their respective Districts, and also to provide such materials as may be necessary for making and repairing such Roads and Bridges; and the said Surveyors or any of them are hereby authorized and required when so directed to summon so many of the Inhabitants of the said Parish as may be necessary to work after such manner as the said Surveyor or Surveyors shall direct, in removing such Trees or Windfalls, and in repairing such Roads and Bridges, and also in providing such materials as may be necessary for such reparation and amendment; and all persons keeping any waggon, carts, trucks, sleds or teams, shall, when called upon by such Surveyor for the purposes aforesaid, attend with the same; which work and labour, when so performed, shall be deducted from and allowed as a part of the number of Days such person may be obliged by Law to work on the Highways: and any person not attending, or refusing to work as aforesaid, shall forfeit the sum of four shillings for each Day's neglect, and also the sum of eight shillings per Day for refusing or neglecting to furnish such carts, waggons, trucks, sleds, or teams, to be sued for, and recovered, and applied as is directed in and by the twenty second Section of this Act.

XXV. And be it enacted, That the Commissioners of Highways and Roads for each Town or Parish, or any one of them, be and they are hereby authorized and required after the first Snow, and as soon as the Rivers and Marshes are safe for the passing of Cattle on the Ice, to order the Surveyors of Highways and Roads or any of them for the said Town or Parish to summon forthwith so many of the Inhabitants as the said Commissioners or any of them shall in his or their discretion think necessary to work after such manner as they the said Surveyors shall direct, in cutting or carrying Bushes, or marking Ways; and such person not

attending, or refusing to perform the said Work as directed by the said Surveyors, shall forfeit the sum of four shillings for each day's neglect, to be sued for, recovered and applied as is directed in the twenty-second Section of this Act; and the Rivers and the several parts of the same when frozen over as aforesaid, shall be considered as a part of the Towns or Parishes to which they are respectively opposite, for the purposes directed by this Clause; and the Commissioners for the Towns or Parishes opposite to each other upon any River, are hereby authorized and required to agree upon and determine the distance upon the said River which is to be worked upon by their respective Towns in pursuance of this Act.

XXVI. And be it enacted, That every person keeping a Team shall be obliged forthwith, on being summoned by the said Surveyor or Surveyors, to send his Horse, Horses, or Team, with a competent driver, to work in such manner as the said Surveyor or Surveyors shall direct; and on any such person neglecting to send his Team and a good driver, or not performing such reasonable work as the said Surveyor or Surveyors shall direct, the owner of the said Team shall forfeit the sum of eight shillings, to be sued for, recovered and applied as is directed in the twenty-second Section of this Act.

XXVII. And be it enacted, That the said way shall be marked in such place as the said Commissioner or Commissioners shall direct, with evergreen Bushes erected at the distance of not more than Four Rods (lengthways of the said Path) from each other, and Five Feet in height; and on any of the said marks being displaced, the Surveyors shall summon forthwith as many of the nearest Inhabitants with their Teams as they may judge necessary to replace them; and in case of refusal or neglect, every person so offending shall forfeit the sum of four shillings for each man, and four shillings for each Team for each day so summoned: provided when the public Roads are on the bank of the River, the said path shall be marked on the River: the said Fines and Forfeitures to be recovered by complaint to a Justice of the Peace in the same manner as in case of refusal to labour on the Highways, and to be appropriated by the Commissioner towards performing the said service: Provided always, that the number of hours which any person shall work in pursuance of the directions of this Section, or the sum he shall forfeit shall be deducted from and allowed as a part of the number of hours he is obliged by Law to work upon the Highways.

XXVIII. And be it enacted, That if any person shall wilfully cut or take down or destroy any of the Bushes so to be erected by virtue of this Act, he shall forfeit and pay the sum of twenty shillings upon conviction before any one of His Majesty's Justices of the Peace upon the oath of one or more credible witness or witnesses, to be levied by Warrant of distress and sale of the offender's goods, rendering the overplus (if any) after deducting the costs and charges, to the offender; one half of the said Forfeiture to be applied to the use of the Poor of the Town or Parish where such offence shall be committed, the other moiety to him or them who shall inform and sue for the same; and for want of such effects to levy on the offender or offenders shall be imprisoned for a term not exceeding Six Days.

XXIX. And be it enacted, That the said Surveyors of the Highways respectively by the direction of the Commissioners or any of them shall have full power and authority, and they are hereby required, during the winter season to summon such and so many of the Inhabitants having a Horse, Horses, Oxen or Teams in their respective Districts, as they, in their discretion shall think fit, to work at the time and place appointed, on the Highways or public winter Roads, by breaking Roads in the snow with their said Horse, Horses, Oxen or Teams, whenever the depth of snow shall render the same necessary, not exceeding Four Days in each

winter, and at no greater distance than three miles from their own houses, and such Inhabitants shall perform the same work over and above the work which such Inhabitants are liable to perform upon the Highways, Roads and Bridges, in and by this Act; and every person who shall refuse or neglect to work when so called upon, shall forfeit and pay for each and every day he shall so refuse or neglect to appear and work with his Horse, Horses or Oxen, as is herein required, the sum of eight shillings, to be recovered in the same manner as is prescribed by the twenty-second Section of this Act, and to be applied by the Commissioners towards breaking the winter Roads.

XXX. And be it enacted, That no Horse-sled or Sleigh shall be drawn on the Highways or public Roads of this Province, unless the same shall be furnished with one or more Bell or Bells for each Horse drawing such Sled or Sleigh, to be fastened to such Sled or Sleigh or to the Harness thereof so as distinctly to be heard, under the penalty of five shillings for every offence, to be recovered from the owner or driver thereof by any person who shall sue for the same, upon conviction before any one of His Majesty's Justices of the Peace by the oath of one or more credible witness or witnesses or on the view of such Justice, and levied by Warrant of distress and sale of the offender's goods and chattels by Warrant under the hand of such Justice, rendering the overplus (if any) after deducting the costs and charges of such distress and sale to the offender; which fines shall be paid and appropriated in like manner as is mentioned in the twenty-second Section of this Act.

XXXI. And be it enacted, That the respective Commissioners of Highways shall, on or before the fifteenth day of December in each and every year, deliver in to the Clerk of the Peace of their respective Counties returns of the Statute Labour performed in their respective Parishes or Districts to be by him filed; which return shall set forth that all the persons liable to work within the Parish or District of the Commissioner or Commissioners making such return have either worked, paid their commutation or fines, or been prosecuted for the same as the Law directs, with the exception of those persons whom the said Commissioner or Commissioners have deemed it right to excuse; and also a correct account of all the fines and monies received, and of the manner in which they have been expended, with the vouchers in support thereof, and a statement of the balance (if any) on hand; also a list of the persons from whom the commutation or fines have not been recovered, and the names of all such persons as the Commissioners making such return have excused, and the cause thereof; which return shall be (as near as may be) agreeable to the form hereafter set forth; and if any balance shall remain in the hands of such Commissioner or Commissioners the same shall be paid into the hands of the County Treasurer, to be disposed of by the order of the Justices or the major part of them in their General Sessions, for the making, repairing and amending the Roads, Highways, public Streets and Bridges in the Parish where such money was collected or forfeited.

#### FORM OF RETURN:

The undersigned Commissioners (or Commissioner) of the Parish of ———, (or District of the Parish of ———, as the case may be), do hereby certify that all the persons liable to work within the said Parish (or District) have either worked, paid the commutation or fines, or been prosecuted for the same as the Law directs, with the exception of the person or persons excused.

*Then follows an account of the receipts and expenditures showing the balance of money (if any) on hand, thus:*

Statement of monies expended—Statement of monies received—specifying the items.

Names of Persons prosecuted, from whom fines not received.

List of Persons excused.—Causes of such excuse.

A. B.

XXXII. And be it enacted, That the Commissioners appointed by virtue of this Act shall not be required to do any work on the Highways, and when any

Surveyor or Surveyors shall be required to superintend the work on the Highways more than Eight Days, the Commissioners shall and they are hereby authorised and empowered to pay him or them at the rate of five shillings per day out of the monies voluntarily paid into their hands by way of commutation or collected for fines, by virtue of this Act.

XXXIII. And be it enacted, That no prosecution or suit for the recovery of any of the penalties mentioned in this Act shall be brought or instituted after the expiration of six months from the time of committing the offence intended to be prosecuted: Provided nevertheless, that nothing in this Act shall be construed to extend to prevent those intrusted with public money by virtue of any of the hereinbefore recited or any other Acts from being held accountable for all monies so received by them.

XXXIV. Provided always, and be it enacted, That any person thinking that he has been over-rated or assessed too high by the said Commissioners, may appeal to the Justices of the Peace at their next General Sessions after the said work and labour required by this Act has been performed; and the said Justices are hereby authorised and required to examine into the appeal, and if the said appellant shall make it appear to their satisfaction that he has been assessed too high, the said Justices shall and may give relief, by allowing the said appellant the number of Days in which he may appear to have been over-assessed, out of his proportion of Statute Labour on the Highways the next year.

XXXV. Provided also, and be it enacted, That no such appeal shall be heard unless the Person deeming himself aggrieved do, within one Calendar month after receiving notice of the said assessment or being summoned to perform labour, leave a written memorandum in the office of the Clerk of the Peace for the County or with the Commissioners of Highways of the Parish, who are required to transmit the same to the Clerk's office; to which memorandum shall be annexed an affidavit in the form following or to that effect:

County of \_\_\_\_\_, } I, A. B., of the Parish of \_\_\_\_\_, in the said County, do  
 ss. } make oath that the whole of the property, real and personal, owned by me or held by any other person in trust for me, or for my use, does not exceed \_\_\_\_\_, and that my whole yearly income does not exceed \_\_\_\_\_.  
 Sworn at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, before me.

C. D., Justice Peace.

XXXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to the City of Saint John; and also; that in the Parish of Fredericton in the County of York no person liable to perform Statute Labour under this Act shall be suffered, or permitted to work by substitute, but that every Inhabitant of the said Parish shall work in person or pay the sum of money by this Act provided to be paid in lieu thereof, any thing hereinbefore in this Act contained to the contrary notwithstanding.

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

### CAP. III.

An Act to regulate Tavern Keepers and Retailers.

Passed 17th March 1835.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the first year of the Reign of King William the Fourth, intituled *An Act to regulate Inns, Taverns and Houses for selling strong or spirituous Liquors, and to repeal all the Lates now in force relating to the same*, excepting the repealing part thereof, be and the same is hereby repealed: Provided always, that all Licenses granted under the aforesaid Act shall continue and be of the same force and effect as if the said Act had not been repealed; and all Rules and Regulations made under and by virtue of the said Act shall continue and

be in full force and effect until the said Licenses shall have expired.

II. And be it enacted, That the Courts of General Session of the Peace for the several and respective Counties in this Province are hereby authorised and empowered to grant Licenses to such and so many persons as they in their discretion shall think fit, being of good name, fame and character, and of sober habits, and (in case the License be granted to keep an Inn or Tavern) having the means of decently and comfortably entertaining Travellers, to keep a Tavern or Inn or to sell Wine, Brandy, Rum, Beer, Ale or strong Liquors of any kind whatsoever, within their respective Counties, by retail in any quantity under five gallons and not less than one pint, demanding and receiving for every such License such sum as they in their discretion shall think fit, not exceeding ten pounds nor less than forty shillings, which License so granted shall in no case be in force for a longer period than one year; which sum so to be received shall be paid over by the Clerk of the Peace into the hands of the County Treasurer towards defraying such necessary contingent expenses of the County as such Court of General Sessions shall from time to time direct, such Clerk retaining for his trouble two shillings and sixpence: Provided always, nevertheless, that nothing in this Section contained shall extend or be construed to extend to prevent the Justices at their General Sessions in the respective Counties, in their discretion, from granting Tavern Licenses for the sum of twenty shillings to any person or persons residing in remote situations, where the same shall appear to such Justices absolutely necessary for the accommodation of travellers.

III. And be it enacted, That every person on taking out any such License, shall enter into recognizance with two good and sufficient sureties to His Majesty in the sum of forty pounds, to obey such Rules and Regulations as the said Court of General Sessions shall from time to time make and ordain to be observed by Tavern Keepers and Retailers respectively in such County; which Rules and Regulations the said Court of General Sessions as aforesaid are hereby authorised and empowered to make and ordain.

IV. And be it enacted, That if any person shall directly or indirectly sell or barter any Wine, Brandy, Rum, Beer, Ale or any strong or spirituous Liquor whatsoever, in any quantity under five gallons, without License for that purpose first had and obtained, or if a licensed Retailer shall sell any such Liquor in any quantity less than one pint; or shall allow any such Liquor to be drank on the premises of such Retailer, every person so offending shall for each and every offence forfeit and pay a sum not exceeding ten pounds nor less than forty shillings, to be recovered with costs on complaint being made to any one of His Majesty's Justices of the Peace in the County where such offence had been committed, on the oath of one or more witness or witnesses, and levied, collected and applied as hereinafter directed.

V. And be it enacted, That no License granted by virtue of this Act shall entitle any person to keep a Tavern or Inn, or to sell any strong or spirituous Liquor by retail in any other house or place than that in which first kept and sold by virtue of said License;

but in case of the death or removal of any person who has taken out License as aforesaid before the expiration of the same, it shall and may be lawful for the said Justices at any general or special Sessions of the Peace to grant to the person succeeding to such Tavern or retail premises a License to keep on and continue the same during the residue of the term of the said License; the person so succeeding entering into the like recognizance as if the same had been originally granted to such person under the authority of this Act.

VI. And be it enacted, That no Inn-keeper, Tavern-keeper or Retailer who shall sell upon trust or credit any Wine, Brandy, Rum, strong Beer, Ale or any other strong or spirituous Liquors, mixed or unmixed, to any person whomsoever, to the amount of any sum exceeding five shillings, shall have any remedy against the said person, his executors or administrators, either in law or equity for the recovery of the same; and in case any servant, apprentice, bound servant, or other person whatsoever, shall leave any pawn or pledge as a security for the payment of any sum exceeding five shillings contracted in such manner, such servant, apprentice, bound servant, or other person, or the master or mistress of such servant, apprentice or bound servant, may complain to any Justice of the Peace where such Retailer, Tavern-keeper or Inn-keeper receiving such pawn or pledge usually resides, that such pawn or pledge is detained from him or her by such Tavern-keeper or Inn-keeper, and having made proof thereof upon oath, such Justice of the Peace is hereby authorised and required by Warrant under his hand and seal to compel such Retailer, Inn-keeper or Tavern-keeper, by distress and sale of the offender's goods, to restore the said pawn or pledge to the party complaining or to make him or her satisfaction for the loss or abuse thereof, and shall further be subject to a fine not exceeding five pounds, to be recovered and applied as is hereinafter provided.

VII. And be it enacted, That no Retailer, Tavern-keeper, Inn-keeper or other person whatsoever, shall permit or suffer any apprentice, servant or minor, to sit or remain drinking in his or her house, nor give or sell nor suffer to be given or sold to such apprentice, servant or minor, any strong Liquor whatever, without the order or allowance of their respective masters or mistresses, parents or guardians, on pain of forfeiting a sum not exceeding five pounds for each and every such offence, together with the charges of prosecution, to be recovered upon conviction on the oath of one credible witness before any one of His Majesty's Justices of the Peace within the County where the offence shall be committed, or by the view of such Justice, or by such other proof as shall be satisfactory to such Justice, and to be levied, collected and applied as hereinafter directed.

VIII. And be it enacted, That no Retailer shall, upon any pretence whatever, sell any strong or spirituous Liquors to any person or persons whomsoever, to be by him or them or any other person or persons used or consumed in the house or licensed premises of such Retailer, under the penalty of five pounds for each and every

offence, to be recovered upon due conviction upon the oath of one or more credible witness or witnesses before any one of His Majesty's Justices of the Peace, or if in the City of Saint John, before the Mayor, Recorder or any Justice of the Peace for the City and County of Saint John, and levied, collected and applied as hereinafter directed.

IX. And be it enacted, That no Tavern-keeper, Inn-keeper or Retailer shall sell any Wine, strong Beer, Ale, Brandy, Rum or other spirituous Liquors mixed or unmixed on the Lord's Day, commonly called 'Sunday,' under the penalty of a sum not exceeding five pounds nor less than forty shillings for each and every offence, to be recovered, levied and applied as is hereinafter provided.

X. And be it enacted, That if any Tavern-keeper, Inn-keeper or Retailer, shall sell, offer for sale or have in his possession, any Wine, Brandy, Rum, Gin, strong Beer, Ale or any other strong or spirituous Liquors, knowing the same to have been illegally imported into this Province, such Tavern-keeper, Inn-keeper or Retailer, on conviction thereof on the oath of one or more credible witness or witnesses before any one of His Majesty's Justices of the Peace of the City or County in which such offence hath been committed, shall forfeit and pay the sum of five pounds with costs of prosecution, to be recovered, levied and applied as is hereinafter directed; and the License granted to him or her shall be revoked and annulled; and he or she shall not be eligible to have or enjoy a Tavern or retail License for the space of two years thence next ensuing.

XI. And be it enacted, That any Tavern-keeper or Retailer who shall be convicted of enticing, seducing, harbouring or concealing any artiched seaman or apprentice under the existing Law, shall not only forfeit his License but shall be disqualified from holding a Tavern or retail License for the space of one year after conviction of the offence.

XII. And whereas by the Charter of the City of Saint John, confirmed by Act of Assembly, it is among other things provided, that the Mayor of the said City for the time being, and no other person whatsoever, shall have power to give and grant Licenses, under the Common Seal of the said City, to all such persons as he shall think fit, to license them or every of them to keep a Tavern, an Inn, an Ordinary, a Victualling or a Coffee House, or to sell Wine, Brandy, Rum, strong Waters, Punch, Beer, Ale or any exciseable or strong Liquors whatsoever, within the City of Saint John or the liberties or precincts thereof, by retail or the small measure under the quantity of five gallons, and that it shall and may be lawful to and for the Mayor of the said City for the time being, to ask, demand and receive for every such License by him to be granted as aforesaid, such sum or sums of money as he and the person to whom such License shall be given and granted shall agree for, not exceeding the sum of four pounds for each License, and all which monies as by the said Mayor shall be so received shall be used and applied to the public use of the Mayor, Aldermen and Commonalty of the said City of Saint John: Be it enacted, That it shall and may be lawful to and for the Mayor of the said



City for the time being, to ask, demand and receive for every such License by him to be given and granted as aforesaid; any such sum or sums of money as he and the person to whom such License shall be given and granted shall agree for in manner and form aforesaid, not exceeding the sum of ten pounds for such License, to be applied for the public use of the Mayor, Aldermen and Commonalty of the said City of Saint John: Provided always, That nothing in this Act contained shall apply or be construed to apply in any manner to affect the rights and powers given by the said Charter to the Mayor of the said City in granting Licenses to Tavern-keepers and Retailers of Spirituous Liquors otherwise than in this Section is expressly mentioned and contained: Provided also, that all the penalties, forfeitures, pains and imprisonments to which Inn-keepers and Retailers are liable for any offences against the provisions of this Act shall extend and apply to all and every Inn-keeper, Tavern-keeper, Retailer, keeper of an Ordinary, Coffee House or Victualling House in the City of Saint John, as fully to all intents and purposes as the same extend and apply to Inn-keepers, Tavern-keepers or Retailers in any other part of this Province, any thing in this Act contained to the contrary in any way notwithstanding.

XIII. And be it enacted, That this Act shall be publicly read by the Clerk at the opening of every Court of General Sessions of the Peace in the several Counties in this Province, and the Justices of such Court shall at the same time cause a list of all the Tavern-keepers, Inn-keepers and Retailers respectively in the respective Counties, to whom License has been granted as aforesaid, to be delivered to the Grand Jurors at such Courts respectively; and it shall be particularly given in charge to such Grand Jurors to make diligent enquiry and presentment of all and every such person or persons as shall be guilty of any breach of or offence against this Act, and also of any breach of or offence against the same by any person or persons not licensed as aforesaid; and upon such presentment it shall and may be lawful for the Justices of such Court or any one of them to proceed against such offenders in the manner hereinbefore directed to one Justice to proceed for the recovery of the penalties hereinbefore inflicted, and upon conviction of such offender before the Justices of such Court or any one of them, such penalty and penalties shall upon the recovery thereof be paid to the respective County Treasurers, to be applied to the same uses and purposes and under the same orders and directions as the sums paid for Licenses are hereinbefore directed to be applied and subject to.

XIV. And be it enacted, That all fines or penalties imposed by virtue of this Act together with costs of prosecution shall be levied by Warrant of Distress and sale of the offender's goods and chattels, directed to any Constable of the County within which the offence may been committed, rendering the overplus (if any) after deducting the costs and charges of such distress and sale to the offender; and if no goods shall be found whereon to levy it shall be lawful for such Constable to commit such offender to the common

Gaol of the County where such offence may be committed, there to remain without bail or mainprize the period to be specified in such Warrant, not exceeding forty days, unless such fine, costs and charges are sooner paid.

XV. And be it enacted, That all fines which may be imposed and collected by virtue of this Act shall be paid into the hands of the County Treasurers. by the person who may receive or collect the same, to be applied by such Justices for the same purposes as monies received for Licenses.

XVI. And be it enacted, That the costs of prosecutions under this Act had before a single Justice of the Peace shall be regulated by the Table of Fees allowed and established by the Act now in force to regulate proceedings before Justices of the Peace in Civil Suits, and that the costs of all prosecutions had before the Justices in General Sessions shall be regulated by the ordinance of Fees established in this Province.

XVII. And be it enacted, That the summons, convictions and executions issued and made by any Justice of the Peace for offences against this Act may be agreeably to the forms in the Schedule to this Act, or in any other form of words to the same effect, and when the proceedings are had before the Justices in General Sessions the same forms may be adopted as near as may be; the summons and executions being under the Seal of such Court and signed by the Clerk.

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

### SCHEDULE.

#### FORM OF SUMMONS:

— ss. To any Constable of the County of —.

Whereas complaint hath been made before me that *A. B.*, of —, hath sold spirituous Liquor under the quantity of five gallons without a License first had and obtained for that purpose [or hath sold Liquor on Sunday, as the case may be] contrary to the directions of the Act of Assembly in such case made and provided; These are therefore to require you forthwith to summon the said *A. B.* to appear before me at my office in —, on —, the — day of —, at — o'clock in the forenoon, to answer the matter of such complaint, and further to be dealt with according to Law. Given under my Hand this — day of —, 183—.

C. D., J. P.

#### FORM OF CONVICTION:

— ss. Be it remembered that on the — day of —, 183—, at —, in said County, *A. B.* is convicted before me, one of the Justices of the Peace for said County, for that the said *A. B.* did on the —, day of —, 183—, sell spirituous Liquor contrary to the provisions of the Act of Assembly for regulating Tavern-keepers and Retailers; and I the said Justice adjudge the said *A. B.* for said offence to pay a fine of —, and also — for costs of prosecution. Given under my Hand the day and year aforesaid. C. D., J. P.

#### FORM OF EXECUTION:

— ss. To any Constable of said County.

Whereas *A. B.* of —, was duly convicted before me and adjudged to pay a fine of — and — shillings, costs of suit, for an offence against the Act of Assembly for regulating Tavern-keepers and Retailers;

These are therefore to require you to levy said fine and costs besides your own fees on the goods and chattels of said *A. B.* within this County, and for

want thereof that you take the said *A. B.* and him commit to the common Gaol of said County, the Gaoler of which is hereby required to receive the said *A. B.* into custody and him detain for the period of ——— days, unless such fine and costs be sooner paid. Given under my Hand this ——— day of ———, 193—.

## CAP. IV.

An Act to authorise the enlargement of the Sittings of the Courts of General Sessions of the Peace and Inferior Courts of Common Pleas in this Province.

*Passed 17th March 1895.*

**W**HEREAS the sittings of the Courts of General Sessions of the Peace and Inferior Courts of Common Pleas in the several Counties in this Province at which Juries are summoned to attend, are sometimes found insufficient for the transaction of the business depending in the said Courts;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the said Courts of General Sessions of the Peace and Inferior Courts of Common Pleas in the several Counties in this Province, at the terms at which Juries are summoned to attend, if the Justices of the said Courts respectively shall deem the same expedient, to adjourn the sittings of the said Courts or either of them to the week next succeeding the said Terms respectively; and all causes and matters heard and determined, and all business transacted, on any day during the week next succeeding the said Terms respectively, pursuant to such adjournment, shall have the same and the like force and effect to all intents and purposes as if heard and determined and transacted at any time during the said Terms respectively; and all parties concerned shall take due notice of such adjournment from time to time and govern themselves accordingly: Provided always, That no trials of any Issues by Jury shall be had at any such adjourned sittings.

II. Provided also, and be it further enacted, That the days of the Tests and Return of all Writs in the said Courts shall be and remain in each respective Term as heretofore accustomed and established.

## CAP V.

An Act to continue an Act, intituled *An Act to amend an Act, intituled An Act to repeal an Act passed in the fiftieth year of the reign of His Majesty King George the Third, intituled An Act to declare the qualification of Church Wardens and Vestrymen in the several Parishes in this Province, and of the persons having voices in their election, and to make more effectual enactments in lieu thereof, so far as relates to the Parish Church of Saint Andrews.*

*Passed 17th March 1895.*

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the second year of the reign of His present Majesty King William the Fourth, intituled *An Act to amend an Act, intituled An Act to repeal an Act passed in the fiftieth year of the reign of His Majesty King George the Third, intituled An Act to declare the qualifications of Church Wardens and Vestrymen in the several Parishes in this Province, and of the persons having voices in their election, and to make other and more effectual*

enactments in lieu thereof, so far as the same relates to the Parish Church of Saint Andrews, be and the same is hereby continued and declared to be in full force until the first day of May which will be in the year of our Lord one thousand eight hundred and forty.

## CAP. VI.

An Act to revive an Act, intituled *An Act for the more speedy and effectual punishment of Persons keeping Disorderly Houses.*

Passed 17th March 1835.

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the ninth and tenth years of the reign of His late Majesty King George the Fourth, intituled *An Act for the more speedy and effectual punishment of persons keeping Disorderly Houses*, be and the same is hereby revived, and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty.

## CAP. VII.

An Act to alter the time of holding the November Term of the Inferior Court of Common Pleas of the County of Gloucester.

Passed 17th March 1835.

**W**HEREAS the time of holding the November Term of the Inferior Court of Common Pleas in and for the County of Gloucester, has been found inconvenient; for remedy whereof, Be it enacted by the Lieutenant Governor, Council and Assembly, That the said Term of the said Inferior Court of Common Pleas heretofore held on the first Tuesday in November, shall hereafter be held on the last Tuesday in October in each and every year; any law, usage or custom to the contrary notwithstanding.

## CAP. VIII.

An Act to continue an Act, intituled *An Act for the better extinguishing of Fires that may happen within the City of Saint John, and to repeal all the Acts now in force relating to the same, and also An Act to amend the Act for the better extinguishing of Fires that may happen within the City of Saint John.*

Passed 17th March 1835.

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the seventh year of the reign of His Majesty King George the Fourth, intituled *An Act for the better extinguishing of Fires that may happen within the City of Saint John, and to repeal all the Acts now in force relating to the same*, and also an Act made and passed in the second year of the reign of His present Majesty, intituled *An Act to amend the Act for the better extinguishing of Fires that may happen within the City of Saint John*, be and the same are hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty.

## CAP. IX.

An Act further to continue *An Act for the more effectual punishment of persons who shall be guilty of the trespasses therein mentioned in the City of Saint John.*

Passed 17th March 1835.

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fifty-ninth year of

the reign of His Majesty King George the Third, intituled *An Act for the more effectual punishment of persons who shall be guilty of the trespasses therein mentioned in the City of Saint John*, be and the same is hereby continued and declared to be in full force until the first day of April which will be in the year one thousand eight hundred and forty.

## CAP. X.

An Act to revive an Act, intituled *An Act in addition to and in amendment of an Act, intituled An Act to revive and make perpetual an Act authorising the Mayor, Aldermen and Commonalty of the City of Saint John to make regulations for the more effectual prevention of Fires within the said City.*

*Passed 17th March 1835.*

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fifty-ninth year of the reign of His Majesty King George the Third, intituled "An Act in addition to and in amendment of an Act, intituled "An Act to revive and make perpetual an Act authorising the Mayor, Aldermen and Commonalty of the City of Saint John to make regulations for the more effectual prevention of Fires within the said City," be and the same is hereby revived and declared to be in full force until the first day of April which will be in the year one thousand eight hundred and forty.

## CAP. XI.

An Act to continue an Act, intituled "An Act to repeal all the Laws now in force for the regulation of Seamen and to make more effectual provision for that purpose."

*Passed 17th March 1835.*

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the twentieth year of the reign of His late Majesty King George the Fourth, intituled "An Act to repeal all the Laws now in force for the regulation of Seamen, and to make more effectual provision for that purpose," be and the same is hereby continued and declared to be in full force until the first day of April one thousand eight hundred and forty.

## CAP. XII.

An Act for prohibiting and suppressing of Lotteries in this Province.

*Passed 17th March 1835.*

**W**HEREAS Lotteries have been found by experience to be very injurious to Society, and tend to the great detriment and frequent ruin of minors, mechanics, traders and other unwary persons, by the evil habits engendered and fraudulent practices to which they give rise;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That all Lotteries are and shall be taken and adjudged to be common and public nuisances.

II. And be it enacted, That no person or persons whatsoever shall publicly or privately exercise, keep open, show or expose to be played at or thrown at, or shall draw, play or throw at any Lottery, either by dice, lot, cards, balls, tickets, or any other numbers or figures, or any other way whatsoever; and that every person

who shall exercise, expose, open, or shew to be played, thrown, or drawn at any such Lottery, shall forfeit for every such offence the sum of one hundred pounds, to be recovered by information, bill, plaint or action at Law in the Supreme Court or any Inferior Court of Common Pleas; one moiety thereof to the use of the poor of the Parish, where such offence shall be committed, and the other moiety together with cost of suit to the party that shall inform and sue for the same.

III. And be it enacted, That every person who shall play, throw or draw at any such Lottery, or become the owner or purchaser of any lot, card or ticket for any such Lottery, shall forfeit for every such offence the sum of ten pounds, to be sued for, recovered and levied before any two Justices of the Peace; one moiety thereof to the use of the poor of the Parish where such offence shall be committed, and the other moiety together with the costs of suit to the party who shall inform and sue for the same.

IV. And be it enacted, That every person who shall set up, or shall by writing or printing publish the setting up of any Lottery with intent to have such Lottery drawn, or to induce persons to purchase tickets for any such Lottery, shall forfeit for every such offence the sum of twenty pounds, to be recovered and applied in the same manner as the penalty imposed in and by the second Section of this Act is above directed.

V. Provided nevertheless, and be it enacted. That nothing in this Act contained shall extend or be construed to extend to the disposal or allotment of Fishing Lots or drafts in the City of Saint John, under the direction of the Mayor, Aldermen and Commonalty of the said City, in manner heretofore accustomed.

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

#### CAP. XIII.

An Act to continue an Act, intituled "An Act to extend the provisions of an Act, intituled 'An Act to repeal the Laws now in force for appointing Firewards and the better extinguishing of Fires, so far as the same relate to the Town of Fredericton, and to make regulations more suitable to the said Town,' to the Towns of Newcastle and Chatham and their vicinities in the County of Northumberland."

*Passed 17th March 1835.*

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the ninth year of the reign of His late Majesty King George the Fourth, intituled "An Act to extend the provisions of an Act, intituled 'An Act to repeal the Laws now in force for appointing Firewards and the better extinguishing of Fires, so far as the same relate to the Town of Fredericton, and to make regulations more suitable to the said Town,' to the Towns of Newcastle and Chatham and their vicinities in the County of Northumberland," be and the same is hereby continued and declared to be in full force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty.

## CAP. XIV.

An Act to continue an Act, intituled "An Act to authorise the Justices of the Peace in the several Counties in their General Sessions to make regulations for Carmen, Waggoners and Truckmen, and to establish the rates and fares to be taken for the cartage and truckage of goods in the several Towns throughout the Province, and also to regulate the measurement of Coals and Salt."

*Passed 17th March 1835.*

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the tenth and eleventh years of the reign of His late Majesty King George the Fourth, intituled "An Act to authorise the Justices of the Peace in the several Counties in their General Sessions to make regulations for Carmen, Waggoners and Truckmen, and to establish the rates and fares to be taken for the cartage and truckage of goods in the several Towns throughout the Province, and also to regulate the measurement of Coals and Salt," be and the same is hereby continued until the first day of April which will be in the year of our Lord one thousand eight hundred and forty-five.

## CAP. XV.

An Act to alter the boundary line between certain Parishes in the County of Westmorland.

*Passed 17th March 1835.*

**W**HEREAS the boundary line between the Parishes of Monckton and Dorchester in the County of Westmorland as at present established, has been found inconvenient;

Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the seventeenth day of November next, all that tract of Land in the present Parish of Dorchester, in the County of Westmorland, which lies to the north of a line commencing at Fox Creek, on the northern line of the Des Barres tract, so called, and running thence easterly along the said line to the extension thereof on the Memramcook river, thence along the prolongation of said line until it strikes the western line of Shediac Parish, shall be annexed to and form a part of the Parish of Monckton in said County.

## CAP. XVI.

An Act to remove double which may arise from the formation of two distinct Councils in this Province, relating to acts required to be done by His Majesty's Council.

*Passed 17th March 1835.*

**W**HEREAS by His Majesty's Commission bearing date at Westminster the third day of December, in the third year of His reign, two distinct and separate Councils were formed within this Province, to be respectively called the Legislative Council and the Executive Council: and whereas by reason of the formation of the said two distinct and separate Councils, doubts may arise as to acts heretofore required to be done by His Majesty's Council in this Province while one body, having both Legislative and Executive powers, or by one or more members thereof;

Be it declared and enacted by the Lieutenant Governor, Council and Assembly, That any act, matter or thing required by any Law,

Charter, Grant or Public Instrument to be done or performed by, to or with His Majesty's Council in this Province, or by, to or with any member or members of His Majesty's Council, without specifying the Legislative Council, shall be deemed to be required to be done and performed by, to or with the Executive Council of the said Province, or any member or members thereof, as the case may be; excepting only such matters and things as belong to the Legislative Council, or the members thereof, as a branch of the Legislature of the said Province.

## CAP. XVII.

An Act to declare all Acts of Assembly to be public Acts.

*Passed 17th March 1835.*

**W**HEREAS in this Province all Acts of the General Assembly are enrolled and printed and published in the same manner, whether they be in their nature public or private, and it is therefore expedient that they should all be deemed public Acts;

Be it enacted by the Lieutenant Governor, Council and Assembly, That every Act of the General Assembly of this Province heretofore made and passed, or which hereafter may be made and passed, shall be deemed and taken to a public Act, and shall be judicially taken notice of as such by all Judges, Justices and others without being specially pleaded, although it may concern only particular things or persons; unless in cases where the Act itself may expressly specify the contrary.

## CAP. XVIII.

An Act to continue an Act, intituled "An Act to repeal the Laws now in force for appointing Firewards and the better extinguishing of Fires, so far as the same relate to the Town of Fredericton, and to make regulations more suitable to the said Town," and an Act, intituled "An Act to extend the power of the Firewards in the Parish of Fredericton, and to make further regulations for the better extinguishing of Fires that may happen in the said Parish."

*Passed 17th March 1835.*

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fifth year of the reign of His late Majesty King George the Fourth, intituled "An Act to repeal the Laws now in force for appointing Firewards and the better extinguishing of Fires, so far as the same relate to the Town of Fredericton, and to make regulations more suitable to the said Town," and an Act made and passed in the seventh year of the reign of His late Majesty King George the Fourth, intituled "An Act to extend the power of the Firewards in the Parish of Fredericton, and to make further regulations for the better extinguishing of Fires that may happen in the said Parish," be and are hereby continued and declared to be in full force until the first day of April which will be in the year of our Lord one thousand eight hundred and thirty seven.

## CAP. XIX.

An Act to erect the South-Western part of the Parish of Richibucto into a separate and distinct Parish.

*Passed 17th March 1835.*

**W**HEREAS from the great extent of the Parish of Richibucto, and the increased population, render it inconvenient and difficult for the Parochial officers to perform the several duties required of them; and it is therefore expedient that the same be divided into two Parishes;



Be it enacted by the Lieutenant Governör, Council and Assembly, That from and after the tenth day of January next, all that part of the Parish of Richibucto lying to the Southward of the Richibucto River, on a line from the mouth of Saint Nicholas River, following the course of that River to the East Branch, so called, then following the course of the East Branch until it comes to Black Brook, so called, and from thence South until it strikes the Parish of Wellington; and also that part of the said Parish of Richibucto lying on the West side of the River Richibucto, commencing at the upper line of a tract of Land granted to William Harley, from thence following the course of the said line until it strikes the rear of the Indian Reserve, and from thence a due west course until it strikes the Parish of Carleton, be and the same is hereby erected into a separate and distinct Town or Parish to be distinguished and known by the name of *Weldford*.

## CAP. XX.

An Act to authorise the Justices of the Peace for the County of Charlotte to assess the Inhabitants of the Parish of Grand Manan for the erection of a Lock-up House in the said Parish.

*Passed 17th March 1885.*

WHEREAS by reason of the great distance of the Island of Grand Manan from the Shire Town, and the risk, inconvenience and expense of the removal of persons from thence to the County Gaol, the ends of Justice are frequently obstructed and sometimes altogether frustrated; for remedy whereof,

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That His Majesty's Justices of the Peace for the said County of Charlotte or the major part of them at any General Sessions of the Peace, be and they are hereby authorised and empowered to contract and agree with able and sufficient workmen for building and finishing a Lock-up House or House of Correction at Grand Manan in the said County, and to agree for such sum or sums of money as to them may seem meet in order to carry this object into effect, and the said Justices or the major part of them at their General Sessions as aforesaid are hereby authorised and empowered to make rate and assessment upon the Inhabitants of the Parish of Grand Manan for a sum not to exceed one hundred pounds, for defraying the expense of the erection and finishing of the said Lock-up House or House of Correction, and from time to time to make such rules and regulations for the management of the said Lock-up House or House of Correction, as to them may seem meet.

II. And be it enacted, That it shall and may be lawful for the High Sheriff of the said County or for any other officer having legal custody of any person or persons who shall or may be arrested on the said Island of Grand Manan or on any of the Islands adjacent to the same, in all cases in which the said Sheriff or other officer could legally lodge the said person or persons in the common Gaol of the said County, to commit the said person or persons to the said Lock-up House or House of Correction until the said person or persons can be removed to the said County Gaol: Provided always, That no person under civil arrest shall be detained in such Lock-up House or House of Correction for any space of time exceeding Twenty Days.

III. And be it enacted, That the said sum of one hundred pounds so to be assessed, shall be assessed, collected and paid agreeably to any Acts in force for the assessing, collecting and levying of County rates.

## CAP. XXI.

An Act to provide for the establishing and maintaining a Boom for securing Masts, Logs and Lumber in the County of York.

*Passed 17th March 1835.*

6 **W**HEREAS it has been found necessary to erect a Boom on the River Nashwaak in the County of York for the purpose of securing such Timber as may be hauled out and thrown into the same until it can be conveniently rafted by the respective owners: and whereas it is expedient that proper regulations should be established to insure the safe delivery of the same to the owners;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for His Majesty's Justices of the Peace for the said County of York in their General Sessions to make and establish such rules and regulations as to them may appear proper respecting such Boom as has been erected or may hereafter be erected on said River, and to appoint Boom master or masters from time to time, and to establish fees for attending to such Booms and superintending the safe delivery of the Lumber passing through the same; Provided always, that such Boom be so constructed as to secure a clear and sufficient sluice way or passage for conveying boats, rafts of boards or other lumber through the same.

II. And be it enacted, That any person or persons who shall violate any of the rules so to be made as aforesaid, shall forfeit and pay a sum not exceeding five pounds with costs for each and every offence; to be recovered on conviction thereof by the oath of one or more credible witness or witnesses before any one of His Majesty's Justices of the Peace for the said County of York, to be levied by Warrant of distress and sale of the offender's goods and chattels, rendering the overplus (if any) to such offender, and for want of sufficient goods and chattels whereon to levy, the said Justice is hereby authorised and required to commit such offender to the common Gaol of the said County, there to remain for a term not less than five and not exceeding ten days.

III. And be it enacted, That one half of every penalty which may be recovered for the breach of any rule or regulation made by virtue of this Act shall be paid to the person or persons who shall prosecute for the same, and the other half thereof shall be paid to the overseers of the poor of the Town or Parish where such offence had been committed, to be applied to the use of the poor of such Town or Parish.

IV. And be it enacted, That each and every of the Parishioners on the said Nashwaak River shall be considered as competent witnesses in any prosecution under this Act, excepting any person entitled as prosecutor to any part of the penalty sued for.

V. And be it enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and thirty-seven and no longer.

## CAP XXII.

An Act to authorise and empower the Justices of the Peace for the County of Charlotte to lease a part of the public landing at Salt Water in the Parish of Saint Stephen.

*Passed 17th March 1835.*

6 **W**HEREAS a certain piece of land, beach and flats, situate in the Parish of Saint Stephen in the County of Charlotte, was granted by Letters Patent under the Great Seal of this Province to the Justices of the Peace for the County of Charlotte, in trust for a public landing in and for said Parish; which said piece of land is bounded and described as follows, to wit: Beginning at a post placed in the South Western boundary line of the garden lot numbered one in Jones' Division of the Town Plat of Saint Stephen at the North Western angle of Aaron

Upton's wharf, thence running by the magnetic needle north sixty five degrees west one chain (of four poles) and ninety five links along the said boundary line to the South Eastern side of the public street, thence along the line of the said street, south twenty-five degrees west seventy-two links, thence along the bank, bounded by the public wharf, to the North Western side of said street, thence south twenty-five degrees west three chains and five links to the shore of the River Saint Croix at low water mark, thence along the line of the said low water mark till it meets a line running south twenty-five degrees west from the place of beginning, and thence along said line north twenty-five degrees east four chains and forty-five links to the place of beginning: And Whereas improvements might be made upon the said public landing which would be beneficial to the said Parish;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the said Justices of the Peace for the County of Charlotte be and they are hereby authorised and empowered, by good and sufficient leases, to grant and to farm let such part of the said public landing as they in their discretion may think fit, for any term not exceeding twenty years.

II. And be it enacted, That the said Justices of the Peace for the County of Charlotte are hereby further authorised and empowered to erect on the said premises a public Market House, and such other buildings and fabrics as may from time to time be deemed necessary to be erected for the accommodation thereof, and also to erect thereon such wharves, stores and other fabrics as they shall from time to time deem expedient and beneficial to the said Parish of Saint Stephen; the proceeds, profits and income of every kind whatsoever, which may be derived from the said public landing, and the buildings, erections and improvements thereon, shall be appropriated for the benefit of the Town or Parish of Saint Stephen.

#### CAP. XXIII.

An Act for erecting parts of the Towns or Parishes of Brunswick and Canning in Queen's County into a separate Town or Parish.

*Passed 17th March 1835.*

**W**HEREAS the Town or Parish of Brunswick is so extensive as to render it inconvenient and burthensome to perform the several Parochial duties required by Law; and it is expedient a separate Parish should be erected therein, and that a certain part of the Parish of Canning should form part of the Parish so to be erected;

Be it enacted by the Lieutenant Governor, Council and Assembly, That all those several parts and parcels of the Parishes of Brunswick and Canning situate, lying and being within the following meets and bounds (that is to say), Commencing at the lower or southerly boundary line of the County of Sunbury, where the prolongation of the division line between Lots numbers eight and nine on the road leading from Yeaman's mill to the Hardwood Ridge in the said Parish of Canning intersects it, and thence following the course of that line to its termination, thence south forty-five degrees east until it strikes the western shore of Salmon Bay, thence easterly to Indian Point so called, thence across the north east-arm of the Grand Lake to the upper line of the late Doctor William Burk's farm, thence along the said line and its prolongation south seventeen degrees forty minutes east to the upper boundary line of the Parish of Wickham, thence following the course of that line to the north eastern-boundary line of the County, be and the same are hereby erected into a separate Town or Parish, to be called and known by the name of the Town or Parish of Chipman.

## CAP. XXIV.

An Act in addition to and in continuation of the Act relating to the Bass Fishery in the County of Northumberland.

*Passed 17th March 1835.*

WHEREAS it is thought desirable to extend the provisions of an Act made and passed in the third year of the reign of His present Majesty King William the Fourth, intituled "An Act to authorise the Justices of the Peace for the County of Northumberland to make rules and regulations respecting the Bass Fishery in that County," to the Shad and Gaspereaux Fisheries in the said County;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That all the provisions of the said recited Act be and the same are hereby extended and made applicable in all respects to the Shad and Gaspereaux Fisheries respectively, in all or any of the Rivers and Branches of Rivers in the said County.

II. And be it enacted, That this Act and the above recited Act to which this Act is in addition and in continuation, shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and thirty-eight.

## CAP. XXV.

An Act to alter and amend an Act, intituled "An Act to repeal an Act, intituled 'An Act for the better security of the Navigation of certain Harbours in the County of Northumberland,' and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester," so far as the same relates to the Bay and Harbour of Restigouche in the said County of Gloucester.

*Passed 17th March 1835.*

WHEREAS in and by the third Section of an Act of the General Assembly of this Province made and passed in the tenth and eleventh years of the reign of His late Majesty King George the Fourth, intituled "An Act to repeal an Act, intituled 'An Act for the better security of the Navigation of certain Harbours in the County of Northumberland,' and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent and Gloucester," it is enacted, *inter alia*, that there be granted to His Majesty, His Heirs and Successors, for defraying such expenses as may be incurred in erecting, building, rebuilding, replacing and supporting Buoys and Beacons in the Bay and Harbour of Restigouche in the County of Gloucester, on every Vessel entering the said Bay and Harbour, the sum of One Penny per ton for each and every ton such Vessel may admeasure per Register, for each and every time such Vessel may arrive at the said Bay and Harbour of Restigouche: And Whereas it is expedient to alter and amend the said Section so far as the same relates to the said Bay and Harbour of Restigouche;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the said in part recited Section of the said Act, so far as the same relates to the said Bay and Harbour of Restigouche, be and the same is hereby repealed.

II. And be it enacted, That there be and there is hereby granted to His Majesty, His Heirs and Successors, for defraying such expenses as may be incurred in erecting, building, rebuilding, replacing and supporting Buoys and Beacons in or adjacent to the said Bay or Harbour of Restigouche, on each Vessel entering the said Bay or Harbour, the sum of One Halfpenny per ton for each and every ton such Vessel may admeasure per Register, for each and every time such Vessel may arrive at the said Bay or Harbour of Restigouche.

III. And be it enacted, That this Act shall continue and be in force no long as the said in part recited Act is an amendment and no longer.

## CAP. XXVI.

An Act to make perpetual the Acts of the General Assembly relating to the surrender of the Principal in Discharge of Bail.

*Passed 17th March 1835.*

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled "An Act to provide for the surrender of the Principal in discharge of Bail in actions pending in the Supreme Court of Judicature in this Province;" also an Act made and passed in the ninth and tenth years of the same reign, intituled "An Act to continue and amend an Act, intituled 'An Act to provide for the surrender of the Principal in discharge of Bail in actions pending in the Supreme Court of Judicature in this Province,' " be and the same are hereby made perpetual.

## CAP. XXVII.

An Act to continue "An Act to regulate the Law with regard to the course of proceeding on Indictments and Informations in the Supreme Court."

*Passed 17th March 1835.*

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the tenth and eleventh years of the reign of His Majesty King George the Fourth, intituled "An Act to regulate the Law with regard to the course of proceeding on Indictments and Informations in the Supreme Court in certain cases," be and the same is hereby continued and declared to be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

## CAP. XXVIII.

An Act to authorise the Grand Jurors of the several Counties within this Province to inspect the Public Accounts.

*Passed 17th March 1835.*

**W**HEREAS it is desirable that full publicity should be given to the accounts of the receipts and expenditures of public monies within the several Counties in this Province, with a view to prevent abuses therein;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That once in each year, at the General Sessions of the Peace in each County at which Parish Officers are appointed, it shall be the duty of the Justices at such General Sessions to cause a full, detailed and particular account of all the receipts and expenditures of public monies within such Counties for the past year to be laid before the Grand Jury for their inspection and examination; and such Grand Jury may make such representation and presentment to the Court thereupon as to them shall seem meet.

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

## CAP. XXIX.

An Act to regulate the Fees in Actions not summary in the Inferior Courts of Common Pleas, and to restrain the removal of such Actions to the Supreme Court.

*Passed 17th March 1835.*

**W**HEREAS the Fees in Actions not summary in the Inferior Courts of Common Pleas in this Province and in the

' Mayor's Court of the City of Saint John, require to be defined and established by Law: And Whereas the removal of causes from the said Courts to the Supreme Court after Issue joined or Interlocutory Judgment signed, has been found productive of great inconvenience and delay to Suitors;'

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the Fees in all Actions hereafter instituted in the respective Inferior Courts of Common Pleas in this Province, or in the Mayor's Court of the City of Saint John, not coming within the summary jurisdiction of the said Courts, shall be taxed and regulated by the following Table of Fees, so far as relates to the Judges, Clerks, Attornies and Counsel, instead of by the Ordinance of the Governor and Council as heretofore accustomed.

TABLE OF FEES

To be allowed and taxed in Actions not summary in the Inferior Courts of Common Pleas:

FOR THE JUDGES.

On the entry of every cause not settled at the return of the Writ, Five Shillings.

On the entry of every cause for Trial, Three Shillings and Fourpence.

On every Judgment, Three Shillings and Fourpence.

Taking special Bail and entering the same in Bail Book, Three Shillings.

Every Summons granted or order made out of Court, Two Shillings and Sixpence.

Taking a deposition *de bene esse*, Five Shillings.

Justification or disallowance of Bail, Two Shillings.

Appointment of a Guardian or *prochein ami*, Two Shillings and Sixpence.

Taxing a Bill of Costs, Two Shillings.

Render of a Defendant in discharge of Bail (including the commitment or order for taking into custody), Two Shillings and Sixpence.

Every Affidavit for each Deponent, One Shilling.

The same fee to any person authorised to take Affidavits to be read in Court.

CLERK.

Signing and sealing every Writ or Process, (including the filing of the docket or *precipe* therefor,) Subpœna excepted, One Shilling.

Entry of every cause, One Shilling.

Entry of every Rule, One Shilling.

Entry of appearance or filing common Bail, One Shilling.

Filing every process, pleading or other paper, and marking the same as filed, Sixpence.

Copy of every common Rule, One Shilling.

Entering Interlocutory Judgment, One Shilling.

Entering admission of Guardian or *prochein ami*, One Shilling.

Every Rule or Order entered in the minutes, One Shilling.

If more than one Folio, for every additional Folio, One Shilling.

Copy or transcript from the minutes or records, per Folio, One Shilling.

A Folio in all cases to include one hundred words.

Every search made in the files or minutes, One Shilling.

Signing and sealing every Subpœna, and filing Precipe, if any, Sixpence.

Entering a cause for trial, One Shilling.

Calling and swearing Jury, and taking and entering verdict or non-suit or entry of discharge of Jury, Two Shillings.

Swearing every Witness or Constable and reading every paper in evidence, Sixpence.

Taxing costs where a trial has been had, Two Shillings.

Taxing costs in any other case, One Shilling.

Making return to every Writ of Error, *Habeas Corpus* or *Certiorari* served on him (exclusive of copy or transcript), Two Shillings.

Every Certificate under the seal of the Court (including the seal), Two Shillings.

On all monies paid into Court to one hundred pounds, per pound, Sixpence.

All above one hundred pounds, per pound, Threepence.

When such money is paid in by a Defendant on a plea of tender or order obtained by him for paying money into Court, the poudage shall be paid to the Clerk in addition to the money paid in and may be included in the Defendant's taxable costs.

#### ATTORNEY.

Taking instructions to commence action, Six Shillings and Eight pence.

Writing letter to Defendant requiring settlement before action brought, Five Shillings.

Preparing every process in a cause excepting Subpœna or Writ of Inquiry, Three Shillings.

The Precipe or Docket thereof, Sixpence.

Copy of the Writ and notice (when requisite), One Shilling and Sixpence.

Drawing every Declaration and copy to file, not exceeding ten Folio, Five Shillings.

For every additional Folio above ten (when necessary), One Shilling.

Every copy of Declaration for adverse party or when otherwise requisite, per Folio, Sixpence.

Taking instructions to defend action or to enter special Bail, Six Shillings and Eightpence.

Special Bail piece, One Shilling and Fourpence.

Common Bail or appearance, One Shilling.

Drawing general Issue, One Shilling.

Each copy thereof, Sixpence.

Drawing every special Plea, per Folio, One Shilling.

Each copy thereof, per Folio, Sixpence.

Preparing a Writ of Inquiry of Damages, Four Shillings, (or at the rate of One Shilling per Folio.)

Making up Judgment Roll, per Folio, Ninepence.

Attending assessment of Damages before Court, Three Shillings and Fourpence.

Attending assessment of Damages before Jury of Inquiry, Six Shillings and Eightpence.

Every Subpœna, Two Shillings.

Every copy thereof or ticket, Sixpence.

Service on every Witness, One Shilling.

Attending the examination of a Witness *de bene esse*, Six Shillings and Eightpence.

Every notice, not exceeding one Folio, One Shilling.

For every additional Folio, One Shilling.

Every necessary copy thereof, per Folio, Sixpence.

Serving every notice or other paper, One Shilling.

Every Summons or order of a Judge (including attendance), Three Shillings and Fourpence.

Attending a Judge on Summons in controverted cases, Six Shillings and Eightpence.

Every necessary attendance before a Judge or the Clerk (not otherwise provided for), One Shilling.

Preparing brief for trial or argument, Six Shillings and Eightpence.

On entry of a cause for trial, Five Shillings.

Preparing every writ of *Scire Facias*, per Folio, One Shilling.

Preparing bill of costs where a trial has been had, Three Shillings.

In any other case, One Shilling and Sixpence.

Half of the above Fees for a copy of bill of costs for client or adverse party when requisite, and no charge for a bill of costs to be allowed in any case before the entry of the cause on the return of the writ.

Preparing every affidavit or other paper not otherwise provided for, for the original per Folio, One Shilling.

Every additional copy, per Folio, Sixpence.

Every motion actually made in open Court and entered on the minutes, Three Shillings and Fourpence.

#### COUNSEL FEES.

Perusing and signing Demurrers, special Pleas, Replications, Rejoinders, &c. to which the signature of Counsel is necessary, Eleven Shillings and Eightpence.

This fee to be allowed only for one signature when more than one special pleading in a cause are prepared and delivered at the same time.

On every cause entered for trial and for every argument before the Court, not less than One Guinea nor more than Three Guineas, at the discretion of the presiding Judge.

No other fees than those hereinbefore provided for are to be taxed in behalf of the persons in this Table named, in actions not summary in the Inferior Court of Common Pleas.

II. And be it enacted, That from and after the passing of this Act, no action not summary brought in any of the Inferior Courts of Common Pleas in this Province or in the Mayor's Court of the



City of Saint John shall, prior to final Judgment, be removed to the Supreme Court by *Habeas Corpus* or *Certiorari* after Issue joined or Interlocutory Judgment signed, any law, usage or custom to the contrary in any wise notwithstanding.

## CAP. XXX.

An Act to amend the Law relating to the public Grammar School in the City of Saint John.

*Passed 17th March 1835.*

**W**HEREAS the days for holding the public examinations of the public Grammar School in the City of Saint John, specified in the sixth Section of an Act made and passed in the forty-fifth year of the reign of King George the Third, intituled "An Act for encouraging and extending Literature in this Province," are found inconvenient;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the said sixth Section of the said Act be and the same is hereby repealed.

II. And be it further enacted, That the President and Directors of the said public Grammar School in the City of Saint John shall hold public visitations and examinations of the said School twice in every year, on such days as the President and Directors may prescribe and appoint by any bye law or regulation for that purpose to be made.

## CAP. XXXI.

An Act to regulate the driving of Timber and Saw Logs down the River Magaguadavic and its Branches.

*Passed 17th March 1835.*

**W**HEREAS delays injurious to the interest of individuals and to the trade of the County of Charlotte in general, have been occasioned for want of the necessary supplies and prompt attendance required on the part of persons engaged in driving Timber and Saw Logs down the River Magaguadavic and its Branches: And Whereas it is necessary to prevent such delays, and also to apportion the heavy expenses annually incurred in the driving of Timber and Logs on the said River and its Branches, as fairly as may be, among the several owners thereof;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act the driving of Timber and Saw Logs down the River Magaguadavic and its Branches shall and may be regulated and conducted in manner following (that is to say); the Justices of the Peace for the County of Charlotte at any General Sessions of the Peace or at any Special Session to be for that purpose holden, shall have power to appoint five suitable persons to be Commissioners for regulating and conducting the driving of Timber and Saw Logs on the said River and its Branches; which said Commissioners being duly sworn to the faithful execution of their duty shall call a public meeting of the owners of Timber and Saw Logs, first giving sufficient notice of the time and place of such meeting in some public newspaper published in said County and also by advertisement at the upper and lower

Falls of said River; such meeting to be holden in all of the month of March in each and every year during the continuance of this Act; at which meeting the owners of the said Timber and Logs, or their agents, shall render to the said Commissioners an account of the several lots and quantities of the same by them respectively owned, with a description of the several marks and the places of the said River or its Branches where such Lots of Timber and Logs respectively lie.

II. And be it enacted, That the said Commissioners on receiving the accounts of the said Timber and Logs shall then proceed to make an estimate of the number of men with the necessary tools and provisions required for the River driving, and shall agree with the owners of the said Timber or Logs upon the number of such men, with the quantity of provisions and tools to be respectively furnished by such owners who shall choose to furnish the necessary hands and supplies for driving their own lots of Timber or Logs respectively; and the said Commissioners shall also hire men and purchase tools and supplies for the driving of such Lots of Timber and Logs as the owners thereof may not provide for, making the same payable out of such lots of Timber and Logs in manner hereinafter mentioned; and the said Commissioners shall also agree with and appoint a sufficient number of competent persons as master drivers, to take charge of the several crews and parties as they may by the said Commissioners be distributed on the different parts of the said River and its Branches; which said master drivers with the men under their charge shall be bound to follow the particular instructions of the said Commissioners with respect to the times and places of commencement and operation generally.

III. And be it enacted, That if any separate crew or party driving Timber or Logs shall join any drive under the direction of any of the aforesaid master drivers, such crew or party shall be subject to the directions of the master driver having charge under the said Commissioners of the drive so joined by such separate crew or party; and it shall be the duty of the several master drivers and the men under their direction to drive indiscriminately all Timber and Logs that may fall in their way, as well those lots and marks that have not been reported as those lots that have been reported as aforesaid; and in case any two or more of the said drives shall at any time form a junction and make one entire drive, such large drive so formed shall be put under the direction of such of the aforesaid master drivers as the said Commissioners may please to appoint.

IV. And be it enacted, That it shall be the duty of such Commissioners, upon the arrival of any considerable quantity of Timber in the Boom, and when the season of driving may be considered as over, to call a public meeting of the owners of such Timber and Logs; of which meeting previous public notice shall be given in manner hereinbefore provided; at which meeting the said Commissioners shall proceed by the best means in their power to assess the whole amount of expenses of driving such Timber and Logs on

the owners of the same respectively, as nearly as may be in proportion to the quantity and distance which the same may have been driven, and also on any quantity that may not be claimed by any owner; and all persons who may have furnished labour or provisions for such driving and all other persons having claims shall render their respective accounts duly attested; which accounts being approved by the Commissioners shall be allowed as a set off against any claim for driving any Timber or Logs belonging to the said persons respectively.

V. And be it enacted, That it shall be the duty of the said Commissioners on completion of the said assessment to publish a list of the persons so assessed by advertisement in some public newspaper and at the upper and lower falls as aforesaid; and where the owner of any lot of Timber or Logs shall be unknown, to include in such list the marks and descriptions of such Timber or Logs respectively: and fourteen days after such notice, it shall be lawful for the said Commissioners or their successors to recover the several amounts assessed by actions at law or to levy the same by sale at auction of a sufficient quantity of such Timber and Logs, giving fourteen days' public notice of the time and place of such sale.

VI. And be it enacted, That if any person shall hinder, molest or interrupt any of the said master drivers or any of the men under their direction in the execution of his or their duty, every such person so offending shall, on conviction before any two of His Majesty's Justices of the Peace of the County, forfeit and pay to the said Commissioners for the benefit of the River driving a sum not exceeding ten pounds for every such offence, to be levied in the usual manner by the sale of the goods and chattels of such offender; and for want of such goods and chattels whereon to levy, such offender shall be by the said Justices committed to the common Gaol of the County, there to lie without bail or mainprize for a space not exceeding forty days.

VII. And be it enacted, That the said Commissioners at the time of apportioning the several sums so to be paid, shall add to the same and reckon therein a reasonable allowance and remuneration for their own services, and also a sum not exceeding the sum of fifty pounds for any contingent expenses that may arise in the course of their proceedings with the River driving, to which fund shall be added the proceeds of the sale of all unmarked Logs or Timber found in the course of driving; a true and correct account of which contingent expenses and also such allowance as they may retain for their own services, shall be by them laid before the Justices in their General Session in September in each and every year during the continuance of this Act, to be by such Justices confirmed if they consider such charge reasonable and just, or disallowed as they think fit.

VIII. And be it enacted, That the said Commissioners so to be appointed shall continue and be in office until others be by the said Justices appointed in their stead; and if any of them, after having accepted of his said appointment, shall refuse or neglect to perform

the several duties herein mentioned, such delinquent Commissioner shall on conviction before any two Justices of the Peace be liable to a fine not exceeding twenty pounds, to be levied in the usual manner, and added to the aforesaid fund for defraying contingent expenses.

IX. And be it enacted, That all fines, forfeitures and monies collected by the said Commissioners under this Act, except so much as may be retained by them for services as hereinbefore mentioned, shall be forthwith paid into the hands of the County Treasurer, to remain with him subject to the written order of at least the major part of said Commissioners, to defray the expenses incurred in carrying the provisions of this Act into effect, and not for any other purpose whatsoever; and the said County Treasurer shall render a just and true account to the General Sessions of all monies thus received and paid by him: Provided always, That such County Treasurer shall hold and retain out of such monies five pounds *per centum* as a remuneration for his trouble.

X. And be it enacted, That the major part of the Commissioners shall be deemed competent to carry into effect all the provisions of this Act, any thing herein contained to the contrary notwithstanding.

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

CAP. XXXII.

An Act to alter the division line between the Parishes of Douglas and Queensbury in the County of York.

*Passed 17th March 1835.*

‘ **W**HEREAS much inconvenience is found to result from the present dividing line between the Parishes of Douglas and Queensbury in the County of York;’

I. Be it enacted by the Lieutenant Governor, Council and Assembly; That from and after the passing of this Act the division line between the said Parishes shall commence at the south eastern angle of the grant to Jonathan Williams, thence along the lateral boundary of the said grant north twenty-seven degrees thirty minutes west to the rear of the said grant, thence along the said rear to intersect the dividing line of the first and second divisions of the rear lands, thence along the said division line and its prolongation north forty six degrees west until it meet the prolongation of the northern line of Lot number eighty-four in the grant to the Guides and Pioneers, thence along the last mentioned line and its prolongation, north forty-five degrees east, until it intersects the River Nashwaak, thence down the said River Nashwaak along the right bank thereof until it meets a line running north from the eastern angle of Lot number one in the grant to Daniel Sawyer and others; the courses above mentioned being severally run by the magnetic meridian.

II. And be it enacted, That any assessment which may have been ordered by the Court of General Sessions of the Peace for the said County, and which is not yet levied and collected, shall be assessed, levied and collected from and upon the Inhabitants of said Parish of

Douglas and Quesbury, respectively within the bounds of the said Parishes as established by this Act.

CAP. XXXIII.

An Act to erect the North Eastern part of the Parish of Hampton in King's County into a separate and distinct Parish.

*Passed 17th March 1835.*

**W**HEREAS the Parish of Hampton in King's County is so extensive as to render the performance of the duties of the Parish Officers therein inconvenient and troublesome;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the line dividing the Parishes of Hampton and Norton as described in the second section of an Act passed in the thirty-fifth year of the reign of His Majesty King George the Third, intituled "An Act in addition to an Act, intituled 'An Act for the better ascertaining and confirming the boundaries of the several Counties in this Province, and for subdividing them into Towns or Parishes,'" be prolonged from the centre of the Westmorland Road as in said recited Act is described, until it strikes the line dividing the Counties of Saint John and King's County.

II. And be it enacted, That all that part of the Parish of Hampton in the said County which lies to the northward and eastward of the prolongation of said line, be and the same is hereby erected into a separate and distinct Town or Parish, to be called, known and distinguished by the name of the Town or Parish of Upham, any law, usage or custom to the contrary thereof in any wise notwithstanding.

III. And be it enacted, That the Justices of the Peace for the said County at a special Sessions for that purpose to be holden for the present year, and hereafter at the first General Sessions in each and every year, shall, in like manner as for other Towns or Parishes in the said County, appoint Parish Officers for the said Town or Parish of Upham, who shall be subject to the same laws and regulations and liable to the same penalties in all respects as Parish Officers in other Parishes are or may be subject or liable to.

IV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the recovery of any parish or other dues, assessments, taxes, penalties, fines or monies whatsoever, which may be due, incurred, forfeited or unpaid when this Act shall go into operation, but the same shall and may be paid and recovered in like manner as if this Act had not been made.

CAP. XXXIV.

An Act to facilitate the examination of Witnesses before trial in the Supreme Court.

*Passed 17th March 1835.*

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That it shall be lawful for the Supreme Court, and the several Judges thereof, in any action depending in such Court, upon the application of any of the parties to such suit, to order the examination on oath, upon interrogatories or otherwise, before a Judge of the Court or any other person or persons to be named in such order, of any witnesses within this

Province, or to order a Commission to issue under the seal of the said Court, for the examination of witnesses on oath at any place or places out of this Province, by interrogatories or otherwise, and by the same or any subsequent order or orders to give all such directions touching the time, place and manner of such examination, as well within this Province as without, and all other matters and circumstances connected with such examinations as may appear reasonable and just.

II. And be it further enacted, That when any rule or order shall be made for the examination of witnesses within this Province by authority of this Act, it shall be lawful for the Court or any Judge thereof, in and by the first rule or order to be made in the matter, or any subsequent rule or order, to command the attendance of any person to be named in such rule or order for the purpose of being examined, or the production of any writings or other documents to be mentioned in such rule or order, and to direct the attendance of any such person to be at his own place of abode or elsewhere if necessary or convenient so to do; and the wilful disobedience of any such rule or order shall be deemed a contempt of Court, and proceedings may be thereupon had by attachment, (the Judge's order being made a rule of Court before or at the time of the application for an attachment,) if, in addition to the service of the rule or order, an appointment of the time and place of attendance in obedience thereto, signed by the Judge or person or persons appointed to take the examination, or by one or more of such persons, shall be also served together with or after the service of such rule or order: Provided always, that the service of every such rule, order or appointment shall be by showing to the person whose attendance shall be required the original paper under the hand of the Judge or person issuing the same, and by delivering to such person a copy thereof or a ticket containing the substance thereof; and also that every person whose attendance shall be so required shall be entitled to the like conduct money and payment for expenses as upon attendance at a trial: Provided also, that no person shall be compelled to produce under any such rule or order any writing or other document that he would not be compellable to produce at a trial of the cause.

III. And be it further enacted, That it shall be lawful for any Sheriff, Gaoler or other officer having the custody of any prisoner, to take such prisoner for examination under the authority of this Act, by virtue of a writ of *Habeas Corpus* to be issued for that purpose; which writ shall and may be issued by the Court or Judge under such circumstances and in such manner as such Court or Judge may now by law issue the writ commonly called a writ of *Habeas Corpus ad testificandum*.

IV. And be it further enacted, That it shall be lawful for all and every person authorised to take the examination of witnesses by any rule, order or commission made or issued in pursuance of this Act, and he and they are hereby authorised and required to take all such examinations upon the oath of the witnesses, or affirmation in cases where affirmation is allowed by law instead of oath, to be administered by the person so authorised or by any Judge of such Court; and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall and may be indicted and prosecuted for such offence in the County wherein such evidence shall be given, or in the County of York if the evidence be given out of the Province.

V. And be it further enacted, That it shall and may be lawful for any person or persons to be named in any such rule or order as aforesaid for taking any examination in pursuance thereof, and he and they are hereby required to make, if need be, a special report to the Court touching such examination, and the conduct or absence of any witness or other person thereon or relating thereto; and the Court is hereby authorised to institute

such proceedings and make such order and orders upon such report as justice may require, and as may be instituted and made in any case of contempt of the Court.

VI. And be it further enacted, That the costs of every rule or order to be made for the examination of witnesses under any commission or otherwise by virtue of this Act, and of the proceedings thereupon shall be costs in the cause, unless otherwise directed either by the Judge making such rule or order, or by the Judge before whom the cause may be tried, or by the Court.

VII. And be it further enacted, That no examination or deposition to be taken by virtue of this Act shall be read in evidence at any trial without the consent of the party against whom the same may be offered, unless it shall appear to the satisfaction of the Judge, on proof by affirmation or *viva voce*, that the examinant or deponent is out of the Province or dead, or unable from sickness or other infirmity to attend the trial; in all or any of which cases the examinations and depositions certified under the hand of the Judge, Commissioners or other person taking the same, shall and may without proof of the signature to such certificate be received and read in evidence, saving all just exceptions: Provided always, that such examinations or depositions shall be closed up under the seal of the Judge, Commissioner or other person taking the same, and addressed to the Supreme Court, and shall not be opened before the trial without the consent of the parties to the suit.

VIII. And be it further enacted, That the Judges of the Supreme Court may from time to time make and establish such general rules and orders relating to the matters contained in this Act, the same being not repugnant to this Act, as to them may seem expedient.

IX. And be it further enacted, That an Act made and passed in the thirty-first year of the reign of King George the Third, intituled "An Act to enable the Justices of the Supreme Court to issue Commissions for the examining of witnesses out of the Province," be and the same is hereby repealed.

#### CAP. XXXV.

An Act to define the crime of Forgery.

Passed 17th March 1835.

§ **WHEREAS** it is expedient more distinctly to define and explain the crime of Forgery;

I. Be it declared and enacted by the Lieutenant Governor, Council and Assembly, That if any person shall forge or alter, or shall offer, utter, dispose of or put off, knowing the same to be forged or altered, any writing, with intent to defraud any person whatsoever, every such offender shall be deemed to have committed the crime of Forgery and shall be guilty of Felony, and being convicted thereof shall be liable to be punished in the manner prescribed for Felony in an Act made and passed in the first year of the reign of His present Majesty, intituled "An Act for improving the administration of Justice in Criminal Cases."

II. And be it further enacted, That in every case of Forgery, every principal in the second degree and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree; and every accessory after the fact shall on conviction be liable to be punished by fine or imprisonment, or both, as the Court shall award; such imprisonment to be either with or without hard labour as the Court shall see fit, and not to exceed the term of two years.

III. 'And Whereas an Act of the Parliament of England passed in the fifth year of the reign of Queen Elizabeth, intituled "An Act against forgers of false deeds and writings," hath been repealed by a late Act of the Parliament of the United Kingdom; Be it enacted, That the said Act of the fifth year of Queen Elizabeth be and the same is hereby declared to be repealed, and of no force or effect in this Province.

## CAP. XXXVI.

An Act for the appointment of Firewards and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen commonly called Mill Town, and its immediate vicinity.

*Passed 17th March 1835.*

I. **BE** it enacted by the Lieutenant Governor and Assembly, That the Lieutenant Governor or Commander in Chief for the time being is hereby empowered, by and with the advice of His Majesty's Council from time to time, by Warrant under his hand and seal, to appoint a sufficient number of prudent and discreet persons as Firewards, not exceeding five, resident in that part of the Parish of Saint Stephen commonly called Milltown and its vicinity, and more particularly described as follows (to wit):—Commencing on the River Saint Croix, opposite or nearest to the house occupied by the late Josiah Hitchings, thence directly to said house, thence directly to the house occupied by Joel Hill, thence southerly to the River aforesaid, thence down said River, following the dividing line thereof, to the place of beginning;—who shall be sworn to the faithful discharge of their duty before one of His Majesty's Justices of the Peace of the County of Charlotte, and a certificate thereof endorsed on the several Warrants of appointment; for which Warrants and certificates no fees shall be demanded or received from the person so appointed and sworn.

II. And be it enacted, That in order that the said Firewards may be distinguished from others when on duty at a Fire, and to enable them to communicate their directions with more facility, they shall each carry a staff seven feet in length, coloured red, and also a speaking trumpet, painted white, with the name of the Parish and District painted on it in black letters.

III. And be it enacted, That whenever a fire shall break out in the said District or part of the said Parish described in the first Section of this Act, and during the continuance thereof, the said Firewards are hereby authorised and required, jointly or separately, to command assistance for extinguishing the Fire, and removing household stuff, furniture, books, public stores, goods and merchandise out of any houses, store-houses, and other buildings actually on fire or in danger thereof, and to appoint persons to take care of the same, and also to require assistance to prevent the further spreading of the Fire in the said District, and to prevent tumults and disorders in the same; and the said Firewards respectively are hereby required upon the notice of Fire breaking forth in the said District (taking their badges and trumpets with them), immediately to repair to the place, and vigorously to exert their authority in requiring assistance, and to use their utmost endeavours to extin-



quish the Fire and prevent its spreading, and to preserve and secure property and effects, both public and private; and due obedience is hereby required to be yielded to them and each and every of them accordingly for that service, as well by the person or persons having the charge and management of any Engine or Engines in the said District as all other persons whomsoever.

IV. And be it enacted, That for every refusal or neglect of any person to obey the order of any Fireward in performing any of the duties and services hereinbefore mentioned, such person shall forfeit and pay the sum of forty shillings, to be recovered upon conviction before any one of His Majesty's Justices of the Peace of the County of Charlotte on the oath of a Fireward or any other credible witness, and levied by distress and sale of the offender's goods and chattels; and for want of sufficient distress, such offender shall suffer ten days' imprisonment, unless the penalty and costs be sooner paid; which penalty when recovered shall be paid into the hands of the Firewards of the said District or their Treasurer for the time being, to be applied by them towards defraying the necessary expense attending the keeping of the Engine or Engines of the said District in a proper state of repair and equipment, and any other necessary expenses attending the keeping of the Fire Company of the said District in a proper state of organization.

V. And Whereas it is necessary that prompt and implicit obedience should at all times during the raging of a Fire be paid to the directions of the Firewards; Be it enacted, That the said Firewards respectively, or any or either of them, shall have power, and they and every of them are hereby authorised, when such necessity shall exist, to require and compel the persons present at any Fire to fall in and form the line or ranks for the conveyance of water for extinguishing the Fire, and to remain in such ranks as long as may be deemed necessary; and if any person present at a Fire shall refuse to fall in or remain in any such rank when thereunto required by any Firewards, such person so offending shall for each and every offence forfeit and pay the sum of forty shillings; to be recovered, levied and applied in the manner specified and provided in and by the fourth Section of this Act.

VI. And be it enacted, That the Firewards or any two or more of them are hereby authorised and empowered from time to time and at all seasonable times in the day time, to enter into any house, shop or other buildings within the limits of the said District, and to examine and inspect the manner in which any stove or stove-pipes are set up, placed, fixed or carried, or any hearths, fire-places or chimnies constructed or built; and if such stove or stove-pipes, or such hearth, fire-place or chimney shall be found (in the opinion and judgment of the said Firewards or any two of them, and in case more than two be present, the major part of those present) so set up, placed, fixed, or carried, constructed or built as to be dangerous, such Firewards are hereby authorised and empowered to give directions in writing to prevent the continuance of Fire in any such stove, or any such hearth, fire-place or chimney, until the same shall have undergone such alterations as shall be pointed out in writing by the same Firewards; and any person or persons who

shall disobey any such directions of such Firewards shall for each and every offence forfeit and pay the sum of three pounds, to be recovered and applied in manner aforesaid.

VII. And be it enacted, That the Firewards of the said District shall at any meeting to be for the purpose holden, nominate and appoint, by warrant under the hands and seal of them or the hands and seals of the major part of them present, a sufficient number of able and discreet men willing to accept, not exceeding twenty in number for each Engine, being Inhabitants of the said District or part of the Parish of Saint Stephen aforesaid, to have the care, management and working of the said Engine or Engines, tools and instruments, for extinguishing Fires which may happen within the same, and to remove and displace all or any of them from time to time, and to nominate and appoint others in their stead, and to fill up any vacancy which may happen at any time by death or removal, or otherwise; and that the names of the said persons so appointed shall, from time to time as the appointments shall be made, be registered with the Clerk of the Peace in the said County upon the certificates of the said Firewards, and to be called the Firemen of Milltown, and are hereby enjoined and required to be ready, at a call by night as well as by day, to manage, work and use the Engine or Engines, tools and instruments for extinguishing Fires which may happen to break out within the said District.

VIII. And be it enacted, That it shall and may be lawful for the Firewards for the time being of the said District, at any meeting to be holden at which the major part shall be present, to make and establish such rules, orders and regulations in respect of the government, conduct, duty and behaviour of the said Firemen in working, managing, exercising, trying and using the Engine, tools and instruments, and to impose and establish such reasonable fines and penalties upon them or any of them for default or neglect of the duties and services thereby to be enjoined or required from them, as the said Firewards or the major part of them present, met as aforesaid, shall from time to time think meet, so that the fine or penalty shall not exceed in any one instance the sum of forty shillings, to be recovered and applied as in the fourth Section of this Act; which rules, orders and regulations shall be notified to the said Firemen by putting the same up at the Engine House, and inserting the same in the newspaper of the said County.

IX. And be it enacted, That no person or persons shall be allowed to carry Fire into any Mill or Lath Machine within the said District, or be allowed to use any Fire in such Mills or Lath Machines, except it be carried in and used in well secured lamps or lanterns; and that any person or persons offending against the provision of this Section shall be liable to forfeit and pay the sum of two pounds for each and every offence, to be recovered and applied as the Fines in the fourth Section of this Act.

X. And be it enacted, That the Justices of the Peace for the County of Charlotte at any General Sessions of the Peace hereafter to be holden, or the major part of them, be and they are hereby authorised and empowered to raise by assessment the sum of two

hundred and fifty pounds, for the purpose of purchasing an Engine and various tools and instruments for the better extinguishing of Fires that may happen in said District; such assessment to be made in due proportion upon all and every the person or persons who do or shall inhabit, hold, occupy, possess and enjoy any house, shop, mill, warehouse, or other tenement or property liable to be consumed by fire, within the said District; such sum to be assessed, levied, collected and paid, in such proportion and in the same manner as any other County rates can or may be assessed, levied, collected and paid under any Act or Acts in force in this Province for assessing, and levying and collecting of rates in this Province for public charges.

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

CAP. XXXVII.

An Act to provide for the more convenient administration of Justice in the Supreme Court.

*Passed 17th March 1835.*

6 **WHEREAS** the Easter Term of the Supreme Court is held at an inconvenient season, and it is considered that three Terms of the said Court in each year will, under proper regulations, be sufficient for the despatch of the business depending therein: And Whereas trials by Jury in Term time are found to be inconvenient and to delay and impede the matters pending for argument in the said Court;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the time when this Act shall commence and take effect there shall be no Easter Term in the Supreme Court in this Province; and that the Trinity Term of the said Court shall commence on the second Tuesday in June in each and every year and continue unto and include the Saturday following.

II. Provided always; and be it further enacted, That it shall and may be lawful for the Justices of the said Court, if they shall see fit, further to continue and extend the said Trinity Term hereinbefore established unto the week next succeeding the same, in like manner and subject to the same rules and provisions in all respects as are contained in an Act made and passed in the sixtieth year of the reign of 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 Terms of the said Court.

III. And be it further enacted; That the second Saturday after the first Tuesday in each and every Term of the said Supreme Court, shall be a day for the teste and return of all Writs in the said Court.

IV. And be it further enacted, That the Chief Justice for the time being, or any Justice of the said Supreme Court, may, at sittings to be appointed in the manner hereinafter directed, try all manner of Issues joined or to be joined in the said Court, triable by a Jury of the County of York, without any Commission being

expressly made for that purpose; and it shall be lawful for any person or persons to take or sue forth writs and records of *Nisi Prius* for the trial of the said Issues in the said County of York, as they may do upon any Issue triable in any other County.

V. And be it further enacted, That such sittings shall be hold on such days and times either before or after the respective Terms of the said Court as the Justices of the said Court by rule or order made in Term time may find it fit and expedient from time to time to direct and appoint.

VI. And be it further enacted, That the said Chief Justice and Justices of the said Supreme Court, or any one or more of them, at such sittings as aforesaid, shall and may inquire of, hear, determine and punish all and all manner of crimes and offences committed within the said County of York, in like manner as the said Chief Justice and Justices may and have been used to do at the Terms of the said Court, without any commission or commissions of Oyer and Terminer and Gaol delivery being expressly made for that purpose.

VII. And be it further enacted, That the Sheriff of the said County of York for the time being shall make return of all writs and precepts to him directed returnable at such sittings respectively; and that the said Sheriff, and Coroner and Coroners, Bailiff's, Constables, and all officers and ministers of the Law whatever within the said County of York for the time being, and also all Jurors to be summoned, and all parties and witnesses in the causes criminal and civil to be heard and tried at such respective sittings, shall give their attendance at such respective sittings, and shall be charged and bound in such and the like manner, and upon like pains and penalties, for non-appearance and non-attendance, or for any misdemeanour or default at such sittings, as if at the Terms of the said Supreme Court.

VIII. And be it further enacted, That the Clerk of the Crown in the Supreme Court shall be Clerk of the Crown and also *Nisi Prius* Clerk at such sittings in the County of York, and shall be subject to all the duties and entitled to all the rights, privileges and emoluments of these offices respectively.

IX. And be it further enacted, That in all actions in the said Court in which the Court is or may be authorised by law, after Judgment by default, to inquire of the truth of any matters or to assess the damages or the amount to be recovered in the action, without the intervention of a Jury, such enquiry and assessment may be made by a Judge of the said Court in vacation; and upon the production of such assessment signed by such Judge it shall be lawful for the Clerk of the Pleas to tax the costs and to sign Judgment, whereupon execution may be issued forthwith: Provided always, that no such inquiry or assessment shall be made in vacation until the expiration of twenty days after the day on which the Judgment by default shall have been entered: Provided also, that the Defendant or Defendants in any such action may upon due application therefor have such inquiry and assessment made by a Jury, and that the Judge who may be applied to in vacation to make such inquiry and assessment shall have power to order the same to

be made by a Jury in like manner as is now the law and practice in cases before the Court in banc.

X. And be it further enacted, That in any action brought in the said Supreme Court in which a Postea shall be returned either from the sittings in the County of York or from any Circuit Court in any other County, it shall be lawful for the Clerk of the Pleas, upon the production of the postea signed in the margin by the Officer who returns the postea, to enter a rule for Judgment on the postea, and to tax the Costs and sign Judgment, whereupon Execution may be issued forthwith: Provided always, that it shall be lawful for the Judge before whom such sittings or Circuit Court shall be held, in any case where justice may appear so to require, either upon Summons or not according to the circumstances of the case, to order the returning of the Postea and the entry and signing of Judgment: to be stayed until the Court shall make order in the matter at the next succeeding term: And Provided also, that no rule for Judgment on the Postea shall be entered by the Clerk of the Pleas under this Act, until the expiration of Twenty days after the last day of the sitting of the Court from which the Postea is returned; and in order to manifest such last day of the sitting of such Court, the Officer who returns the Postea shall set the same down in the margin of the Postea when he signs his name thereto.

XI. And be it further enacted, That every Judgment to be entered by virtue of this Act may be entered upon record as the Judgment of the Court, although the Court may not be sitting on the day of the signing and entry thereof: and every Execution issued by virtue of this Act shall and may bear teste on the day of issuing thereof; and such Judgment and Execution shall be as valid and effectual as if the same had been signed, entered of record, and issued according to the course of the Common Law.

XII. Provided always, That it shall be lawful for the party entitled to any Judgment under this Act to postpone the signing thereof; and provided also, that notwithstanding any Judgment signed and entered of record or Execution issued by virtue of this Act, it shall be lawful for the Court to order such Judgment to be vacated and Execution to be stayed or set aside, and to enter an arrest of Judgment or grant a new trial, or a new writ of enquiry or a new assessment of damages or of the amount to be recovered, as justice may appear to require; and thereupon the party affected by such writ of Execution shall be restored to all that he may have lost thereby in such manner as upon the reversal of a Judgment by writ of Error, or otherwise as the Court may think fit to direct.

XIII. And be it further enacted, That the Judges of the Supreme Court may from time to time make and establish such rules and orders relating to the matters contained in this Act, and also touching the award and return of any Jury process for trials at *Nisi Prius*, the same being not repugnant to this Act, as to them may seem expedient.

XIV. And be it further enacted, That this Act shall commence and take effect on the first day of January one thousand eight hundred and thirty-six: Provided always, that the Judges of the Su-

primo Court may before that time make any rules and orders authorised by this Act, but not to go into operation before that day.

## CAP. XXXVIII.

An Act to regulate the ungranted Ferries in this Province.

*Passed 17th March 1835.*

**W**HEREAS the establishment of Ferries in many parts of this Province will tend to facilitate travelling;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, His Majesty's Justices of the Peace, in their General Sessions for each County, shall and they are hereby authorised and empowered to establish such Ferries over Rivers, Bays and Creeks within their respective Counties as may be by them thought necessary, in places where the same are not already established by grant from the Crown, and also to agree with and grant Licenses to such person or persons as they shall judge meet as Ferrymen, under such rules and regulations and subject to such penalties for neglect of duty as the said Justices in their respective General Sessions shall from time to time judge proper and necessary to make under and by virtue of an Act made and passed in the twenty-eighth year of the reign of His Majesty King George the Third, intituled "An Act to empower the Justices of the Sessions in the several Counties in this Province to make such regulations respecting Markets and Ferries within such Counties as may be found necessary:" Provided always, that this Act or any thing herein contained shall not extend or be construed to extend to restrain or in any wise to affect any right in His Majesty, his Heirs and Successors, to make any grant or grants of any Ferry or Ferries in places where the same shall be found necessary.

II. And be it further enacted, That all Ferries heretofore established by Justices of the Peace under and by virtue of any Act of Assembly now or heretofore in force for that purpose, shall during the continuance of this Act be deemed and taken to have been established, and shall be regulated by and under the provisions of this Act.

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

## CAP. XXXIX.

An Act to amend the Law relating to a summary practice in the Supreme Court.

*Passed 17th March 1835.*

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That in any summary action in the Supreme Court, wherein the Plaintiff may be entitled to judgment by default under the provisions of the second Section of an Act made and passed in the fourth year of the reign of his present Majesty, intituled "An Act to establish and regulate a summary practice in the Supreme Court," the Court or a Judge thereof may let in the defendant to appear and defend in like manner and upon such terms as in actions not summary, by the practice of the said Court, may be done after interlocutory judgment, any thing in the said second Section of the said Act to the contrary notwithstanding.

II. And be it enacted, That in such summary actions the Defendant may file a demurrer to the writ in lieu of the General Issue, and give a copy thereof to the Plaintiff's Attorney; which demurrer shall be in a brief and summary form, and notice in writing of the grounds thereof shall be given to the Plaintiff's Attorney at the same time with such copy; and upon such demurrer the Court shall give judgment according as the very right of the cause shall require, without regarding any imperfection, defect or want of form in the writ; and if Judgment be given for the Plaintiff the

Court may proceed to assess the amount to be recovered in like manner as in the case of Judgment by default, and no arrest of Judgment shall be allowed in such summary action.

III. And be it enacted, That in such summary actions any matters in bar to the action, which in actions not summary ought to be pleaded specially, may be given in evidence under the General Issue; provided that notice in writing of such matters be given to the Plaintiff's Attorney at the same time with the Plea; and infancy or coverture of the Defendant shall not in any summary action be given in evidence unless such notice thereof be given.

## CAP. XL.

An Act to continue an Act, intituled "An Act for regulating the Salmon Fisheries in the County of Gloucester."

*Passed 17th March 1835.*

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the third year of the reign of His present Majesty, intituled "An Act for regulating the Salmon Fisheries in the County of Gloucester," be and the same is hereby continued, and declared to be in full force and effect until the first day of May which will be in the year of our Lord one thousand eight hundred and forty.

## CAP. XLI.

An Act relating to the Navigation of the Inner Bay of Passamaquoddy:

*Passed 17th March 1835.*

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for such Commissioners as His Excellency the Lieutenant Governor or Commander in Chief for the time being may hereafter appoint, or the major part of them, to build, rebuild, replace and support such Beacons or Buoys on the different reefs of Rocks, sand Reefs and Bars in the Inner Bay of Passamaquoddy, and make such other erections and improvements for the better securing of the Navigation and improving the several Harbours within the same, as they may deem necessary and expedient.

II. And be it enacted, That from and after the passing of this Act, there be and are hereby granted to His Majesty, His Heirs and Successors, for the purposes hereinbefore mentioned; the following duties of tonnage on all inward bound Vessels entering Passamaquoddy Bay within Deer Island, of the following description, and at the following rate, namely: on all Vessels (coasting craft excepted), one Halfpenny per ton, for every ton they respectively admeasure agreeable to Register, for each time they shall so arrive in Passamaquoddy Bay within Deer Island aforesaid.

III. And be it enacted, That the master or commander of every ship or vessel inward bound and entering the Bay of Passamaquoddy within Deer Island shall, within twenty four hours after such arrival and before any part of the cargo (if any) be discharged, or before any cargo be taken on board, make report at the office of the nearest Deputy Treasurer or other person legally authorised to receive the same, and pay him the tonnage duty imposed by the preceding Section of this Act; and in case any master or commander of any ship or vessel so entering as aforesaid shall neglect to make such report and also neglect to pay such duty within twenty-four hours as aforesaid, he shall forfeit and pay the sum of five pounds, to be sued for with costs of suit and recovered by the Deputy Treasurer before any one of His Majesty's Justices of the Peace for the County of Charlotte, and applied to the purposes aforesaid.

IV. And be it enacted, That the Commissioners so to be appointed as aforesaid or the major part of them shall have power and authority to call upon each and every of the said Deputy Treasurers, or other persons legal.

ly authorised resident within the said County, for such sum or sums of money as they or either of them may from time to time have collected under and by virtue of this Act, excepting the amount of five *per centum*, which it shall be lawful for such Deputy Treasurers respectively, or other persons legally authorised, to retain for the trouble of collecting the same.

V. And be it enacted, That the said commissioners shall, at the first court of General Sessions of the Peace in the County of Charlotte yearly, render an account to the Justices of the said Sessions, of the monies from time to time received and expended by them under this Act.

VI. And be it enacted, That if any person or persons shall take away, cut down, destroy or deface any of the said Beacons or Buoys, or any slip or other erection already erected or hereafter to be erected for the purposes of this Act, such offender or offenders shall, on due conviction thereof by the oath of one or more credible witness or witnesses before any two of His Majesty's Justices of the Peace, forfeit and pay a sum not exceeding twenty pounds, to be applied as aforesaid, and on failure of payment thereof or for want of goods and chattels whereon to levy, such offender or offenders shall be committed by the said Justices to the County Gaol for a space of time not exceeding three months.

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

#### CAP. XLII.

An Act to authorise the Rector, Church Wardens and Vestry of Trinity Church in the Parish of Saint John in the City of Saint John to sell and dispose of certain Lands in the said City.

*Passed 17th March 1835.*

**W**HEREAS the Rector, Church Wardens and Vestry of Trinity Church in the Parish of Saint John in the City of Saint John are now seized and possessed of certain Lands situate and being in the City aforesaid, bounded and described as follows, that is to say: all that certain lot, piece or parcel of Land, situate, lying and being in King's Ward in the City aforesaid, on the eastern side of Wellington Row, bounded on the north by land belonging to Charles Ward, Esquire, on the east by the lot of Land hereinafter described, south by property at present in the occupation of John T. Smith, and west by Wellington Row aforesaid, the same being thirty-seven feet and six inches in front on Wellington Row aforesaid and extending back or easterly, preserving the same breadth, one hundred feet more or less; and also all that certain other lot, piece or parcel of Land situate, lying and being in the Ward aforesaid, beginning at a point on the western line of Dorchester street at the north eastern corner of a Lot of Land heretofore sold and conveyed by Ward Chipman, Administrator of the Estate and Effects of the Honorable William Hazen, deceased, Intestate, to Nehemiah Merritt, thence running northerly on the same line of Dorchester Street forty feet, thence at right angles westerly eighty feet to the rear line of a Lot formerly owned by James White, Esquire, thence southerly on the line last mentioned forty feet to the north western corner of the said Nehemiah Merritt's Lot, thence easterly on the line of the Lot last mentioned to the place of beginning: And Whereas it would tend much to the advantage of the said Rector, Church Wardens and Vestry of Trinity Church in the Parish of Saint John, if the said several Lots of Land above described were sold and disposed of, and the proceeds thereof applied towards the payment of the debt now due by them;

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the said Rector, Church Wardens and Vestry of Trinity Church in the Parish of Saint John, be and they are hereby authorized



and empowered to make sale and dispose of the said Lots of Land and Premises with the appurtenances, or any part or parts thereof, for such price or prices as they may be able to get therefor, and thereupon to make and execute good, legal and sufficient conveyances of the same in fee, any former Law to the contrary notwithstanding: Provided always, that no sale and disposition of the said Lots of Land and Premises, or of any part thereof, shall be made without the consent and approbation of the Bishop of the Diocese, being thereto first had and obtained; which consent and approbation shall be manifested by the Archdeacon or Ecclesiastical Commissary of this Province becoming a party to every deed of conveyance made under this Act, and, by and with the direction of such Bishop, signing and sealing the same.

II. And be it enacted, That the money arising from the sale and disposal of the said Lots of Land and Premises with the appurtenances shall be paid and applied by the said Rector, Church Wardens and Vestry towards the payment of the debts due by them.

### CAP. XLIII.

An Act to regulate the Inspection of Dry and Pickled Fish for Home Consumption and for Exportation.

*Passed 17th March 1835.*

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, all Tierces, Barrels and Half Barrels, in which Pickled Fish are packed for sale, either for Exportation or Home Consumption, shall be made of sound, well seasoned timber, free from sap, and constructed of staves of the thickness of not less than half an inch in the thinnest part if made of hard wood, and five eighths of an inch if made of soft wood, with heading well seasoned and planed or shaved, and free from sap, and to be in all cases of split or rift wood; the casks to be fully bound or closely hooped for nine inches from the chimbs on the barrels, and in the same proportion on tierces and half barrels, the barrel staves to be twenty eight inches in length, and the heads to be seventeen inches between the chimbs, and to contain not less than twenty eight nor over twenty nine Gallons; the half barrels to contain not less than fourteen Gallons; and the Tierces to contain not less than forty two nor more than forty four Gallons.

II. And be it further enacted, That it shall and may be lawful for the Justices of the Peace in each County, at their first General Sessions, annually, or the Mayor, Aldermen and Commonalty of the City of Saint John for the said City and County, to appoint fit and proper persons to be Inspectors of Fish in each County, Town, and place where such may be necessary; and such persons before they enter upon the duties of their Office, shall respectively give Bonds, with two sufficient Sureties to His Majesty, His Heirs and Successors, in such sum not less than fifty pounds nor over one hundred pounds as the said Justices in the several Counties in this Province, and the said Mayor, Aldermen and Commonalty of the City of Saint John, may direct; which Inspectors shall be sworn to the faithful discharge of their duty; and such persons shall continue in such Office until other fit and proper persons be appointed and sworn in their stead: and each Inspector shall and is hereby required to furnish himself with a copy of this Act, which he shall when required, produce to any person of persons who shall employ him to inspect Fish under this Act; and any person acting as an Inspector of Fish without being first duly appointed and qualified as aforesaid, shall forfeit and pay a sum not less than ten pounds nor more than fifty pounds to be recovered as is hereinafter provided.

III. And be it further enacted, That it shall be the duty of the said several Inspectors to see that Salmon, Mackerel, Shad, Alewives, Her-

rings; and all other kinds of Pickled Fish to be packed for home consumption or exportation have been well struck with salt and pickle, and preserved sweet, free from rust, taint or damage; and such Fish as are in good order and of a good quality shall be packed in good and sufficient tierces, barrels or half barrels; the tierces shall contain not less than three hundred pounds, the barrels not less than two hundred pounds, and the half-barrels not less than one hundred pounds of Fish each, and the same shall be packed with good and clean salt, suitable for the purpose; and the said casks, after being closely packed full and headed up with the Fish and sufficient salt, not less than in the proportion of one peck and a half of coarse salt to the barrel, or fine salt in proportion to preserve the same, shall be filled with clean strong pickle, and shall be branded on the head, "Salmon," "Mackerel," "Shad," "Alewives," "Herrings," or as the case may be; those of the best quality, most approved and free from damage, shall be branded "No. 1;" those of a second quality, after the best have been selected, being sweet and free from taint, rust or damage, shall be branded "No. 2;" and there shall be a third quality of Salmon and Mackerel, which shall consist of the poorest and thinnest of those Fish, which are sweet, wholesome, and free from rust, that shall be branded "No. 3;" Provided always, that no small Herrings, commonly called Sprate or Frys shall be deemed merchantable: and the said Inspectors shall brand in plain and legible letters on the bilge of each and every such cask, across the staves, the initials of his christian name and his surname at length with the letters INSP. for Inspector, and on the head of each and every such cask, and in like manner, the same marks, and also the month and year in which they were inspected, and N. B. for New Brunswick; the brands on the heads to occupy three lines thus or as the case may be—

A. B. Insp:

N. B. Sept. 1835.

Mackerel No. 1.

Each cask shall be filled with Fish of one and the same kind and quality, and if any person shall intermix, take out or shift any inspected Fish which have been packed and branded as aforesaid, or put in other Fish contrary to the true intent and meaning of this Act, he or they shall forfeit and pay the sum of ten pounds for each and every tierce, barrel, or half-barrel so altered: and if any person shall sell or export or cause to be sold or exported within or from this Province, as good or Merchantable, any tainted or damaged Fish, he shall forfeit and pay a sum not less than five shillings nor more than twenty shillings for every hundred pounds weight of such Fish thus sold or exported: Provided always, that it shall and may be lawful to export Herrings without pickle, if the same are in every other respect conformable to this Act.

IV. And be it further enacted, That all pickled Fish that may hereafter be imported into this Province, which shall appear to have been inspected at Halifax Nova Scotia, and are branded according to the Laws of that Province, may be sold in this Province or exported therefrom without any other inspection, unless the purchaser or purchasers of such Fish shall think proper to have the same again inspected, in which case it shall and may be lawful for the buyer, and the seller, if he shall think fit, to call an Inspector on behalf of each to reinspect such Fish; and on such reinspection, such Inspectors shall be governed by the provisions of this Act; which Inspectors shall be paid by the persons who shall respectively employ them.

V. And be it further enacted, That if the Master of any vessel, or any other person or persons shall put or receive on board any vessel, or other carriage or conveyance, to transport the same from this Province, any pickled Fish packed in casks which are not inspected and branded in manner by this Act prescribed, he or they on conviction shall forfeit and

pay a sum not exceeding twenty shillings nor less than five shillings for each hundred pounds of such uninspected Fish.

VI. And be it further enacted, That the said Inspectors shall respectively be paid for inspecting, culling, and branding each and every cask of Fish as directed by this Act, at and after the following rates, viz: for each barrel, when the quantity inspected for any individual at any one time does not exceed one hundred barrels, the sum of sixpence per barrel, and when the quantity inspected for any individual at any one time shall exceed one hundred barrels, five pence per barrel, and for tierces and half-barrels in the like proportion; the said charge for inspecting, culling, and branding to be paid by the person or persons who shall employ such Inspector: and where any such Inspector shall be required to travel any distance not exceeding two miles from his usual place of residence for the purpose of inspecting any Fish, he shall be entitled to receive, in addition to the charge for inspection, six pence per mile for every mile he shall so travel, exceeding the said two miles; the same to be paid by the person employing such Inspector.

VII. And be it further enacted, That if any Inspector shall brand any insufficient or defective cask, or any cask the contents of which he has not inspected and culled according to the true intent and meaning of this Act, or if he shall permit any other person or persons to use his brand or brands in violation or evasion thereof, such Inspector and the person or persons so offending shall each severally forfeit and pay for every cask so branded, not less than five shillings nor more than twenty shillings, and each Inspector shall further be liable to be removed from Office; and if any Inspector when called upon to perform the duties of his Office shall neglect or refuse so to do, without good and sufficient reason, he shall forfeit and pay for each and every offence the sum of ten shillings, and further be liable to be removed from Office.

VIII. And be it further enacted, That in all cases where the person or persons employing any Inspector, shall neglect or refuse to furnish such assistance as may be necessary to enable the said Inspector to weigh and pack at least twenty barrels of Fish per day, it shall and may be lawful for the said Inspector to employ such persons as he may require to weigh and pack such Fish, for which he shall be entitled to receive from the person or persons who shall employ him, over and above the charge for inspection, the sum of five pence per barrel for any quantity under one hundred barrels, and where the quantity shall exceed one hundred barrels, four pence per barrel.

IX. And be it further enacted, That if any pickled Fish as aforesaid shall be put on board any Boat, Vessel, or Carriage of conveyance, with intent to sell or export the same contrary to the provisions of this Act, it shall be lawful for any Justice of the Peace in the same County or City and County, upon information given him, to issue his Warrant to the Sheriff or his Deputy, or to any Constable of the Town or Parish in which such Boat, Vessel or Carriage of conveyance may be, requiring them respectively to detain such boat, vessel or carriage of conveyance as long as may be necessary, and to seize and secure said Fish, and carry the same to one of the nearest Inspectors, and such Inspector is hereby required to open and inspect, and to cull, pack, and brand the same as is before provided by this Act, and to detain the same until the expense and charges of seizure, inspection, packing, and all other charges arising from such seizure shall be paid; and further the owner or person claiming such Fish shall be liable to and forfeit the sum of five shillings for every cask of Fish so seized, and it shall be the duty of every person, when required, to give his necessary aid to the Officer having such Warrant as aforesaid, on pain of forfeiting twenty shillings for his refusal.

X. And be it further enacted, That if any person or persons shall sell

or offer for sale any pickled Fish before being inspected or contrary to the provisions of this Act, he or they shall upon conviction forfeit and pay for every hundred pounds of Fish so sold or offered for sale, the sum of five shillings: Provided always, that no person shall be liable as aforesaid unless information is given, and a prosecution commenced within thirty days from the date of the offence.

XI. And be it further enacted, That all penalties and forfeitures imposed and arising by virtue of this Act, when the same shall not exceed the sum of five pounds, shall be recovered before any Justice of the Peace, or where the same shall be more than five pounds, and shall not exceed fifteen pounds, before any two of His Majesty's Justices of the Peace, together with the costs of prosecution, on the oath of one or more credible Witnesses or Witnesses, and to be levied by Warrant of Distress under the hand and seal of such Justice or Justices, and sale of the Offender's goods and chattels, and for want of sufficient distress, such offender shall suffer not less than five days' nor more than twenty days' imprisonment; and in case such fine shall exceed fifteen pounds, the same may be recovered in any of His Majesty's Courts of Record in this Province, by action of debt, together with costs of Suit; one half of all such penalties and forfeitures to be paid to the person or persons who shall sue for the same, and the other half to be paid to the Overseers of the Poor of the Town or Parish, where such offence shall be committed, for the benefit of the Poor of such Town or Parish.

XII. Provided always and be it further enacted, That nothing in this Act shall be construed so as to prevent any pickled Fish from being sold at any of the Ports of this Province by the Fishermen as they may bring them to market in bulk, and that nothing in this Act shall extend to Fish packed in kegs or other packages of less than ten gallons.

XIII. And be it further enacted, That if the owner of any pickled Fish inspected as aforesaid, or buyer or seller of any such Fish, shall be dissatisfied with any such inspection, it shall and may be lawful for the said owner to call two other Inspectors, or the said buyer and seller to call one other Inspector each to re-inspect such Fish, and in case the said two Inspectors cannot agree, then they shall be at liberty to call in a third Inspector, and the determination of the said Inspectors, or any two of them, shall be final and conclusive; and in case the inspection shall be confirmed, each of the said Inspectors shall be paid by the persons who shall respectively employ them; and in case the first inspection shall not be confirmed, the owner or purchaser of said Fish shall be entitled to recover the expense of re-inspection, from the person of whom he purchased them, or from the first Inspector thereof, at the option of the said owner or purchaser.

XIV. And be it further enacted, That if any Inspector shall brand or mark any Fish which shall remain in this Province, and which on examination within four months after such inspection, reckoning from the last day of the month branded on the cask, shall prove to be of a quality inferior to the brand on such Fish, such Inspector shall be liable to the person or persons who shall own the said Fish at the time of such examination, for all such damage as he or they may have sustained by reason of the said Fish proving inferior to the brand on such casks; and that such person or persons shall recover from such Inspector all such damage as he or they shall have sustained thereby, where the same does not exceed five pounds, before one of His Majesty's Justices of the Peace, or if the same shall exceed the sum of five pounds and be less than fifteen pounds, then before two of His Majesty's Justices of the Peace, and in all cases where the damage shall exceed the sum of fifteen pounds by action of debt in any Court of Record in this Province, together with costs of suit: Provided always, that no Inspector shall be liable as aforesaid, unless he shall be duly notified of such claim, within six months after he shall have inspect-

ed such Fish, reckoning from the last day of the month branded on the cask.

XV. And be it further enacted, That there shall be three qualities of Dry Cod Fish, viz: the first or best to be called, "Merchantable," and to consist of smooth, well split, thoroughly dried, free from break, salt-burn, and not discolored in curing or otherwise, and that no Fish shall be deemed Merchantable but such as are cured in catch; the second quality to be called, "Madeira," and to consist of the next best, being such as are not injured by being salt-burnt, broken or much discolored; and the third quality to be called, "West India," and consist of such as may be inferior to the above, but in all respects sound, free from slime, and wholesome; and that Inspectors duly appointed under this Act shall be allowed for their care, diligence and trouble, two pence per Quintal, payable half by the seller, and half by the buyer.

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

CAP. XLIV.

An Act to authorise an Assessment on the Inhabitants of the County of Charlotte towards paying off the Debts due from the said County.

*Passed 17th March 1835.*

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace for the County of Charlotte at any General Sessions of the Peace hereafter to be holden therein, be and they are hereby authorised and empowered to make such rate and assessment of any sum not exceeding five hundred pounds as they in their discretion may think necessary for the purpose of paying off a part of the balance due for the building the Gaol of said County, and also to pay a part of the contingent expenses of the said County, the same to be assessed, levied, collected and paid agreeably to any Acts now or hereafter to be in force for the assessing, collecting and levying of County rates.

CAP. XLV.

An Act to continue an Act relating to the Exportation of Lumber.

*Passed 17th March 1835.*

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the first year of the reign of His present Majesty King William the Fourth, intituled "An Act to repeal the Acts now in force regulating the exportation of Lumber and to make other provisions in lieu thereof," be and the same is hereby continued and declared to be in full force until the first day of April which will be in the year of our Lord one thousand eight hundred and thirty-seven.

CAP. XLVI.

An Act to provide for the services of the Clerk of the Circuit Courts in this Province.

*Passed 17th March 1835.*

**W**HEREAS very great expense would be incurred by Suitors in the Courts of Justice if the travelling charges formerly paid to the Clerk of the Circuits should be again demanded;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That there be allowed to the Clerk of the Circuits for his

services in attending the several Circuit Courts the sum of two hundred and fifty pounds per annum, in lieu of all travelling charges to which he would be entitled under the Ordinance of Fees established in this Province; to be paid by warrant of the Lieutenant Governor or Commander in Chief, by and with the advice and consent of His Majesty's Executive Council, on the Province Treasury.

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

CAP. XLVII.

An Act to continue and amend the Act for the establishment and regulation of Boards of Health in the several Counties of this Province.

*Passed 17th March 1835.*

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the third year of the reign of His present Majesty, intituled "An Act for the establishment and regulation of Boards of Health in the several Counties of this Province," be and the same is hereby continued; except so far as the same authorises and empowers the Lieutenant Governor or Commander in Chief for the time being, to establish Boards of Health at any City, Town, Port, Place or District not hereinafter particularly named, and except as hereinafter otherwise amended, and together with this Act declared to be in full force until the first day of April, which will be in the year of our Lord one thousand eight hundred and thirty-seven.

II. And be it enacted, That it shall not be lawful for the Lieutenant Governor or Commander in Chief for the time being, to appoint or establish Boards of Health at any City, Town, Place or District in this Province except at the City of Saint John for the City and County of Saint John, the Town of Saint Andrews for the County of Charlotte, at Northumberland, Gloucester, Westmorland, Kent, and the Town of Fredericton for the County of York, any thing in the hereinbefore recited Act to the contrary notwithstanding.

III. And be it enacted, That no greater sum than Two Hundred Pounds be drawn from the Treasury in one year for expenses incurred under the provisions of this Act or of the Act to which this is an amendment, in any of the different Counties in this Province except the City and County of Saint John.

IV. And be it enacted, That the powers and authorities of any Board of Health already established under the provisions of the said hereinbefore recited Act in any County or place in the second Section of this Act named and specified, shall continue in force and effect without any new appointment, subject in all respects to the regulations and provisions of the said recited Act, any thing hereinbefore contained to the contrary notwithstanding.

## CAP. XLVIII.

An Act to incorporate sundry Persons by the name of the Saint John Bridge Company.

Passed 17th March 1855.

WHEREAS it will be of great advantage to the Public in general if a Bridge were erected across the River Saint John near the Falls of the said River at its mouth: And Whereas it is thought advisable to incorporate such Persons as may be desirous and willing at their own costs and charges to make and maintain such Bridge, and also to open and make such Roads as may be necessary at either end of the said Bridge to connect the same with the public Roads lying and being adjacent thereto in the City and County of Saint John;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That Benjamin L. Peters, Ralph M. Jarvis, Nehemiah Merritt, John Robertson, James Peters, Junior, James Hendricks, David Hatfield, Robert W. Crookshank, Robert Rankin, Robert F. Hazen, Edward L. Jarvis, Charles Simonds, Edward B. Chandler, William Crane, Hugh Johnston, Thomas Wyer, John W. Weldon and Jedediah Slason, their associates, successors and assigns, be and they are hereby declared to be a Body Corporate by the name of the Saint John Bridge Company, and that they shall be persons able and capable in Law to have, get, receive, take, possess and enjoy Houses, Lands, Tenements, Hereditaments and Revis 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 capable in Law to sue and be sued, plead and be impleaded, answer and be answered into, defend and be defended in any Court or Courts of Law or Equity, or other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample 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 enrolling of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers, warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation; and also that the said Company or the major part of the Stockholders thereof, met together at any meeting of the said Stockholders, shall from time to time and at all times have full power, authority and license 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 that 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.

II. And be it enacted, That the capital or stock of the said Corporation shall consist of the sum of twenty thousand pounds, to be paid in such money as shall at the time of the several payments hereinafter expressed be a legal tender in this Province; two thousand pounds, being one-tenth part thereof, to be paid within twelve months after the passing of this Act, and the remaining nine tenths or eighteen thousand pounds, to be paid at such time and times and in such parts or portions as the Directors for the time being shall from time to time think necessary; the whole amount of such Capital or Stock to be divided into Shares of twenty-five pounds each, making in the whole eight hundred shares.

III. And be it enacted, That every Subscriber or Stockholder shall pay into the hands of the Directors for the time being, at such time and place within the said twelve months as aforesaid as such Directors shall for that

purpose appoint, of which notice shall be given in one or more of the Newspapers published in this Province, one tenth part or ten *per centum* on the whole amount of his or her share, or shares, and shall give to the President and Twelve Directors hereinafter mentioned good and satisfactory security or securities, either by bond and mortgage on real estate or otherwise, at the option and to the satisfaction of the said President and Directors, that the residue of the whole amount of his or her shares shall be paid to the said President and Directors for the time being, from time to time and in such parts or portions as to them the said President and Directors shall seem advisable: Provided that the amount so to be called in shall not exceed at any one time ten *per centum* on the whole amount of the capital or stock belonging to any individual, and that thirty days notice of such payment being required shall be given in one or more of the Newspapers published in this Province.

IV. And be it enacted, That whenever four hundred shares of the said capital or stock shall have been subscribed, a general meeting of the members and stockholders or the major part of them shall take place, by notice in one or more newspapers published in the City of Saint John thirty days previous to such meeting, for the purpose of making, ordaining and establishing such bye laws, ordinances and regulations for the good management of the affairs of the Corporation as they shall deem necessary, and for the purpose of choosing Thirteen Directors, being stockholders and members of the Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the concerns of the said Corporation and shall commence the operations of the said Company, subject nevertheless to the rules and regulations hereinafter made and provided.

V. And be it enacted, That there shall be a general meeting of the stockholders and members of the said Corporation to be annually holden on the first Tuesday in February in each and every year at the City of Saint John, at which annual meeting there shall be chosen by a majority thereof thirteen Directors who shall continue in office for one year or until others are chosen in their room; in the choice of which the stockholders and members of the said Corporation shall vote according to the rules hereinafter mentioned: and the Directors when chosen shall at their first meeting after their election choose out of their number a President: Provided always, That seven of the Directors in office shall be re-elected at such annual meeting for the next succeeding Twelve Months, of whom the President shall always be one.

VI. And be it enacted, That the Directors of the said Corporation for the time being, shall have power from time to time to nominate and appoint a Treasurer or Treasurers, Engineer or Engineers, Architect or Architects, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, Receiver or Receivers of Rates and Tolls herein allowed to be demanded and taken, and such other officers and servants as to them or the major part of them shall seem necessary and proper for executing the business of the said Corporation, and the same or any of them from time to time to remove, and to nominate and appoint another person or persons in his or their room or stead, and shall and may allow them such compensation for their respective services as to them shall appear reasonable and proper; all which together with the expenses of the obtaining and making surveys, plans and estimates for the building of such contemplated Bridge, and also of making and completing the said Bridge, and of paying the rents and purchase money of such Lands, Tenements, and Hereditaments as may be required for the use of the said Corporation, and which they may have, use and take as is hereinafter provided, and also of the forming, making and completing such Road or Roads as is hereinafter provided for, and of all



other contingencies and expences whatsoever, shall be borne upon and defrayed out of the funds of the said Corporation: and further that the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation as shall be prescribed by the Bye Laws and Regulations of the same.

VII. And be it enacted, That not less than seven Directors shall constitute a Board for the transaction of business, of which the President shall always be one, except in cases of sickness or necessary absence, in which case the Directors present may choose one of their Board as Chairman for the time being; that the President or such Chairman so chosen as aforesaid shall vote at the Board as a Director, and in case there be an equal number of votes for and against any question before them the President or Chairman shall have a casting vote.

VIII. And be it enacted, That no person shall be eligible as a Director unless such person is a Stockholder and holds not less than four shares of the capital or stock of the said Company, and is of the full age of twenty-one years.

IX. And be it enacted, That the number of votes to which each Stockholder shall be entitled on every occasion when in conformity to the provision of this Act the votes of the Stockholders are to be given, shall be one vote for every share; and that every Stockholder may vote by proxy, provided such proxy be a Stockholder and previous to voting produce a sufficient authority in writing from his constituent or constituents.

X. And be it enacted, That if it should so happen that the said Directors should not be chosen on the said first Tuesday in February in any year as aforesaid, it shall and may be lawful to choose them on any other day between the hours of twelve at noon and three in the afternoon of such day, upon giving fourteen days notice of the time and place of such meeting in the Royal Gazette and in two of the newspapers published in the City of Saint John, which meeting shall take place in the City of Saint John; and in case any Director shall be removed by the Stockholders for his conduct or mal-administration, his place shall be filled up by the said Stockholders, fourteen days public notice of the time and place of such meeting being first given as is hereinbefore provided; and in case of any vacancy among the said Directors by death, resignation or absence from the Province for three months, or in case any Director shall disqualify himself by the sale, disposal and transfer of his Shares or of any of them so as to reduce his interest in the said Corporation to less than four shares required for the qualification of a Director, then and in either of such cases the said Directors shall and may fill up such vacancy by choosing one of the said Stockholders, and the person so chosen by the Stockholders or Directors shall serve until another be chosen in his room.

XI. And be it enacted, That so soon as the said first Instalment of Two Thousand Pounds shall have been actually paid in manner and form as is hereinbefore provided, on account of the subscriptions to the said stock, and security is taken for the payment of the remainder of the said subscription to the said Stock as in this Act is provided, then the President and Director of the said Company may commence operations under and by virtue of this Act, and proceed with the business and affairs of the said Company.

XII. And be it enacted, That it shall and may be lawful to and for the said Company and their Successors, their Deputies, Agents, Servants, Workmen, and Assistants, and they are hereby authorised and empowered to design, erect, order, and build, or cause to be built, and to complete maintain and keep in repair a Bridge across the said River Saint John at or near the Falls of the said River near the Harbour of Saint John, from the Parish of Portland to the Parish of Lancaster or to Carleton in the said City of Saint John, at such place there as may be deemed most

able and fit for such Bridge, and to dig and make proper foundations in the said River and on the lands and grounds lying on each side thereof for the towers, piers and abutments of the said Bridge, and to cut and level the banks of the said River in such manner as shall be necessary and proper for building the said Bridge, and to cut, remove, take and carry away all and every impediment whatsoever which may in anywise tend to hinder the erecting and completing the said Bridge, and to execute all other things requisite and necessary, useful or convenient for erecting and building, maintaining and supporting the said Bridge according to the tenor and true meaning of this Act; and further, that they may from time to time enter and go in and upon the lands and grounds adjacent to the said Falls of the said River on either side thereof for the purpose of making surveys, examinations or other necessary arrangements for fixing the site of the said Bridge; and further, that they may explore, lay out, work and make a road not more than four rods in width leading from either end of the said Bridge to the Highways in the said Parishes aforesaid or in Carleton in the said City respectively; and further, that for the purpose of erecting, building, maintaining, repairing and supporting the said Bridge, the said Company shall from time to time have full power and authority to land on either side of the said River, within one hundred yards of the said Bridge, all materials and other things to be used in and about the same, and there to work and use such materials and things according as they the said Company and the persons to be by them appointed shall think proper, without any previous agreement with the owner or owners of the property on which such towers, piers and abutments shall be built or in and upon which such surveys, examinations or other arrangements may be made, or through which such Roads may be explored, laid out, worked and made, or on which such materials and other things shall be landed, worked or used, or of the tenant or tenants thereof, doing as little damage as may be and making such satisfaction as hereinafter mentioned to the respective owners and occupiers of all lands and grounds, tenements and hereditaments, which shall be used and occupied, altered, damaged, spoiled, taken or made use of by means or for the purpose of this present Act: Provided always, That the under part of the floor of any Bridge (between the abutments thereof) that may be built by virtue of this Act shall be at least seventy feet above high water level at spring tides.

XIII. And be it enacted, That the said Company shall and may erect and set up, or cause to be erected and set up, one or more gates or gates, turnpike or turnpikes in, upon and across the said intended Bridge or within twenty yards thereof, together with toll houses and proper and necessary buildings, conveniences and fences near to each gate or turnpike, across the said intended Bridge or the road or avenue immediately communicating therewith and within twenty yards of the said Bridge; and that the respective Tolls following may be demanded and taken by such person or persons as the said Company shall from time to time appoint at each of the said gates or turnpikes, for each and every time of passing over the said Bridge, that is to say: For every foot passenger, threepence; for every horse, mare, gelding, mule or ass, with one person, one shilling and three pence; for every additional horse, mare, gelding, mule or ass, one shilling; for every carriage drawn by one horse or beast of draught, with one person, Two Shillings; for every horse or beast of draught more than one drawing a carriage, sixpence; for every person more than one with a carriage, two pence; for neat cattle, fourpence each; for sheep, calves or hogs, one half penny each: Provided always, that no toll be exacted from children under five years of age.

XIV. And be it enacted, That it shall and may be lawful for the collector or collectors of such tolls or any of them to stop and prevent the passage of any person or persons neglecting or refusing to pay the said tolls or any of them, or of the horse, beast, cattle, carriage or other thing

for or in respect of which the said tolls ought to be paid, or it shall and may be lawful to and for the said collector or collectors to seize and detain the goods and chattels of such person or persons, or such horse, beast, cattle, carriage or other thing, and in case the said tolls shall not be fully paid and satisfied together with all reasonable costs and charges of making, detaining and keeping such distress, within the space of five days, the said collector or collectors shall and may sell the same, rendering the overplus (if any) after deducting such costs and charges of making, detaining and selling such distress to the owner or owners thereof.

XV. And be it enacted, That if any dispute shall arise about the quantity of tolls due or the cost and charges of distraining, keeping or selling any distress, it shall and may be lawful to and for the collector or person so distraining to detain the distress or the money arising from the sale thereof until the quantity of the tolls or the charges of distraining, keeping and selling the distress as the case may be, shall be ascertained by some Justice of the Peace for the City and County of Saint John, who upon application made to him for that purpose shall examine the said matters upon the oath or oaths of the parties or other witness or witnesses; and shall determine the quantity of tolls due and shall also assess the charges of such distress and sale, and all other reasonable and incidental costs; all which sum or sums so determined or assessed shall be paid to the collector before he shall be obliged to return the distress, or the overplus after the sale thereof or of any part thereof.

XVI. And be it enacted, That the said Corporation shall not directly or indirectly deal or trade in buying or selling gold or silver coins, or bullion or bills of exchange, or in lending money by way of discount, or engage in any Banking operation whatsoever.

XVII. And be it enacted, That the Directors of the said Corporation shall make yearly dividends out of the tolls, income and profits arising to the said Corporation, first deducting thereout the annual costs, charges and expenses of the said Corporation, as well for the repairs of the works belonging to them as for the salaries and allowance to their several officers and servants, and for such other purposes connected with the said Corporation as may be deemed proper by the said Directors: Provided that the Directors of the said Corporation shall not at any yearly dividend so to be made as aforesaid, divide or pay or cause to be divided and paid any greater or larger dividend than will amount to the rate of eight pounds *per centum* per annum on the total amount of the capital stock actually collected and paid in as is herein provided for; and also that the sum divided and paid shall not exceed seven-eighths of the net amount of the tolls, income and profit of the said Corporation, received, gained or gotten since the making of the then last dividend.

XVIII. And be it enacted, That the surplus remaining after paying each dividend as is herein provided for shall be by the said Directors put out at interest for the use and benefit of the said Corporation, and shall and may be applied to such uses and purposes connected with the objects of the said Corporation as by the Stockholders at any meeting of them may be deemed proper and advisable.

XIX. And be it enacted, That the books, papers, correspondence and all other matters or things belonging to the said Corporation, shall at all times be subject to the inspection of the Directors or any of them; but no Stockholder nor a Director shall inspect the account of any individual or Corporate Body with the said Corporation.

XX. And be it enacted, That the joint stock or property of the said Corporation shall alone be responsible for the debts and engagements of the said Corporation, and that no person or persons who shall or may have dealings with the said Corporation shall on any pretence whatever have recourse against the separate property of any individual member or members of the said Corporation, or against their personal or personal fortunes;

than is herein specially provided, and that may be necessary to the faithful application of the funds of this Corporation.

**XXI.** And be it enacted, That the Shares, Capital or Stock of the said Company shall be assignable or transferable according to such rules and regulations as may by the Directors be established in that behalf; but no assignment or transfer shall be valid or effectual, unless such assignment or transfer shall be entered and registered in a Book to be kept by the Directors for that purpose, nor until such person or persons so making the same shall previously discharge all debts actually due and payable by him, her or them to the said Corporation, and in no case, shall any fractional part of a share be assigned or transferable; and that whensoever any Stockholder shall transfer in manner aforesaid all his or her stock or shares in the said Corporation, to any other person or persons whatsoever, such person shall cease to be a member of the said Corporation, and the person or persons so purchasing shall become a member of the said Corporation in his or her stead, and be entitled to all the privileges as such.

**XXII.** And be it enacted, That the bonds and other securities of what nature and kind soever, taken for the payment of the residue of the said capital or stock as is hereinbefore directed, shall from time to time be renewed or changed, and other and further security or securities for the same be given, whenever and as often as the said Directors or any Quorum thereof shall require, and in case of any refusal or delay to renew or change any such security or securities or to give or grant other and further security or securities therefor to the satisfaction of the said Directors or any Quorum thereof, within thirty days after notice thereof given, then and in such case it shall and may be lawful to and for the said Directors or any Quorum thereof, to cause such proceedings both in law and equity or either as may be deemed requisite, to be taken for the recovery of the amounts of such several security and securities, or it shall and may be lawful to and for the said Directors or any Quorum thereof if they shall think fit, to declare the shares in the said capital or stock for the amount of the residue of which such security or securities shall have been given, forfeited to the said company, together with all deposits, instalments, interests, profits or dividends thereto belonging, or appertaining; and that such stock so forfeited shall be sold by public auction for and on account of the said company, and the purchaser or purchasers thereof shall give such security or securities for the payment of the amounts due to the said company on account of such forfeited shares, at the time of such forfeiture as is hereinbefore provided, and shall be likewise subject to all the provisions of this Act, any thing herein contained to the contrary thereof in anywise notwithstanding.

**XXIII.** And be it enacted, that the directors shall at the general meeting to be holden on the first Tuesday in February in every year lay before the stockholders for their information, an exact and particular statement of the then state of the affairs and business of the said company agreeably to the several regulations of this Act, and such other rules and regulations as may by the said stock holders be made by virtue hereof, so as the same may contain a true account of the whole of the affairs of the said company, which statement shall be signed by the directors and attested by the Secretary; and a duplicate thereof in like manner signed and attested, shall be transmitted to the Secretary of the Province for the information of the Lieutenant Governor or Commander in Chief for the time being and the Honorable His Majesty's Executive Council; Provided always; that the rendering such statement shall not extend to give any right to the stockholders, not being directors, to inspect the accounts of any individual or individuals with the said Corporation.

**XXIV.** And be it enacted; That the said Corporation shall make, allow and pay reasonable and proper compensation and satisfaction for all lands, tenements, and hereditaments taken, used, occupied, altered, damaged; or

spoiled by means of and for the uses and purposes of the said Corporation; to be agreed upon by the said Corporation and the respective owners and occupiers of such lands, tenements, and hereditaments; and in case of disagreement between the said Corporation and the said owners or occupiers or any of them, then such compensation and satisfaction shall be determined by three arbitrators, one to be chosen by the said Corporation and one by the owner or owners, occupier or occupiers of the private property in question, which two arbitrators so chosen shall choose the third arbitrator, and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being, upon application of the said Corporation, to appoint the third arbitrator; the award of the said arbitrators or any two of them shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such private property shall decline making any such agreement or appointing such arbitrator then and in every such case, the said Corporation shall make application to the Supreme Court of this Province stating the grounds of such application, and such Court is hereby empowered and required from time to time upon such application to issue a Writ or Warrant directed to the Sheriff of the City and County of Saint John, or in case of his being a party interested, then to the Coroner of the said City and County, and in case of the said Sheriff and the said Coroner being both interested, then to some person or persons who may be disinterested, commanding such Sheriff, Coroner, Person or Persons as the case may be, to summon and empanel a Jury of twelve Freeholders within the said City and County, who may be altogether disinterested, which Jury upon their Oaths (all which oaths as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such Jury is hereby empowered to administer) shall inquire, ascertain and assess the distinct sum or sums of money or annual rent to be paid as the amount of compensation and satisfaction for the damage that may and shall be sustained by such owner or owners, occupier or occupiers of such private property as aforesaid, and the inquisition, award or verdict of such Jury shall be returned and filed in the Office of the Clerk of the Pleas in the said Supreme Court and shall be final and conclusive between the parties; which amount so assessed as aforesaid and the costs and expenses of such proceeding to be taxed and allowed by the said Supreme Court, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award or verdict shall be filed as aforesaid.

XXV. And be it enacted, That if any person or persons shall wilfully and maliciously and to the prejudice of the said undertaking break, damage, throw down, or destroy any of the works to be erected or made by virtue of this Act, any such person shall be judged guilty of Felony and every such person so offending and being thereof lawfully convicted, shall be liable to the punishment prescribed for felony in an Act made and passed in the first year of the reign of His present Majesty, intituled "An Act for improving the administration of Justice in Criminal Cases."

XXVI. And be it enacted, That any joint Committee hereafter to be appointed by the Honourable the Legislative Council and the 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 accounts of the same.

XXVII. And be it enacted, That any number of Stockholders, not less than forty, who together shall be proprietors of Two hundred and fifty 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 notice in two of the Newspapers published in this Province, and specifying in each notice the

time and place of such meeting with the objects thereof; and the directors or any five of them shall have the like power at any time (upon observing the like formalities) to call a general meeting as aforesaid.

XXVIII. And be it enacted, That any number of Stockholders not less than sixty who together shall be proprietors of six hundred shares shall have the power at any time by themselves or their proxies to call a general meeting of the Stockholders for the purpose of taking into consideration the dissolving of the said Company, giving at least three months previous notice in one or more of the Newspapers published in this Province, and specifying in such notice the time and place of such meeting, with the objects thereof; and should it be agreed upon at such meeting that the said Company or Corporation should be dissolved, such Stockholders are hereby authorised and empowered to take all legal and necessary means and ways to dissolve the said Company, and upon such or any other dissolution of the said Company the Directors then in office shall take immediate and effectual measures for closing all the concerns of the said Corporation and for dividing the capital and profits which may remain among the Stockholders in proportion to their respective interests.

XXIX. And be it enacted, That if the said Saint John Bridge Company shall not within ten years from and after the passing of this Act complete the said Bridge so as to make the same passable for horses and carriages, that then and from thenceforth all and singular the powers and authorities vested in them by this Act shall cease and determine to all intents and purposes whatsoever.

XXX. Provided always, and be it enacted and declared, That no toll whatsoever shall be demanded or taken for any horse, beast, cattle or carriage of whatever description, employed or to be employed in conveying, fetching or guarding mails of letters and expresses under the authority of His Majesty's Postmaster General, either when employed in conveying, fetching or guarding such mails or expresses, or returning back from conveying or guarding the same, or for any soldiers upon their march or upon duty, or for any horse, cattle or carriages attending them with their arms and baggage or returning after having been so employed, nor for any wagon, cart or other carriage whatsoever, or the horse or horses, or other cattle drawing the same which shall be employed in conveying any ordnance, barrack or commissariat, or other public stores of or belonging to His Majesty's Forces.

XXXI. And be it enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and eighty-five.

XXXII. And be it enacted. That on the expiration of this Act the same shall be extended to a further term of fifty years, unless it shall then be deemed to be more advantageous to the general interests of the Province to take any Bridge and other improvements which may be made under and by virtue of this Act off the hands of the Stockholders thereof; in which case the said Stockholders shall be entitled to receive from the Treasury of the Province the full value of such Bridge and improvements together with a full compensation for any loss which may have been sustained from the deficiency of the tolls to pay the interest of the capital invested therein, the expense of keeping the same in repair, and the difference between the appraised value of such Bridge and improvements at the expiration of this Act and the actual cost of erecting and making the same; and in case there should not be sufficient funds then in the Treasury to pay such appraised value, loss of interest and difference between such appraised value and the actual cost of such Bridge and improvements, then and in such case the said Stockholders shall be entitled to receive interest for such appraised value, loss of interest and differences as aforesaid, in and after the rate of six per centum per annum until the same be paid in full to the said Stockholders.